CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERAITONS
REGARDING THE
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE ONTARIO PLAN 2050
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NO. 2021070364

Exhibit B

I. SUMMARY OF FINDINGS

The City Council hereby finds that it has been presented with the Supplemental Environmental Impact Report (SEIR), which it has reviewed and considered, and further finds that the SEIR is an accurate and objective statement that has been completed in full compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant impacts or any new information of "substantial importance" as defined by State CEQA Guidelines Section 15088.5, has been received by the City after circulation of the Draft SEIR that would require recirculation. Therefore, the City Council hereby certifies the SEIR based on the entirety of the record of proceedings.

II. PROCEDURAL COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City published a Draft SEIR on May 9, 2022. A Final SEIR was prepared in summer 2022 in compliance with CEQA requirements. The Final SEIR has been prepared in accordance with CEQA and the CEQA Guidelines, as amended. As authorized in State CEQA Guidelines Section 15084(d)(2), the City retained a consultant to assist with the preparation of the environmental documents. City staff from multiple departments, representing the Lead Agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final SEIR reflects the City's independent analysis and judgement. The key milestones associated with the preparation of the EIR are summarized below. As presented below, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the EIR and to solicit comments on the results of the environmental analysis presented in the Draft SEIR.

A. PUBLIC NOTIFICATION AND OUTREACH

In conformance with CEQA, the State CEQA Guidelines, and the City of Ontario CEQA Guidelines, the City of Ontario conducted an extensive environmental review of the Proposed Project.

- Completion of a Notice of Preparation (NOP) on July 20, 2021. The public review period was extended from July 20, 2021, to August 19, 2021. The NOP was published in the *Inland Valley Daily Bulletin* on July 6, 2021. The NOP was posted at the San Bernardino County Clerk's office on July 19, 2020. Copies of the NOP were made available for public review at the City of Ontario and the City's website.

- In accordance with Executive Order N-54-20, suspending open meeting requirements consistent with COVD-19 public health concerns, completion of the scoping process where the public was invited by the City to participate in a virtual scoping meeting held August 5, 2021, at 6:00 PM via Zoom. The notice of a public scoping meeting was included in the NOP.

- Preparation of a Draft SEIR, which was made available for a 45-day public review period beginning May 9, 2022, and ending June 23, 2022. The scope of the Draft SEIR was determined based on the CEQA Guidelines Appendix G Checklist, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City of Ontario. Chapter 5, *Environmental Analysis*, of the Draft SEIR describes the issues identified for analysis in the Draft SEIR. The Notice of Availability (NOA) for the Draft SEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, posted at the City of Ontario, and published in the *Inland Valley Daily Bulletin*. The NOA was posted at the San Bernardino County Clerk's office and published in the *Inland Valley Daily Bulletin* on May 9, 2022. Additionally, copies of the Draft SEIR were made available for review at the City Hall and Ovitt Family Community Library as well as on the City's website.

- Preparation of a Final SEIR, including the responses to comments to the Draft SEIR. The Final SEIR was released for a 10-day agency review period prior to certification of the Final SEIR.

- Public hearings on the Proposed Project, including a Planning Commission study session, hearing, and a City Council hearing.

In summary, the City conducted all required noticing and scoping for the Proposed Project in accordance with Section 15083 of the CEQA Guidelines, and conducted the public review for the EIR, which exceeded the requirements of Section 15087 of the CEQA Guidelines.

B. FINAL ENVIRONMENTAL IMPACT REPORT AND CITY COUNCIL PROCEEDINGS

The City prepared a Final SEIR, including Responses to Comments to the Draft SEIR. The Final SEIR/Response to Comments contains comments on the Draft SEIR, responses to those comments, revisions to the Draft SEIR, and appended documents. A total of 45 comment letters were received. Of the 45 comment letters, 2 letters were from public agencies and/or tribes, and 43 letters were from residents and/or organizations.

The Final SEIR found that prior to mitigation, implementation of the Proposed Project will result in potentially significant impacts to Cultural Resources, Geology and Soils, and Tribal Cultural Resources (TCRs). However, mitigation measures have been developed to avoid or reduce all of these impacts to levels considered less than significant. The Final SEIR also found that despite the implementation of recommended mitigation measures, impacts to Air Quality, Cultural Resources, Noise, and Transportation were significant and unavoidable. A Statement of Overriding Considerations was prepared for the Council's consideration.

Members of the public can view searchable agendas for scheduled City Council meetings and access agenda-related City information and services directly on the following website: https://www.ontarioca.gov/Agendas/CityCouncil.

The Final SEIR document will be posted for viewing and download with the previously posted Draft SEIR prior to the City's consideration of the Final SEIR and project recommendations on the City's website.

A date for consideration of the Final SEIR and project recommendations at the City Council was set for the Proposed Project and notice of the meeting was provided consistent with the Brown Act (Government Code Sections 54950 et seq.). The City Council will take testimony on the Proposed Project and may continue on its calendar to a subsequent meeting date in its discretion.

C. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Project consists of the following documents and other evidence, at a minimum:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the Proposed Project.
- The Draft SEIR and Final SEIR for the Proposed Project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR.
- All written and verbal public testimony presented during a noticed public hearing for the Proposed Project.
- The Mitigation Monitoring and Reporting Program.
- The Statement of Overriding Considerations.
- The reports and technical memoranda included or referenced in the Final SEIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft SEIR and Final SEIR.
- The Resolutions adopted by the City in connection with the Proposed Project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations.

- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

D. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the Proposed Project are at the City of Ontario's City Hall – 303 East B Street, Ontario, CA 91764. The City Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

E. PROJECT DESCRIPTION

The Proposed Project, The Ontario Plan 2050 (TOP 2050), is an update to The Ontario Plan (TOP or Approved Project) to guide the City's development and conservation for the next 30 years through 2050. The Proposed Project is a focused effort, with particular emphasis on technical refinements to the Policy Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaptation, resiliency, and mobility; bring long-term growth and fiscal projections into alignment with current economic conditions; and advance the Tracking and Feedback system and Implementation Plan.

TOP is the City's policy and implementation framework that guides the long-term growth and improvement of the Ontario community through six interrelated components of city governance:

A **Vision** that provides a sense of purpose and mission for city governance and sets the tone for the other components of TOP. The Vision's central theme is a sustained, community-wide prosperity that continuously adds value and yields benefits.

A **Governance Manual** that establishes a set of goals and policies to promote consistent City leadership based on the principles of regional leadership, transparency, long-term value, accountability, and inclusivity.

A **Policy Plan** that serves as the City's legally required general plan and that states long-term goals, principles, and policies to achieve Ontario's Vision through nine elements: land use, housing, mobility, safety, environmental resources, parks and recreation, community economics, community design, and social resources.

A list of **City Council Priorities** that shape the City's ongoing annual budgeting process, with a focus on a variety of short- and long-term goals and objectives.

An **Implementation Plan** that identifies the actions needed to carry out TOP's policies. This includes initiatives by the City such establishing consistent land use zoning and creating objective development

and design standards, as well as decisions on public and private development projects and City activity programs.

A **Tracking and Feedback** system that charts the City's progress toward achieving the Policy Plan goals, providing data and analysis that enables decision makers to make strategic course corrections in response to changing circumstances and monitor ongoing operational effectiveness.

TOP 2050 is an update to TOP to guide the City's development and conservation for the next 30 years through 2050. The Proposed Project is a focused effort, with particular emphasis on technical refinements to the Policy Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility; bring long-term growth and fiscal projections into alignment with current economic conditions; and advance the Tracking and Feedback system and Implementation Plan. TOP 2050 fulfills the mandatory Regional Housing Needs Assessment (RHNA) obligation. TOP 2050 brings long-term growth and fiscal projections into alignment with current economic conditions as well as property owner and stakeholder requests, all in support of the vision for Ontario.

Table 1, *Comparison of Approved TOP to TOP 2050*, provides a statistical summary of the buildout potential of TOP 2050 compared to existing conditions and to the buildout potential under the currently approved TOP. As shown in this table, TOP 2050 would increase population, dwelling units, and nonresidential buildings but would result in a small decrease in employment. The decrease in employment at buildout is largely because of automation in the industrial sector, with large warehousing and logistics buildings expected to create fewer new jobs through 2050 than a similarly sized industrial building was expected to create when the current TOP was adopted in 2010.

Table 1 Comparison of Approved TOP to TOP 2050

Scenario	Units	Population	Nonresidential Square Feet	Employment
Existing 2021 Conditions[1]	52,466	179,597	156,065,382	131,999
Approved TOP	104,163	357,957	260,399,271	313,067
Proposed TOP	129,562	410,492	261,491,779	296,002
Net Difference (Proposed TOP -Approved TOP)	**25,399**	**52,535**	**1,092,508**	**-17,065**

Note:
[1] See Chapter 4, *Environmental Setting*, of the Draft SEIR for a summary of existing conditions.

F. PROJECT OBJECTIVES

Objectives for The Ontario Plan (TOP) 2050 will aid decision-makers in their review of the project and associated environmental impacts:

1. Provide a technical update to the current TOP that updates the goals and policies to enhance public safety and livability, align with updated economic forecasts, and comply with new state laws while maintaining the foundation, vision, and objectives of the current TOP.

2. Provide a streamlined, user-friendly, web-based TOP that is easily accessible to the public.

3. Designate the distribution, location, balance, and extent of land uses, including residential, retail, employment, open space, and public uses.

4. Link Ontario's community design goals to a broader context that includes economic development, land use, housing, community health, infrastructure, and transportation.

5. Improve the balance between jobs and housing in the San Bernardino County subregion to reduce vehicle miles traveled and associated air quality impacts, consistent with regional policies on jobs-housing balance.

6. Provide employment and housing opportunities for the San Bernardino Council subregion, consistent with the goals of the Southern California Association of Governments' Sustainable Communities Program.

7. Provide for high-intensity mixed-use urban centers along the I-10 corridor and in the Ontario Ranch that reduce vehicle trips and incorporate smart growth principles.

8. Foster the development of pedestrian and transit-oriented environments that create lively, appealing, and safe pedestrian areas, active during both daytime and evening hours.

9. Maintain Ontario's distinct neighborhoods and districts to foster a positive sense of identity and belonging among residents and businesses.

10. Establish a framework for using and managing the city's natural resources sustainably.

11. Provide for the security and safe transportation of goods and hazardous materials and maintain disaster preparedness and response and recovery systems to reduce loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation.

12. Enhance the capacity for the people, businesses, and public agencies that are in or serve Ontario to be resilient in cases of severe and/or prolonged weather conditions, natural disasters, and emergencies.

13. Prioritize the improvement of areas most impacted by environmental justice issues, and enable Ontario residents to enjoy equal access to public facilities, civic engagement opportunities, nutritious foods, and safe and healthy environments.

14. Correlate the mobility system with the future land use patterns and buildout levels of Ontario and with other transportation planning efforts by local, state, and federal authorities.

15. Address a range of mobility options in Ontario, including vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

A. INTRODUCTION

CEQA requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of The Ontario Plan 2050 (Proposed Project) have been analyzed in a Draft SEIR (State Clearinghouse [SCH] 2021070364) dated May 2021. A Final SEIR (Final SEIR) has also been prepared that incorporates the Draft SEIR and contains comments received on the Draft SEIR, responses to the individual comments, revisions to the Draft SEIR including any clarifications based on the comments and the responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP) for the Proposed Project . This document provides the findings required by CEQA for approval of the Proposed Project.

Statutory Requirements for Findings

The CEQA (Pub. Res. Code Section 21000 et seq.) and the State CEQA Guidelines (Guidelines) (14 Ca. Code Regs Section 15000 et seq.) promulgated thereunder, require the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

> (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
>
> 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
>
> (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

As indicated above, Section 21002 requires an agency to "avoid or substantially lessen" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable

level"]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible"].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, Section 21002.1(c) [if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency"]; see also State CEQA Guidelines, Section 15126.6(a) [an "EIR is not required to consider alternatives which are infeasible"].) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, Section 21061.1.) The State CEQA Guidelines add "legal" considerations as another indicia of feasibility. (State CEQA Guidelines, Section 15364.) Project objectives also inform the determination of "feasibility." (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("Native Plant"); see also Pub. Resources Code, Section 21081(a)(3) ["economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

Findings

Having received, reviewed, and considered the EIR for the No. 2021070364, as well as other information in the record of proceedings on this matter, the City of Ontario Council adopts the following Findings (Findings) in its capacity as the legislative body for the City of Ontario (City), which is the CEQA Lead Agency. The Findings set forth the environmental and other bases for current and

subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Proposed Project.

In addition, the City of Ontario City Council (City Council) hereby make findings pursuant to and in accordance with Section 21081 of the California Public Resources Code and State CEQA Guidelines Sections 15090 and 15091 and hereby certifies that:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Project Environmental Report and Discretionary Actions

The Final SEIR addresses the direct, indirect, and cumulative environmental effects of construction and operation activities associated with the Proposed Project. The Final SEIR provides the environmental information necessary for the City to make a final decision on the requested discretionary actions for all phases of this project. The Final SEIR was also intended to support discretionary reviews and decisions by other responsible agencies.

Discretionary actions to be considered by the City may include, but are not limited to, the following:

- Approve the project; adopt the MMRP, finding that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation; and determine that the significant adverse effects of the project either have been reduced to an acceptable level, or are outweighed by the specific overriding considerations of the project as outlined in the CEQA Findings of Fact, as set forth herein.

- Approve the Proposed Project and related discretionary actions.

Format

Section 15091 of the CEQA Guidelines requires that a Lead Agency make a finding for each significant effect for the project. This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the Proposed Project, which were developed in an effort to reduce the remaining significant environmental

impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section III B, Findings Regarding Environmental Impacts Not Requiring Mitigation, presents topical areas that would result in no impact or less than significant impacts in the Draft SEIR.

Section III C, Findings on Significant Environmental Impacts that can be Reduced to Less Than Significant, presents significant impacts of the Proposed Project that were identified in the Final SEIR, the mitigation measures identified in the MMRP, and the rationales for the findings.

Section III D, Significant Unavoidable Impacts that cannot be Mitigated to Below the Level of Significance, presents significant unavoidable impacts of the Proposed Project that were identified in the Final SEIR, the mitigation measures identified in the MMRP, and the rationales for the findings.

Section III E, Cumulative Impacts, presents the summary of cumulative impacts of the Proposed Project.

Section IV, Alternatives to the Proposed Project, presents alternatives to the project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

Section V, Additional CEQA Considerations, presents additional CEQA considerations including significant irreversible changes due to the Proposed Project and growth inducing impacts of the Proposed Project.

Section VI, Findings on Responses to Comments on the Draft SEIR and Revisions to the Final SEIR, presents the City's findings on the response to comments and revisions to Final SEIR, and decision on whether a recirculated Draft SEIR is necessary or not.

Section VII, Statement of Overriding Considerations, presents a description of the Proposed Project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding consideration.

Section VIII, Mitigation Monitoring Reporting Program, presents the Mitigation Monitoring and Reporting Program.

Section IX, Certification, identifies the requirements for certification of the SEIR.

B. FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Issues Deemed No Impact Or Less Than Significant Impact

Pursuant to CEQA Guidelines Section 15060(d) and 15063 that allow a lead agency to skip preparation of an Initial Study and begin work directly on the EIR process. As such, here, an NOP was issued without an accompanying Initial Study.

Findings on "No Impact" and "Less Than Significant Impacts"

Based on the environmental assessments in the Final SEIR, the City determined that the Proposed Project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental issues summarized below. The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the environmental evaluation in the listed topical EIR sections in Chapter 5 of the Draft SEIR, which include Environmental Setting, Environmental Impacts, Cumulative Impacts, and Mitigation Measures.

The EIR concluded that all or some of the impacts of the Proposed Project with respect to the following issues either will not be significant or will be reduced to below a level of significance by implementing project design features or existing plans, programs, and policies as detailed in Chapter 5 of the Draft SEIR. Those issues include the following topical areas in their entirety or portions thereof: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas (GHG) Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. CEQA Guidelines Section 15901 requires that an EIR may not be certified for a project which has one or more significant environmental effects unless one of three possible findings is made for each significance effect. Since the following environmental issue areas were determined to have no impact or a less than significant impact, no findings for these issues are required.

1. Aesthetics

Impact 5.1-1: Implementation of TOP 2050 would not substantially alter scenic vistas in Ontario. [Threshold AE-1]

Scenic vistas generally provide visual access or panoramic views to a large geographic area. Panoramic views are usually associated with vantage points over a section of urban or natural areas that provide a geographic orientation not commonly available. Examples of scenic or panoramic views might include an urban skyline, valley, mountain range, large open space, the ocean, or other bodies of water. The San Gabriel Mountains are the most prominent scenic vista in or around Ontario.

The 2010 Certified EIR concluded that the Approved Project would not substantially alter scenic vistas in the City, as proposed growth is primarily concentrated in undeveloped areas interspersed in existing residential areas. Land use change as a result of new development under the Approved Project would alter the visual appearance of the Ontario Ranch from rural agriculture to low and low-medium density

residential land uses and office/industrial mixed uses. However, the scale and design of the City would not deter views of the San Gabriel Mountains, which are the dominant scenic resource in the City of Ontario. Regulations such as the City's Municipal Code and policies as part of the Approved Project would ensure that increased development would not impact scenic vistas. Additionally, development within the low-lying areas of Ontario would not have the potential to alter scenic views provided by the backdrop of the San Gabriel Mountains as the peaks rise to 7,000 feet above mean sea level.

The Proposed Project would increase the number of housing units and population in comparison to the Approved Project, as shown in Table 3-4, *Comparison of Approved TOP to TOP 2050*, in Chapter 3, *Project Description*, of the Draft SEIR. TOP 2050 has minor changes in land use and buildout projections throughout the City, and the majority of changes are concentrated in four growth areas and the Ontario Ranch. Increased development under TOP 2050 would occur within the city limits and already urbanized areas of the City. As described in Chapter 3, *Project Description*, these land use changes are intended to improve growth areas by encouraging the use of alternative forms of transportation, promoting healthier communities through land use planning that encourages walking and biking, promoting vibrant communities, putting residents in proximity to resources (i.e., jobs, grocery stores, retail), and aligning growth with planned infrastructure improvements and regional transportation goals. In addition, Policy CD-1.5 would ensure that major north-south streets would be designed and redeveloped to feature views of the San Gabriel Mountains.

Accordingly, the Proposed Project would not result in significant impacts to scenic views in comparison with the Approved Project. Similarly, the scale and design of the City under TOP 2050 would not deter views of the San Gabriel Mountains. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to scenic resources within a state scenic highway. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.1-5)

Impact 5.1-2: Implementation of TOP 2050 would not alter scenic resources within a State scenic highway. [Threshold AE-2]

The Euclid Corridor and the Mission Boulevard Corridor are the primary scenic corridors in Ontario. These are not State-designated scenic highways, and Ontario does not have any State scenic highways through or in the vicinity of the City. The closest designated State scenic highway is a portion of State Route 142 in Chino Hills, approximately five miles west of the Ontario city limit. As such, the Proposed Project would have no impact on State scenic highways.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have no direct, indirect, and cumulative impacts relating to scenic resources within a state scenic highway. Accordingly, no changes or alterations to the Proposed

Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.1-6)

Impact 5.1-3: Implementation of TOP 2050 would not conflict with zoning or other regulations governing scenic quality. [Threshold AE-3]

The 2010 Certified EIR concluded that while buildout in accordance with the Approved Project would alter the visual appearance of the City, it would not substantially degrade the existing visual character or quality of the site and its surroundings.

An "urbanized area," as defined by CEQA Section 21071, is an incorporated city that either has a population of at least 100,000 persons, or if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons. As described in Chapter 3, *Project Description*, of the Draft SEIR, the population of Ontario was approximately 179,597 as of 2021 (see also Table 4-1, *City of Ontario Existing Land Use*, in Chapter 4, *Environmental Setting*, of the Draft SEIR). Therefore, this impact analysis addresses whether, for an urbanized area, the Proposed Project would conflict with zoning or other regulations governing scenic quality.

TOP is also the primary planning document for the City of Ontario. As described in Chapter 3, *Project Description*, the Proposed Project is a focused effort intended to comply with State housing mandates; conform with new State laws on community health, environmental justice, climate adaptation, resiliency, and mobility; bring long-term growth and fiscal projections into alignment with current economic conditions; and advance the Implementation Plan and Tracking and Feedback system. The majority of updates created through the Proposed Project weave refinements throughout the existing structure of the Policy Plan.

TOP 2050 includes goals and policies to ensure that new development would be compatible with the existing community (Policy LU-2.6) and would be of quality design (Policies CD-2.1 through CD-2.9). Additionally, the Community Design Element includes policies to ensure that the urban environment is appealing (Policies CD-3.2, CD-3.3, and CD-3.5) and to preserve the historic neighborhood character (Policy CD-4.2). Adherence to the Land Use Element and Community Design Element policies described above would reduce visual impacts.

Additionally, future development under the Proposed Project would still be required to adhere to the City's Development Code, which includes general development requirements for development density, screening and setback, signing, landscaping, lighting, height limitations, and other aspects related to the aesthetic of the City. Finally, as described in Chapter 1, *Development Code Enactment and General Provisions*, of the City's Development Code, the Development Code is enacted to assist implementation of planning, zoning, development, subdivision, and environmental laws and the TOP and to achieve the proper arrangement of land uses envisioned in the TOP. Because it is the overriding planning document for the City, and because it is intended to improve consistency with existing regulations and conditions, the Proposed Project, as TOP 2050, would not have a significant impact with respect to being inconsistent with policies or regulations governing scenic quality. As such, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to existing visual character and quality of public views and to conflict with applicable zoning and other regulations governing scenic quality. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.1-7)

Impact 5.1-4: Buildout of the Proposed Project would generate additional light and glare, which would be minimized through adherence to the City of Ontario Development Code. [Threshold AE-4]

The 2010 Certified EIR concluded that development of the Approved Project would result in new sources of light or glare but with adherence to the design standards of the City of Ontario Development Code, impacts were less than significant.

New development would generate new sources of light and glare through increased urbanization and densification of the city, affecting day or nighttime views. Sources of light include nighttime street and building illumination, security lighting, nighttime traffic, and lighting associated with construction activities. Lighting introduced to undeveloped and open space areas has the potential to impact visual quality of the nighttime sky.

Like the Approved Project, TOP 2050 would result in additional sources of light or glare, especially in the Ontario Ranch area. However, the City of Ontario Development Code contains standards addressing lighting through its design policies. Adherence to the design standards of the City of Ontario Development Code would ensure that light and glare from new developments would be minimized and that significant impacts would not occur. Compared to the Approved Project, the Proposed Project does not introduce substantial new sources of light and glare, and impacts would be less than significant. Therefore, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to light and glare. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.1-7)

2. Agriculture and Forestry Resources

Impact 5.2-1: The Proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in Ontario to nonagricultural use. [Threshold AG-1]

The 2010 Certified EIR concluded that buildout of the Approved Project would result in significant and unavoidable impacts to Prime Farmland, Unique Farmland, and Farmland of Statewide Importance because it converted all of the then-existing land under these categories to residential, commercial, mixed-use, and industrial land uses.

With implementation of the Approved Project, the City of Ontario no longer has land designated for agricultural use. Existing agricultural uses are still allowed to persist as non-conforming uses (see Policies ER-5.3 and ER-5.4). Additionally, the Approved Project re-designated agricultural land to nonagricultural land uses provided that equivalent Important Farmland is preserved elsewhere, or funds associated with the 1988 Park Bond Act are returned. Consequently, buildout of the Approved Project would ultimately result in the conversion of all existing Important Farmland within the City to nonagricultural uses.

Because the City of Ontario's land use plan no longer designates agricultural land uses in the City, and the current TOP is the baseline for this SEIR, the Proposed Project would not, itself, plan for the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural uses. Therefore, the Proposed Project would have no impact on land zoned for the purpose of agricultural uses. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have no direct, indirect, and cumulative impacts relating to conversion of Farmland to nonagricultural use. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.2.12)

Impact 5.2-2: The Proposed Project would not conflict with existing zoning for agricultural use or a Williamson Act contract. [Threshold AG-2]

The 2010 Certified EIR concluded that the Approved Project would have a significant and unavoidable impact on a Williamson Act contract because the Approved Project would result in loss of agricultural use. There are two main categories for agricultural land under the City's zoning code, including Residential-Agriculture and Specific Plan Agriculture Preserve. Rural residential land use and Residential-Agriculture zoning allow low density housing and estates with some minimal agriculture use such as the keeping of chickens or horses; however, this zoning designation was not intended for large-scale farming/agricultural operations. Additionally, areas of Ontario Ranch are zoned as Specific Plan Agriculture Preserve under the Approved Project. The Agricultural Overlay Zone (or the Right to Farm Ordinance) requires that each Specific Plan address the appropriate transition of the area from agricultural uses to urban uses and include provisions for buffering between the proposed uses to protect agricultural and urban uses.

At the time of approval of the Approved Project, a number of Williamson Act contracts were designated for nonrenewal by the landowners and set to expire between 2009 and 2017. As shown in Figure 5.2-2, *Williamson Act Lands*, in Section 5.2, *Agriculture and Forestry Resources*, of the Draft SEIR, some contracts have already expired since the Approved Project was adopted, but a number of contracts are still active for a total of 719 acres of Williamson Act contract land in the City.[1] Any land held in a Williamson Act contract would have to be filed for nonrenewal, and the contract would have to be allowed to expire before any development occurs on it. Buildout of the Proposed Project, like the Approved Project, would most likely require the cancellation or nonrenewal of these contracts.

[1] There are 18.78 acres set to expire in 2022, 275.52 acres set to expire in 2027, and 93.40 acres set to expire in 2028.

However, because buildout of the Approved Project would have resulted in the cancellation or nonrenewal of Williamson Act contracts, the Proposed Project would not result in further impacts to Williamson Act lands. As such, impacts from the Proposed Project in this respect would be less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with existing zoning for agricultural use or a Williamson Act contract. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.2.13)

Impact 5.2-3: The Proposed Project would not conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production, or result in the loss of forest land or conversion of forest land to nonforest use. [Thresholds AG-3 and AG-4]

At the time of the 2010 Certified EIR, impacts to forest land or timberland were not included in the CEQA Guidelines Appendix G checklist. Therefore, the 2010 Certified EIR did not identify any significant impacts related to forest or timberlands.

There are no land use designations or zoning for forest land, timberland, or timberland zoned Timberland Production in the City of Ontario. Consequently, the Proposed Project would not conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production.

Native habitats and vegetation communities are virtually absent throughout Ontario. Present plants in the Original Model Colony (OMC) primarily include turf, weeds, nonnative grasses, and nonnative trees and plants for landscaping, which have limited biological resource value. Low and medium residential and industrial uses make up the majority of land uses in Ontario Ranch, and (nonnative) vegetation communities primarily include surface water areas, flood control channel areas, agricultural fields, and developed areas. Therefore, there is no land in Ontario that would be considered forest land. Consequently, implementation of the Proposed Project would not result in loss or conversion of timberland to nonforest uses, and there would be no impact.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have no direct, indirect, and cumulative impacts relating to conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned Timberland Production and to loss of forestland or conversion to nonforest use. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.2.13)

Impact 5.2-4: The Proposed Project would not involve other changes that would result in conversion of Farmland to nonagricultural use or conversion of forest land to nonforest use. [Threshold AG-5]

The 2010 Certified EIR determined that conversion of agricultural uses in the City may cause farms and agricultural land uses outside the City to be converted to nonagricultural uses because of the nuisances related to agriculture and because of development pressures. When nonagricultural land uses are placed near agricultural uses, the odors, noises, and other hazards related to agriculture conflict with the activities and the quality of life of the people living and working in the surrounding areas. The 2010 Certified EIR identified that even though future development projects under the Approved Project would require environmental review in accordance with CEQA, including assessment of potential agricultural resources impacts, the development of the land in accordance with the Approved Project would create significant impacts on surrounding agricultural resources by encouraging its conversion.

The 2010 Certified EIR identified significant and unavoidable impacts to agricultural resources because buildout would result in all agricultural areas being converted to nonagricultural uses, and because buildout of the Approved Project would lead to cancellation or expiration of Williamson Act contracts. As discussed above, this could affect areas outside of the City as well. However, because former agriculture areas within Ontario are now already designated for nonagricultural uses and the current TOP is the baseline for this SEIR, the Proposed Project would not conflict with agricultural uses and would not result in conversion of farmland to nonagricultural use. Therefore, the Proposed Project would not result in significant impacts in this regard.

There is no forest land in Ontario, and therefore the Proposed Project would not result in conversion of forest land to nonforest use.

Consequently, the Proposed Project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use, and impacts would be less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to other changes that could result in conversion of Farmland to nonagricultural use or conversion of forest land to nonforest use. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.2.14)

3. Air Quality[2]

Impact 5.3-5: The Proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. [Threshold AQ-4]

The Certified EIR did not identified any significant odor impacts associated with the Approved Project. Growth within the City under TOP 2050 could generate new sources of odors. Nuisance odors from land uses in the South Coast Air Basin (SoCAB) are regulated under South Coast Air Quality Management District (AQMD) Rule 402, Nuisance, which states:

> A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Industrial Land Uses

Buildout permitted under the Approved Project and the Proposed Project could include new sources of odors, such as compost facilities, landfills, solid-waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), asphalt batch manufacturing plants, chemical manufacturing, and food manufacturing facilities. Similar to the Approved Project, areas where these types of uses could be developed under TOP 2050 would be generally limited to the areas designated Industrial (see Figure 3-5, *Proposed Land Use Plan*, in Chapter 3, *Project Description*, of the Draft SEIR). Future environmental review would be required for these types of industrial projects, which would ensure that sensitive land uses are not exposed to objectionable odors. Industrial land uses associated with TOP 2050 also would be required to comply with South Coast AQMD Rule 402. Therefore, impacts from potential odors generated from industrial land uses associated with TOP 2050 are considered less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Residential and Other Land Uses

Like the Approved Project, residential and other nonresidential, nonindustrial land uses that would be accommodated by TOP 2050 could result in the generation of odors such as exhaust from landscaping equipment and from cooking. Unlike industrial land uses, these are not considered potential generators of odor that could affect a substantial number of people. Nuisance odors are regulated under South Coast AQMD Rule 402, which requires abatement of any nuisance generating a verified odor complaint. Therefore, impacts from potential odors generated from residential and other nonresidential land uses associated with TOP 2050 are considered less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

[2] Impacts 5.3-1, 5.3-2, 5.3-3, and 5.3-4 are addressed in Section E, *Significant and Unavoidable Significant Impacts that Cannot be Mitigated to Below the Level of Significance.*

Construction

Like the Approved Project, during construction activities of development projects that would be accommodated by TOP 2050, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Noxious odors would be confined to the immediate vicinity of the construction equipment in use. By the time such emissions reached any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Short-term construction-related odors are expected to cease upon the drying or hardening of odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to other emissions, such as those leading to odors. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.3.47)

4. Biological Resources

Impact 5.4-1: Compliance with existing regulations would ensure that implementation of TOP 2050 would not adversely affect sensitive species. [Threshold B-1]

The 2010 Certified EIR found that development in accordance with the Approved Project could result in the loss of sensitive species. However, the Approved Project did not have substantial adverse impacts on sensitive animal species after compliance with the requirements of the California Endangered Species Act (CESA) and Federal Endangered Species Act (FESA), including United States Fish and Wildlife Service (USFWS) requirements regarding critical habitat; mitigation fees paid by projects in Ontario Ranch; and acquisition and management of habitat using those fees.

Implementation of TOP 2050 would not directly result in removal of vegetation or wildlife in the City because the General Plan does not confer entitlements for development. Development in accordance with TOP 2050 could result in habitat modification and removal. Such development could also result in the introduction of nonnative species of weeds, insects, and domestic animals that could adversely impact sensitive species. Development projects considered for approval under TOP 2050 would be required to undergo independent CEQA review. Such projects would be required to comply with the federal and California Endangered Species Acts.

The following sensitive species have been observed in Ontario, and suitable habitat for each of these species is present in the City: great egret (*Ardea alba*), great blue heron (*Ardea Herodias*), snowy egret (*Egretta thula*), sharp-shinned hawk (*Accipiter striatus*), tricolored blackbird (*Agelaius tricolor*), double-crested cormorant (*Phalacrocorax auritus*), Cooper's hawk (*Accipiter cooperi*), burrowing owl, loggerhead shrike (*Lanius ludovicianus*), and long-billed curlew (*Numenius americanus*). Several additional species have been observed for which the City has suitable foraging habitat but limited or no suitable nesting habitat: ferruginous hawk, mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon, and

white-faced ibis. Several sensitive bat species are considered to have possible roosting opportunities in the City and are listed in Table 5.4-2, *Sensitive Wildlife Species Known or With Potential to Exist in the City of Ontario*, in Section 5.4, *Biological Resources*, of the Draft SEIR.

No sensitive plant species have been observed in Ontario, and the only such species that are considered potentially present in the City have a low potential due to lack of suitable habitat. Therefore, implementation of TOP 2050 would not have substantial adverse impacts on sensitive plant species.

Nearly the entire City is developed with urban and agricultural uses, and there is very little native habitat remaining. Vacant land in the City may have low habitat value, however, because much of it is barren ground and does not support vegetation, and because many areas of vacant land are small, surrounded by developed urban uses, and isolated from other vacant land. There is nonetheless a chance that some sensitive species occur in remnant or disturbed habitats, and focused surveys may be warranted for individual sites that are the subject of development proposals. The assessment of the need for focused surveys would be carried out on a project-by-project basis in accordance with existing federal, state, and local regulations. This would apply equally to the OMC and Ontario Ranch.

Most potential biological resources in the City are in Ontario Ranch because the rest of the City is almost entirely built out. Some of the parts of Ontario Ranch that were previously used as dairies have undergone surveys for Delhi Sands Flower-Loving Fly (DSFLF), and the USFWS has determined that the likelihood of occupancy by DSFLF in these areas is low enough that further surveys would not be required; however, project applicants would need to consult with the USFWS on a case-by-case basis to determine survey requirements.

Parts of the closed Milliken Waste Disposal Site in the OMC are considered suitable for preservation or enhancement as burrowing owl habitat.

The settlement agreement for the City of Ontario Sphere of Influence General Plan Amendment governs mitigation for biological resources impacts in Ontario Ranch associated with potential impacts to the burrowing owl, the DSFLF, raptor foraging and wildlife habitat, loss of open space, actual and potential habitat and agricultural land, and sensitive species (listed and nonlisted). The terms of the settlement agreement were discussed in the "Local Regulations" section under "City of Ontario Sphere of Influence General Plan Amendment, Final EIR, and Settlement Agreement."

TOP 2050 includes policies to ensure that special-status species and habitat are protected through compliance with state and federal regulations (e.g., Policies ER-5.1 and ER-5.2). Projects under TOP 2050 that undergo independent CEQA review would be required to determine whether there is potential habitat on-site for sensitive species. If potential habitat were found on-site, focused surveys for those sensitive species potentially present would be required. If sensitive species were found, the project proponent would be required to consult with the CDFW regarding impacts to sensitive species and ensuing mitigation. Mitigation for impacts to sensitive species is often in the form of acquisition or restoration of habitat, on-site or off-site, at a ratio to the area of impacted land that would be determined by the CDFW or USFWS. For projects that are sited within critical habitat for a listed species and are proposed by federal agencies or involve federal permits or funding, the project proponent would be required under the FESA to consult with the USFWS regarding impacts and mitigation. Projects in Ontario Ranch would pay a mitigation fee that would be deposited into a trust

fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value.

TOP 2050 would have similar biological resources impacts as the current Approved TOP. This is because while the Proposed Project would increase land use intensity, TOP 2050 would not result in development of new, previously undeveloped areas of the City. Compliance with the requirements of the California and Federal Endangered Species Acts, including requirements of the USFWS regarding critical habitat; mitigation fees paid by projects in Ontario Ranch; and acquisition and management of habitat using those fees would reduce impacts on sensitive animal species from implementation of TOP 2050.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to special-status species compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to candidate, sensitive, or special status species. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.4.30)

Impact 5.4-2: Compliance with existing regulations would ensure that implementation of TOP 2050 would not have an adverse impact on riparian or sensitive habitats. [Threshold B-2]

Ontario is almost completely developed with urban and agricultural uses, with no large open areas of native habitat. Available open space consists of agricultural fields, parks and golf courses, and scattered vacant lots. The 2010 Certified EIR found that the Approved Project would not have substantial adverse impacts to surface water areas, or to riparian or aquatic vegetation in surface water areas or flood control channels. Detention basins would be designated Open Space–Non-recreation or Open Space–Parkland. Projects affecting riparian habitat would be required to mitigate potential impacts to riparian areas through the existing permitting process.

Surface water areas are assumed to contain sensitive natural communities if they support plants such as mulefat and willow, which also occur in sensitive communities listed in the California Natural Diversity Database as occurring in the region. Surface water areas in the City include detention basins and other man-made lakes, such as those in golf courses, as well as dairy manure water retention basins, irrigation ponds, and livestock watering ponds associated with agricultural uses in Ontario Ranch.

Detention basins would be designated Open Space–Non-recreation, except some of the basins in Cucamonga-Guasti Regional Park would be designated Open Space–Parkland. The basins would not be developed with other land uses.

Implementation of TOP 2050 would not result in direct vegetation removal in surface water areas in the City; however, projects approved pursuant to TOP 2050 could indirectly result in such removal. Projects that would result in impacts to surface water areas determined to be jurisdictional to the state would require CDFW approval pursuant to the Fish and Game Code (Section 1600 et. seq.) in the

form of Streambed Alteration Agreements. Such impacts would require mitigation, also subject to CDFW approval.

Policy ER-5.1 would support avoidance of adverse impacts to protected wetlands, waters of the United States, and waters of the State.

Compared to the Approved Project, TOP 2050 would have similar impacts to sensitive habitat because it would not result in development of new, previously undeveloped areas of the City even though it would result in an increase in land use intensity. Individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat on-site for sensitive species. If sensitive species were found on-site, the project proponent would be required to consult with the CDFW regarding impacts to sensitive species and ensuing mitigation. Projects in Ontario Ranch would pay a mitigation fee that would be deposited into a trust fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value. In conclusion, projects affecting riparian habitat in the City would be required to mitigate potential impacts to riparian areas through the existing permitting process.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to riparian habitat or sensitive natural communities compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to riparian habitat or sensitive natural community. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.4.31)

Impact 5.4-3: Compliance with existing regulations would ensure that implementation of TOP 2050 would not have an adverse impact on jurisdictional waters. [Threshold B-3]

The 2010 Certified EIR found that the Approved Project would not have substantial adverse impacts on jurisdictional waters. Flood control channels and detention basins would be designated Open Space–Non-recreation or Open Space–Parkland. Projects that have the potential to result in impacts to waters of the state would be subject to approval by CDFW; United States Army Corps of Engineers (USACE); require a Section 404 permit under the Clean Water Act (CWA) or consultation with Environmental Protection Agency (EPA) for a Section 7 take permit, as applicable; and require mitigation in accordance with the applicable permits.

The Cucamonga Creek and Deer Creek channels and portions of the Lower Deer Creek, Day Creek, Etiwanda Creek, and West Cucamonga Creek channels, are owned and maintained by San Bernardino County; they are not subject to land use controls by the City of Ontario and would not be affected by TOP 2050. Remaining segments of the Lower Deer Creek, Day Creek, Etiwanda Creek, and West Cucamonga Creek channels in the City that are owned by the City of Ontario, would be designated Open Space–Non-recreation by TOP 2050 and would not be developed with other land uses. The Cucamonga, Ely, Wineville, and Chris detention basins are also owned and maintained by the County and would not be affected by TOP 2050.

Ontario Ranch contains dairy manure water retention basins, irrigation ponds, livestock watering, and man-made lakes. In addition, fields under cultivation or left fallow accumulate surface water in ponds or ditches. The CDFW may have jurisdiction over these water bodies, but they are not expected to come under USACE jurisdiction. Implementation of TOP 2050 would not result in direct impacts to waters of the State because TOP 2050 does not grant specific entitlements for development. Tributaries to any channels in the city, plus areas that are fed by surface waters, are considered waters of the State and are jurisdictional to CDFW. Projects resulting in impacts to waters of the State would be subject to approval by CDFW through Streambed Alteration Agreements and would require mitigation as determined by the CDFW for any consequent impacts.

Individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat on-site for sensitive species. If sensitive species were found, the project proponent would be required to consult with the CDFW regarding impacts to sensitive species and ensuing mitigation. Projects in Ontario Ranch would pay a mitigation fee that would be deposited into a trust fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value.

Compared to the Approved Project, TOP 2050 would have similar impacts to jurisdictional waters. This is because the Proposed Project would result in an increase in land use intensity but would not result in development of new, previously undeveloped areas of the City. In conclusion, because projects that have the potential to result in impact to waters of the State would be subject to approval by CDFW and USACE, require a Section 404 permit under the CWA or consultation with the EPA for a Section 7 take permit, and mitigation would be required in accordance with the applicable permits, impacts to jurisdictional waters in the City associated with TOP 2050 would be less than significant.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to jurisdictional waters compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to state or federally protected wetlands. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.4.33)

Impact 5.4-4: Implementation of TOP 2050 would not adversely affect wildlife movement. [Threshold B-4]

The 2010 Certified EIR found that no regional wildlife movement corridors have been identified in the City. Therefore, the Approved Project did not result in substantial adverse effects to wildlife movement.

No regional wildlife movement corridors have been identified in the City, most of which is ill suited for the purposes of wildlife movement. The flood control channels and the Southern California Edison (SCE) corridors could serve as local corridors for movement within the City and between the San Gabriel Mountains to the north and the Prado Basin to the south. The segments of flood control channels in the City would be designated Open Space–Non-recreation under TOP 2050 and would

not be developed with other land uses. The SCE corridors would also be designated Open Space–Non-recreation. Therefore, implementation of TOP 2050 is not anticipated to substantially impair the use of flood control channels or SCE corridors in the City as wildlife movement corridors.

There are trees and shrubs scattered throughout the City that may be used for nesting or roosting by migrating birds. TOP 2050 would not grant specific entitlements for development; therefore, implementation of TOP 2050 would not directly impact vegetation that could be used by migrating birds. Such projects would be required to comply with the federal Migratory Bird Treaty Act. Therefore, TOP 2050 is not anticipated to have substantial adverse impacts to migratory birds. Furthermore, Policy ER-5.1 would encourage efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Consequently, impacts would be less than significant.

Compared to the Approved Project, TOP 2050 would have similar impacts associated with wildlife movement corridors. Though the Proposed Project would increase land use intensity, it would not result in development of new, previously undeveloped areas of the City. Like the Approved Project, TOP 2050 would not result interfere with wildlife movement in a wildlife corridor.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to wildlife movement compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, and to the impediment of use of native wildlife nursery sites. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.4.33)

Impact 5.4-5: Development in accordance with TOP 2050 would require compliance with the requirements of the Delhi Sands Flower-Loving Fly Ontario Recovery Unit. [Thresholds B-5 and B-6]

The 2010 Certified EIR found that the Approved Project would not conflict with the requirements of the DSFLF Ontario Recovery Unit or critical habitat for the San Bernardino kangaroo rat. Since 2008, the critical habitat for the San Bernardino kangaroo rat is no longer in Ontario, so it is not evaluated in this discussion.

The Ontario Recovery Unit for the DSFLF includes 21.7 square miles of Ontario, mostly in the eastern and southwestern portions of the City, including portions of Ontario Ranch. Projects proposed within the Ontario Recovery Unit would be required to conduct focused surveys for DSFLF on the project site and consult with the USFWS regarding mitigation of impacts on any DSFLF found, pursuant to Section 7 of the FESA. In some of the parts of Ontario Ranch that were previously used as dairies, the USFWS has concluded from the findings of previous focused surveys that DSFLS is very unlikely to occur; therefore, no focused surveys for DSFLF areas are required in these areas. Projects proposed pursuant to TOP 2050 would need to ascertain requirements for focused surveys for DSFLF from the USFWS on a case-by-case basis.

There is one habitat conservation plan (HCP) in the City, a 19-acre area near the intersection of Greystone Drive and the eastern city boundary established to protect the DSFLF. The HCP area would remain designated Industrial under the Proposed Project. Any project proposed for development within this HCP pursuant to TOP 2050 would be required to consult with the USFWS regarding project impacts on DSFLF and mitigation of any such impacts. Therefore, TOP 2050 would comply with this HCP.

TOP 2050 would not grant specific entitlements for development and would not conflict with FESA requirements and USFWS regulations regarding critical habitat. Furthermore, Policy ER-5.1 of TOP 2050 would support efforts to conserve high-quality habitat for the DSFLF. Individual projects undergoing environmental review under CEQA would be required to determine whether there is a potential for habitat on-site for sensitive species. If sensitive species were found on-site, the project proponent would be required to consult with the CDFW regarding impacts to sensitive species and ensuing mitigation. Projects in Ontario Ranch would pay a mitigation fee that would be deposited into a trust fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value.

Compared to the Approved Project, TOP 2050 would have similar impacts regarding consistency with a habitat conservation plan. This is because the Proposed Project would increase land use intensity but would not result in development of new, previously undeveloped areas of the City. Like the Approved Project, TOP 2050 would not conflict with the DSFLF HCP.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to habitat conservation plan compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with local policies or ordinances protecting biological resources and to adopted habitat conservation plans or natural community conservation plans. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.4.34)

5. Cultural Resources[3]

Impact 5.5-3: Grading activities would not adversely impact human remains, if accidentally uncovered, because procedures are required under the Public Resources Code and California Health and Safety code. [Threshold C-3]

The 2010 Certified EIR found that grading activities in Ontario would comply with PRC Section 5079.98 so as not to disturb human remains.

There are known Native American gravesites and cemeteries in the City, including Bellevue Memorial Park on the north side of G Street, between Benson Avenue and Mountain Avenue. TOP 2050 in itself does not involve grading activities and would not directly disturb any human remains. However, long-

[3] Impacts5.5-1 is addressed in Section E, *Significant and Unavoidable Significant Impacts that Cannot be Mitigated to Below the Level of Significance.* Impact 5.5-2 is addressed in Section D*, Findings on Significant Environmental Impacts that Can be Reduced to a Less than Significant Level.*

term implementation of TOP 2050 would allow development and redevelopment, including grading, of sensitive areas, possibly disturbing human remains, including those outside of formal cemeteries.

California Health and Safety Code, Section 7050.5; CEQA Section 15064.5; and PRC Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, the California Health and Safety Code requires that if human remains are discovered on a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with development in accordance with TOP 2050 could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to human remains compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to human remains. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.5.20)

6. Energy

Impact 5.6-1: TOP 2050 would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. [Threshold E-1]

The 2010 Certified EIR assessed the energy demand for electricity and gas services and concluded that the Approved Project would result in a less than significant impact to additional demand for electrical and gas services. The 2010 Certified EIR did not identify impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources.

Short-Term Construction Impacts

Development projects constructed under the Proposed Project would create temporary demands for electricity. Natural gas is not generally required to power construction equipment, and therefore is not anticipated during construction phases. Electricity use would fluctuate according to the phase of construction. Additionally, it is anticipated that most electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities.

Development projects would also temporarily increase demands for energy associated with transportation. Transportation energy use depends on the type and number of trips, vehicle miles traveled (VMT), fuel efficiency of vehicles, and travel mode. Energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. It is anticipated that most off-road construction equipment, such as those used during demolition and grading, would be gas or diesel powered. In addition, all operation of construction equipment would cease upon completion of project construction.

Furthermore, the construction contractors would be required to minimize nonessential idling of construction equipment during construction in accordance with the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449. Such required practices would limit wasteful and unnecessary energy consumption. Moreover, future development projects accommodated under TOP 2050 would be similar to projects currently in development in Ontario. The types of land uses accommodated under TOP 2050 would also be similar to the land uses accommodated under the Approved Project. Thus, the construction processes for future development projects accommodated under the Proposed Project would be similar to the construction processes of current development projects and projects accommodated under the Approved Project.

TOP 2050 would not result in wasteful, inefficient, or unnecessary consumption of fuel use during construction. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project.

Long-Term Impacts During Operation

Operation of new development projects accommodated under the Proposed Project would create additional demands for electricity and natural gas compared to existing conditions. Operational use of electricity and natural gas would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; use of on-site equipment and appliances; and lighting.

Nontransportation Energy

Electrical service to the City is provided by SCE through connections to existing off-site electrical lines and new on-site infrastructure. As shown in Table 5.6-4, *Year 2050 Forecast Electricity Consumption*, in Section 5.6, *Energy*, of the Draft SEIR, by horizon year 2050, electricity use in the City would decrease by 32,244,780 kilowatt-hours per year, or approximately 9 percent, from existing conditions.

As shown in Table 5.6-5, *Year 2050 Forecast Natural Gas Consumption*, in Section 5.6, *Energy*, natural gas use under the Approved Project totals 100,249,150 therms annually. By 2050, natural gas use in the City would increase by 3,624,970 therms annually, or approximately 4 percent, from existing conditions.

While the electricity demand would decrease and natural gas demand would increase for the City compared to existing conditions, developments accommodated under the Proposed Project would be required to comply with the current and future updates to the Building Energy Efficiency Standards and CALGreen, which would contribute in reducing the energy demands shown in Tables 5.6-4 and

5.6-5. New and replacement buildings in compliance with these standards would generally have greater energy efficiency than existing buildings. It is anticipated that each update to the Building Energy Efficiency Standards and CALGreen would result in greater building energy efficiency and move closer to buildings achieving zero net energy.

In addition to the Building Energy Efficiency Standards and CALGreen, TOP 2050 includes the goals and policies to increase energy efficiency and reduce wasteful, inefficient use of energy resources. The Environmental Resources Element policies focus on coordinating with agencies to pursue energy-efficient goals and strategies, promoting energy-efficient development patterns and site designs, and expanding renewable energy strategies (Environmental Resources Element policies ER-3.2, ER-3.3, ER-3.4, and ER-3.6). Policies ER-3.2 and ER-3.4 would require the best practices identified in green community rating systems to guide development in new communities and promote renewable energy sources for public- and private-sector development. Policy ER-3.3 would require energy-efficient building and site design strategies for future development projects. Policy ER-3.4 would require all new and substantially renovated City buildings of 10,000 square feet and greater to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification standard. Encouraging sustainable and energy-efficient building practices and using more renewable energy strategies will further reduce energy consumption in the City and move closer to achieving zero net energy.

Transportation Energy

The growth accommodated under TOP 2050 would consume transportation energy from the use of motor vehicles (e.g., gasoline, diesel, compressed natural gas, and electricity). Table 5.6-6, *Operation-Related Annual Fuel Usage*, in Section 5.6, *Energy*, shows the net change in VMT, fuel usage, and fuel efficiency of the Proposed Project compared to the Approved Project.

As shown in Table 5.6-6, when compared to the Approved Project, the Proposed Project would result in an overall increase in VMT and fuel usage for gasoline-, diesel-, compressed natural gas- and electricity-powered vehicles. Therefore, the Proposed Project would result in an increase in annual VMT and fuel usage for all vehicles, primarily due to the increase in projected population growth. Fuel efficiency will be the same as the Approved Project, and implementation of the Proposed Project would not result in less efficiency in transportation fuel usage.

The overall VMT shown in the table would be primarily attributable to the increase in population compared to the Approved Project. Although fuel efficiency between the Proposed Project and the Approved Project would be the same, the VMT per service personnel rate (VMT/SP) decreases under the Proposed Project (see Section 5.17, T*ransportation*, Table 5.17-4, *VMT Comparison of TOP 2050 to the Approved TOP*, criterion 1, of the Draft SEIR). A decrease in VMT/SP indicates fewer vehicle trips and shorter trip distances with the growing service population, which accounts for residents and employees who lives and/or works in Ontario. This could be caused by multiple factors, such as better jobs-housing ratio, implementation of more public transit options in the City, and amenities closer to where residents live.

Although VMT associated with electric vehicles and thus electricity usage would increase under the with-project horizon year 2050 scenario when compared to existing Approved Project, it is also anticipated that electric vehicles will improve in energy efficiency. In conjunction with the regulatory

(i.e., Renewables Portfolio Standard [RPS], Senate Bill [SB] 350, and SB 100) and general trend toward increasing the supply and production of energy from renewable sources, it is anticipated that a greater share of electricity used to power electric vehicles will be from renewable sources in future years (e.g., individual photovoltaic systems, purchased electricity from a community choice aggregation, and/or purchased electricity from SCE that is generated from renewable sources).

In addition to regulatory compliance that would contribute to more fuel-efficient vehicles and less demand in fuels, the Proposed Project includes policies that will contribute to minimizing overall VMT, and thus fuel usage associated with the City. These proposed policies focus on minimizing VMT through land use and transportation planning efforts that work in combination. TOP 2050 includes Mobility Element policy M-3.3 and Land Use Element policies LU-1.2, LU-1.4, LU-1.5, and LU-1.6. These policies focus on situating residential development near commercial land uses to promote public transit use. Placing residential and nonresidential uses near each other to create self-sustaining communities and neighborhoods and offering mixed-used developments could result in shorter distances traveled between where people work and live and to amenities. The shorter distances reduce VMT by reducing the average vehicle trip distance traveled. It also encourages people to forego vehicle travel altogether and either bike, walk, or take public transportation, which would also contribute to minimizing VMT.

Furthermore, proposed policies under TOP 2050 include improving public transportation and active transit (e.g., biking and walking) infrastructure in the City (e.g., Mobility Element policies M-2.1, M-2.2, M-2.3, and M-2.4; Community Design Element policy CD-3.2). Improving the public transportation and active transit infrastructure in conjunction with creating more self-sustaining neighborhoods would encourage less travel by single-occupancy-passenger vehicle, which would further contribute to minimizing VMT. Moreover, TOP 2050 Environmental Resources Element policy ER-3.5 focuses on increasing the use of clean fuel and electric vehicles by purchasing more fuel-efficient alternative energy vehicles.

Summary

Overall, regulatory compliance (e.g., Building Energy Efficiency Standards, CALGreen, RPS, and Corporate Average Fuel Economy [CAFE] standards) will increase building energy efficiency and vehicle fuel efficiency and reduce building energy demand and transportation-related fuel usage. Additionally, the Proposed Project includes policies related to land use and transportation planning and design, energy efficiency, public and active transit, and renewable energy generation that will contribute to minimizing building and transportation-related energy demands overall and demands on nonrenewable sources of energy. Implementation of proposed policies under TOP 2050 and Community Climate Action Plan (CCAP) in conjunction with regulatory requirements would ensure that energy demand associated with growth under TOP 2050 would not be inefficient, wasteful, or unnecessary. Therefore, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.6.13)

Impact 5.6-2: Implementation of TOP 2050 would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. [Threshold E-2]

The 2010 Certified EIR did not identify impacts related to consistency with plans for renewable energy or energy efficiency because this was not a threshold in the CEQA Guidelines Appendix G checklist at the time. Applicable plans relevant to the Proposed Project include the California RPS Program.

The state's electricity grid is transitioning to renewable energy under California's RPS Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. In general, California has RPS requirements of 33 percent renewable energy by 2020 (SB X1-2), 40 percent by 2024 (SB 350), 50 percent by 2026 (SB 100), 60 percent by 2030 (SB 100), and 100 percent by 2045 (SB 100). SB 100 also establishes RPS requirements for publicly owned utilities that consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. The statewide RPS requirements do not directly apply to individual development projects, but to utilities and energy providers such as SCE, whose compliance with RPS requirements would contribute to the State of California objective of transitioning to renewable energy. The land uses accommodated under the Proposed Project would comply with the current and future iterations of the Building Energy Efficiency Standards and CALGreen.

Furthermore, TOP 2050 includes Environmental Resources Element policies ER-3.1, ER-3.2, ER-3.3, ER-3.4, ER-3.5, and ER-3.6 and Safety Element policies S-9.1, S-9.2, and S-9.3, which would support the statewide goal of transitioning the electricity grid to renewable sources and employ best practices regarding energy-saving standards. Therefore, implementation of TOP 2050 would not conflict with or obstruct implementation of California's RPS program. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with or obstruction of a state or local plan for renewable energy or energy efficiency. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.6.14)

7. Geology and Soils[4]

Impact 5.7-1: Development of TOP 2050 would adhere to the California Building Code to ensure residents, employees, or visitors in Ontario would not be adversely affected by potential seismic-related hazards. [Threshold G-1]

The 2010 Certified EIR found that policies of the Approved Project, and state regulations would ensure that the potential impacts from seismic-related hazards would be less than significant.

[4] Impact 5.7-6 is addressed in Section D*, Findings on Significant Environmental Impacts that Can be Reduced to a Less than Significant Level.*

Earthquakes

The Upper Santa Ana River Valley and vicinity contain a number of known earthquake faults, which are described above in Table 5.7-1, *Estimated Maximum Earthquake Magnitude and Associated Peak Ground Acceleration for Faults in and Near Ontario*, and shown on Figure 5.7-2, *Regional Faults and Fault Zones*, in Section 5.7, *Geology and Soils*, of the Draft SEIR. The City of Ontario is not within any Alquist-Priolo Earthquake Fault Zone. Of the faults listed, the southern section of the San Andreas Fault is estimated to be capable of generating the greatest magnitude earthquake, 8.0. The most intense peak horizontal ground acceleration that any of these faults is estimated to be capable of generating in Ontario is approximately 0.54 g by the Chino Fault, which passes approximately four miles from the southwestern City boundary. Projects considered for approval under TOP 2050 would be required to comply with seismic safety provisions of the California Building Code (CBC; Title 24, Part 2 of the California Code of Regulations). Such compliance would reduce hazards arising from ground shaking to less than significant.

Liquefaction

Based on the groundwater levels throughout the City being greater than 50 feet below ground surface, there is currently no potential for liquefaction.

Seismically Induced Settlement

The entire Ontario area is underlain by young, unconsolidated alluvial deposits and artificial fill that may be susceptible to seismically induced settlement (see Figure 5.7-1, *Geologic Map*, in Section 5.7, *Geology and Soils*, of the Draft SEIR). Implementation of TOP 2050 could indirectly increase the numbers of persons and structures in the City that could be subjected to earthquake-related hazards. Projects developed pursuant to TOP 2050 would be required to meet the most current seismic safety requirements in the CBC. Chapter 16 of the CBC contains requirements for design and construction of structures to resist loads, including earthquake loads. Chapter 18 contains requirements for excavation, grading, and fill; load-bearing values of soils; and foundations, footings, and piles. Compliance with those requirements would ensure that there would not be substantial impacts related to ground shaking, liquefaction, or seismic settlement. Furthermore, TOP 2050 includes the following policies regarding seismic-related hazards.

- **S-1.1: Implementation of Regulations and Standards.** We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

- **S-1.2: Entitlement and Permitting Process.** We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

- **S-1.3: Continual Update of Technical Information.** We maintain up-to-date California Geological Survey seismic hazard maps.

- **S-1.4**: **Seismically Vulnerable Structures.** We conform to state law regarding unreinforced masonry structures and coordinate with not-for-profits to facilitate seismic retrofits in environmental justice areas and for low-income households.

TOP 2050 would have similar seismic hazards as the current TOP. This is because while the Proposed Project would result in an increase in land use intensity, TOP 2050 would not result in development of new, previously undeveloped areas of the City. After compliance with the safety provisions of the CBC, implementation of TOP 2050 would have less-than-significant impacts from seismic hazards. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to geology and soils compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to seismic-related hazards. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7.19)

Impact 5.7-2: Implementation of TOP 2050 would not result in substantial soil erosion or the loss of topsoil. [Threshold G-2]

The 2010 Certified EIR found that policies of the Approved Project and state regulations would ensure that the potential impacts from erosion or the loss of topsoil would be less than significant.

Erosion

The young alluvial sediment and wind-blown sand underlying the City are generally granular, poorly consolidated, and very susceptible to erosion. Grading increases the potential for erosion by removing protective vegetation, changing natural drainage patterns, and constructing slopes. However, compliance with the CBC and review of grading plans for individual projects by the City Engineer would ensure no significant impacts would occur. In addition, construction activities on project sites larger than one acre are required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that details Best Management Practices (BMPs) to reduce the potential for erosion during construction activities.

Furthermore, TOP 2050 includes the following policies regarding erosion and loss of topsoil:

- **ER-1.6: Urban Run-off Quantity.** We encourage the use of low impact development strategies, including green infrastructure, to intercept run-off, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems.

- **ER-1.7: Urban Run-Off Quality.** We require the control and management of urban runoff, consistent with Regional Water Quality Control Board regulations.

- **S-5.1: Dust Control Measures.** We require the implementation of Best Management Practices for dust control at all excavation and grading projects.

- **S-5.2: Grading in High Winds**. We prohibit excavation and grading during strong wind conditions, as defined by the Building Code.

TOP 2050 would have similar soil erosion as the current TOP. This is because while the Proposed Project would result in an increase in land use intensity, TOP 2050 would not result in development of new, previously undeveloped areas of the City. After compliance with the safety provisions of the CBC implementation of TOP 2050 would have less-than-significant impacts from soil erosion. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to erosion and topsoil loss compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to erosion and loss of topsoil. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7-20)

Impact 5.7-3: The City of Ontario would not exacerbate geologic hazards in the City, such as on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. [Threshold G-3]

The 2010 Certified EIR found that policies of the Approved Project, and state regulations would ensure that the potential impacts from geology and soils hazards would be less than significant.

Ground Subsidence

The thick alluvial deposits comprising the Chino Subbasin may be susceptible to compaction, with resulting subsidence at the surface, in the event of rapid groundwater withdrawal. Surface subsidence of up to 2.5 feet and ground fissuring from groundwater extraction have been reported in Chino. Projects considered for approval under TOP 2050 could expose structures or persons to potentially significant hazards from ground subsidence. However, compliance with the CBC and review of grading plans for individual projects by the City Engineer would ensure no significant impacts would occur.

Compressible Soils

The young sediments underlying the City are generally dry and loose in the upper few feet, and therefore are susceptible to compression. Much of the Ontario Ranch has been intensively farmed and is especially susceptible to compression. Developments approved pursuant to TOP 2050 could expose persons or structures to potentially significant hazards from compressible soils. However, compliance with the CBC and review of grading plans for individual projects by the City Engineer would ensure no significant impacts would occur. Furthermore, TOP 2050 includes policies regarding geology and soils hazards.

TOP 2050 would have similar geological hazards as the current TOP. This is because while the Proposed Project would result in an increase in land use intensity, TOP 2050 would not result in development of new, previously undeveloped areas of the City. After compliance with the safety provisions of the CBC implementation of TOP 2050 would have less-than-significant impacts from geologic hazards. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to geology and soils compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to geologic hazards. Accordingly, no changes or alterations to the Proposed Project

were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7-21)

Impact 5.7-4: Development associated with TOP 2050 would not be located on expansive soil, as defined in Table 18-1B of the Uniform building Code (1994), creating substantial direct or indirect risks to life or property. [Threshold G-4]

The 2010 Certified EIR found that policies of the Approved Project, and state regulations would ensure that the potential impacts from geology and soils hazards would be less than significant.

Expansive Soils

Expansive soils are likely in the southern parts of the City, where there are silts, sandy silts, and silty clays. Near-surface soils in the northern and central parts of the City are primarily granular, that is, silty sand, sand, and gravel; such sediments are usually nonexpansive or have very low expansion potential. Projects in the southern part of the City under TOP 2050 could expose persons or structures to potentially significant hazards from expansive soils. However, compliance with the CBC and review of grading plans for individual projects by the City Engineer would ensure no significant impacts would occur. Additionally, TOP 2050 includes policies regarding geology and soils hazards.

TOP 2050 would have similar impacts from expansive soils as the current TOP. This is because while the Proposed Project would result in an increase in land use intensity, TOP 2050 would not result in development of new, previously undeveloped areas of the City. After compliance with the safety provisions of the CBC implementation of TOP 2050 would have less-than-significant impacts from expansive soils. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to geology and soils compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to expansive soils. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7-21)

Impact 5.7-5: Implementation of TOP 2050 would not result in use of septic tanks or alternative waste water disposal systems that would not be supported by soils in the City. [Threshold G-5]

The 2010 Certified EIR found that policies of the Approved Project, and state regulations would ensure that the potential impacts from geology and soils hazards would be less than significant. Wastewater from Ontario is treated at wastewater treatment facilities owned and operated by the Inland Empire Utilities Agency (IEUA). Use of septic tanks would be limited to existing septic tanks, and new septic tanks would be constricted to areas not in practical proximity to existing sewer mains, dependent on approval by the Santa Ana Regional Water Quality Control Board (RWQCB) on a case-by-case basis. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to geology and soils compared to the Approved Project.

Finding.. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to septic tanks and alternative waste water disposal systems. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7-22)

8. Greenhouse Gas Emissions

Impact 5.8-1: Implementation of TOP 2050 with the CCAP is projected to result in emissions below those of the Approved Project and meet the GHG reduction target established under SB 32 and Executive Order S-03-05 and progress toward the State's carbon neutrality goal. [Threshold GHG-1]

The 2010 Certified EIR identified significant GHG emissions impacts associated with the Approved Project as a result of the magnitude of population and employment growth projected by SCAG and TOP. Development under the Proposed Project would contribute to global climate change through direct and indirect emissions of GHG from land uses within the city. A general plan does not directly result in development without additional approvals. Before any development can occur in the city, it must be analyzed for consistency with TOP 2050, zoning requirements, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Horizon Year 2050 Emissions Forecast

TOP 2050 is an update to TOP to guide the city's development and conservation through 2050. The Proposed Project is a focused effort, with particular emphasis on conducting technical refinements to the Policy Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions. The community GHG emissions inventory for TOP 2050 compared to TOP is shown in Table 5.8-7, *GHG Emission Forecast,* in Section 5.8, *Greenhouse Gas Emissions*, of the Draft SEIR. As shown in this table, the increase in residential units and population associated with the Approved Project compared to the Proposed Project results in an increase in residential building energy use and a slight increase in solid waste and water/wastewater generation compared to the current TOP. However, the GHG emissions efficiency of the Proposed Project, expressed in GHG emissions per service population, improves compared to the Approved Project. Overall, GHG emissions associated with the Proposed Project would be slightly higher compared to those of the Approved Project in the absence of local measures identified in the CCAP and would not meet the 2050 GHG target of 2.0 $MTCO_2e$ per capita.

Table 5.8-7 includes reductions from state measures that have been adopted to reduce GHG emissions, including:

- The RPS requires increases in renewable electricity supplies.
- The Clean Car Standards require increased fuel efficiency of on-road vehicles and decreased carbon intensity of vehicle fuels.

- The updated Title 24 Building Energy Efficiency Standards require new buildings to achieve increased energy efficiency targets.
- The LCFS mandates reduced carbon intensity of fuels used in off-road equipment.
- The short-lived climate pollutants law (SB 1383) proposes a comprehensive strategy to reduce methane and other emissions of short-lived greenhouse gases through regulations on dairy operations and urban landfills, including higher diversion rates of food waste from landfills.

Local GHG Reduction Measures

The City of Ontario has been implementing the GHG reduction measures identified in the 2014 CCAP to reduce GHG emissions in the city.

To improve energy efficiency of municipal buildings and operations, the City launched the Smart Ontario initiative, which involves an energy audit, comprehensive upgrade of municipal utility infrastructure, and implementation of energy infrastructure improvements. As of March 2022, the City has retrofitted all citywide street lights with LED light fixtures and all interior and exterior light fixtures in city buildings (approximately 15,000); has replaced over 100 heating, ventilation, and air conditioning (HVAC) components in city facilities; and replaced 350 thermostats in all city buildings. The City has installed 1.8 megawatt solar photovoltaic systems at the Ontario Convention Center and the Ontario Police Department, generating 2,571,125 kilowatt-hours of energy in 2019. To reduce the GHG emissions of newly constructed city buildings, City policies support all new municipal buildings to be Leadership in Energy and Environmental Design (LEED) certified by the U.S. Green Building Council. In compliance with the California Building Standards Code of Title 24, in November 2019, the City passed an ordinance to amend the municipal code and adopt by reference the 2019 California Green Building Standards Code.

The City has also implemented numerous projects to reduce GHG emissions from the transportation sector, including the installation of 21 electric vehicle (EV) charging stations, adoption of an Active Transportation Master Plan, synchronization of 30 percent of traffic signals through the Traffic Management Center, and completion of pedestrian and bicycle infrastructure improvements through Safe Routes to School and Active Transportation Program grants. Future projects include a citywide e-scooter share program (launching in March 2023), the Multimodal Transportation Center (needs assessment completed in March 2022), and the West Valley Corridor Bus Rapid Transit, a zero-emission bus line (completion expected in 2024).

The Proposed Project includes implementation of the CCAP update. The 2022 update to the CCAP draws upon strategies from the 2014 CCAP and the San Bernadino GHG Reduction Plan, with new strategies to address current state regulations and local issues of concern. The CCAP identifies GHG emissions reductions targets for the City of Ontario that would ensure consistency with the State GHG reduction goals of EO S-03-05 and substantial progress toward the State's carbon neutrality goals under EO B-55-18. Table 5.8-8, *2022 CCAP GHG Reduction Measures*, in Section 5.8, *Greenhouse Gas Emissions*, of the Draft SEIR shows the GHG reduction measures and reductions associated with the local measures in the draft CCAP at buildout of TOP 2050 that would help achieve those reductions.

Table 5.8-9, *TOP 2050 GHG Emissions Reduction Target Analysis with the CCAP*, in Section 5.8, *Greenhouse Gas Emissions*, of the Draft SEIR shows that the City would achieve the GHG reduction targets for year 2050 with implementation of the CCAP.

Furthermore, TOP 2050 includes policies that would reduce GHG associated with development projects.

- Land Use Element policies LU-2.1 through LU-2.5 would regulate new development impacts on nearby sensitive land uses.
- Environmental Resources Element policies ER-1.1 through ER-1.8 would reduce GHG emissions from water use and wastewater generation.
  - Policies ER-2.1 through ER-2.3 would reduce GHG emissions from solid waste disposal.
  - Policies ER-3.1 through ER-3.6 would ensure that new development is energy efficient.
  - Policies ER-4.1 through ER-4.9 would reduce air pollution from new development.
- Community Design Element policy CD-2.7 would ensure that sustainability is considered in the design of new projects.
- Mobility Element policies M-1.4 (complete streets), M-3.1through M-3.11 (transit), and M-2.1 through M-2.4 (bicycle and pedestrian) would reduce VMT.

With implementation of the CCAP, TOP 2050 would result in a decrease in emissions from the Approved Project (see Table 5.8-10, *GHG Emissions Forecast with CCAP Implementation*, in Section 5.8, *Greenhouse Gas Emissions*, of the Draft SEIR). Further, as shown in Table 5.8-8, with implementation of the CCAP, the city would achieve the EO S-03-05 GHG emissions reduction targets, resulting in an 80 percent decrease in GHG emissions in the city by 2050 from existing conditions, and would make substantial progress toward the State's carbon neutrality goals under EO B-55-18. Therefore, TOP 2050, which includes the CCAP, would reduce GHG emissions impacts compared to the current TOP. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to the generation of greenhouse gas emissions that may have a significant impact on the environment. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.7-26)

Impact 5.8-2: Impact 5.8-2: Implementation of TOP 2050 would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. [Threshold GHG-2])

The 2010 Certified EIR identified that the Approved Project was consistent with statewide strategies adopted for the purpose of reducing GHG emissions. Applicable plans adopted for the purpose of

reducing GHG emissions include CARB's Scoping Plan and SCAG's Connect SoCal. A consistency analysis with these plans is presented below.

CARB Scoping Plan

The CARB Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require local jurisdictions to adopt its policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies from the Scoping Plan result in GHG emissions reductions at the local level. So local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the LCFS and changes in the corporate average fuel economy standards.

Project GHG emissions shown in Table 5.8-8 includes reductions associated with statewide strategies that have been adopted since AB 32 and SB 32. Development projects accommodated under TOP 2050 are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32 and SB 32. Future development projects would be required to comply with these state GHG emissions reduction measures because they are statewide strategies. For example, new buildings associated with land uses accommodated by implementing TOP 2050 would be required to meet the CALGreen and Building Energy Efficiency Standards in effect at the time when applying for building permits. Furthermore, as discussed under the discussion for Impact 5.8-1, TOP 2050 includes goals, policies, and programs that would help reduce GHG emissions and therefore help achieve GHG reduction goals. Impacts associated with the Approved Project and Proposed Project are similar. Implementation of TOP 2050 would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project.

SCAG's Connect SoCal

Connect SoCal is Southern California's regional transportation plan to achieve the passenger vehicle emissions reductions identified under SB 375. Connect SoCal was adopted in September 2020. Connect SoCal's "core vision" centers on maintaining and better managing the transportation network for moving people and goods while expanding mobility choices by locating housing, jobs, and transit closer together and increasing investment in transit and complete streets. Moreover, Connect SoCal identifies areas in the region that can house near-term and long-term growth and support a diverse economy and workforce. By integrating the Forecast Development Pattern with a suite of financially constrained transportation investments, Connect SoCal can reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels) (SCAG 2020).

As demonstrated in Section 5.11, *Land Use and Planning*, and Section 5.17, *Transportation*, TOP 2050 would be consistent with the Connect SoCal goals. Mobility Element policies M-1.4 (complete streets), M-3.1through M-3.11 (transit), and M-2.1 through M-2.4 (bicycle and pedestrian) would reduce VMT per service population consistent with the regional goals. Furthermore, as discussed in Section 5.14,

Population and Housing, implementation of the Proposed Project would improve and maintain the jobs-housing balance in the City. Thus, TOP 2050 would provide for residents to both live and work in the City instead of commuting to other areas, which would contribute to minimizing VMT and reducing VMT per service population. Therefore, TOP 2050 would not interfere with SCAG's ability to implement the regional strategies in Connect SoCal, and no impact would occur. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.8-27)

9. Hazards and Hazardous Materials

Impact 5.9-1: Implementation of TOP 2050 would involve the transport, use, and/or disposal of hazardous materials, but existing regulations and TOP 2050 Policies would ensure no adverse impacts on the environment. [Thresholds H-1, H-2, and H-3]

The 2010 Certified EIR identified that implementation of the policies in the Safety Element in addition to existing regulations would ensure less than significant impacts from transport, use, and/or disposal of hazardous materials.

TOP 2050 involves the designation of commercial, industrial, and residential land uses in Ontario, as well as continued redevelopment and large amounts of infill development. Development associated with TOP 2050 would result in a concentration of commercial, hospitality, office, and industrial uses around ONT and numerous mixed-use projects throughout the City. Implementation of TOP 2050 would increase the number of businesses and residents in the City, thereby increasing the amount of hazardous materials being transported, stored, and manufactured, and the number of people exposed to these materials. Buildout in accordance with TOP 2050 would result in an increase in the frequency of transport, use, and disposal of hazardous materials associated with commercial and industrial growth in Ontario, especially in the Ontario Ranch and around ONT. Though businesses and users are required by federal, state, and local regulations to properly transport, use, and dispose of hazardous material, it is possible that upset or accidental conditions may arise that result in the release of hazardous materials into the environment.

The City also has a number of pipelines and electrical lines that run through it. A major high-pressure distribution pipeline, operated by Kinder Morgan, serves ONT with jet fuel. Although this pipeline is registered with the EPA as a large-quantity generator of hazardous materials, the number of tons of material it generates is not known at this time. This pipeline and others running throughout the City are monitored by pipeline operators who are responsible for the upkeep of pipelines and the authorization of excavations around pipeline locations. Buildout of TOP 2050 would increase the exposure of people and the environment to potential hazards related to pipeline or electrical line

rupture. As with all development in California, development in Ontario would be required to follow the procedural requirements of the Underground Service Alert of Southern California, or DigAlert.

The City of Ontario has around 127 facilities or sites that generate, transport, treat, store, and/or dispose of hazardous waste, as recorded by the national Resource Conservation Recovery Act Envirofacts Database. Tables 5.9-1, *Hazardous Materials Sites in the City*, and 5.9-2, *EPA Hazardous Waste Transporters in Ontario in 2021*, in Section 5.9, *Hazards and Hazardous Materials*, of the Draft SEIR show the known contaminated sites and facilities in Ontario based on the Comprehensive Environmental Response, Compensation, and Liability Information System and EnviroStor databases. An increase in the transport of hazardous waste from an increased demand for transport, use, and disposal within or outside the City could result in more accidents leading to the release of hazardous materials. An increase in the transport of hazardous materials as a result of the proposed project would be limited to areas along interstates and rail lines, where commercial and industrial uses would be concentrated. Some transport of hazardous materials may occur near small commercial pockets proposed throughout various areas of the City.

Furthermore, demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing materials or lead-based paint will be conducted in accordance with applicable regulations, including, but not limited to: South Coast AQMD's Rule 1403; California Health and Safety Code (Section 39650 et seq.); California Code of Regulations (Title 8, Section 1529); California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead]); and Code of Federal Regulations (Title 40, Part 61 [asbestos], Title 40, Part 763 [asbestos], and Title 29, Part 1926 [asbestos and lead]).

In conclusion, current federal and state regulations, City ordinances, and TOP 2050 policies would regulate the handling of hazardous substances to reduce potential releases; exposure; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Compared to the Approved Project, TOP 2050 would have similar impacts because the Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City that would require substantial landform modification. Therefore, like the Approved Project, additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP 2050 would be less than significant with adherence to the existing regulations. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to transport, use, and disposal of hazardous materials, to release of hazardous materials, and to emission and handling of hazardous materials, substances, or waste. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.9-37)

Impact 5.9-2: Land uses in Ontario are on a list of hazardous materials sites; however, existing regulations and Safety Element policies of TOP 2050 would ensure that development would not exacerbate existing hazards. [Threshold H-4]

The 2010 Certified EIR identified that implementation of the policies in the Safety Element in addition existing regulations ensured that development of the Approved Project would not exacerbate existing hazards associated with existing hazardous materials sites.

Development in accordance with TOP 2050 would involve redevelopment and reuse of some sites listed as hazardous materials sites on environmental databases.

The listings document the presence of hazardous materials on those sites but do not document hazardous releases. Redevelopment of these sites could potentially expose future residents and workers to hazards from known hazardous materials releases on and near the sites.

Site assessments for hazardous materials and remediation of hazardous materials releases would be required for redevelopment projects developed in accordance with TOP 2050 and the regulations and policies of the agency assigned to the site (i.e., Department of Toxic Substances Control, Water Quality Control Board, Certified Unified Program Agencies, EPA). There are several TOP policies that address development on and around known hazardous waste sites. These policies include:

- **LU-2.1: Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests.
- **LU-2.3: Hazardous Uses.** We regulate the development of industrial and similar uses that use, store, produce, or transport toxic substances, air emissions, other pollutants, or hazardous materials.
- **LU-2.9: Methane Gas Sites.** We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.
- **S-6.2: Response to Hazardous Materials Releases.** We respond to hazardous materials incidents and coordinate these services with other jurisdictions.
- **S-6.5: Location of Hazardous Material Facilities.** We regulate facilities that will be involved in the production, use, storage, or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated. We prohibit new hazardous waste facilities in close proximity to sensitive land uses and environmental justice areas.
- **S-6.6: Location of Sensitive Land Uses.** We prohibit new sensitive land uses from locating within airport safety zones and near existing sites that use, store, or generate large quantities of hazardous materials.

- **S-6.8: Mitigation and Remediation of Groundwater Contamination.** We actively participate in local and regional efforts directed at both mitigating environmental exposure to contaminated groundwater and taking action to clean up contaminated groundwater once exposure occurs.

- **S-6.9: Remediation of Methane.** We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

Compared to the Approved Project, TOP 2050 would have similar impacts because the Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City that would require substantial landform modification. Therefore, like the Approved Project, buildout of TOP 2050 would not expose people to substantial hazards from hazardous materials sites listed on environmental databases. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to location on a site which is included on a list of hazard materials. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.9-39)

Impact 5.9-3: TOP 2050 is within the airport influence area of the Ontario International Airport and Chino Airport; however, land uses are consistent with the airport safety zones. [Threshold H-5]

Airport safety hazards include hazards posed to aircraft and hazards posed by aircraft to people and property on the ground. With proper land-use planning, aircraft safety risks can be reduced, primarily by avoiding incompatible land uses. The Federal Aviation Administration (FAA) and California Department of Transportation (Caltrans) Division of Aeronautics provide guidance for land use safety near airports. With adherence to these guidelines, high concentrations of people are not exposed to potential airplane accidents along runways or near airports while airplanes are departing and arriving. There are also guidelines on the placement of housing, schools, and other sensitive land uses near airports because of the noise pollution caused by airplanes. The 2010 Certified EIR identified that the Approved Project would have a less than significant impact associated with consistency with the ONT Airport Land Use Compatibility Plan (ALUCP) and the Caltrans 2011 California Airport Land Use Planning Handbook for Chino Airport. Ontario International Airport – Inter Agency Collaborative (ONT-IAC) made a determination of consistency for the Approved Project with the ALUCP, and no comments from Chino Airport were received.

Ontario International Airport

ONT has the capacity to provide regional air traffic for domestic and international commercial and cargo service, and the necessary support facilities for major and smaller airlines. It operates as a medium-hub, full-service airport serving major US cities and international cities with an average of 67 daily departures. The City of Ontario prepared an ALUCP for ONT in accordance with the Caltrans Division of Aeronautics' California Airport Land Use Planning Handbook.

The Land Use Element of TOP 2050 states that all new developments surrounding ONT should be consistent with the adopted ALUCP and should meet standards and recommendations of Part 77 of the FAA, adopted through Ordinance 2758 in the Ontario Municipal Code. A consistency determination analysis for the ONT was prepared by the City and submitted to ONT-IAC and found that TOP 2050 is consistent with ALUCP for ONT. Therefore, like the Approved Project, TOP 2050 is consistent with the ALUCP for ONT because the general land use designations within the airport influence area are the same.

Chino Airport

The Chino Airport is predominantly a recreational airport. Because the airport is not planned for expansion and would remain primarily recreational, and only lower elevation buildings surround it and would continue to surround it upon project implementation, the Chino Airport poses no unique hazards. Buildout of TOP 2050 would involve development within the Chino Airport influence area. The proposed land uses include Medium Density Residential, Mixed Use, Business Park, Industrial, and Open Space–Recreation.

Projects accommodating TOP 2050 in this area would be required to meet the conditions of the Chino Airport Authority and the 2011 Caltrans Airport Land Use Planning Handbook, including those determining appropriate land uses, maximum population density, maximum site coverage, height restrictions, and required notification/disclosure areas based on the noise contours and runway protection, approach, and Part 77 zones of the adopted Chino Airport Master Plan. Additionally, implementation of TOP 2050 would result in a beneficial impact for land use compatibility near Chino Airport as a result of the change from residential and business park to warehouse/industrial land uses.

The Airport Planning section of TOP 2050 Land Use Element includes policies that would ensure airport planning compatibility and consistency. These policies include:

- **LU-5.1: Coordination with Airport Authorities.** We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update, and maintenance of airport-related plans.

- **LU-5.2: Airport Planning Consistency.** We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations, and/or adopted master plans, and airport land use compatibility plans for ONT and Chino Airport.

- **LU-5.3: Airport Impacts.** We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations – their homes.

- **LU-5.4: ONT Growth Forecast.** We support and promote an ONT that accommodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.

- **LU-5.5: Airport Compatibility Planning for ONT.** We create and maintain the Airport Land Use Compatibility Plan for ONT.

- **LU-5.6: Alternative Process.** We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.

- **LU-5.7: ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans, and all new development to be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public-use airport.

- **LU-5.8: Chino Airport.** We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.

- **M-5.2. Land Use Compatibility with Regional Transportation Facilities.** We work with ONT, railroads, Caltrans, SBCTA, and other transportation agencies to minimize impacts.

Consequently, TOP 2050 ensures compatibility with ONT and Chino Airport.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to safety hazard or excessive noise for people residing or working in the project area located within an airport land use plan. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.9-41)

Impact 5.9-4: Implementation of TOP 2050 would not impair implementation of or physically interfere with an adopted emergency response plan. [Threshold H-6]

The 2010 Certified EIR found that the Approved Project would not interfere with an emergency evacuation plan. According to the Vulnerability Analysis conducted as part of TOP 2050, the threat of flood is Ontario's greatest hazard as large portions of the City are within the flood zone. The majority of the population growth associated with TOP 2050 would occur in Ontario Ranch. As identified in the City's Roadway Classification map (see Figure 5.17-3, *Roadway Classifications*, in Section 5.17, *Transportation*, of the Draft SEIR), there is substantial improvements in transportation infrastructure planned to accommodate the increase in population in the City in the event of an emergency. A review of emergency access is included as part of the City's Design Review process. According to the City's 2018 Local Hazard Mitigation Plan (LHMP), interstate highways would serve as major emergency response and evacuation routes (see Figure 5.17-6, *Evacuation Routes*, in Section 5.17, *Transportation*, of the Draft SEIR). Additionally, the Ontario Fire Department (OFD) reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts compared to the Approved Project.

Finding. Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to impairment of or interference with adopted emergency response plans or emergency evacuation plans. Accordingly, no changes or alterations to the Proposed Project were required to

avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.9-41)

Impact 5.9-5: TOP 2050 would not result exacerbate wildfire risks in Ontario. [Threshold H-7]

The 2010 Certified EIR found that the Approved Project would result in less than significant risks from wildfire hazards. The City is outside of the state responsibility area, and California Department of Forestry and Fire Protection (CAL FIRE) has determined that the City contains no areas subject to very high wildfire risk (see Figure 5.20-2, *Fire Hazard Severity Zones*, in Section 5.20, *Wildfire*, of the Draft SEIR). However, the City recognizes that even though fuel loading is light and fire risk comes primarily from urban fires, not wildfires, there is some risk related to wildfires.

There are many resources available to address wildland fires should they arise, including the CAL FIRE 2019 Strategic Fire Plan for California, the California Fire Code (CFC), County of San Bernardino Multi-jurisdiction Hazard Management Plan (MJHMP), the Ontario LHMP, and fire services from the OFD. With adherence to these building practices, development and infrastructure associated with TOP 2050 would not exacerbate risk or result in post-wildfire hazards (e.g., landslides, mudflows, and flooding).

In addition, the Safety Element contains the following policies to prevent wildfire hazards and support the community during wildfire events:

- **S-3.4: Special Team Services.** We maintain effective special rescue services.
- **S-3.6: Interagency Cooperation.** In order to back up and supplement our capabilities to respond to emergencies, we participate in the California Fire Rescue and Mutual Aid Plan.
- **S-3.8: Fire Prevention through Environmental Design.** We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces, and buildings.
- **S-3.9: Resource Allocation.** We analyze fire data to evaluate the effectiveness of our fire prevention and reduction strategies and allocate resources accordingly.
- **S-8.3: Emergency/Disaster Training and Exercises.** We conduct training and exercises to prepare for and evaluate emergency/disaster response and recovery procedures.
- **S-8.5: Interdepartmental Coordination.** We utilize all City departments to help support emergency/disaster mitigation, preparedness, response, mitigation, and recovery.
- **CD-2.8: Safe Design.** We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to wildland fires. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.9-42)

10. Hydrology and Water Quality

Impact 5.10-1: The Proposed Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. [Threshold HYD-1]

The 2010 Certified EIR identified less than significant impacts related to water quality from development activities associated with the Approved Project. Nearly the entire OMC is developed, and implementation of TOP 2050 would not substantially alter the amount of developed land in the OMC. Most of Ontario Ranch, however, is agricultural land which is designated for future urban use development by the current TOP and TOP 2050.

Construction

Clearing, grading, excavation, and construction activities associated with TOP 2050 have the potential to impact water quality through soil erosion and increasing the amount of silt and debris carried in runoff. Additionally, the use of construction materials, such as fuels, solvents, and paints, may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system.

To minimize these potential impacts, future development associated with TOP 2050 would require compliance with the State Water Resources Control Board (SWRCB) Construction General Permit (CGP) Water Quality Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ and 2012-006-DWQ. The SWRCB mandates that projects that disturb one or more acres of land must obtain coverage under the Statewide CGP. The CGP also requires that prior to the start of construction activities, the project applicant must file permit registration documents (PRDs) with the SWRCB, which includes a notice of intent, risk assessment, site map, annual fee, signed certification statement, and SWPPP.

A SWPPP requires the incorporation of BMPs to control sediment, erosion, and hazardous materials contamination of runoff during construction and prevent contaminants from reaching receiving water bodies. The construction contractor is always required to maintain a copy of the SWPPP at the site and implement all construction BMPs identified in the SWPPP during construction activities. Prior to the issuance of a grading permit, the project applicant is required to provide proof of filing of the PRDs with the SWRCB, which include preparation of SWPPP.

In addition, the City of Ontario requires that an erosion and sediment control plan be submitted prior to grading plan approval and the issuance of a grading permit. Implementation of the erosion control plan would address any potential erosion issues associated with proposed grading and site preparation activities associated with future buildout under TOP 2050.

Submittal of the PRDs and implementation of the SWPPP and the erosion control plan throughout the construction phase of the Proposed Project would address anticipated and expected pollutants of concern as a result of construction activities. The Proposed Project would comply with all applicable water quality standards and waste discharge requirements. As a result, water quality impacts associated with TOP 2050 construction activities would be less than significant.

Operation

Pollutants from the post-construction phases of projects include sediment, metals, nutrients, pesticides, and hydrocarbons. TOP 2050 includes policies ER-1.5, ER-1.6, and ER-1.7 direct the City to reduce pollutants in the City's stormwater system. Projects approved under TOP 2050 would be required to control pollutants in discharges of stormwater from postconstruction activities under National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618036 through preparation of a Water Quality Management Plan (WQMP) identifying BMPs for prevention of stormwater pollution during the post-construction phase, including site-design, source-control, and/or treatment BMPs.

Site design BMPs are measuring for reducing or eliminating runoff—such as maximizing permeable areas and natural drainage systems such as swales and using stormwater detention and retention basins. Source control BMPs are designed to minimize the potential for pollutants to contact stormwater, which would limit the potential for water quality impacts downstream. Structural source control measures minimize stormwater pollution by such means as paving trash storage areas and fueling areas with impervious surfaces and grading such areas to redirect run-on. Nonstructural source control measures are intended to minimize stormwater pollution through such means as education of owners, tenants, and occupants; employee training; activity restrictions, including prohibiting the discharging of fertilizers, pesticides, or waste to streets or storm drains; and a spill contingency plan. Treatment control BMPs (single or in combination) remove pollutants of concern from on-site runoff. All treatment BMPs would be designed in accordance with the procedures and spreadsheets in the "San Bernardino County Technical Guidance Document for WQMPs."

TOP 2050 would continue policies of the Approved Project to reduce pollutants from entering the City's stormwater system, and future development projects associated with TOP 2050 would be required to control pollutants in discharges of stormwater from post-construction activities through WQMP preparation and implementation. Therefore, water quality standards and waste discharge requirements would not be exceeded, and surface water and groundwater quality would not be degraded.

The Proposed Project would not result in a new or a substantial increase in the magnitude of impacts related to water quality associated with development activities compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to surface or groundwater quality. Accordingly, no changes or alterations to the

Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.10-21)

Impact 5.10-2: The Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. [Threshold HYD-2]

The 2010 Certified EIR identified less than significant impacts related to groundwater recharge and supply for the Approved Project. Buildout of TOP 2050 is forecast to increase residential units by 25,399 and increase nonresidential square footage by 1,092,508 square feet compared to the Approved Project. Future development would increase the amount of impermeable surfaces in the City and reduce the amount of permeable surfaces available for groundwater recharge.

Nearly all of the OMC is developed with urban uses and not available for groundwater recharge. Therefore, most of the increase in impermeable surfaces in the City would result from development of the Ontario Ranch in accordance with land use designations in TOP 2050. Planned drainage improvements in Ontario Ranch would increase the capability of conveying stormwater to the county's existing regional storm drain system and minimize the potential for flooding to occur in City streets. Many of these projects have already been completed, as documented in Table 5.19-10, *Proposed Storm Drain Improvements*, in Section 5.19, *Utilities and Service Systems*, of the Draft SEIR. Projects considered for approval under the Approved Project and TOP 2050 would have to meet the following requirements for limiting impacts to groundwater recharge:

- BMPs for compliance with NPDES regulations, for instance, preservation of existing vegetation.
- Preparation of project-specific hydrology studies estimating project impacts on drainage, in accordance with procedures in the *San Bernardino County Technical Guidance Document for WQMPs* (2013).

TOP 2050 contains policies that would promote infiltration of runoff and groundwater recharge, including Policies ER-1.5 and ER-1.6. Policy ER-1.6 encourages use of Low Impact Development (LID) strategies to intercept runoff, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems. Potential LID strategies that could be implemented by development in the City include bioretention, dry wells, filter strips, grassed swales, infiltration trenches, inlet pollution removal devices, permeable pavement, permeable pavers, rain barrels and cisterns, soil amendments, tree box filters, vegetated buffers, and vegetated roofs.

In compliance with the Chino Basin Watermaster's Well Procedure for Developers, a well use/destruction plan and schedule for all existing private/agricultural wells shall be submitted to the City of Ontario for approval prior to the issuance of permits for any construction activity. If a private well is actively used for water supply, the developer shall submit a plan to abandon such well and connect users to the City's water system (residential to the domestic water system and agricultural to the recycled water system) when available. Wells shall be destroyed/abandoned per the California Water Resource Guidelines, which requires permitting from San Bernardino County Health Department. A copy of the permit and Form DWR 188 Well Completion Form shall be provided to

the City's Community Development Engineering Department and the Ontario Municipal Utilities Company (OMUC) Engineering Department prior to issuance of grading and/or building permits. If the developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading, dust control, etc., the developer shall make a formal request to the City for that use prior to issuance of permits for any construction activity. Upon approval, the developer shall enter into an agreement with the City and pay any applicable fees.

Future urban development in Ontario Ranch would be served by domestic water provided by the City. Approximately 46 percent of the City's water supply is groundwater pumped by the City from the Chino Groundwater Basin; groundwater pumping is managed by OMUC. so that domestic demands do not exceed the safe yield for the basin, consistent with the Chino Basin Watermaster's Optimum Basin Management Program, commonly called the "OBMP Peace Agreement". The City also recharges stormwater and recycled water into the Chino Groundwater Basin and therefore is entitled to groundwater recharge credits.

With the implementation of City policies that promote LID and infiltration for new development projects and compliance with the Chino Basin Watermaster's safe yield restrictions, the potential for the project to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin is considered less than significant.

The Proposed Project would not result in a new or a substantial increase in magnitude of impacts that would impede sustainable groundwater management of the basin compared to the Approved Project. The Chino Groundwater Basin is adjudicated and is considered by Department of Water Resources to be a very low priority groundwater basin. Each water purveyor has an allotted amount of water that can be pumped from the basin so that the safe yield is not exceeded. The City has access to additional water supplies that can accommodate the proposed increase in growth with buildout of the TOP and would not interfere with sustainable management of the groundwater basin. Therefore, impacts would be less than significant.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to impediment of sustainable groundwater management of the basin. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.10-23)

Impact 5.10-3: The Proposed Project would increase impervious surfaces but would not substantially increase the rate or amount of surface runoff in a manner which would impact water quality or cause flooding. [Threshold HYD-3]

The 2010 Certified EIR identified less than significant impacts related to increased surface runoff for the Approved Project.

Erosion and Siltation

Similar to the Approved Project, future development associated with TOP 2050 would involve site improvements that require grading, excavation, and soil exposure during construction, with the

potential for erosion or siltation to occur. If not controlled, the transport of these materials to local waterways could temporarily increase suspended sediment concentrations and release pollutants attached to sediment particles. To minimize this impact, the project would be required to comply with the requirements in the State's CGP, including preparation of a notice of intent and SWPPP prior to the start of construction activities. The SWPPP would describe the BMPs to be implemented during the project's construction activities. The implementation of the BMPs during the construction phase would include the following measures to minimize erosion and siltation:

- Minimize disturbed areas of the site.
- Install on-site sediment basins to prevent off-site migration of erodible materials.
- Implement dust control measures, such as silt fences and regular watering of open areas.
- Stabilize construction entrances/exits.
- Install storm drain inlet protection measures.
- Install sediment control measures around the site, including silt fences or gravel bag barriers.

In addition, the City of Ontario requires preparation of an erosion and sediment control plan and implementation of BMPs to control erosion, debris, and construction-related pollutants. This would further reduce the potential for erosion and siltation during the construction phase.

For post-construction, projects approved under TOP 2050 would be required to control stormwater discharges under NPDES Permit No. CAS618036 through preparation of a WQMP identifying BMPs for reducing or eliminating runoff. Additionally, TOP 2050 policies ER-1.5, ER-1.6, and ER-1.7 direct the City to incorporate strategies to capture, slow, or treat run-off that would reduce the potential for erosion and siltation during the operational phase of future development projects.

Collectively, implementation of BMPs outlined in SWPPPs, erosion and sediment control plans, WQMPs, and TOP 2050 policies would address anticipated erosion and siltation impacts. Therefore, the project would not result in substantial erosion or siltation on- or off-site.

Flooding On- and Off-Site

Buildout of TOP 2050 is forecast to increase residential units by 25,399 and increase nonresidential square footage by 1,092,508 square feet, compared to the Approved Project. Future development would increase the amount of impermeable surfaces in the City, which could result in future on- and off-site flooding. Future development projects would implement BMPs outlined in SWPPPs to reduce flooding impacts due to runoff during construction and BMPs included in WQMPs to reduce the potential for post-construction flooding impacts. The City's standard conditions of approval for new development also require the preparation of hydrology studies and drainage analyses that document the peak runoff rates from the developed site and evaluate the capacity of the storm drain system to accept these flow rates. Additionally, TOP 2050 policies ER-1.6, ER-1.7, S-2.1, S-2.5 and S-2.6 direct the City to incorporate strategies to capture, slow, or treat run-off and to reduce the flooding potential down-gradient of new development. These policies would reduce the potential for on- and off-site

flooding during the operational phase of future development projects. Therefore, the project would not result in flooding on- or off-site.

Surface Runoff and Capacity of Storm Drain System

There are three major regional drainage channels that convey stormwater runoff from the City's storm drain system—San Antonio Channel, Cucamonga Channel, and Day Creek Channel. There are also several flood retentions and spreading basins in the City that are used to retain flood flows and recharge the Chino Groundwater Basin.

Projects considered for approval under TOP 2050 would be required to prepare project-specific hydrology and hydraulic studies as required by the City. The methodology for these studies is provided in the San Bernardino County Hydrology Manual, which describes the approach for estimating stormwater runoff and peak flow rates, for the 100-year storm event.

In compliance with the Municipal Separate Storm Sewer System (MS4) Permit and San Bernardino County Stormwater Program, new development projects would also be mandated to install stormwater treatment BMPs that retain the 2-year, 24-hour rainfall event. Furthermore, the City, under TOP 2050 policy ER-1.6, would encourage the use of LID strategies to intercept runoff, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems. The City, through TOP 2050 policy S-2.5, would maintain and improve the storm drain system to minimize flooding, thus reducing the impacts of any increases in surface water flows that enter the storm drainage systems. Because new development in the City would be required to prepare a hydrology study and drainage analysis in accordance with the San Bernardino County Hydrology Manual, no significant impacts would occur.

Flood Flows

On the current FIRM for Ontario, only small portions of the City adjacent to flood control channels, detention basins, and creeks are in the 100-year floodplain (see Figure 5.10-2, *Flood Hazard Zones*, in Section 5.10, *Hydrology and Water Quality*, of the Draft SEIR). The western portion of Ontario Ranch is labeled Zone D—undetermined flood hazard—and no hazard analysis has been completed for this area. Thus, implementation of the Approved Project and TOP 2050 could result in development in areas subject to flooding.

Under TOP 2050 policies, the City would take the following actions to reduce impacts of potential developments within 100-year flood zones:

- **S-2.1: Entitlement and Permitting Process.** We require hydrological studies prepared by a State-certified engineer when new development is located in a 100-year or 500-year floodplain to assess the impact that the new development will have on the flooding potential of existing development down-gradient.

- **S-2.2: Floodplain Mapping.** We require any new development partially or entirely in 100-year flood zones to provide detailed floodplain mapping for 100- and 200-year storm events as part of the development approval process.

- **S-2.3: Facilities that Use Hazardous Materials.** We comply with state and federal law and do not permit facilities using, storing, or otherwise involved with substantial quantities of onsite hazardous materials to be located in the 100-year flood zone or 500-year flood zone unless all standards of elevation, floodproofing, and storage have been implemented to the satisfaction of the Building Department.

- **S-2.4: Prohibited Land Uses.** We prohibit the development of new essential and critical facilities in the 100-year floodplain and discourage the development of new essential and critical facilities in the 500-year floodplain unless all standards of elevation and flood proofing demonstrate that a facility can be safe and operational during a flood event, implemented to the satisfaction of the Building Department.

- **S-2.5: Stormwater Management.** We maintain and improve the storm drain system to convey a 100-year storm, when feasible, and encourage environmental site design practices to minimize flooding and increase groundwater recharge, including natural drainage, green infrastructure, and permeable ground surfaces.

In addition to these policies, the Ontario Municipal Code, Chapter 13, *Flood Damage Prevention Program*, requires that a development permit be obtained prior to development in a special flood hazard area to ensure that the site is reasonably safe from flooding and flood hazards. The City requires that all new structures in a special flood hazard area have elevations above the base flood elevation. Therefore, with implementation of existing policies, the potential for the project to impede or redirect flood flows is considered less than significant.

The Proposed Project would not result in a new or a substantial increase in magnitude of impacts related to flood hazards compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to alteration or addition of impervious surfaces. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.10-26)

Impact 5.10-4: The Proposed Project would not exacerbate risk of flood hazards, tsunamis, or seiches or risk release of pollutants due to inundation. [Threshold HYD-4]

The 2010 Certified EIR identified less than significant impacts related to flood hazards, tsunamis, seiches, or dam inundation with the Approved Project. As shown on Figure 5.10-2, *Flood Hazard Zones*, in Section 5.10, *Hydrology and Water Quality*, of the Draft SEIR, only small portions of the City are in the 100-year floodplain, adjacent to flood control channels, detention basins, and creeks. Under TOP 2050 policies, the City would take the following actions to reduce impacts of potential developments within 100-year flood zones:

- **S-2.2: Floodplain Mapping.** We require any new development partially or entirely in 100-year flood zones to provide detailed floodplain mapping for 100- and 200-year storm events as part of the development approval process.

- **S-2.3: Facilities that Use Hazardous Materials.** We comply with state and federal law and do not permit facilities using, storing, or otherwise involved with substantial quantities of onsite hazardous materials to be located in the 100-year flood zone or 500-year flood zone unless all standards of elevation, floodproofing, and storage have been implemented to the satisfaction of the Building Department.

The western and southern portions of the City are in the dam inundation zone of San Antonio Dam (see Figure 5.10-3, *Dam Inundation Zones*, in Section 5.10, *Hydrology and Water Quality*, of the Draft SEIR). The dam is owned and operated by the USACE and functions as a flood control and debris dam for San Antonio Creek. Additionally, there are several debris basins in the surrounding areas that impact the northern and eastern parts of the City. The probability of dam failure is very low, and Ontario has never been impacted by a major dam failure. In addition, dam owners are required to maintain emergency action plans that include procedures for damage assessment and emergency warnings. An emergency action plan (EAP) identifies potential emergency conditions at a dam and specifies preplanned actions to help minimize property damage and loss of life should those conditions occur. EAPs contain procedures and information that instruct dam owners to issue early warning and notification messages to downstream emergency management authorities, such as the OFD. In addition, flooding would be minimal if any of the debris basins were to fail. Because the likelihood of catastrophic failure of the San Antonio Dam is very low and the City has EAP notification procedures, impacts of release of pollutants due to dam inundation are considered less than significant.

There are no large bodies of water that would result in a seiche during seismic activity. Additionally, the reservoirs/aboveground water tanks within the City are enclosed, thereby minimizing the possibility of a seiche. The project site is inland and approximately 30 miles from the ocean and is not at risk of flooding due to tsunamis.

Therefore, impacts associated with the release of pollutants due to inundation would be less than significant. The Proposed Project would not result in a new or a substantial increase in magnitude of impacts related to flood hazards compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to risk of release of pollutants due to project inundation. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.10-27)

Impact 5.10-5: The Proposed Project would not obstruct or conflict with the implementation of a water quality control plan or sustainable groundwater management plan. [Threshold HYD-5]

The 2010 Certified EIR identified less than significant impacts related to water quality or groundwater issues. The City's groundwater supplies are from the Chino Groundwater Basin, which is adjudicated and managed by the Chino Basin Watermaster. The Chino Basin is exempt from legislative requirements under the Sustainable Groundwater Management Act because it is an adjudicated basin and is not required to prepare a groundwater sustainability plan. Adjudicated basins have determined

the safe yield for the basin and have assigned individual pumping allocations to limit groundwater production to the safe yield.

Adherence to the State CGP, implementation of the SWPPP, and adherence to the City's Erosion and Sediment Control Plan requirements would ensure that surface and groundwater quality are not adversely impacted during construction. Projects approved under TOP 2050 would be required to comply with the Santa Ana River Basin Plan and to control pollutants in discharges of stormwater from postconstruction activities under NPDES Permit No. CAS618036 through preparation of a WQMP identifying BMPs for prevention of stormwater pollution during the post-construction phase, including site-design, source-control, and/or treatment BMPs. Therefore, the project would not obstruct or conflict with the RWQCB's Basin Plan or any groundwater management plan, and impacts would be less than significant.

The Proposed Project would not result in a new or a substantial increase in magnitude of impacts related to consistency with a water quality control plan or sustainable groundwater management plan.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with or obstruction of a water quality control plan or sustainable groundwater management plan. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.10-27)

11. Land Use and Planning

Impact 5.11-1: Project implementation would not divide an established community. [Threshold LU-1]

The 2010 Certified EIR found that the Approved Project's land use plan would not divide an established community.

Implementation of TOP 2050 would guide future growth within the City of Ontario. Table 3-1, *Approved TOP Buildout Projections,* and Table 3-4, *Comparison of Approved TOP to TOP 2050*, in Chapter 3, *Project Description*, of the Draft SEIR detail the buildout statistics associated with the current TOP and TOP 2050.

The changes in land use that would occur upon the implementation of TOP 2050 Land Use Plan would not result in the physical division of an established community. In the OMC, residential, commercial, and industrial land uses would remain similar to existing residential land uses. In Ontario Ranch, land use changes include residential to employment or mixed use, commercial to residential, and increased density residentials, but would not divide established communities. Most of the agricultural land uses in Ontario Ranch are in decline and the establishment of new urban developments would create a sense of community. The mixed-use designations would also bring entertainment, activity, and diversity to housing, retail, and workplace land uses in the City, which would help create attractive communities for local citizens and visitors. The Land Use Element of TOP 2050 contains policies and programs that encourage the preservation or enhancement of the existing, primarily residential community through infill development, open space opportunities, and development of compatible uses that would

reduce the amount of conflict between contradicting land uses and enhance the existing character of Ontario.

Additionally, the TOP 2050 Land Use and Housing Elements have specific policies that encourage neighborhood identity and preservation. Some of these policies include, but are not limited to:

- **LU-1.1: Strategic Growth.** We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.
- **LU-1.2: Sustainable Community Strategy.** We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.
- **LU-1.3: Adequate Capacity.** We require adequate infrastructure and services for all development.
- **LU-2.1: Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning request.
- **LU-2.2: Buffers.** We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Additional mitigation is required when new uses could negatively impact environmental justice areas.
- **LU-2.6: Infrastructure Compatibility.** We require infrastructure to be aesthetically pleasing and in context with the community character.
- **LU-2.7: Inter-jurisdictional Coordination.** We maintain an ongoing liaison with ONT, Caltrans, Public Utilities Commission, the railroads, and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.
- **LU-2.10: Sensitive Uses.** We monitor and share information with the community about stationary and non-stationary emission sources. We encourage siting and design of facilities to minimize health and safety risks on existing and proposed sensitive uses, especially in environmental justice areas.
- **LU-2.11: Context-Aware Transitions and Connections**. We require new development projects and land-planning efforts to provide context-aware and appropriate transitions and connections between existing and planned neighborhoods, blocks, sites, and buildings.
- **LU-3.1: Development Standards.** We maintain clear development standards that allow flexibility to achieve our Vision and provide objective standards that ensure predictability and deliver the intended physical outcomes.
- **LU-3.3: Land Use Flexibility.** We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.

- **LU-4.2: Interim Development.** We allow development in urban, mixed-use, and transit-oriented Place Types that is not immediately reflective of our ultimate Vision for the Place Type, provided it can be modified or replaced when circumstances are right to support development aligned with the Place Type Vision. We will not allow development that impedes, precludes, or compromises our ability to achieve our Vision.

- **LU-4.3: Infrastructure Timing.** We require that the necessary infrastructure and services be in place prior to or concurrently with development.

- **LU-4.4: Shared Infrastructure.** We encourage and facilitate the use of shared infrastructure (including shared or managed parking) in urban, mixed-use, and transit-oriented Place Types.

- **H-1.2: Neighborhood Conditions.** We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.

- **H-1.5: Neighborhood Identity.** We strengthen neighborhood identity through creating parks and recreational outlets, sponsoring neighborhood events, and encouraging resident participation in the planning and improvement of their neighborhoods.

Consequently, TOP 2050 would avoid conflicting land uses and would not divide an established community.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to the division of a community compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to physical division of an established community. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.11-6)

Impact 5.11-2: Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

The 2010 Certified EIR found that buildout of the Approved Project would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.

TOP 2050 is meant to be a framework for planning and development in Ontario for the next 30 or more years. As described in Section 5.14, *Population and Housing*, of the Draft SEIR, buildout of TOP 2050 Land Use Plan would provide sufficient dwelling units, population, and employment capacity to exceed SCAG's projections for 2050.

The preparation of TOP 2050 and the City's vision must be consistent with the policies and regulations of existing regional and local plans that are meant to prevent environmental impacts related to population growth and land use conflicts.

Consistency with SCAG's Regional Plans and Policies

The consistency of TOP 2050 with SCAG's Connect SoCal is shown in Table 5.11-1, *Consistency with SCAG Connect SoCal*, in Section 5.11, *Land Use and Planning*, of the Draft SEIR. Connect SoCal is a major advisory plan prepared by SCAG that addresses important regional issues like housing, traffic/transportation, water, and air/quality. Connect SoCal serves as an advisory document to local agencies in the Southern California region for their information and voluntary use for preparing local plans and handling local issues of regional significance. Connect SoCal is advisory only and cannot be used for intergovernmental review. TOP 2050 is consistent with the majority of Connect SoCal's goals (see Section 5.14, *Population and Housing*, of the Draft SEIR for a discussion on consistency with SCAG demographic projections). The elements of TOP 2050 are the Community Design (CD), Community Economics (CE), Environmental Resources (ER), Housing (H), Land Use (LU), Mobility (M), Parks and Recreation (PR), Safety (S), and Social Resources (SR) Elements. Policies from these elements are included in the consistency table.

As summarized in the table above, implementation of TOP 2050 would not result in significant land use impacts related to SCAG's Connect SoCal.

Airport Plans

Airport operations and their accompanying noise and safety hazards require careful land use planning on adjacent lands to ensure the safety of residents and passengers, and to protect Ontario businesses and property owners from the potential hazards that could be created by airport operations. The FAA and Caltrans Division of Aeronautics provide guidance for land use safety near airports. With adherence to these guidelines, high concentrations of people are not exposed to potential airplane accidents along runways or near airports while airplanes are departing and arriving. There are also guidelines on the placement of housing, schools, and other sensitive land uses near airports because of the noise pollution caused by airplanes.

Ontario International Airport

ONT has the capacity to provide regional air traffic for domestic and international commercial and cargo service, and the necessary support facilities for major and smaller airlines. It operates as a medium-hub, full-service airport serving major US cities and international cities with an average of 67 daily departures. The City of Ontario has prepared an ALUCP for ONT in accordance with the Caltrans Division of Aeronautics' California Airport Land Use Planning Handbook.

The Land Use Element of TOP 2050 states that all new developments surrounding ONT should be consistent with the adopted ALUCP and should meet standards and recommendations of Part 77 of the FAA, adopted through Ordinance 2758 in the Ontario Municipal Code. A consistency determination analysis for the ONT was prepared by the City, submitted to the ONT-IAC Technical Advisory Committee, and found that TOP 2050 is consistent with ALUCP for ONT.

Chino Airport

Chino Airport is operated by the San Bernardino County Department of Airports and is designated a reliever airport for ONT and San Bernardino International Airport. It operates on 1,100 acres and serves private, business, and corporate tenants and customers from the Inland Empire. The Chino

Airport Master Plan was implemented by San Bernardino County in 2003. Buildout of TOP would involve development within the Chino Airport influence area. Land uses within the Chino Airport Overlay include Medium Density Residential, Mixed Use, Business Park, Industrial, and Open Space – Recreation.

Projects accommodating TOP 2050 in this area would be required to meet the conditions of the Chino Airport Authority and the 2011 Caltrans Airport Land Use Planning Handbook, including those determining appropriate land uses, maximum population density, maximum site coverage, height restrictions, and required notification/disclosure areas based on the noise contours and runway protection, approach, and Part 77 zones of the FAA. Additionally, implementation of TOP 2050 would result in a beneficial impact for land use compatibility near Chino Airport as a result of the change from residential and business park to warehouse/industrial land uses.

The Airport Planning section of the TOP 2050 Land Use and Mobility Elements include policies that would ensure airport planning compatibility and consistency. These policies include:

- **LU-5.1: Coordination with Airport Authorities.** We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update, and maintenance of airport-related plans.

- **LU-5.2: Airport Planning Consistency.** We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations, and/or adopted master plans, and airport land use compatibility plans for ONT and Chino Airport.

- **LU-5.3: Airport Impacts.** We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations – their homes.

- **LU-5.4: ONT Growth Forecast.** We support and promote an ONT that accommodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.

- **LU-5.5: Airport Compatibility Planning for ONT.** We create and maintain the Airport Land Use Compatibility Plan for ONT.

- **LU-5.6: Alternative Process.** We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.

- **LU-5.7: ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public-use airport.

- **LU-5.8: Chino Airport.** We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.

- **M-5.2: Land Use Compatibility with Regional Transportation Facilities.** We work with ONT, railroads, Caltrans, SBCTA, and other transportation agencies to minimize impacts.

Therefore, TOP 2050 ensures compatibility with ONT and Chino Airport.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to the conflict of applicable plans compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.11-11)

12. Mineral Resources

Impact 5.12-1: Project implementation would not result in the loss of availability of a known mineral resource. [Thresholds M-1 and M-2]

There are two areas in Ontario that are designated Mineral Resource Zone 2 (MRZ-2), where significant mineral resources are known or are likely. The remainder of the City is designated Mineral Resource Zone 3 (MRZ-3), where the significance of mineral deposits is unknown. Development in an MRZ-3 area would not result in significant impacts because mineral resources of statewide or local importance are not identified on the California Geological Survey's Production-Consumption maps.

Prior to permitting a use that would threaten the potential to extract minerals in an MRZ-2 area, the City of Ontario is required under the Surface Mining and Reclamation Act to prepare a statement specifying its reasons for permitting the proposed use and to consider the importance of these minerals to their market region as a whole and not just their importance to the City.

Mineral Resource Sectors D-3 and D-5 have been completely developed, as have portions of D-2. As shown in Figure 3-5, *Proposed Land Use Plan Map*, in Chapter 3, *Project Description*, of the Draft SEIR, the Proposed Project would not change the existing land use designations for these areas. Additionally, the parts of the City that are designated MRZ-2 but are outside of Mineral Resource Sectors are developed with urban uses and would continue to be designated for urban uses by TOP 2050. Areas designated MRZ-2 outside of Mineral Resource Sectors are not available for extraction of mineral resources, and the Proposed Project would not result in changes to the existing conditions of these areas. Therefore, the Proposed Project would not result in the loss of availability of a known mineral resource in Ontario, and impacts to mineral resources would be less than significant.

Additionally, TOP 2050 includes a goal to protect mineral-resource-extraction activities that are compatible with adjacent development (see also Policy ER-5.5). The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to availability of a known mineral resource and to the availability of locally-important mineral resource recovery site. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.12-6)

13. Noise[5]

Impact 5.13-2: Implementation of TOP 2050 would not result in long-term operation-related noise that would exceed established standards. [Threshold N-1]

Stationary Noise

The 2010 Certified EIR found TOP stationary-source noise impacts to be less than significant. TOP 2050 would also result in an increase in residential, commercial, industrial, and overall development and growth in Ontario. Primary stationary noise sources would be from landscaping, maintenance activities, air handline units (residential and commercial), and loading and unloading activities at commercial business parks and smaller retail stores. TOP 2050 would not result in new types of stationary noise sources than under the Approved Project. Furthermore, TOP 2050 includes Safety Element Policy S-4.1, Noise Mitigation, which utilizes the City's Noise Ordinance, building codes, and subdivision and development code regulations to reduce noise from future development projects. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project. Impacts would be less than significant.

Transportation Noise

The 2010 Certified EIR found that traffic noise associated with the Approved Project would result in a substantial noise increase in the vicinity of noise-sensitive receptors that would exceed the City's noise standards; impacts were significant and unavoidable.

Table 5.13-10, *TOP 2050 Net Traffic Noise Level Increases*, in Section 5.13, *Noise*, of the Draft SEIR shows the ADT volumes for the Approved Project, the Proposed Project, and the net Community Noise Equivalent Level (CNEL) change along study roadway segments. A graphical representation of the future contours is shown on Figure 5.13-4, *Future Noise Contours,* in Section 5.13, *Noise*, of the Draft SEIR.

As shown in this table, traffic noise increases with implementation of the Proposed Project would be below the tiered thresholds. Traffic noise on State Street east of Vine Street, Sultana Avenue, and Campus Avenue is anticipated to increase by up to 3.3 A-weighted decibel (dBA) CNEL where the Approved Project ambient environment based on traffic noise modeling is between 63.7 and 67.2 dBA CNEL. However, these East State Street segments are parallel and adjacent to railroad tracks where ambient noise measurement LT-2 was conducted. The traffic noise model does not take into consideration other noise sources such as rail. Based on ambient noise monitoring, the existing noise environment at East State Street, east of Vine Street, Sultana Avenue, and Campus Avenue is 87 dBA CNEL (see Table 5.13-5, *Long-Term Noise Measurement Summary*, in Section 5.13, *Noise*, of the Draft SEIR). The traffic noise contribution would be negligible when compared to rail noise in this location. Therefore, the Proposed Project traffic noise level increase along this roadway segment would not result in the exceedance of the significance threshold.

[5] Impacts 5.13-1, 5.13-3, and 5.13-4 are addressed in Section E, *Significant and Unavoidable Significant Impacts that Cannot be Mitigated to Below the Level of Significance.*

Additionally, TOP 2050 includes the following Safety Element Policies that would minimize traffic noise impacts:

- **S-4.2: Coordination with Transportation Authorities.** We collaborate with airport owners, FAA, Caltrans, SBCTA, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans to minimize noise impacts and provide appropriate mitigation measures.

- **S-4.4: Truck Traffic.** We manage truck traffic to minimize noise impacts on sensitive land uses.

- **S-4.5: Roadway Design.** We design streets and highways to minimize noise impacts.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project. Traffic noise impacts would be less than significant.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to long-term operation-related noise. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.13-32)

14. Population and Housing

Impact 5.14-1: TOP 2050 would directly result in population growth in the City of Ontario. [Threshold P-1]

The 2010 Certified EIR identified less than significant impacts associated with population and housing. One of the purposes of TOP 2050 is to adequately plan and accommodate future growth. Implementation of TOP 2050 accommodates population growth through land use designations, goals, and policies that provide a vision and guide growth in the City.

The proposed TOP includes minor changes in land use, with the majority of changes concentrated in four growth areas and the Ontario Ranch (defined as the area south of Riverside Drive and divided into the Ontario Ranch East and West by the Cucamonga Channel):

- Downtown Growth Area
- West Holt Growth Area
- East Holt Growth Area
- Ontario Airport Metro Center (OAMC)
- Ontario Ranch East
- Ontario Ranch West

Land use changes outside of these growth areas include converting shopping centers to mixed-use and increasing residential density in existing residential areas and religious properties. These land use changes are intended to improve growth areas by encouraging the use of alternative forms of transportation, promote healthier communities through land use planning that encourages walking and

biking, promote vibrant communities, put residents in proximity to resources (i.e., jobs, grocery stores, retail), and align growth with planned infrastructure improvements and regional transportation goals.

Table 5.14-8, *Buildout Comparison of Approved TOP to TOP 2050*, in Section 5.14, *Population and Housing*, of the Draft SEIR compares the buildout potential of TOP 2050 compared to the currently Approved Project. As shown in this table, TOP 2050 would increase population, dwelling units, and nonresidential buildings but would result in a small decrease in employment when compared to the Approved Project.

Table 5.14-9, *Buildout Comparison of Approved TOP and TOP 2050 to SCAG Projections*, in Section 5.14, *Population and Housing*, of the Draft SEIR compares the City's buildout projections for population, housing, and jobs to SCAG projections, and includes buildout projections under both the Approved Project and TOP 2050. SCAG projects the City to be jobs-rich, with a jobs-housing ratio of 2.2 in 2045. In comparison, the Proposed Land Use Plan under TOP 2050 would result in a slightly higher jobs-housing ratio of 2.3. TOP 2050 projections would represent a more balanced jobs-housing balance than the Approved Project, which would result in a jobs-housing ratio of 3.0. The City's jobs-housing ratio would therefore be more closely aligned to SCAG projections under TOP 2050 than under the Approved Project.

SCAG's Connect SoCal identifies several types of Priority Growth Areas in Ontario, including High-Quality Transit Areas, Transit Priority Areas, Neighborhood Mobility Areas, and Livable Corridors. TOP 2050 would promote growth consistent with these Priority Growth Areas, as proposed land use changes under TOP 2050 are intended to encourage walking and biking, put residents in proximity to resources, and align future growth in Ontario with planned infrastructure improvements and regional transportation goals. In addition, TOP 2050 includes several policies that promote strategic growth in support of sustainability goals.

- **LU-1.1: Strategic Growth.** We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

- **LU-1.2: Sustainable Community Strategy.** We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.

- **LU-1.3: Adequate Capacity.** We require adequate infrastructure and services for all development.

- **LU-1.5: Jobs-Housing Balance.** We coordinate land use, infrastructure, and transportation planning and analysis with the regional, county, and other local agencies to further regional and subregional goals for jobs-housing balance.

- **LU-4.3: Infrastructure Timing.** We require that the necessary infrastructure and services be in place prior to or concurrently with development.

- **H-2.1: Corridor Housing.** We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

Although the increase in population, housing, and employment under TOP 2050 would exceed SCAG's regional forecasts for the City of Ontario, TOP 2050 would improve the job-housing balance when compared to the Approved Project. Furthermore, TOP 2050 accommodates future growth by providing for infrastructure and associated public services to accommodate the projected growth of the City (see also Section 5.10, *Hydrology and Water Quality*, Section 5.15, *Public Services*, Section 5.17, *Transportation*, and Section 5.19, *Utilities and Service Systems,* of the Draft SEIR). Lastly, TOP 2050 is consistent with SCAG's Connect SoCal (see Section 5.11, *Land Use and Planning*, of the Draft SEIR). Consequently, while buildout in accordance with the Proposed Land Use Plan would substantially increase both population and employment in the City, impacts would be less than significant.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to population growth. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.14-11)

Impact 5.14-2: Buildout of TOP 2050 would not displace people or housing and would not necessitate the construction of replacement housing. [Threshold P-2]

One of the purposes of TOP 2050 is to adequately plan and accommodate future growth through the distribution, location, balance, and extent of land uses. Implementation of TOP 2050 would accommodate population growth through land use designations, goals, and policies that provide a vision and guide growth in the City. Land use changes under the Proposed Land Use Plan would increase opportunities for housing in the City—for example, by converting shopping centers to mixed-use and increasing residential density in existing residential areas and religious properties. The Proposed Land Use Plan would provide land use designations for a variety of housing types and provide for additional residential opportunities throughout Ontario. TOP 2050 includes the following policies supporting an increase in the provision of housing and diversity of housing opportunities in the City:

- **H-2.4: Ontario Ranch.** We support a premier lifestyle community in the Ontario Ranch, distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

- **H-2.6: Infill Development.** We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

- **ER-4.1: Land Use.** We reduce GHG and other local pollutant emissions through compact, mixed-use, and transit-oriented development and development that improves the regional jobs-housing balance.

- **CE-1.6: Diversity of Housing.** We collaborate with residents, housing providers, and the development community to provide housing opportunities for every stage of life; we plan for a

variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to displacement of people and housing. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.14-12)

15. Public Services

Impact 5.15-1: The Ontario Fire Department would expand in response to the demand for fire protection facilities and personnel caused by the introduction of new structures, residents, and workers into the City's boundaries upon buildout of the Proposed Project. [Threshold FP-1]

The 2010 Certified EIR did not identify any significant impacts to fire service and facilities from implementation of the Approved Project. As shown in Table 3-4, *Comparison of Approved TOP to TOP 2050,* in Chapter 3, *Project Description*, of the Draft SEIR, the Proposed Project would result in an increase in development and population in comparison to the Approved Project, which would result in increased demand on fire protection services. Based on correspondence with the OFD, existing conditions would not be adequate to meet such increased demands from the Proposed Project or the Approved Project.

The OFD's recommendation is that three additional fire stations would be needed in the Ontario Ranch to meet projected needs while maintaining response times and meeting National Fire Protection Association recommendations for levels of service. Currently, the OFD has three potential focus areas in the Ontario Ranch for site acquisition that could support new fire stations, although these are not definitive at this time. While the construction of future facilities could result in potential environmental impacts, future environmental review would occur once specific locations have been determined. Without a definitive location for the development of future facilities, analysis of potential impacts is too speculative to conduct. Future projects would be reviewed by the City and the OFD on an individual basis and would be required to comply with requirements in effect at the time building permits are issued, including the payment of development impact fees that contribute to funding for additional staffing, facilities, and equipment. The Governance Manual of TOP 2050 is meant to bring collaboration between City departments, programs, and other involved agencies to achieve the City's development goals in phases, working within the budget and infrastructure constraints of the City. Following this process and similar to the Approved Project, sufficient revenue would be available for necessary service improvements to provide for adequate fire facilities, equipment, and personnel upon buildout of the Proposed Project, and impacts would be less than significant.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to fire protection services. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.15-3)

Impact 5.15-2: The Ontario Police Department would expand in response to the demand for police protection facilities and personnel caused by the introduction of new structures, residents, and workers into the City's boundaries upon buildout of the Proposed Project. [Threshold PP-1]

The 2010 Certified EIR identified less than significant impacts to police services and facilities. Buildout of the Proposed Project would result in increased population and development in comparison with the Approved Project, and would result in an increased demand on police protection services. According to correspondence with the Ontario Police Department (OPD) as part of this project, the OPD currently has enough staffing to meet current demands, but would require additional staffing as population increases to accommodate the Approved Project and Proposed Project. The OPD participates in mutual aid agreements with the San Bernardino County Sherriff and various jurisdictions surrounding Ontario to help participating jurisdictions when resources are inadequate to meet current service demands at a particular time.

Additionally, there are current plans to add a substation near the Entertainment District in Downtown Ontario, and the OPD anticipates needing to add a substation/multiuse facility in the Ontario Ranch. The development of these facilities would help to reduce impacts from increased population as part of the Proposed Project.

Future development under the Proposed Project would also be subject to development impact fees which pay for police services. Police services would receive adequate funding through the City's general fund to cover project needs, and the Governance Section of TOP 2050 would encourage collaboration between City departments, programs, and other involved agencies to achieve the City's development goals in phases that are within the fiscal and infrastructure limitations of the City. The police services required to cover the new development and population growth for Ontario would be assessed and acquired appropriately based on the needs of the City. It is possible that buildout of the Proposed Project would require additional facilities to support the OPD, the construction of which could result in potential environmental impacts. Such facilities would have to complete applicable environmental review under CEQA at that time, and locations and sizes of potential future facilities, if needed, is not known at this time. Without a definitive location for the development of future facilities, analysis of potential impacts is too speculative to conduct. Future projects would also be reviewed by the City of Ontario on an individual basis and required to comply with regulations in effect at the time building permits are issued. As with the Approved Project, the need for additional structures and personnel would be financed through the City's development impact fee program, and the impacts of the Proposed Project on police services would be less than significant.

Therefore, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to police protection services. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.15-7)

Impact 5.15-3: TOP 2050 would generate new students who would impact the school enrollment capacities of area schools, and construction of new schools and/or classroom facilities for additional students generated by buildout of the Proposed Project would be accommodated through assessment of school impact fees. [Threshold SS-1]

The 2010 Certified EIR identified impacts to school facilities and services as less than significant upon payment of SB 50 fees. As part of the development of this SEIR, the City reached out to the five school districts that serve residents of Ontario to obtain existing conditions information and information on potential impacts of the Proposed Project. Responses were received from four of the five school districts—Chaffey Joint Union High School District (CJUHSD), Chino Valley Unified School District (CVUSD), Mountain View School District (MVSD), and Ontario-Montclair School District (OMSD). Based on the responses received, CJUHSD schools have capacity to accommodate increased population projected as part of the Proposed Project. CVUSD and MVSD schools also have capacity to accommodate the Proposed Project. Current enrollment for all three of these school districts is below capacity, and the capacity of the schools in addition to any already planned construction projects would be able to accommodate the increased population of the Proposed Project.

The OMSD indicated that any increase in residential development will impact OMSD school facilities; however, further assessment would be needed to ensure accommodations for increased populations. While information provided by OMSD shows that most of its schools can accommodate the District's projections for the next 10 years, some schools would not be able to accommodate projected increased capacity over the next 10 years. As such, it is possible that OMSD would need additional facilities by the horizon year of the Proposed Project, 2050; Cucamonga School District could be similarly impacted by increased student populations.

Each school district that serves the City of Ontario assesses its needs individually based on student generation rates from residential development, and charges development impact fees accordingly. Residential development in Ontario under the Proposed Project would require payments to corresponding school districts, which would go towards the construction of new facilities when and if they are needed. School districts determine their own development impact fees, often dependent on student generation rates for that district. These payments accommodate the need for new facilities based on the increase in student population in each district.

Developers would be required to pay the impact fees levied by each school district, set within the limits of SB 50. This funding program has been found by the Legislature to constitute "full and complete mitigation of the impacts" on the provision of adequate school facilities (Government Code Section 65995[h]). SB 50 establishes three potential limits for school districts, depending on the availability of new school construction funding from the state and the particular needs of the individual school districts. The school districts serving Ontario qualify for Level 1 fees, in which each district

justifies their development fees for each land use and cannot request payment of development fees for school facility construction exceeding the amount of the statutory fees expressed in Education Code Section 17620. If school districts conduct a school facility needs assessment and qualify for participation in the State Funding Program by the State Allocation Board, among meeting other requirements, they can be eligible for Level 2 and Level 3 Fees.

The majority of school districts within Ontario have existing capacity to accommodate the buildout and population increase of the Proposed Project. Although the increased demand on school facilities would have the potential to impact one or more of the school districts that serve Ontario, payment of impact fees in compliance with SB 50 would reduce the impacts to an acceptable level. Therefore, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to school services. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.15-14)

Impact 5.15-4: The Ontario library system would expand in response to the demand for library services and facilities and personnel caused by the introduction of new structures, residents, and workers into the City's boundaries upon buildout of the Proposed Project. [Threshold LS-1]

The 2010 Certified EIR identified less than significant impacts to library services and facilities. Based on the analysis for library services in the 2010 Certified EIR, the Approved Project would result in the Ontario library system not reaching its goal of 0.6 square feet of library facilities per capita. Based on information in the library's most recent Library Facility Master Plan, it currently still does not meet this standard. However, the Facility Master Plan does outline strategies for the library to expand services as population in Ontario continues to increase. While the Proposed Project projects to a horizon year of 2050, which is 15 years further than the Library Facility Master Plan currently projects to, the City's library system would continue to evaluate library needs based on facilities, staffing, and resources provided as population continues to increase. To allow more resources for the City's population, the Ontario library system also offers interlibrary exchanges with the Inland Library System as well as with participating libraries throughout the country.

TOP 2050 policies that reduce impacts of the Proposed Project on library services include the following:

- **SR-4.1: Community Needs.** We identify and monitor community needs for library services, technology, and facilities, and tailor them to effectively meet those needs.

- **SR-4.2: Interagency Coordination.** We leverage relationships with outside agencies, educational institutions, and neighboring jurisdictions to share the library resources to the benefit of Ontario residents.

- **SR-4.4: Coordination with other Community Services.** We coordinate library programs with other recreational and community programs and facilities.

- **SR-4.5: Focal Points of the Community.** We design and program Ontario's libraries as focal points of community engagement, including public outreach and community engagement.

Buildout of the Proposed Project would result in an increase in demand for library services in the City of Ontario based on an increase in population. New facilities, books, and personnel would be necessary to maintain and reach adequate levels of service. Environmental impacts could result from the construction of future facilities; however, the location and size of potential future facilities is currently unknown, and each project would have to complete applicable environmental review under CEQA when it is determined. Future projects would also be reviewed by the City of Ontario on an individual basis and would be required to comply with requirements in effect at the time building permits are issued (i.e., payment of development impact fees). Since adequate services would be provided and payment of development impact fees would offset the costs associated with library services, impacts on library services would be less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to library services. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.15-18)

16. Recreation

Impact 5.16-1: Implementation of TOP 2050 would generate additional residents that would increase the use of existing park and recreational facilities, but park dedications and payment of in-lieu fees would ensure impacts are less than significant. [Threshold R-1]

The 2010 Certified EIR found that buildout of the Approved Project's Land Use Plan would generate additional residents, increasing the use of existing park and recreational facilities. However, it would not result in a significant impact, as development of park facilities would keep pace with the anticipated increase in population from buildout of the Approved Project.

Currently, the City of Ontario uses the established parkland standard of three acres per 1,000 residents but strives for five acres per 1,000 residents for parks in Ontario Ranch. The City has approximately 481 acres of parkland (see Table 5.16-1, *Recreational Facility Development Impact Fees,* in Section 5.16, *Recreation*, of the Draft SEIR). Based on a population of 179,597 (see Table 4-1 *City of Ontario Existing Land Use*, in Chapter 4, *Environmental Setting*, of the Draft SEIR), the City currently requires 539 acres of parkland.[6]

Buildout of TOP 2050 would generate additional residents in the City, most of whom would be concentrated in the southern portion of the City. Future growth in the City in accordance with buildout

[6] (179,597 people / 1,000) x 3.0 acres per person = 538.79

of TOP 2050 would increase the demand for parks and increase existing park usage. The Quimby Act is a funding mechanism for parkland acquisition. Under this Act and pursuant to the City's Municipal Code, residential subdivisions must dedicate parkland or pay in lieu fees to enable the City to acquire a ratio of three acres of parkland per 1,000 residents. Based on this ratio and a projected buildout population of 357,957 by 2050, the current TOP would result in a demand of 1,074 acres of parkland.[7] For the Proposed Project, which has projected buildout population of 410,492 by 2050, a total of 1,231 acres of parkland would be required at buildout.[8] As a result, the Proposed Project would result in an increased demand of 158 acres of parkland compared to the Approved Project.

TOP 2050 addresses the need for recreation and parkland to preserve natural assets and environmentally sensitive lands. The Parks and Recreation Element contains relevant policies and programs to acquire additional parkland; integrate new park and recreation facilities with existing and future trails, bikeways, and easements; and conduct regular reviews and updates of the City's parks and trails plans to keep pace with demographic trends and recreational needs of Ontario's residents. The policies and regulations are intended to meet the TOP's standard parkland acreage ratio. However, the extent to which the City of Ontario can plan and implement parks, trails, and other recreational facilities is related to the availability of funding. TOP 2050 would designate approximately 900 acres for recreational uses under the Open Space – Recreation (OS-R) land use designation. The Proposed Land Use Plan includes designation of a community park, the Great Park, near Eucalyptus Avenue and a public park southwest of the intersection of Grove Avenue and Riverside Drive as OS-R.

Based on TOP 2050's future buildout projections, the 900 acres designated OS-R falls short of the City's existing Park Dedications and In-Lieu Fee Regulations for parkland acquisition by 331 acres.[9] However, the City strives to have new development in Ontario Ranch provide an additional two acres per 1,000 residents for private parks in addition to the City's three acres per 1,000 residents for public parks. Ontario Ranch is estimated grow from the existing population of 22,286 to TOP 2050's population projection of 192,258, an increase of 169,972. This would mean an addition of approximately 340 acres of private parks.[10] Additionally, there are at least 180 acres of regional recreational facilities, joint-use agreements with school districts, and private recreational opportunities providing services that cannot be accommodated by existing facilities. Prado Regional Park also provides approximately 2,000 acres that would offset recreational demands.

TOP 2050 provides land use opportunities for public parks to be developed in line with future development. The proposed Parks and Recreation Element contains relevant goals, policies, and programs that support a regular review of the City's parks and trails plans to keep pace with demographic trends and recreational needs of Ontario's residents (see Policies PR-1.1 through PR-1.16). In addition, under TOP 2050's Parks and Recreation Element, Policy PR-1.5 strives to provide five acres of parkland per 1,000 residents, and Policy PR-1.6 provides a minimum of two acres of developed private park space per 1,000 residents in addition to the three acres per 1,000 persons standard.

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7 (357,957 people / 1,000) x 3.0 acres per person = 1,073.87
8 (410,492 people / 1,000) x 3.0 acres per person = 1,231.48
9 TOP 2050 parkland demand of 1,231.48 acres – 900 acres of parkland = 331.48
10 (169,972 people / 1,000) x 2.0 acres per person = 339.94

As a result, development of park facilities would keep pace with the anticipated increase in population from buildout of TOP 2050.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to the use of existing park and recreational facilities compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to substantial physical deterioration of recreational facilities. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.16-14)

Impact 5.16-2: Project implementation would result in environmental impacts to provide new and/or expanded recreational facilities but would not result in a significant impact. [Threshold R-2]

The 2010 Certified EIR found that implementation of the Approved Project would result in environmental impacts from the provision of new and/or expanded recreational facilities, but impacts would not be considered significant.

TOP 2050 guides growth in development within the City and is not a development project. The Proposed Project includes expansion of the equestrian and hiking trails and improved bikeways throughout the City. The City has 481 acres of parkland, and buildout of TOP 2050 would provide 900 acres. Including the Great Park, TOP 2050 would result in an additional 419 acres of park facilities. As a result of these planned park facilities, TOP 2050 may result in the construction of new or expansion of existing recreational facilities in Ontario. The majority of these facilities would be in Ontario Ranch, including the Great Park. Development and implementation of the Great Park may have an adverse physical effect on the environment, such as lighting, biological resources, noise, traffic, etc. However, it is speculative to determine the location of proposed park facilities in the City and impacts arising from development of individual park projects. Existing federal, state, and local regulations as well as goals, policies, and actions in TOP 2050 would mitigate potential adverse impacts to the environment that may result from buildout of TOP 2050, including expansion of parks, recreational facilities, and multiuse trails. Furthermore, subsequent environmental review would be required for development of park projects under the Proposed Land Use Plan. Consequently, TOP 2050 would not result in significant impacts in this regard.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to the use of existing park and recreational facilities compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to construction or expansion of recreational facilities. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.16-14)

17. Transportation[11]

Impact 5.17-1: The Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. [Threshold T-1]

The 2010 Certified EIR found that the recommended circulation plan of the Approved Project would comply with adopted policies, plans, and programs for alternative transportation. TOP 2050 includes additional goals and policies to address alternative transportation systems. Section 5.11, *Land Use and Planning*, of the Draft SEIR includes a consistency analysis with SCAG's Connect SoCal.

Transit

The Public Transit Plan (see Figure 5.17-2, *Public Transit*, in Section 5.17, *Transportation*, of the Draft SEIR) is focused on providing efficient connectivity and integration via coordinated bus transfer centers and multimodal terminals. Elements identified include collaborating with regional transit agencies to provide for more extensive and frequent basic local bus service, higher-speed bus rapid transit corridors for longer trips, more Metrolink trains in all directions, convenient transfer centers, and future land use patterns that are more suitable for transit users.

Additional alternative transportation elements include support for rail or high-speed rail systems and supporting feeder and distribution systems to move people to and from the rail stations.

TOP 2050 includes the following policies to encourage and provide access to the regional transit network.

- **M-3.1. Transit Partners.** We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available, cost-efficient, and convenient, particularly for residents in environmental justice areas.

- **M-3.2. Alternative Transit Facilities at New Development**. We require new development adjacent to an existing or planned transit stop to contribute to the creation of transit facilities, such as bus shelters, transit bays and turnouts, and bicycle facilities, such as secure storage areas.

- **M-3.3. Transit-Oriented Development.** We may provide additional development-related incentives to those inherent in the Land Use Plan for projects that promote transit use and reduce vehicle miles traveled.

- **M-3.4. Bus Rapid Transit (BRT) Corridors.** We work with regional transit agencies to implement BRT service and reduce vehicle miles traveled by targeting destinations and corridors with the highest number of potential riders.

- **M-3.5. Light Rail.** We support the extension of the Metro Rail Gold Line to Ontario, and will work to secure station locations at the proposed multimodal transit center.

[11] Impact 5.17-2 is addressed in Section E, *Significant and Unavoidable Significant Impacts that Cannot be Mitigated to Below the Level of Significance.*

- **M-3.6. Metrolink Expansion.** We advocate expansion of Metrolink service to include the Downtown and the multimodal transit center.

- **M-3.7. High-Speed Rail.** We encourage the development of high-speed rail systems that would enhance regional mobility in Southern California and serve the City of Ontario.

- **M-3.8. Feeder Systems.** We work with regional transit agencies to secure convenient feeder service from the Metrolink station and the proposed multimodal transit center to employment centers in Ontario.

- **M-3.9. Ontario Airport Metro Center Circulator.** We will explore the development of a convenient mobility system, including but not limited to shuttle service, people mover, and shared car system, for the Ontario Airport Metro Center.

- **M-3.10. Multimodal Transportation Center.** We intend to ensure the development of a multimodal transportation center near ONT airport to serve as a transit hub with amenities for transit riders, pedestrians, and bicyclists transitioning to local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center Circulator, and other future transit modes. We support locations for the multimodal transportation center that are north of ONT airport, between Vineyard Avenue and Interstate 15.

- **M-3.11. Transit and Community Facilities.** We require the future development of community-wide serving facilities to be sited in transit-ready areas that can be served and made accessible by public transit. Conversely, we plan (and coordinate with other transit agencies to plan) future transit routes to serve existing community facilities.

Therefore, implementation of TOP 2050 would not interfere with or obstruct the implementation and usage of transit systems.

Nonmotorized Transportation

TOP 2050 would create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other destination points (see Figure 5.17-4, *Multipurpose Trails & Bikeways*, in Section 5.17, *Transportation*, of the Draft SEIR). The recommended strategies and approaches for transit and nonmotorized transportation would expand alternative transportation options in Ontario (see TOP 2050 Mobility Element). The City's goal is to provide an off-street multipurpose pedestrian and bicycle trail system, a Class II on-street striped bicycle system, and a Class III on-street signed bicycle system. The Class III bikeways would be used to connect multipurpose trails and Class II bikeways. In addition, development of mixed-use areas would provide more walkable communities and would require infrastructure improvements that encourage both walking and bicycle trips. Furthermore, mixed-use developments would reduce the distance traveled between services and amenities, and higher density areas would better utilize public transit and nonmotorized transportation due to the critical mass required to make these viable options for people. Overall, integrating these two approaches to transit and nonmotorized transportation in conjunction with the development of mixed-use areas would contribute to reducing VMT in Ontario.

TOP 2050 includes the following policies to enhance connectivity to the City's nonmotorized transportation network:

- **M-1.4. Complete Streets.** We work to provide a complete, balanced, context-aware, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation. We prioritize implementation of complete streets improvements in environmental justice areas to facilitate opportunities for residents to use active transportation systems.

- **M-2.1. Active Transportation.** We maintain our Active Transportation Master Plan to create a comprehensive system of on- and off-street bikeways and pedestrian facilities that are safe, comfortable, and accessible and connect residential areas, businesses, schools, parks, and other key destination points.

- **M-2.2. Bicycle System.** We provide off-street multipurpose trails and Class II bikeways as our preferred paths of travel and use the Class III for connectivity in constrained circumstances. When truck routes and bicycle facilities share a right-of-way we prefer Class I or Class IV bicycle facilities. We require new development to include bicycle facilities, such as bicycle parking and secure storage areas.

- **M-2.3. Pedestrian Walkways.** We require streets to include sidewalks and visible crosswalks at major intersections where necessary to promote safe and comfortable mobility between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

- **M-2.4. Network Opportunities.** We use public rights-of-way and easements, such as utility easements, levees, drainage corridors, road rights-of-way, medians, and other potential options to maintain and expand our bicycle and pedestrian network. In urban, mixed-use, and transit-oriented Place Types, we encourage the use of underutilized public and private spaces to expand our public realm and improve pedestrian and bicycle connectivity.

Therefore, implementation of TOP 2050 would not interfere with or obstruct the implementation and usage of nonmotorized transportation.

Connect SoCal

TOP 2050 is consistent with Connect SoCal, as shown in Section 5.11, *Land Use and Planning,* of the Draft SEIR. The goals of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) focus on transit, transportation and mobility, and protection of the environment and health of residents.

TOP 2050 proposes the following changes to the Mobility Element that have the potential to affect infrastructure projects identified in the RTP:

- **RTP ID 4A04220.** *Widen Schaefer Ave from Euclid Avenue to Haven Avenue from zero to four lanes*. TOP 2050 would eliminate the bridge connection on Schaefer Avenue between Ontario Avenue and Archibald Avenue. A VMT forecast with and without removal of the Schaefer Bridge was

conducted with the Boundary Method to determine whether this change would increase or decrease VMT. The results indicated that VMT in Ontario would decrease by 8,729 VMT per weekday within the city limits. This indicates that removing this project would result in a benefit to VMT in the City.

- **RTP ID 4160063.** *Widen State Street from Bon View Avenue to Grove Avenue from two to four lanes.* TOP 2050 would retain State Street as a two-lane facility.

- **RTP ID 4A07327.** *Widen four-lane bridge on Holt Boulevard over Cucamonga Creek to six lanes.* TOP 2050 would retain Holt Boulevard as a four-lane facility east of Vineyard Avenue.

- **RTP ID 2002160-20150201.** *Widen Grove Avenue between Fourth Street and State Street/Airport Drive from four to six lanes.* TOP 2050 would retain Grove Avenue as a four-lane facility north of State Street.

The Proposed Project would not result in a new or a substantial increase in magnitude of impacts related to consistency with transit, bicycle, and pedestrian plans compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to conflict with a program, plan, ordinance, or policy addressing the circulation system. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.17-23)

Impact 5.17-3: The Mobility Element adequately addresses potentially hazardous conditions (sharp curves, etc.), potential conflicting uses, and emergency access. [Thresholds T-3 and T-4]

The 2010 Certified EIR found that circulation improvements under the recommended circulation plan would be designed to adequately address potential hazardous conditions, potential conflicting uses, and emergency access.

The majority of the population growth associated with TOP 2050 would occur in Ontario Ranch. As identified in the City's Roadway Classification map (see Figure 5.17-3, *Roadway Classification*, in Section 5.17, *Transportation*, of the Draft SEIR), there is substantial improvements in transportation infrastructure planned to accommodate the increase in population in the City in the event of an emergency. The City has adopted roadway classification standards in Policy M-1.1 that include roadway design standards as part of TOP 2050, precluding the construction of any unsafe features.

- **M-1.1. Roadway Design and Maintenance.** We require our roadways to: 1) Comply with federal, state, and local design and safety standards; 2) Meet the needs of multiple transportation modes and users; 3) Handle the capacity envisioned in the City of Ontario Master Plan of Streets and Highways; 4) Be maintained in accordance with best practices; 5) Be compatible with the streetscape and surrounding land uses; and 6) Promote the efficient flow of all modes of traffic through the implementation of intelligent transportation systems and travel demand implementation strategies.

Additionally, a review of emergency access is included as part of the City's Design Review process. According to the City's 2018 LHMP, interstate highways would serve as major emergency response and evacuation routes (see Figure 5.17-5, *Evacuation Routes*). Additionally, the OFD reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to transportation hazards and emergency access compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to increased hazards due to a geometric design feature or incompatible uses and to inadequate emergency access. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.17-26)

18. Tribal Cultural Resources[12]

19. Utilities and Service Systems

Impact 5.19-1: Project-generated wastewater could be adequately treated by the wastewater service provider for the project and would not require the construction of new wastewater treatment facilities or the expansion of existing facilities or exceed wastewater treatment requirements of the Regional Water Quality Control Board. [Thresholds U-1, U-2 (part), and U-5]

The 2010 Certified EIR concluded that the Approved Project would generate additional wastewater, which would be adequately treated in accordance with the Santa Ana RWQCB and California Department of Public Health requirements.

The Proposed Project would result in an overall increase in the number of residential dwellings and nonresidential square footage compared to the Approved Project. The breakdown for the increases in wastewater flows is provided in Table 5.19-3, *Projected Wastewater Flow Rates,* in Section 5.19, *Utilities and Service Systems*, of the Draft SEIR.

Sewer Infrastructure

The Proposed Project would have the potential to increase sewer flows by 2.55 mgd within the City and by 166 mgd in the growth areas. The largest increase in wastewater flow rates would be in the OAMC at 18 percent; the second highest increase would be in the Ontario Ranch Great Park Corridor at 10 percent.

There are four proposed capital improvement projects in two of the growth areas:

[12] Impact 5.18-1 is addressed in Section D*, Findings on Significant Environmental Impacts that Can be Reduced to a Less than Significant Level.*

- **East Holt Corridor.** One project at the intersection of Holt Boulevard and Grove Avenue consists of replacing existing pipe with 12-inch and 15-inch pipe. The other project is construction of a new 21-inch sewer main to divert flow from Vineyard Avenue.

- **Ontario Airport Metro Center.** One project south of I-10 and west of Archibald Avenue would involve upsizing 8-inch diameter pipes to 12-inch pipes. The other project is along Old Guasti Road between Turner Avenue and Archibald Avenue and would upsize 8-inch pipes to 12-inch diameter pipes.

For the Ontario Ranch, sewer flows are anticipated to increase by 10 percent when comparing the current TOP to the proposed TOP. The City has confirmed that the sewer infrastructure in this area has been sized to accommodate sewer flows associated with the TOP 2050. Therefore, no adverse impacts on sewer infrastructure is anticipated in this area.

Additionally, the TOP 2050 has policies in place to require improvements to sewer infrastructure as part of new development and redevelopment projects and has processes in place to ensure that any sewer improvement projects are implemented prior to or during new development (LU-1.3, LU-4.3, and ER-1.8). The City also has the discretion to require additional sewer capacity studies for new development and redevelopment and is currently performing site-specific studies of certain areas of the sewer system. Based on the results of these studies, the City can require development fees to fund infrastructure improvements that are required for the proposed new developments.

The City regularly updates its Sewer Master Plan and capital improvement program (CIP) and has a process to assess local sewer impacts on a project-by-project basis. The draft 2020 Sewer Master Plan serves as an infrastructure planning tool to make decisions as to when CIP projects are warranted. The OMUC regularly provides and prioritizes sewer projects for inclusion in the latest CIP, which includes a budget for wastewater infrastructure improvements over a five-year planning horizon.

In summary, the City's wastewater collection system is adequate to convey the additional 2.55 mgd that would occur with implementation of the Proposed Project. The City has indicated that the sewer infrastructure will be able to accommodate sewer flows associated with the TOP 2050. A description of proposed regional and City improvements is provided in Tables 5.19-1, *IEUA Capital Projects,* and 5.19-2, *2021 Draft Sewer Master Plan: Recommended Capacity Improvement Projects*, in Section 5.19, *Utilities and Service Systems*, of the Draft SEIR. With funding from sewer connection/usage fees and the CIP budget, the City would continue to expand and improve the sewer infrastructure to accommodate new development and future growth. Therefore, there would be no significant impacts on wastewater infrastructure.

Wastewater Treatment Capacity

With respect to wastewater treatment, IEUA has two facilities that serve the City of Ontario: RP-1 and RP-5. The current combined capacity of these two facilities is 60.3 mgd and would increase to 66.5 mgd once the expansion project that is currently under construction at RP-5 is completed. IEUA can route flows to either of the two facilities as needed. In 2020, RP-1 treated an average wastewater flow of 25 mgd, and RP-2 treated an average wastewater flow of 8 mgd. Therefore, these two wastewater treatment plants (WWTPs) have a current combined treatment rate of 33 mgd. Current and future

WWTP capacities are summarized in Table 5.19-4, *IEUA WWTP Flow Rates and Capacities,* in Section 5.19, *Utilities and Service Systems*, of the Draft SEIR.

The excess capacity for the two facilities is 27.3 mgd under current conditions. After the expansion project at RP-5 is complete in 2025, excess capacity would increase to 33.5 mgd. There are additional plans to increase the treatment capacity of RP-5 to 30 mgd by 2040; the combined treatment capacity of both WWTPs would be 74 mgd.

The 2021 wastewater flow rate for Ontario is estimated to be 10.4 mgd, and the wastewater flow rate for the TOP 2050 buildout is estimated to be 37.1 mgd. The additional flow with implementation of the Proposed Project would be 26.7 mgd (37.1 – 10.4). Since the excess capacity of the two WWTPs in 2025 is 33.5 mgd, the additional flow rate from the Proposed Project of 26.7 mgd would not exceed the capacity of the wastewater treatment providers.

In addition, IEUA has seen a decrease in the volume of sewage flows of approximately 10 percent since 2013, even as the population has increased. This is a result of a decrease in indoor water consumption with the installation of more efficient plumbing fixtures and compliance with CALGreen Building Standards Code for new developments. IEUA projects a significant increase in the growth of its service area in the next ten years, with 40 percent of the growth resulting from new development in Ontario. The projected increase in population growth rates and corresponding increase in wastewater flows have been accounted for in IEUA's capital improvement projects, with expansions of both RP-1 and RP-5 scheduled for completion by 2035.

IEUA also assesses monthly wastewater sewer fees and one-time sewer connection fees to provide funds for future upgrades and expansion of its infrastructure and WWTPs. In addition, IEUA continually updates its Wastewater Facilities Master Plans for RP-1 and RP-5 and includes plans for expansion of these facilities to meet the growth within the service area through year 2060.

IEUA uses an average factor of 270 gpd per equivalent dwelling unit (EDU) in its projection of wastewater flows. Recent flow measurements indicate that with water conservation efforts and compliance with the CALGreen Building Standards Code for new construction, actual flow rates are now around 200 gpd/EDU. Therefore, even with future increases in population and wastewater flows in the service area, IEUA could continue to provide wastewater treatment to all its customers.

The quality of wastewater is overseen by two agencies: the Santa Ana RWQCB and the California Department of Public Health. The Santa Ana RWQCB has regional permitting authority over water quality issues, and the California Department of Public Health oversees standards and health concerns. Title 22 of the California Code of Regulations provides the regulatory setting for drinking water quality in California and is followed by these agencies when they assess water quality. The wastewater treated in IEUA's regional plants meets or exceeds the standards for recycled water quality set by Title 22. RP-1 and RP-5 would continue to meet the water quality standards of the Santa Ana RWQCB and the California Department of Public Health as well as the wastewater discharge limitations in the RWQCB NPDES permit. Therefore, there would be no significant impacts on wastewater collection and treatment.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to project-generated wastewater, to construction and/or expansion of wastewater treatment facilities, and to wastewater treatment requirements. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.19-11)

Impact 5.19-2: Water supply and delivery systems are adequate to meet project requirements. [Thresholds U-2 (part) and U-4]

The 2010 Certified EIR concluded that the Approved Project would have less than significant impacts associated with water storage and/or supply.

Water Infrastructure

The Proposed Project would result in an overall increase in the number of residential dwelling units and nonresidential square footage compared to the Approved Project. The breakdown for the increase in water demand is provided in Table 5.19-9, *Projected Water Demand Rates,* in Section 5.19, *Utilities and Service Systems*, of the Draft SEIR. Full implementation of TOP 2050 has the potential to increase water demand by 1.8 mgd in the growth areas and by 3 mgd in the City overall. This accounts for an increase of approximately 6 percent from the current TOP to TOP 2050. The growth areas represent about 60 percent of the proposed increased in water demand. The largest increase in water demand is in the OAMC.

To accommodate needed infrastructure expansion and improvements, the City has prepared a Water Master Plan (WMP) and CIP. It also requires development impact fees and has construction requirements based on a completed evaluation of existing and projected water demands. The potable water demand factors in the WMP are conservative and are used for sizing water pipes to convey average and peak daily flow rates. Therefore, they do not reflect the State's requirements to reduce residential indoor water demand to 55 gallons/person/day by 2025 and 50 gallons/person/day after 2030. An extensive list of planned capital improvement projects is provided in the WMP.

Because the planned development in the City for the current TOP and TOP 2050 would result in an increase in demand for potable and recycled water, the City and the IEUA have made plans for infrastructure expansion and improvement. As part of the land development approval process, the City determines a project's fair-share costs and connection fees. Through the use of connection fees and agreements, the City maintains and expands its water distribution system as necessary and is able to ensure that new developments pay their fair-share costs. The City has the discretion to require water capacity studies associated with new development and redevelopment and currently requires site-specific studies to determine a project's impact throughout the water system. Therefore, impacts related to infrastructure expansion and improvement caused by the implementation of TOP 2050 would be less than significant.

Water Demand

Total water demand associated with the Proposed Project would be 78,128 acre-feet per year (afy), which is an increase of approximately 6 percent compared to the City's 2020 Urban Water Management Plan (UWMP) calculated water demand of 73,688 afy for the years 2040 and 2045. The 2020 UWMP considered the buildout projections for the current TOP; therefore, the increase of 6 percent is the same as comparing the current TOP to TOP 2050.

The water demand factors used in the 2020 UWMP are conservative because they are based on the City's water demand factors from the WMP, which don't consider declining per capita water use in future years, the City's continuing conservation efforts, and the increased use of recycled water. Recent State laws, changes in the building code, and water service costs are anticipated to substantially lower water demand rates in the future:

- SB 606 and AB 1668 establish indoor water use standards (55 gallons/person/day until 2025, 50 gallons/ person/day after 2030), outdoor water standards, and water loss standards that water suppliers must meet by 2025.

- New construction is subject to the latest CALGreen building code, which typically results in a 20 percent reduction in indoor water use.

- SB 407 requires all buildings in California to meet current plumbing fixture standards within this decade, which will require retrofitting of existing homes and businesses.

- Increases in water service costs, which will provide an incentive for additional water-saving practices and the use of recycled water, which is less costly, for nonpotable uses.

Applying these more conservative water demand factors by implementing a future water demand factor of 50 gallon/person/day for all residential uses and a 20 percent reduction in nonresidential uses (compliance with CALGreen and new building code requirements), the calculated water demand for the Proposed Project buildout would be approximately 60,000 afy, which is well below the UWMP estimate of 73,688 afy for the years 2040 and 2045. The calculations to support the reduced water demand are provided in Appendix G.

In addition, when a proposed project triggers the criteria for preparing a water supply assessment, such as a residential project with more than 500 dwelling units, the project must demonstrate that adequate supplies of water are available to meet the demand of the new development. Also, the mitigation measures from the 2010 Certified EIR have been incorporated into the City's policies and municipal code.

TOP 2050 policies LU-1.3 and LU-4.3 ensure that the infrastructure and services for all development are adequate and that the necessary infrastructure and services are in place prior to or concurrent with development. The goal of Policy ER-1.1 is to increase local water supplies to reduce dependence on imported water. Policy ER-1.2 states the water supply and quality should match the appropriate use and Policy ER-1.3 requires conservative strategies that reduce water usage. Policy ER-1.4 requires that water supply and demands be balanced and ER-1.5 relates to water quality protection, pollution

prevention, and existing contamination and remediation. Policy S-3.7 requires monitoring the water supply system to ensure that there are adequate supplies for firefighting needs.

The 2020 UWMP states that there are sufficient water supplies through 2045 to meet projected demands in normal years, single dry years, and multiple dry years through 2045. Although the Proposed Project at buildout is estimated to generate a 6 percent increase in water demand using conservative water demand factors, new State requirements as listed above and City policies and code requirements would result in enhanced water efficiency and conservation. Applying these measures to the Proposed Project water demand estimates would result in total water demand below the projections in the 2020 UWMP for year 2045. Therefore, there would be sufficient water supplies to meet the demand for TOP 2050 buildout.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to water supply and delivery systems. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.19-31)

20. Wildfire

Impact 5.20-1: The Mobility Element adequately addresses emergency access. [Threshold W-1]

The 2010 Certified EIR found that circulation improvements under the recommended circulation plan would be designed to adequately address emergency access.

The majority of the population growth associated with TOP 2050 would occur in Ontario Ranch. As identified in the City's Roadway Classification map (see Figure 5.17-3, *Roadway Classification*, in Section 5.17, *Transportation*, of the Draft SEIR), there is substantial improvements in transportation infrastructure planned to accommodate the increase in population in the City in the event of an emergency. The City has adopted roadway classification standards in Policy M-1.1 that include roadway design standards as part of TOP 2050, precluding the construction of any unsafe features.

- **M-1.1: Roadway Design and Maintenance.** We require our roadways to: 1) Comply with federal, state, and local design and safety standards; 2) Meet the needs of multiple transportation modes and users; 3) Handle the capacity envisioned in the City of Ontario Master Plan of Streets and Highways; 4) Be maintained in accordance with best practices; 5) Be compatible with the streetscape and surrounding land uses; and 6) Promote the efficient flow of all modes of traffic through the implementation of intelligent transportation systems and travel demand management strategies.

Additionally, a review of emergency access is included as part of the City's Design Review process. According to the City's 2018 LHMP, interstate highways would serve as major emergency response

and evacuation routes. Additionally, the OFD reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to transportation hazards and emergency access compared to the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to impairment of an adopted emergency response plan or emergency evacuation plan. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.20-15)

Impact 5.20-2: TOP 2050 would not result exacerbate wildfire risks or expose people or structures to significant risks that may occur following a wildfire (e.g., landslides, mudflows, and flooding). [Thresholds W-2, W-3, and W-4]

The 2010 Certified EIR found that the Approved Project would result in less-than-significant risks from wildfire hazards. The City is outside of the State Responsibility Area, and CAL FIRE has determined that the City contains no areas subject to very high wildfire risk. However, the City recognizes that even though fuel loading is light in Ontario and fire risk comes primarily from urban fires, not wildfires, there is some risk related to wildfires.

There are many resources available to address wildland fires should they arise—CAL FIRE's *2019 Strategic Fire Plan for California*, the CFC, County of San Bernardino MJHMP, City of Ontario LHMP, and fire services from the OFD. With adherence to these building practices, development and infrastructure associated with TOP 2050 would not exacerbate risk or result in post-wildfire hazards (e.g., landslides, mudflows, and flooding).

In addition, the TOP 2050 contains the following policies to prevent wildfire hazards and support the community during wildfire events:

- **S-3.4: Special Team Services.** We maintain effective special rescue services.
- **S-3.6: Interagency Cooperation.** In order to back up and supplement our capabilities to respond to emergencies, we participate in the California Fire Rescue and Mutual Aid Plan.
- **S-3.8: Fire Prevention through Environmental Design.** We require new development to incorporate fire prevention considerations in the design of streetscapes, sites, open spaces, and buildings.
- **S-3.9: Resource Allocation.** We analyze fire data to evaluate the effectiveness of our fire prevention and reduction strategies and allocate resources accordingly.
- **S-8.3: Emergency/Disaster Training and Exercises.** We conduct training and exercises to prepare for and evaluate emergency/disaster response and recovery procedures.
- **S-8.5: Interdepartmental Coordination.** We utilize all City departments to help support emergency/disaster mitigation, preparedness, response, mitigation, and recovery.

- **CD-2.8: Safe Design.** We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project.

Finding. The Proposed Project would have a less than significant direct, indirect, and cumulative impacts relating to wildfire risks. Accordingly, no changes or alterations to the Proposed Project were required to avoid or substantially lessen any significant environmental impacts under those thresholds. (Draft SEIR pg. 5.20-16)

C. FINDINGS ON SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL

The following summary describes impacts of the Proposed Project that, without mitigation, would result in significant adverse impacts. The City Council hereby finds that Mitigation Measures have been identified in the EIR and these Findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. Upon implementation of the mitigation measures provided in the EIR, these impacts would be considered less than significant.

1. Cultural Resources

Impact 5.5-2: Implementation of TOP 2050 could impact archaeological resources. [Threshold C-2]

The 2010 Certified EIR found that buildout of the Approved Project could impact archeological resources or paleontological resources. However, the 2010 Certified EIR identified that existing federal, state, and local regulations in addition to Mitigation Measure 5-2 would reduce impacts to archeological resources to less than significant.

As previously discussed, the records review at the South Central Coastal Information Center identified 17 archeological resources in the City. Based on the results of the research, there is potential archaeological sensitivity throughout the City.

Adoption of TOP 2050 would not directly affect archaeological resources. TOP 2050 is a regulatory document that sets the framework for future growth and development but does not result in development in and of itself. However, long-term implementation of TOP 2050 land use plan could allow development (e.g., new development, infill development, redevelopment, and revitalization/restoration), including grading, of known and unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than in the past could potentially cause the disturbance of archeological resources. Therefore, future development that would be accommodated by TOP 2050 could potentially unearth previously unrecorded resources.

Existing federal, state, and local regulations address the provisions of studies to identify archaeological resources, review application for projects that would potentially involve land disturbance, provide a project-level standard condition of approval that addresses unanticipated archeological discoveries and enforces requirements to develop specific mitigation measures if resources are encountered during any development activity. The Historic Preservation section of TOP 2050 Community Design Element addresses the management of artifacts through Policy CD-4.1, Cultural Resources Management, and the collaboration and promotion of public involvement in preservation through Policies CD-4.2, Collaboration with Property Owners and Developers; CD-4.6, Promotion of Public Involvement in Preservation; and CD-4.7, Public Outreach.

Archaeological sites are also protected by a wide variety of state policies and regulations under the California Public Resources Code. Cultural resources are recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA. Review and protection of archaeological resources are afforded by CEQA for individual development projects accommodating TOP 2050, subject to discretionary actions that are implemented in accordance with the land use plan of TOP 2050. According to CEQA, the lead agency is required to determine whether a development project may have a significant effect on archaeological resources (PRC Section 21083.2). If the lead agency determines that the project may have a significant effect on unique archaeological resources, the project-level CEQA document being prepared for the development project is required to address and mitigate the impacts of those resources.

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to archeological resources compared to the Approved Project.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR in an abundance of caution, and is applicable to the Proposed Project. The measure as provided includes any revisions incorporated in the Final SEIR.

MM 5-2 In areas of documented or inferred from evident archaeological and/or paleontological resource presence, City staff shall require applicants for development permits to provide studies to document the presence/absence of such resources. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:

a) Archaeologists and/or paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.

b) Should any cultural resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director or designee is satisfied that adequate provisions are in place to protect these resources.

c) Unanticipated discoveries shall be evaluated for significance by a San Bernardino County Certified Professional Archaeologist/Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates, and other special studies; submit materials to a museum for permanent curation; and provide a comprehensive final report including a catalog with museum numbers.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure 5-2 would require preservation and curation of archeological resources if uncovered during development. Mitigation Measure 5-2 would reduce potential impacts to archeological resources to a level that is less than significant. Impact 5.5-2 would be less than significant with mitigation. (Draft SEIR pg. 5.5-23)

2. Geology and Soils

Impact 5.7-6: Implementation of TOP 2050 could directly or indirectly destroy a unique paleontological resource. [Threshold G-6]

The 2010 Certified EIR found that buildout of the Approved Project would not result in impacts to paleontological resources with mitigation.

Geologic Features

The geologic units exposed at the surface in Ontario consist of sediments less than 11,000 years old (Holocene) deposited either by water or wind. Such geology is common throughout the City and region and is not considered unique.

Paleontological Resources

Ontario is underlain by deposits of Quaternary and upper-Pleistocene sediments deposited during Pliocene and early Pleistocene time. Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are therefore considered to have high sensitivity. Older Pleistocene alluvial sediments can yield fossil remains, often found at depths of 10 feet or more below existing ground surface. As previously discussed, for the Approved TOP, the San Bernardino County Museum, Division of Geological Sciences, conducted the paleontological records search and found one previously known paleontological resource locality recorded by the Regional Paleontologic Locality Inventory, a computer database with positional and contextual data for more than 3,000 fossil localities throughout California and the southwestern United States. This review found one paleontological locality for the City area (SBCM 5.1.8). This locality yielded the remains of a mammoth

from approximately 20 feet below the ground surface. As a result, the possibility of finding additional paleontological resources within City boundaries is moderate to high at depths of 10 feet or more below ground surface.

Long-term implementation of TOP 2050 would allow development (e.g., new development, infill development, redevelopment, and revitalization/restoration), including grading, of known and unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than in the past could potentially cause the disturbance of paleontological resources. Therefore, future development that would be accommodated by TOP 2050 could potentially unearth previously unrecorded resources.

Existing federal, state, and local regulations address the provisions of studies to identify paleontological resources, review applications for projects that would potentially involve land disturbance, provide a project-level standard condition of approval that addresses unanticipated paleontological discoveries, and enforces requirements to develop specific mitigation measures if resources are encountered during any development activity. The Historic Preservation section of the Community Design Element contains policies that address the management of artifacts (see Policy CD-4.1) and the collaboration, promotion of public involvement in preservation, and public outreach (see Policies CD-4.2, CD-4.6, and CD-4.7) of cultural resources.

Paleontological resources are recognized as nonrenewable; and therefore, receive protection under the California Public Resources Code (Section 21083.2) and CEQA. Review and protection of paleontological resources are also afforded by CEQA for individual development projects that would be accommodated by TOP 2050, subject to discretionary actions that are implemented in accordance with the land use plan of TOP 2050. Compared to the Approved Project, TOP 2050 would have similar impacts because the Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City which would require substantial landform modification. However, the potential to uncover undiscovered archeological and paleontological resources is high. Therefore, like the Approved Project, paleontological resources impacts of TOP 2050 would be potentially significant.

Mitigation Measure

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to paleontological resources compared to the Approved Project. The following mitigation measure was included in the Draft SEIR and the Final SEIR in an abundance of caution, and is applicable to the Proposed Project. The measure as provided includes any revisions incorporated in the Final SEIR.

MM 5-2 In areas of documented or inferred from evident archaeological and/or paleontological resource presence, City staff shall require applicants for development permits to provide studies to document the presence/absence of such resources. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:

a) Archaeologists and/or paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.

b) Should any cultural resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director or designee is satisfied that adequate provisions are in place to protect these resources.

c) Unanticipated discoveries shall be evaluated for significance by a San Bernardino County Certified Professional Archaeologist/Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates, and other special studies; submit materials to a museum for permanent curation; and provide a comprehensive final report including a catalog with museum numbers.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure 5-2 requires that in the event of an unanticipated discovery of paleontological resources during grading and excavation of the site, a qualified paleontologist would assess the find and develop a course of action to preserve the find. Therefore, Mitigation Measure 5-2 would reduce potential impacts to paleontological resources to a level that is less than significant. (Draft SEIR pg. 5.7-25)

3. Tribal Cultural Resources

Impact 5.18-1: Tribal cultural resources could be adversely impacted by grading activities associated with the Proposed Project. [Threshold TRC-1]

The 2010 Certified EIR found that under the Approved Project, impacts to prehistoric archeological resources, which include TCRs, would be less than significant with mitigation.

Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process.

Sacred Lands File Search and Consultation

The City requested a local government tribal consultation list from the Native American Heritage Commission (NAHC) on June 9, 2021. The tribal consultation list was requested in accordance with SB 18 and AB 52 requirements. The NAHC responded on June 22, 2021, and provided a list of tribes

for the City to contact regarding potential consultation. The NAHC also notified the City that the result of the Sacred Lands File check conducted through the NAHC was negative. The City sent initial notification letters to California Native American tribes and tribal contacts on July 2, 2021, via certified mail.

SB 18 and AB 52 Consultation

In accordance with AB 52 and SB 18 requirements, the City sent invitation letters to the Native American contacts provided by the NAHC on July 2, 2021, formally inviting tribes to consult with the City on the general plan update. The intent of consultations is to provide an opportunity for interested Native American contacts to work with the City during the project planning process to identify and protect TCRs. Response letters were received from the following tribes (see also Appendix L, *Tribal Consultation Responses*, of the Draft SEIR).

- **Agua Caliente Band of Cahuilla Indians.** The Agua Caliente Band of Cahuilla Indians responded on July 9 and August 3 that the City is not within the tribe's traditional use area, and it therefore defers to other tribes in the area.

- **Gabrieleño Band of Mission Indians–Kizh Nation.** Gabrieleño Band of Mission Indians–Kizh Nation responded on July 6 stating that the tribal government concurs with the updated plan. However, in the event of future construction or any ground disturbance, the tribal government would like to consult with the lead agency.

- **Quechan Tribe of the Fort Yuma Reservation.** Quechan Tribe of the Fort Yuma Reservation responded on July 9 and July 21 stating that the City is not within the tribe's traditional use area, and it therefore defers to other tribes in the area.

- **San Manuel Band of Mission Indians.** San Manuel Band of Mission Indians responded on July 13 and August 2 stating that TOP 2050 may impact projects in Serrano ancestral territory, and therefore is of interest to the tribe. The tribe requested additional information concerning whether the general plan updates would include any plans for museums, cultural centers, or interpretive sites. The tribe sees no conflicts with the zoning changes; however, when specific projects are planned and implemented, it might have comments and/or request formal consultation with the lead agency pursuant to CEQA (as amended, 2015) and PRC 21080.3.1.

TOP 2050 a regulatory document that sets the framework for future growth and development in the City and does not result in development in and of itself. However, future development as a result of the implementation of TOP 2050 could include grading in portions of the City with sensitivity to TCRs. Though the Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to TCRs compared to the Approved Project, grading and construction activities in undeveloped areas or redevelopment that requires deeper soil excavation than in the past could potentially disturb TCRs. Therefore, future development could potentially unearth previously unknown/unrecorded TCRs.

Mitigation Measure

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to tribal cultural resources compared to the Approved Project. The following mitigation measures were included in the Draft SEIR and the Final SEIR in an abundance of caution, and is applicable to the Proposed Project. The measure as provided includes any revisions incorporated in the Final SEIR. Mitigation Measure (MM) indicates existing mitigation measures from the Approved Project that are also applicable to the Proposed Project, while Tribal Cultural Resource (TRC) indicates a new mitigation measure included as part of the Proposed Project.

MM 5-3 Upon receipt of an application for a proposed project subject to CEQA and within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, an archaeologist shall prepare a cultural resources assessment. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure 5-4 shall be followed.

MM 5-4 Prior to the issuance of grading permits for a proposed project for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction.

TCR-1 **Tribal Cultural Resources Monitoring**. The project archaeologist, in consultation with interested tribes, the developer, and the City of Ontario, shall develop an archaeological monitoring plan (AMP) to address the details, timing, and responsibility of archaeological and cultural activities that will occur on the project site. Details in the AMP shall include:

1. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling;

2. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (if

the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the onsite Native American Tribal Monitor for the proposed project);

3. The protocols and stipulations that the developer, City, Tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

At least 30 days prior to application for a grading permit and before any brush clearance, grading, excavation, and/or ground disturbing activities on the site, the developer shall retain a tribal cultural monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

Pursuant to the AMP, a tribal monitor from the consulting tribe shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.

TCR-2 **Treatment and Disposition of Cultural Resources.** In the event that Native American cultural resources are inadvertently discovered during the course of any ground-disturbing activities, including but not limited to brush clearance, grading, trenching, etc., for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries:

1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process;

2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and nonhuman remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Ontario with evidence of same:

    a. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging, basic analysis, other analyses as recommended by the project archaeologist and approved by consulting tribes, and basic recordation have been completed; all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality;

b. A curation agreement with an appropriate qualified repository in San Bernardino County that meets federal standards per 36 CFR Part 79, and therefore the resource would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility in San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation;

c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, materials shall be curated at the San Bernardino County Museum by default;

d. At the completion of grading, excavation, and ground-disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pregrade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measures 5-3 and 5-4 and new Mitigation Measures TCR-1 and TCR-2 would reduce potential impacts associated with TCRs to a level that is less than significant by monitoring, treatment, and final deposition of resources in coordinate with the Tribes. Therefore, no significant unavoidable adverse impacts relating to TCRs remain. (Draft SEIR pg. 5.18-11)

D. SIGNIFICANT AND UNAVOIDABLE SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO BELOW THE LEVEL OF SIGNIFICANCE

The following summary describes the unavoidable adverse impact of the Proposed Project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impact would remain significant and unavoidable.

1. Air Quality

Impact 5.3-1: The additional population growth forecast for TOP 2050 and the associated emissions would exceed the assumptions of the South Coast AQMD's AQMP. [Threshold AQ-1]

The 2010 Certified EIR identified that TOP had the potential to conflict with the South Coast AQMD Air Quality Management Plan (AQMP). The following describes potential air quality impacts of consistency with the AQMP from implementation of TOP 2050 compared to TOP.

The South Coast AQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SoCAB to achieve the National and California Ambient Air Quality Standards (AAQS) and has responded to this requirement by preparing an AQMP. Since the 2010 EIR was certified, the South Coast AQMD Governing Board adopted the 2016 AQMP, which is a regional and multiagency effort (South Coast AQMD, CARB, SCAG, and EPA). In addition, South Coast AQMD will release the 2022 AQMP this year.

A consistency determination with the AQMP plays an important role in local agency project review by linking local planning and individual projects to the AQMP. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the AQMP.

The two principal criteria for conformance with an AQMP are:

1. Whether the project would exceed the assumptions in the AQMP.

2. Whether the project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timeline attainment of air quality standards.

SCAG is South Coast AQMD's partner in the preparation of the AQMP, providing the latest economic and demographic forecasts and developing transportation measures. Regional population, housing, and employment projects developed by SCAG are based, in part, on general plan land use designations. These projections form the foundation for the emissions inventory of the AQMP.

Criterion 1

Table 5.3-9, *Comparison of Population and Employment Forecast*, in Section 5.3, *Air Quality*, of the Draft SEIR compares the population and employment growth forecast under TOP 2050 to the Approved

Project. The table shows that TOP 2050 would result in more VMT as a result of an increase in population; however, VMT per service population would decrease from the Approved Project. As a result, TOP 2050 provides a more efficient land use plan that reduces VMT per resident and employee. Therefore, the Proposed Project would be consistent with the AQMP under the first criterion.

Criterion 2

The SoCAB is designated nonattainment for ozone (O_3) and fine inhalable particulate matter ($PM_{2.5}$) under the California and National AAQS,[13] nonattainment for nitrogen dioxide (NO_2) along SR-60 under the California AAQS,[14] nonattainment for coarse inhalable particulate matter (PM_{10}) under the California AAQS, and nonattainment for lead (Los Angeles County only) under the National AAQS. Because TOP 2050 involves long-term growth associated with buildout of the City, cumulative emissions generated from operation of individual development projects would exceed the South Coast AQMD regional and localized thresholds. Consequently, emissions generated by development projects in addition to existing sources in the City are considered to cumulatively contribute to the nonattainment designations of the SoCAB. Buildout of the proposed land use plan associated with TOP 2050 could contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the AQMP, and emissions generated from buildout would result in a significant air quality impact. Therefore, like the Approved Project, the Proposed Project would be inconsistent with the AQMP. The Proposed Project would result in a substantial increase in volatile organic compounds (VOC) compared to the Approved Project. Therefore, TOP 2050 would result in a substantial increase in magnitude of impacts compared to the Proposed Project.

Summary

Buildout of TOP 2050 would be consistent with the AQMP under the first criteria. However, air pollutant emissions associated with buildout of TOP 2050 would cumulatively contribute to the nonattainment designations in the SoCAB. Therefore, like the Approved Project, TOP 2050 would be inconsistent with the AQMP. Additionally, because of the substantial increase in population and associated VOC emission, the Proposed Project would result in a substantial increase in magnitude of impacts compared to the Approved Project.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR. Mitigation Measure (MM) indicates existing mitigation

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[13] The SoCAB is pending a resignation request from nonattainment to attainment for the 24-hour federal $PM_{2.5}$ standards. The 2021 $PM_{2.5}$ Redesignation Request and Maintenance Plan demonstrates that the South Coast meets the requirements of the CAA to allow the EPA to redesignate the SoCAB to attainment for the 65 $\mu g/m^3$ and 35 $\mu g/m^3$ 24-hour $PM_{2.5}$ standards. CARB will submit the 2021 $PM_{2.5}$ Redesignation Request to the EPA as a revision to the California SIP.

[14] On February 21, 2019, CARB's board approved the separation of the area that runs along State Route 60 corridor through portions of Riverside, San Bernardino, and Los Angeles counties from the remainder of the SoCAB for State nonattainment designation purposes. The board designated this corridor as nonattainment. The remainder of the SoCAB remains in attainment for NO_2. CARB is proposing to redesignate SR-60 Near-Road Portion of San Bernardino, Riverside, and Los Angeles Counties in the SoCAB as attainment for NO_2 at the February 24, 2022, board hearing.

measures from the Approved Project that are applicable to the Proposed Project, while Air Quality (AQ) indicates a new mitigation measure included as part of the Proposed Project.

MM 3-2 The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g. sidewalks).

AQ-1 Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Planning Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485).
- Provide changing/shower facilities as specified in Section A5.106.4.3 of CALGreen (Nonresidential Voluntary Measures).
- Provide bicycle parking facilities per Section A4.106.9 of CALGreen (Residential Voluntary Measures).
- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of CALGreen (Nonresidential Voluntary Measures).

- Provide facilities to support electric charging stations per Section A5.106.5.3 and Section A5.106.8.2 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures).

- Applicant-provided appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by the City during plan check.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.3-2: Construction activities associated with future development that would be accommodated under TOP 2050 could generate short-term emissions in exceedance of the South Coast AQMD's threshold criteria. [Thresholds AQ-2 and AQ-3]

The 2010 Certified EIR identified that, due to the scale of development activity associated under the Approved Project, the short-term emissions would likely exceed the South Coast AQMD regional significance thresholds.

Construction activities under TOP 2050 would also temporarily increase PM_{10}, $PM_{2.5}$, VOC, NO_X (nitrous oxides), SO_X (sulfur oxides), and CO (carbon monoxide) regional emissions in the SoCAB. The primary source of NO_X, CO, and SO_X emissions is the operation of construction equipment. The primary sources of particulate matter (PM_{10} and $PM_{2.5}$) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary sources of VOC emissions are the application of architectural coating and off-gas emissions associated with asphalt paving.

Construction activities associated with TOP 2050 would occur over the buildout horizon of the plan, causing short-term emissions of criteria air pollutants. However, information regarding specific

development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. Due to the scale of development activity associated with buildout of TOP 2050, emissions would likely exceed the South Coast AQMD regional significance thresholds. In accordance with the South Coast AQMD methodology, emissions that exceed the regional significance thresholds would cumulatively contribute to the nonattainment designations of the SoCAB.

Air quality emissions related to construction must be addressed on a project-by-project basis. For TOP 2050, which is a broad-based policy plan, it is not possible to determine whether the scale and phasing of individual projects would exceed the South Coast AQMD's short-term regional or localized construction emissions thresholds. In addition to regulatory measures—e.g., South Coast AQMD Rule 403 for fugitive dust control, Rule 1113 for architectural coatings, and CARB's Airborne Toxic Control Measures—mitigation imposed at the project level may include extension of construction schedules and/or use of special equipment.

Furthermore, TOP 2050 includes Land Use Element Policy LU-2.1, Land Use Decisions, which requires new development to minimize impacts on adjacent properties and would reduce construction emissions associated with development projects. Safety Element Policy S-5.1, Dust Control Measures, requires the implementation of BMPs for dust control at all excavation and grading projects, and Policy S-5.2, Grading in High Winds, prohibits excavation and grading during strong wind conditions.

While individual projects accommodated under TOP 2050 may not exceed the South Coast AQMD regional significance thresholds, the likely scale and extent of construction activities associated with TOP 2050 would likely continue to exceed the relevant South Coast AQMD thresholds for some projects. Compared to the Approved Project, TOP 2050 would have similar impacts because the Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City which would require substantial landform modification. Therefore, like the Approved Project, construction-related regional air quality impacts of developments that would be accommodated by TOP 2050 would be potentially significant.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

MM 3-1 Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Building Department shall require feasible mitigation measures to reduce air quality emissions. Potential

measures shall be incorporated as conditions of approval for a project and may include:

- Require fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as:
  - Requiring use of nontoxic soil stabilizers to reduce wind erosion.
  - Applying water every four hours to active soil disturbing activities.
  - Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.
- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 4 interim or higher exhaust emission limits.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limiting nonessential idling of construction equipment to no more than five consecutive minutes.
- Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality Management District's website at: http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.

These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Department.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits,

including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.3-3: Implementation of TOP 2050 would generate additional, long-term emissions in exceedance of South Coast AQMD's threshold criteria and cumulatively contribute to the South Coast Air Basin's nonattainment designations. [Threshold AQ-2]

The 2010 Certified EIR identified that the Approved Project would generate long-term emissions that would exceed the daily South Coast AQMD thresholds for all criteria pollutants and cumulatively contribute to the nonattainment designations in the SoCAB for O_3 and particulate matter (PM_{10} and $PM_{2.5}$) under the National and California AAQS.

TOP 2050 guides growth and development in the City by designating allowed land uses by parcel and through implementation of its goals and policies. New development would increase air pollutant emissions in the City and contribute to the overall emissions in the SoCAB. TOP 2050 sets up the framework for growth and development and does not directly result in development. Before development can occur, it must be analyzed for conformance with the general plan, zoning requirements, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

TOP 2050 Criteria Air Pollutant Emissions Forecast

The emissions inventory for the City under TOP 2050 and Approved TOP is shown in Table 5.3-10, *City of Ontario Regional Criteria Air Pollutant Emissions Forecast,* in Section 5.3, *Air Quality*, of the Draft SEIR. As shown in the table, buildout of TOP 2050 would generate an increase in long-term emissions that exceed the daily South Coast AQMD thresholds for VOC. Emissions of NO_X, CO, PM_{10}, and $PM_{2.5}$ would slightly decrease compared to the Approved Project. Emissions of VOC are a precursor to O_3. The increase in VOC emissions compared to the Approved Project is a result of the increase in residential uses, which result in a greater increase in consumer product use in the City. Emissions of VOC that exceed the South Coast AQMD regional significance thresholds would contribute to the O_3 nonattainment designation of the SoCAB.

Furthermore, TOP 2050 includes policies that would reduce operational emissions associated with development projects. Land Use Element policies LU-2.1 through LU-2.5 would regulate new development impacts on nearby sensitive land uses. Environmental Resources Element policies ER-3.1 through ER-3.6 would ensure that new development is energy efficient. Community Design Element policy CD-2.7 would ensure that sustainability is considered in the design of new projects. Environmental Resources policies ER-4.1 through ER-4.9 would reduce air pollution from new development. Mobility Element policies M-1.4 (complete streets), M-1.6 (VMT), M-2.1 through M-2.4 (bicycle and pedestrian), and M-3.1 through M-3.11 (transit) would reduce VMT.

The 2010 Certified EIR identified significant impacts associated with VOC, NO_X, CO, SO_2 (sulfur dioxide), PM_{10}, and $PM_{2.5}$. Despite the additional policies in Top 2050, because VOC emissions would be substantially greater, TOP 2050 is considered to result in an increase in magnitude of impacts for VOC compared to the Approved Project.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR. Mitigation Measure (MM) indicates existing mitigation measures from the Approved Project that are applicable to the Proposed Project, while Air Quality (AQ) indicates a new mitigation measure included as part of the Proposed Project.

MM 3-2 The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g. sidewalks).

AQ-1 Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Planning Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485).
- Provide changing/shower facilities as specified in Section A5.106.4.3 of CALGreen (Nonresidential Voluntary Measures).
- Provide bicycle parking facilities per Section A4.106.9 of CALGreen (Residential Voluntary Measures).

- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of CALGreen (Nonresidential Voluntary Measures).

- Provide facilities to support electric charging stations per Section A5.106.5.3 and Section A5.106.8.2 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures).

- Applicant-provided appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by the City during plan check.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.3-4: Operation of industrial and warehousing land uses accommodated under TOP 2050 could expose sensitive receptors to substantial toxic air contaminant concentrations. [Threshold AQ-3]

The 2010 Certified EIR identified that various industrial and commercial development would occur under the Approved Project, but that individual projects would be required to comply with South Coast AQMD Rule 402 to prevent occurrence of and avoid creation of a public nuisance.

Development and operation of new land uses accommodated under TOP 2050 proposed land use plan could generate new sources of localized criteria air pollutant and toxic air contaminants (TACs) in the City from area/stationary sources and mobile sources.

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. In 2007, the SoCAB was designated in attainment for CO under both the California AAQS and National AAQS.

The CO hotspot analysis conducted for the attainment by South Coast AQMD did not predict a violation of CO standards at the busiest intersections in Los Angeles during the peak morning and afternoon periods.[15] As identified in South Coast AQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), peak carbon monoxide concentrations in the SoCAB in previous years, prior to redesignation, were a result of unusual meteorological and topographical conditions and not of congestion at a particular intersection.

Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. Implementation of TOP 2050 under horizon year conditions would not result in hourly traffic increases of this magnitude. This net increase would be below the screening criteria. Thus, implementation of TOP 2050 would not produce the volume of traffic required to generate a CO hotspot, and CO hotspots impacts would be less than significant. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project.

Permitted Stationary Sources

Various industrial and commercial processes (e.g., manufacturing, dry cleaning) allowed under the proposed land use plan would be expected to release TACs. Industrial land uses, such as chemical processing facilities, chrome-plating facilities, dry cleaners, and gasoline-dispensing facilities, have the potential to be substantial stationary sources that would require a permit from South Coast AQMD. Emissions of TACs would be controlled by South Coast AQMD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits under South Coast AQMD Rule 1401, which would ensure less than significant impacts. Additionally, though implementation of TOP 2050 may result in projects that emit TACs throughout the City, the incremental impact of the Proposed Project is the same as the Approved Project. As a result, the Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Warehouse/Industrial Land Uses

New warehousing operations could generate substantial diesel particulate matter (DPM) emissions from off-road equipment use and truck idling. Some warehousing and industrial facilities may also use transport refrigeration units for cold storage. New land uses in the City under TOP 2050 that use trucks, including trucks with transportation refrigeration units, could generate an increase in DPM that would contribute to cancer and noncancer health risk in the SoCAB. These types of facilities could also generate particulate matter (PM_{10} and $PM_{2.5}$) that could cause an exceedance or contribute to the continuing exceedance of the federal and state AAQS. These new land uses could be near existing sensitive receptors. In addition, trucks would travel on regional transportation routes through the SoCAB, contributing to near-roadway diesel particulate matter concentrations.

[15] The four intersections were: Long Beach Boulevard and Imperial Highway; Wilshire Boulevard and Veteran Avenue; Sunset Boulevard and Highland Avenue; and La Cienega Boulevard and Century Boulevard. The busiest intersection evaluated (Wilshire and Veteran) had a daily traffic volume of approximately 100,000 vehicles per day with LOS E in the morning peak hour and LOS F in the evening peak hour.

Implementation of the following TOP 2050 policies would reduce project-level localized impacts from industrial development:

- **ER-4.9: New Localized Air Pollution Sources Near Existing Sensitive Receptors.** We require new developments to conduct a Health Risk Assessment for land uses that generate more than 100 trucks per day or 40 trucks per day by trucks operating transportation refrigeration units (TRU's) within 1,000 feet from sensitive land uses (California Health and Safety Code Section 42705.5(a)(5)). If the health risk assessment determines the new development poses health hazards that increase the incremental cancer risk above the threshold established by the South Coast Air Quality Management District (AQMD), we will only approve permits upon the condition that adequate mitigation measures are proposed and implemented for potential impacts on the sensitive uses around the site and along the route within Ontario taken by the tracks to and from freeways. We require new developments that must perform a health risk assessment to conduct additional public outreach by sending notifications in multiple languages to all residents living within 500 feet, and encourage hosting a public meeting.

Though individual projects would be required to have less than significant impacts, cumulative development in the City would result in an increase in DPM concentrations and could increase the environmental burden on sensitive populations, including environmental justice communities, in the SoCAB.

Regional emissions are divided into two major source categories: stationary and mobile sources. TOP 2050 provides a land use plan that designates land uses for employment-generating uses, including Business Park and Industrial. The Business Park and Industrial land use categories cover a wide variety of potential uses. As a long-range planning document, TOP 2050 lacks sufficient detail on specific development projects that would potentially be developed in the future; therefore, it is not possible to determine what types of TACs would be generated on an individual site. Because the exact nature of the future industrial uses is not known, the quantity of TACs generated by the Proposed Project is also unknown. Furthermore, for warehouse development projects, cancer risk is predominately associated with diesel-powered cargo handling equipment rather than onsite truck idling. There is insufficient information available at this level of analysis to conduct a reasonable or scientifically valid analysis of DPM associated with onsite diesel-powered cargo handling equipment and trucks, or other sources of TACs. Thus, for programmatic, general-plan-level assessments, it is not feasible to conduct regional dispersion modeling to determine the incremental contribution of risks associated with land use changes.

Specific development projects in the City that have the potential to generate potentially significant risks associated with the release of TACs are required to undergo an analysis of their potential health risks associated with TACs based upon the specific details of each individual project (see Policy ER-4.9). Overall, because there are no specific development projects identified or approved under the Proposed Project and the location and exact nature of future development projects are unknown, determining health risk at this time is considered speculative pursuant to Section 15145 of the CEQA Guidelines.

Individual development projects would be required to achieve the incremental risk thresholds established by South Coast AQMD established through Policy ER 4-9. However, implementation of

TOP 2050 would generate TACs that could contribute to elevated levels in the air basin. This effect is more substantial with the Proposed Project compared to the Approved Project because of the increase in industrial land use allowed under the Proposed Project. While individual projects would achieve the project-level risk threshold of 10 per million, they would nonetheless contribute to the higher levels of cancer risk in the SoCAB; and therefore, result in a cumulatively considerable impact.

Finding

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

2. Cultural Resources

Impact 5.5-1: Implementation of TOP 2050 could impact a historic resource. [Threshold C-1]

The 2010 Certified EIR found that policies of the Approved Project, state and federal regulations, and the City's historic preservation ordinance would ensure that historical resources classified as Tier I or Tier II would not be impacted on a programmatic level. Implementation of the Approved Project's land use plan could threaten historic resources classified as Tier III, especially within growth focus areas, and impacts would remain significant and unavoidable after Mitigation Measure 5-1.

Historic resources in the City include historic districts (designated, proposed, and potential), historic landmarks or points of historical interest, and other buildings, structures, objects, and sites that appear eligible for listing on the National, California, or local historic registers. Ontario has eight historic districts, and four proposed and five potential historic districts are deemed eligible for listing (see Figure 5.5-1, *Historic Districts*, in Section 5.5, *Cultural Resources*, of the Draft SEIR). The City's Register of Historic Resources shows 1,957 historic resources, 99 of which are designated Historic Landmark properties. The majority of the historic structures are in residential areas of the City's historic districts.

TOP 2050 is a regulatory document that sets the framework for future growth and development of the City and does not directly result in development. All development or redevelopment projects must be analyzed for conformance with TOP 2050, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits. Thus, adoption of TOP 2050 in itself would not lead to demolition or material alteration of any of these historic resources. Identified historic structures and sites that are potentially eligible for future historic resources listing may be vulnerable to development accommodating TOP 2050. In addition,

other buildings or structures that could meet the National Register criteria upon reaching 50 years of age might be impacted by development or redevelopment activity under TOP 2050.

Known or future historic sites or resources listed in the national, California, or local registers would be protected through local ordinances, TOP 2050 policies, and state and federal regulations restricting alteration, relocation, and demolition of historical resources. Sensitive historical resources of local interest are protected under Chapter 4 and Chapter 7 of the Ontario Development Code. Policy CD-4.1, Cultural Resource Management, and Policy CD-4.2, Collaboration with Property Owners and Developers, of TOP 2050's Community Design Element would require the City to update and maintain an inventory of historic sites, buildings, and other resources and work with property owners and developers to implement strategies and best practices that preserve the character of the City's historic buildings, streetscape, and neighborhoods. Policy H-1.4, Historic Preservation, of TOP 2050's Housing Element would support the preservation of enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario's past that are considered local historical or cultural resources. Compliance with TOP 2050 policies and state and federal regulations would ensure that development would not result in adverse impacts to identified historic and cultural resources.

At the time a development project is proposed adjacent to or near a known or potential historic structure or resource, the project-level CEQA document of the development project would need to identify any impacts, direct or indirect, that the project could have on the identified historic structure or resource. The CEQA Guidelines require a project that will have potentially adverse impacts on historical resources to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Chapter 4 of the City's Development Code contains significance criteria and procedures for the designation of historic resources such as Historic Landmarks, Historic Districts, Architectural Conservation Areas, and Automatic Designations; however, not all properties on the City's list of historic resources have been evaluated for significance. To provide a greater level of certainty regarding the City's preservation goals, the ordinance includes a tier system with standard criteria and procedures for evaluating the significance of historic or potentially historic resources threatened by major modifications or demolition.

The Development Code establishes criteria for Tier I, Tier II or Tier III properties, with Tier I and II being of the highest value. The tier system identifies resources that have the highest preservation value in terms of their architectural and/or historical contribution to the City and method to evaluate the significance of their loss in the case of major modification or demolition. The tier system also includes minimum mitigation measures and a mitigation fee structure for each tier. Tier I consists of properties that should not be demolished or significantly altered under any circumstances, regardless of their designation status. Tier II consists of properties where demolition of these properties should be avoided. Given this strong policy of the City and the programmatic nature of TOP 2050 and this EIR, is it not reasonably foreseeable at this time that any projects would be proposed and approved by the City that would 1) require the demolition of Tier II resources, and 2) for which a project alternative avoiding demolition would not be available for adoption instead of the proposed project. Thus, on a programmatic level, implementation of TOP 2050 would not result in significant impacts to Tier II

resources. Tier III consists of all properties that are Designated Historic Landmarks, are contributing structures in Designated Historic Districts, or are Eligible Historical Resources, as defined by the Development Code. Demolition of these properties should be avoided where possible, but may be appropriate under certain circumstances. If demolition occurs, the City requires historic resources to be documented and historic features to be salvaged, and requires a demolition mitigation fee. Therefore, the Development Code does not provide a high level of protection for Tier III resources. As a result, historical resources categorized under the ordinance as Tier III could potentially be impacted with implementation of TOP 2050.

Compared to the Approved Project, TOP 2050 would have similar impact associated with historic resources. The Proposed Project would result in an increase in land use intensity compared to the Approved Project but would not result in development in areas of the City that were not planned for development under the Current TOP. Therefore, like the Approved Project, historical resources categorized under the Development Code as Tier III could potentially be impacted with implementation of the Proposed Land Use Plan and would be potentially significant.

Mitigation Measure

The Proposed Project would not result in new impacts or a substantial increase in the magnitude of impacts to historic resources compared to the Approved Project. The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

MM 5-1 Historic or potentially historic resources in the City shall be evaluated for historic significance through the City's tier system prior to the issuance of plan or development approvals. Pursuant to City's Development Code (Chapter 4, Permits, Actions, and Decisions, and Chapter 7, Historic Preservation), mitigation measures for all Tier III Historic Resources shall include the following:

a) Each historic resource shall be fully documented and cataloged pursuant to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards, to provide a record of the resource, including, but not limited to: [i] the preparation of site plans, floor plans, exterior and interior elevations, and detail drawings of character defining features (such as moldings, stairs, etc.); and [ii] photographs of the resource, including the exterior, interior, and interior and exterior character defining features (such as moldings, light fixtures, trim patterns, etc.).

b) A mitigation fee established pursuant to Section 7.01.030 (Historic Preservation Mitigation Fee) shall be paid to the City prior to the issuance of a demolition permit for Tier III historic resources. Fees for Tier I and II historic resources shall be determined during the Environmental Impact Report process. The fees established for Tier III will be used as a reference point for establishing fees for Tier I and II historic resources.

c) A Certificate of Appropriateness shall not be issued for the demolition of an historic resource, either in whole or in part, until such time that a demolition permit application and a replacement structure has been approved by the City, and appropriate permits have been issued for its construction, unless: [i] a waiver is granted pursuant to Subsection H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) of Section 4.02.050; [ii] a deferral of the replacement structure requirement is granted pursuant to Subsection G (Replacement Structure Deferral) of Section 4.02.050; or [iii] demolition is required pursuant to Section 7.01.050 (Unsafe or Dangerous Conditions) of this Development Code.

d) In an effort to preserve features and artifacts from historic resources, a determination whether items within or on the resource should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit. The applicant shall be responsible for the removal, relocation, storage, and donation of such items selected for salvaging. The applicant shall provide an inventory of salvaged items to the Planning Department, and shall include a list of each item name, description, and dimension (as necessary), and the location of each item on a floor plan.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

3. Noise

Impact 5.13-1: Construction activities associated with buildout of TOP 2050 would result in temporary noise increases at sensitive receptors during construction activities. [Threshold N-1]

The 2010 Certified EIR identified that TOP buildout could result in individual construction developments near noise sensitive receptors and expose receptors to prolong periods of construction

activity. Mitigation Measure 12-4 was identified to reduce construction noise to the extent feasible. However, construction noise impacts of the Approved Project were significant and unavoidable in the 2010 Certified EIR.

TOP 2050 is an update to TOP and focuses on technical updates to the Policy Plan to comply with state housing mandates and conform with new state laws related to community health, environmental justice, climate adaptation, resiliency, and mobility.

Two types of short-term noise impacts could occur during construction. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. This amount of construction traffic is typically small in relation to the total daily traffic volumes on those roadway segments. The second type of short-term noise impact is related to demolition, site preparation, grading, and/or physical construction.

The Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City that would require substantial landform modification. While specific project level data for individual developments for TOP 2050 (such as construction equipment, duration, and phasing) are not available, construction could generate noise levels in excess of 80 dBA equivalent continuous noise level (L_{eq}) and generate noise disturbances for prolonged periods of time at noise-sensitive receptors. Safety Element Policy S-4.1, Noise Mitigation, would help minimize the construction noise impacts through enforcement of the City's Noise Ordinance. This includes Municipal Code Chapter 29, Section 5-29.09, which limits construction, remodeling, digging, grading, demolition, or any other related building activity to between the hours of 7:00 am and 6:00 pm, Monday through Friday, and 9:00 am to 6:00 pm on weekends. The Proposed Project would not result in new or a substantial increase in the magnitude of impacts compared to the Approved Project. Nevertheless, construction-related noise impacts from the Proposed Project would be potentially significant.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

MM 12-4 Construction activities associated with new development that occurs near sensitive receptors shall be evaluated for potential noise impacts. Construction contractors shall implement the following measures for construction activities in the City of Ontario. Construction plans submitted to the City shall identify these measures on demolition, grading, and construction plans. The City of Ontario Planning and Building Departments shall verify that grading, demolition, and/or construction plans submitted include these notations prior to issuance of demolition, grading, and/or building permits.

- Construction activity is limited to the hours between 7:00 am and 6:00 pm Monday through Friday and 9:00 am to 6:00 pm Saturdays and Sundays, as prescribed in Municipal Code Section 5-29.09.

- During the entire active construction period, equipment and trucks used for project construction shall use the best-available noise control techniques wherever feasible (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).

- Impact tools (e.g., jack hammers and hoe rams) shall be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.

- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.

- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.

- Construction traffic shall be limited, to the extent feasible, to approved haul routes established by the City's Engineering Department.

- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.

- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.

- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

- Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors), as necessary and feasible, to maintain construction noise levels at or below the performance standard of 80 dBA L_{eq}. Barriers shall be constructed with a solid material that has a density of at least 1.5 pounds per square foot with no gaps from the ground

to the top of the barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.13-3: Development in accordance with TOP 2050 could create groundborne vibration and groundborne noise during construction activities in excess of established standards. [Threshold N-2]

Construction Vibration

The 2010 Certified EIR identified that vibration generated during construction activities would be a significant impact despite implementation of Mitigation Measure 12-2.

Construction activity at projects within TOP 2050 plan area would generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures but can achieve the audible and perceptible ranges in buildings close to the construction site. Table 5.13-11, *Vibration Levels for Construction Equipment*, in Section 5.13, *Noise*, of the Draft SEIR lists reference vibration levels for construction equipment at a distance of 25 feet.

Like the Approved Project, the Proposed Project would have similar impacts because specific project-level data for individual developments for TOP 2050 (such as construction equipment) are not available, and construction could generate excessive vibration levels at sensitive receptor locations.

Vibration-related noise impacts from the Proposed Project that would accommodate buildout of TOP 2050 would be potentially significant.

Operational Vibration

The 2010 Certified EIR found that potential impacts from on-road vehicles would not generate more than 0.8 in/sec peak particle velocity at vibration-sensitive receptors; therefore, impacts associated with the Approved Project were identified as less than significant.

Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that heavy trucks and buses generate the highest earth-borne vibrations of normal traffic. Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Its study finds that

> ... vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings).

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to that of the Approved Project. Therefore, like the Approved Project, the Proposed Project impacts would be less than significant.

Commercial and industrial operations would generate varying degrees of ground vibration, depending on the operational procedures and equipment. The 2010 Certified EIR found that the majority of industrial uses would not be immediately adjacent to vibration-sensitive uses, the use of heavy equipment associated with industrial activities would occur indoors, and no significant vibration impacts would occur from vibration generated by industrial uses. Like the Approved Project, the Proposed Project's commercial and industrial operations would not generate significant vibration impacts, and vibration from industrial and commercial operations would be less than significant.

The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

MM 12-2 Prior to issuance of a building permit, individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers near sensitive receptors shall be evaluated for potential vibration impacts. For construction within 135 feet of fragile structures, such as historical resources, within 100 feet of nonengineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a

noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for nonengineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses shall be used, such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.13-4: Implementation of TOP 2050 could expose noise sensitive uses to excessive noise levels from the Ontario International Airport. [Threshold N-3]

The 2010 Certified EIR identified that airport noise impacts of the Approved Project were significant and unavoidable despite implementation of Mitigation Measure 12-1.

Future noise contours were developed based on data provided by the City of Ontario. Figure 5.13-3, *Airport Noise Contours*, in Section 5.13, *Noise*, of the Draft SEIR, show the ONT noise contours identified in the ALUCP. The Chino Airport noise contours do not extend into the City.

The City of Ontario's noise and land use compatibility standards considers a noise environment up to 60 dBA CNEL to be "clearly acceptable" for residential uses. Residential uses in exterior noise environments of up to 65 dBA CNEL are "normally acceptable." Normally acceptable conditions would require an acoustical report for major new residential construction. CBC Part 2, Volume 1,

Chapter 12, Section 1206.4, Allowable Interior Noise Levels, requires that interior noise levels attributable to exterior sources not exceed 45 dBA in any habitable room.

The 2010 Certified EIR found that residents and other sensitive receptors in the noise contour would be exposed to excessive noise levels from airport operations, and consequently indoor and exterior noise environments would be exposed to elevated noise levels from aircraft overflights. Safety Element Policy S-4.6, Airport Noise Compatibility, would minimize impacts. Policy S-4.6 states that information from the ALUCPs shall be utilized to prevent the construction of new noise-sensitive land uses within airport noise impact zones. The Proposed Project would not result in new or a substantial increase in magnitude of impacts compared to the Approved Project. However, impacts would remain potentially significant, and future sensitive uses within an airport 65 dBA CNEL or more contour would be required to conduct a noise assessment and mitigate, as feasible, to achieve an interior noise level 45 dBA CNEL in any habitable room.

Additionally, TOP 2050 includes policies that help minimize airport noise impacts:

- **S-4.2: Coordination with Transportation Authorities.** We collaborate with airport owners, FAA, Caltrans, SBCTA, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans to minimize noise impacts and provide appropriate mitigation measures.

- **S-4.3: Airport Noise Mitigation**. We aggressively pursue funding and utilize programs to reduce the effects of aircraft noise in impacted areas of our community.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

MM 12-1 Prior to the issuance of building permits for any project that involves a noise-sensitive use within the 65 dBA CNEL contour of the Ontario International Airport, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (Titles 24 and 21 of the California Code of Regulations).

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

4. Transportation

Impact 5.17-2: The Proposed Project would generate a substantial increase in total VMT compared to the Approved Project. [Threshold T-2]

Table 5.17-4, *VMT Comparison of TOP 2050 to the Approved TOP*, in Section 5.17, *Transportation*, of the Draft SEIR shows that Boundary VMT is higher under the Proposed Project than the Approved Project within the Ontario city boundary (VMT Threshold 2); however, the origin-destination method VMT/SP is lower under the Proposed Project, indicating more efficient mix of land uses (VMT Threshold a). Since there would be a net increase in total citywide Boundary VMT from Approved TOP to TOP 2050, the Proposed Project is anticipated to result in a significant transportation impact related to VMT. This is primarily due to the increase in population accommodated by the Proposed Project.

TOP 2050 includes goals and policies to offset VMT impacts by creating greater access to transit and enhanced alternative transportation modes. In addition, the following policies encourage reduced VMT through land use planning and design.

- **LU-1.1: Strategic Growth**. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.
- **LU-1.2: Sustainable Community Strategy**. We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.
- **LU-1.4: Multimodal Mobility**. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on active transportation, transit, electric vehicles, and multimodal transportation opportunities.
- **CE-1.12: Circulation.** We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.
- **M-1.2: Mitigation of Impacts.** We require development to mitigate its traffic impacts.

- **M-1.6: Reduce Vehicle Miles Traveled.** We will strive to reduce VMT through a combination of land use, transportation projects, travel demand management strategies, and other trip reduction measures in coordination with development projects and public capital improvement projects.

- **CD-2.5: Streetscapes**. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- **CD-2.6: Connectivity**. We promote development of street patterns, multimodal networks, and connected public spaces that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent "islands" through the following means: 1) Local streets that provide access both between subdivisions and within neighborhoods and discourage through traffic; 2) A local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials and provide adequate emergency and evacuation access; and 3) Pedestrian and bicycle networks that provide convenient access to neighborhoods and nearby destinations, such as schools, parks, other public spaces, commercial areas, and transit stops.

- **CD-2.16: Transit Stops.** We require transit stops be conveniently located, well lit, safe, and accessible to pedestrians, bicyclists, and people of all abilities.

- **CD-3.2: Comfortable, Human-Scale Public Realm**. We require that public spaces, including streets, parks, and plazas on both public and private property be designed to maximize safety, comfort, and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

- **CD-3.3: Complete and Connected Network.** We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and designed to maximize safety, comfort, and aesthetics.

- **CD-3.5: Active Frontages.** We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

Even with the additional goals, policies, and actions related to VMT reduction identified as part of TOP 2050, which are not reflected in the traffic modeling, the Proposed Project is not anticipated to reduce the impact of increased total VMT. Therefore, VMT impacts of TOP 2050 would result in a new significant impact compared to the Approved Project.

Mitigation Measure

The following mitigation measure was included in the Draft SEIR and the Final SEIR; and in an abundance of caution, is applicable to the Proposed Project. The measure as provided include any revisions incorporated in the Final SEIR.

T-1 Prior to approval of discretionary projects subject to VMT reduction analysis, applicants shall demonstrate compliance with the City's VMT Guidelines for CEQA assessment of VMT impacts. For projects with VMT per Service Population exceeding the County's significance threshold, a mitigation plan shall be developed and implemented. Mitigation should consist of Transportation Demand Management (TDM) measures analyzed under a VMT-reduction methodology consistent with the California Air Pollution Control Officers Association's (CAPCOA) *Final Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (2021) and approved by the City of Ontario (if applicable). Examples of measures include but are not limited to:

- Pedestrian Network Improvements: constructing new sidewalks and/or improving damaged or substandard sidewalks that connect to a larger pedestrian network.
- Construct or Improve Bike Facilities: constructing new or enhancing a single existing Class I, II or IV bike facility that connects to a larger bike network.
- Construct or Improve Bike Boulevards: implementing a Class III bike boulevard on a local or collector street that is one travel lane in each direction, has a design speed of 25 mph or less and a design volume of 5,000 ADT or less.
- Expand Bikeway Networks: constructing a network of interconnected new Class I, II, or IV bike facilities.
- Provide End of Trip Bicycle Facilities: constructing facilities that support cyclists such as bike parking, lockers, and showers.
- Implement Transit-Supportive Roadway Treatments: funding infrastructure improvements such as traffic signal modifications and roadway signing and striping that are dedicated to improving transit travel times and reliability.
- Transit Passes: proving discounted or free transit fare to a specific geographic area, population group, or to the general public.
- Vanpool Program: providing groups of 5 to 15 people with direct shuttle service between their workplace and residence.
- Carshare Program (conventional or EV): providing access to a shared fleet of on-demand vehicles for short-term use/rental. Best practice is to discount carshare

membership and provide priority parking for carshare vehicles to encourage use of the service.

- Bikeshare Program (conventional or EV): providing access to a shared fleet of on-demand bicycles for short-term use/rental. Best practice is to discount bikeshare membership and dedicate bikeshare parking to encourage use of the service.

- Rideshare Program: providing access to and encouraging the use of a ridesharing platform or service. This could be an app, website, or other service that provides ride-matching coordination services.

- Community-Based Travel Planning (CBTP): CBTP is a residential based approach to outreach, performed by trained advisors, that provides households within a targeted geographic area with customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles.

- Commute Trip Reduction (CTR) Program: CTR programs can be mandatory or voluntary, and involve providing information, coordination, services, infrastructure, and/or incentives for alternative modes such as ridesharing, vanpool, transit passes, and cycling.

Finding

Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft SEIR. These changes are identified in the form of the mitigation measure above. The City of Ontario hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the SEIR, as discussed in Section IV of these Findings (Public Resources Code Section 21081(a)(1), (3); Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

E. CUMULATIVE IMPACTS

Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

1. Aesthetics

Cumulative impacts related to aesthetics would be contiguous with the city boundaries. Cumulative projects in Ontario would have the potential to result in a cumulative impact to aesthetic resources if, in combination, they would result in the removal or substantial adverse change of one or more features that contribute to the valued visual character or image of a neighborhood, community, State scenic highway, or localized area, such as a designated landmark, historic resource, trees, or rock outcropping.

Scenic Vistas and Scenic Resources. Growth within the City of Ontario could affect scenic vistas and specific scenic resources. However, because growth allowed under the Proposed Project would be subject to goals, policies, and regulations that reduce impacts of the TOP 2050 on scenic resources to a less than significant level, the Proposed Project's contribution to impacts would not be cumulatively considerable. Cumulative impacts of TOP 2050 related to scenic vistas and scenic resources are therefore considered less than significant.

Visual Character and Quality. Growth anticipated in Ontario would fundamentally alter visual character and quality in some areas of the City, including Ontario Ranch. However, because development allowed under the Proposed Project would be subject to goals, policies, and regulations that reduce impacts of TOP 2050 on visual resources and character to a less than significant level, the Proposed Project's contribution to cumulative impacts would not be cumulatively considerable. Cumulative impacts of the Proposed Project related to visual character and quality are therefore considered less than significant.

Light and Glare. The construction and operation of cumulative projects located in Ontario would have the potential to result in new sources of light and glare from new development and redevelopment that requires night lighting—such as security lighting in commercial areas—or is constructed with materials that would result in glare, such as expanses of glass on office buildings. Impacts from glare are generally localized and not cumulative in nature; therefore, a significant cumulative impact related to glare would not occur. Additionally, because development allowed under the Proposed Project would be subject to the Development Code, which contains standards addressing lighting, and would reduce impacts of TOP 2050 related to light and glare to a less than significant level, the Proposed Project's contribution to cumulative impacts would not be cumulatively considerable.

2. Agriculture and Forestry Resources

The area considered for cumulative impacts to agriculture and forestry resources is San Bernardino County.

Mapped Important Farmland, Williamson Act Contracts, and Agricultural Zoning. Implementation of the Proposed Project would not result in agricultural resource impacts that would combine with impacts in San Bernardino County to result in significant, cumulative impacts. Impacts would be less than significant.

Forest Resources. The City of Ontario does not have any forest resources or timberland; therefore, no significant cumulative impact to forest resources would occur, and impacts would not be cumulatively considerable.

3. Air Quality

The cumulative setting for air quality is the SoCAB. In accordance with the South Coast AQMD methodology, any project that produces a significant project-level regional air quality impact in an area that is in nonattainment contributes to the cumulative impact. Cumulative projects include new development and general growth within the SoCAB. The SoCAB is nonattainment for ozone, PM_{10}, and $PM_{2.5}$. Due to the extent of the area potentially impacted from cumulative project emissions, South Coast AQMD consider a project cumulatively significant when project-related emissions exceed the regional emissions thresholds. As identified in Impact 5.3-2 (operation) and Impact 5.3-3 (construction), implementation of the Proposed Project would cumulatively contribute to the nonattainment designations of the air basins, and cumulative impacts are significant.

Construction. The SoCAB are designated nonattainment for O_3, $PM_{2.5}$, PM_{10}, and lead (SoCAB: Los Angeles County only) under the California and/or National AAQS. Construction of cumulative projects would further degrade the regional and local air quality. Air quality would be temporarily impacted during construction activities. Implementation of mitigation measures for related projects would reduce cumulative impacts. Mitigation Measure 3-1 would reduce impacts associated with consistency with the South Coast AQMD. However, project-related construction emissions could still potentially exceed the South Coast AQMD significance thresholds on a project and cumulative basis. Consequently, the Proposed Project's contribution to cumulative air quality impacts would be cumulatively considerable and would therefore be significant.

Operation. For operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by South Coast AQMD to be a substantial source of air pollution and does not add significantly to a cumulative impact. Mitigation Measures 3-2 and new Mitigation Measure AQ-1 would reduce impacts associated with consistency with the South Coast AQMD. Nevertheless, operation of the Proposed Project would result in emissions in excess of the South Coast AQMD regional emissions thresholds for long-term operation. Additionally, development under TOP 2050 would generate TACs that could contribute to elevated levels of risk. Therefore, the Proposed Project's air pollutant emissions would be cumulatively considerable and therefore significant.

4. Biological Resources

The analysis presented in this section, by the nature of TOP 2050, provides a cumulative assessment of biological impacts within the City. TOP 2050 policies would minimize potential cumulative impacts to biological resources, as identified above. Coordination with resource agencies would reduce potential cumulative impacts to biological resources by prioritizing areas for conservation and maintaining communication among jurisdictions. With implementation of existing regulations and TOP 2050 policies, impacts to biological resources would be less than significant and would not be cumulatively considerable.

5. Cultural Resources

Historical Resources. The area considered for cumulative impacts is the City of Ontario. Projects in the City could destroy or otherwise diminish the historical significance of historical resources. Mitigation

Measure 5-1 would require historic or potentially historic resources to be evaluated for historic significance through the City's Development Code tier system. Major modification or demolition of Tier III resources may be appropriate under certain circumstances. If demolition occurs, the City requires historic resources to be documented and historic features to be salvaged, and requires a demolition mitigation fee. Therefore, the ordinance does not provide a high level of protection for Tier III historic resources. As described above, historical resources categorized under Chapter 4 of the City's Development Code as Tier III could potentially be impacted with implementation of TOP 2050 and would be potentially significant; and therefore, cumulatively considerable.

Archaeological Resources. The area considered for cumulative impacts is the City of Ontario. Projects in the City would disturb soil and thus could damage archaeological resources. Projects in the City of Ontario and would comply with federal and state regulations governing the treatment of archeological resources. Mitigation Measure 5-2 would ensure that impacts to archeological resources are less than significant and would be less than cumulatively considerable.

6. Energy

The area considered for cumulative impacts to electricity and natural gas supplies and facilities is SCE and Southern California Gas Company (SoCalGas) service areas. Other projects in the SCE and SoCalGas service area would be subject to existing regulations, including the CBC which requires new buildings increase energy efficiency. TOP 2050 includes policies to reduce energy use and the CCAP includes measures to align with the state's goals for carbon neutrality. Cumulative impacts would be less than significant, and impacts would not be cumulatively considerable.

7. Geology and Soils

Geological Hazards. Geology and soils impacts related to the Proposed Project would be specific to the sites of each development or redevelopment project under TOP 2050. Compliance with applicable state and local building regulations would be required of all development projects. Site-specific geologic hazards would be addressed by the geotechnical report required for each development project. The geologic investigation would identify the specific geologic and seismic characteristics on a site and provide guidelines for engineering design and construction to maintain the structural integrity of proposed structures and infrastructure. Therefore, compliance with applicable state and local building regulations and standard engineering practices related to seismic and geologic hazard reduction would prevent significant cumulative adverse impacts associated with geologic and seismic hazards. Impacts of the Proposed Project on geology and soils would not be cumulatively considerable.

Paleontological Resources. The area considered for cumulative impacts for paleontological resources is the City of Ontario. Projects in the City of Ontario and would comply with federal and state regulations governing the treatment of paleontological resources. Mitigation Measure 5-2 would ensure that impacts to paleontological resources are less than significant and would be less than cumulatively considerable.

8. Greenhouse Gas Emissions

Project-related GHG emissions are not confined to a particular air basin but are dispersed worldwide. Therefore, impacts identified under Impact 5.8-1 and Impact 5.8-2 are not project-specific impacts to global warming, but the Proposed Project's contribution to this cumulative impact. As discussed above, the City would experience a reduction in GHG emissions from existing conditions despite the anticipated population and employment growth. In addition, with implementation of the CCAP, the Proposed Project would achieve the state's GHG emissions efficiency target without implementation of additional local GHG reduction measures. Goals and policies in TOP 2050 and actions in the CCAP would minimize GHG emissions generated by the residential and nonresidential land uses in the City. Consequently, the Proposed Project's cumulative contribution to global climate change impacts is less than cumulatively considerable.

9. Hazards and Hazardous Materials

Hazardous Materials. The cumulative setting for hazardous materials is the City of Ontario. Impacts arising from hazardous materials and hazardous materials releases are site-specific and generally do not combine to cause cumulative impacts. Therefore, hazards and hazardous materials impacts are less than significant and would not be cumulatively considerable.

Airport Hazards. The areas considered for cumulative airport-related hazards impacts are the airport influence areas of ONT and Chino Airport. Development proposed within the airport influence area of ONT and Chino Airport would be required to be evaluated under the ALUCP for ONT and the 2011 Handbook for Chino Airport to ensure that the projects proposed within such zones would comply with land use regulations for the respective safety zones set forth by the affected agencies. Cumulative impacts would be less than significant after compliance with such regulations, and impacts of TOP 2050 would not be cumulatively considerable.

Fire Hazards. The areas considered for cumulative impacts related to wildfires are fire hazard severity zones in the City. Projects within wildfire hazards zones are required to comply with regulations governing development in such zones, including CBC Chapter 7A, CFC Chapter 49, and California Public Resources Code Sections 4291 et seq. TOP 2050 policies regarding wildfire would also reduce cumulative impacts. Wildfire impacts of TOP 2050 would not be cumulatively considerable.

Emergency Response and Evacuation. According to the City's 2018 Local Hazard Mitigation Plan, interstate highways would serve as major emergency response and evacuation routes. Additionally, the Ontario Fire Department reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. Review of emergency access is also included as part of the City's Design Review process. Therefore, impacts to emergency response and evacuation are less than significant; and therefore, less than cumulatively considerable.

10. Hydrology and Water Quality

Cumulative impacts to hydrology, drainage, flooding, and water quality are considered for the Chino Creek subwatershed and the Middle Santa Ana River subwatershed, which are part of the larger Santa Ana River Watershed.

Development in the City of Ontario and other projects in these watersheds would increase impervious areas, thus increasing runoff and flows into storm drainage systems. Within San Bernardino County, other projects would be required to prepare hydrology and hydraulic studies in accordance with the County Hydrology Manual and analyze stormwater flows that result from the 100-year storm event to ensure that the capacities of the storm drain systems are not exceeded. Additionally, other projects would be required to comply with MS4 permits applicable in those watersheds. The Santa Ana RWQCB MS4 permit applies to portions of three counties in the Santa Ana Basin. Other projects compliance with the requirements of the Santa Ana RWQCB MS4 permit, the San Bernardino County Stormwater Program, and San Bernardino County Hydrology Manual guidance would reduce cumulative impacts to hydrology and drainage to less than significant and would not be cumulatively considerable.

If projects in the watersheds are within 100-year flood zones, they would be mandated to comply with National Flood Insurance Program requirements. Cumulative impacts to hydrology, drainage, and flooding would be less than significant, and impacts of TOP 2050 would not be cumulatively considerable.

Cumulative projects could generate pollutants that would contaminate stormwater. Compliance with the MS4 permit includes implementation of site design and source control BMPs that reduce the potential for pollutants to enter runoff and treatment control BMPs that remove pollutants from stormwater. Cumulative water quality impacts would be less than significant after compliance with such permits, and impacts would not be cumulatively considerable.

11. Land Use and Planning

Cumulative projects in the City would have the potential to result in a cumulative impact if they would, in combination, conflict with existing land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental impact. Projects in the City would utilize TOP 2050 and regional planning documents such as SCAG's Connect SoCal during planning, to the extent that they are applicable. Cumulative projects would be required to comply with TOP 2050 or they would not be approved without a general plan amendment. As discussed above, implementation of TOP 2050 would not conflict with existing land use plans, policies, or regulations. Therefore, TOP 2050 would not contribute to a significant cumulative impact.

12. Mineral Resources

The area considered for cumulative impacts to mineral resources is the P-C regions overlapping the City of Ontario and extending into other counties within the Greater Los Angeles Sand and Gravel Resources Area: the Claremont-Upland P-C region extends into Los Angeles County; the Orange County-Temescal Region extends into Orange County and Western Riverside County, and the San Bernardino P-C region encompasses San Bernardino and most western Riverside County. Other projects in the referenced areas would likely be proposed within MRZ-2 and MRZ-3 areas. Development of such projects could cause loss of availability of known mineral resources valuable to the region. Other projects would be subject to independent CEQA review, including analysis of impacts to MRZ areas and mining sites. Implementation of all feasible mitigation measures would be required to reduce any significant impacts identified. As identified above, the Proposed Project would

not impact mineral resources of statewide, regional, or local value. In addition policies of TOP 2050 would minimize cumulative impacts. Therefore, TOP 2050 would not contribute to a significant cumulative impact.

13. Noise

The above analysis of TOP 2050 addresses cumulative impacts with regard to operational and construction noise as well as groundborne noise and vibration in the City. TOP 2050 proposes the long-term buildout and operation of many different uses. Although multiple simultaneous nearby noise sources may, in combination, result in higher overall noise levels, this effect is captured and accounted for by the community noise level metrics that form the basis of the standards of significance for noise analysis. To specifically estimate the Proposed Project's contribution to traffic noise, existing noise levels were compared to those projected with completion of TOP 2050. As demonstrated above, TOP 2050's contribution to increases in ambient noise levels results in a significant impact.

The area considered for cumulative impacts for construction noise and vibration is the City of Ontario. Construction activities may occur simultaneously and in close proximity to noise-sensitive receptors, resulting in significant impacts. Mitigation Measure 12-2 would reduce potential impacts associated with construction vibration from individual development projects to the extent feasible. Mitigation Measure 12-4 would reduce potential impacts associated with construction from individual development projects to the extent feasible. However, due to the potential for proximity of construction activities to sensitive uses, the number of construction projects occurring simultaneously, and the potential duration of construction activities, impacts could be significant. Since details of individual development projects in the City are currently unknown, it cannot be determined whether Mitigation Measure 12-2 and 12-4, would reduce potentially significant impacts to less than significant levels. TOP 2050 would; therefore, contribute to cumulatively considerable construction-related noise, and the cumulative impact would be significant and unavoidable.

14. Population and Housing

The area considered for cumulative impacts is the SCAG region. As described above, although the increase in population, housing, and employment under TOP 2050 would exceed SCAG's regional forecasts for the City of Ontario, TOP 2050 would improve the job-housing balance when compared to the Approved Project. SCAG identifies several Priority Growth Areas in Ontario, including High-Quality Transit Areas, Transit Priority Areas, Neighborhood Mobility Areas, and Livable Corridors. TOP 2050 would promote growth consistent with these Priority Growth Areas, as proposed land use changes under TOP 2050 are intended to encourage walking and biking, put residents in proximity to resources, and align future growth in Ontario with planned infrastructure improvements and regional transportation goals. Therefore, implementation of TOP 2050 would not contribute to a significant cumulative population and housing impact.

15. Public Services

Fire Protection. The area of cumulative effect for fire protection is the City of Ontario. As described above, OFD would be required to meet the increased demand for population and employment growth over the buildout of TOP 2050. Development or expansion of fire stations, equipment, and personnel

would be subject to TOP 2050 policies designed to protect environmental resources and would also be subject to environmental review and impact mitigation per CEQA. Cumulative impacts associated with development of new stations are therefore determined to result in less than significant impacts.

Police Protection. The area of cumulative effect for police services is the City of Ontario. As described above, OPD would be required to meet the increased demand for population and employment growth over the buildout of TOP 2050. Development or expansion of police stations, equipment, and personnel would be subject to TOP 2050 policies designed to protect environmental resources and would also be subject to environmental review and impact mitigation per CEQA. Cumulative impacts associated with development of new police stations are therefore determined to result in less than significant impacts.

School Services. The area considered for cumulative analysis is the service areas of school districts serving the City. Cumulative development projects that involve residential development would increase the public-school population in the region and require the construction or expansion of school facilities so that adequate service ratios are maintained. This increase in student population would require the construction or expansion of school facilities, which could result in adverse environmental impacts. As discussed above, under state law, development projects are required to pay established school impact fees in accordance with SB 50 at the time of building permit issuance. The funding program established by SB 50 has been found by the Legislature to constitute "full and complete mitigation of the impacts of any legislative or adjudicative act…on the provision of adequate school facilities" (Government Code Section 65995[h]). The fees authorized for collection under SB 50 are conclusively deemed full and adequate mitigation of impacts on school district facilities. Furthermore, cumulative school projects require discretionary actions and would be required to demonstrate compliance with CEQA prior to project approval. TOP 2050 would not combine with areawide growth to result in cumulatively considerable impacts to school services. This impact would be less than significant.

Library Services. The area considered for cumulative analysis is the service area of the Ontario library system. Cumulative development projects that involve residential development would increase the population in the region and require the construction or expansion of library facilities so that adequate service ratios are maintained. This increase in population would require the construction or expansion of library facilities, which could result in adverse environmental impacts. New and/or expanded libraries in the City would be subject to TOP 2050 policies protecting the environment, and new or expanded libraries would be subject to environmental review and mitigation pursuant to CEQA. Impacts would be less than significant, and therefore, less than cumulatively considerable.

16. Recreation

The area considered for cumulative impacts for recreation is the City of Ontario. As described above, TOP 2050 provides land use opportunities for public parks to be developed in line with future development. The proposed Parks and Recreation Element contains relevant goals, policies, and programs that support a regular review of the City's parks and trails plans to keep pace with demographic trends and recreational needs of Ontario's residents (see Policies PR-1.1 through PR-1.16). In addition, under TOP 2050's Parks and Recreation Element, Policy PR-1.5 strives to provide five acres of parkland per 1,000 residents, and Policy PR-1.6 provides a minimum of two acres of

developed private park space per 1,000 residents in addition to the three acres per 1,000 persons standard. As a result, development of park facilities would keep pace with the anticipated increase in population from buildout of TOP 2050. Therefore, impacts are less than significant and would not be cumulatively considerable.

17. Transportation

The cumulative effect for transportation impacts is the SBCTA region. Cumulative traffic impacts consider the impacts of future growth and development in the SBCTA region. As identified above, TOP 2050 would result in a significant cumulative impact for VMT as a result of a substantial increase in population within the City. Mitigation Measure T-1 would reduce potential impacts for future development projects to the extent feasible. Future development projects consistent with TOP 2050 would need to consider transportation demand management (TDM) measures consistent with those identified in the Mobility Element. TDM techniques include incentives to use transit; incentives to form carpools rather than drive alone; and making home, work, and shopping closer together to shorten travel distances. VMT impacts under the Proposed Project would remain. Therefore, VMT impacts of TOP 2050 are cumulatively considerable.

The Proposed Project is consistent with adopted policies, plans, or programs regarding public transit, bicycle, and pedestrian facilities, and the performance and safety of such facilities, and would not combine with other area projects to result in significant impacts to such facilities. Impacts associated with alternative transportation polices are less than significant.

According to the City's 2018 Local Hazard Mitigation Plan, interstate highways would serve as major emergency response and evacuation routes. Additionally, the Ontario Fire Department reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. Review of emergency access is also included as part of the City's Design Review process. Therefore, impacts to emergency response and evacuation are less than significant; and therefore, less than cumulatively considerable.

18. Tribal Cultural Resources

The area considered for analysis of cumulative impacts for TCR is the traditional tribal territories of the Tribes. Projects in Ontario and within the traditional tribal territories would involve ground disturbance and thus could damage TCR. Other lead agencies would consult independently with Native American tribes regarding TCRs pursuant to AB 52 and/or SB 18. Other projects would comply with state and federal laws and regulations protecting TCRs and would implement feasible mitigation measures for significant impacts identified. Therefore, cumulative impacts would be less than significant.

19. Utilities and Service Systems

Wastewater Treatment and Collection. The area considered for cumulative impacts for wastewater is the IEUA service area. Cumulative projects in the IEUA service area could cause significant impacts if they either exceeded wastewater treatment requirements of RWQCBs or generated wastewater exceeding the combined capacities of wastewater treatment plants. Cumulative development within

the IEUA service area could result in the need for new and/or expanded the wastewater treatment plants. However, as stated previously, IEUA has experienced a decrease in the volume of sewage flow of approximately 10 percent over the last 20 years, due to a decrease in indoor water consumption with new development compliance with California Green Building Standards Code and water conservation efforts. The IEUA anticipates a significant increase in the growth of its service area in the next ten years, with 40 percent of the growth resulting from new development in Ontario. The IEUA develops 10-year forecasts and specifies capital improvements that will be implemented to meet the increase in demand. The ultimate capacity for wastewater flows to the IEUA WWTPs is 80 mgd by 2060. Also, future development within the service area would be required to comply with all applicable regulations and ordinances issued by IEUA. Wastewater from cumulative projects is assumed in the SSMPs prepared by IEUA and the cities that send wastewater to the IEUA WWTPs. The IEUA and the cities within its service area plan for increased demand with future development. Therefore, with continued compliance with local and regional regulations and the requirements of TOP 2050, cumulative impacts would be less than significant, and would not be cumulatively considerable.

Water Supply and Distribution. The area considered for cumulative impacts for water supply and treatment is the IEUA and City of Ontario service areas. The IEUA and the OMUC obtain groundwater from the Chino Groundwater Basin, which is adjudicated and managed by the Chino Basin Watermaster, imported water from MWD, purchased water from San Antonio Water Company, and recycled water from IEUA. The IEUA and City's 2020 UWMPs state that there are sufficient water supplies through 2045 to meet projected demands in normal years, single dry years, and multiple dry years. Although the Proposed Project at buildout is estimated to generate a 6 percent increase in water demand using conservative water demand factors, new State requirements and City policies and code requirements would result in enhanced water efficiency and conservation would result in total water demand below the projections in the 2020 UWMP for year 2045. With the implementation of SB X7-7 and State, regional, and local water conservation ordinances, all new development would be required to conserve water use and implement water efficiency measures. In addition, pursuant to SB 610 and SB 221, water supply assessments would be prepared for large development projects prior to the approval of each project to ensure adequate water supply for new development. Overall, cumulative water demands would neither exceed planned levels of supply nor require building new water treatment facilities or expanding existing facilities beyond what is currently planned. In addition, future development would be required to pay connection fees, which would offset the costs of system maintenance and capital upgrades to support the new development in the service areas. Therefore, cumulative impacts would be less than significant and would not be cumulatively considerable.

Storm Drainage Systems. The area considered for cumulative impacts is the Chino Creek and the Middle Santa Ana River subwatershed. Other projects in this area would increase impervious areas, thus increasing runoff and flows into the storm drain systems. Within San Bernardino county, other projects would also be required to prepare hydrology and hydraulic studies in accordance with the County Hydrology Manual and analyze stormwater flows that result from the 100-year storm event to ensure that the capacities of the storm drain systems are not exceeded. Additionally, other project would be required to comply with the MS4 permits applicable to those watersheds. The Santa Ana RWQCB MS4 permit applies to portions of three counties in the Santa Ana Basin. Most projects would meet criteria in the MS4 permits that require low-impact development and on-site stormwater bioretention

facilities that would reduce the amount of runoff entering public storm drain systems. Cumulative impacts would be less than significant and would not be cumulatively considerable.

Solid Waste. The area considered for cumulative impacts to solid waste disposal includes all the cities and counties that dispose of their solid waste in Badlands Sanitary Landfill or El Sobrante Landfill. These landfills currently have a combined excess daily capacity of 7,046 tons/day and have a remaining landfill capacity of 15,750,000 cubic yards for Badlands Sanitary Landfill and 144,000,000 cubic yards for El Sobrante Landfill. Both landfills have closure dates beyond 2050. In addition, state and local regulations and ordinances regarding the recycling of construction debris and organic wastes will further reduce the amount of solid waste transported to these landfills in the future. Therefore, with continued compliance with the applicable regulations, in combination with reasonably foreseeable future development, cumulative impacts would be less than significant, and project impacts would not be cumulatively considerable.

20. Wildfire

Fire Hazards. The areas considered for cumulative impacts related to wildfires are fire hazard severity zones in the City. Projects within wildfire hazards zones are required to comply with regulations governing development in such zones, including CBC Chapter 7A, CFC Chapter 49, and California Public Resources Code Sections 4291 et seq. TOP 2050 policies regarding wildfire would also reduce cumulative impacts. Wildfire impacts of TOP 2050 would not be cumulatively considerable.

Emergency Response and Evacuation. According to the City's 2018 Local Hazard Mitigation Plan, interstate highways would serve as major emergency response and evacuation routes. Additionally, the Ontario Fire Department reviews development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. Review of emergency access is also included as part of the City's Design Review process. Therefore, impacts associated with evacuation are less than significant and would not be cumulatively considerable.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

Section 15126.6 of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

Key provisions of the State CEQA Guidelines relating to the alternatives' analysis (Section 15126.6 et seq.) are summarized below:

- [T]he discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more costly." (CEQA Guidelines Section 15126.6[b]).

- "The specific alternative of 'no project' shall also be evaluated along with its impact." (CEQA Guidelines Section 15126.6[e][1])

- "The no project analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." (CEQA Guidelines Section 15126.6[e][2])

- "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project." (CEQA Guidelines Section 15126.6[f])

- "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)" (CEQA Guidelines Section 15126.6[f][1]).

- "Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." (CEQA Guidelines Section 15126.6[f][2][A])

- "An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative." (CEQA Guidelines Section 15126.6[f][3])

A. RATIONALE FOR SELECTING POTENTIALLY FEASIBLE ALTERNATIVES

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant Project impacts. The range of alternatives discussed in an EIR is governed by a "rule of reason," which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

> ". . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail

only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making."

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)([1]) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

B. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the SEIR.

1. Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126[5][B][1]). The City does not have land use authority outside of the City's boundaries. Therefore, an alternative development area would be infeasible and was not analyzed.

Finding

The City finds that there are no alternative development areas for the Proposed Project as the City does not have jurisdiction over land uses outside of the City's boundaries. As described in these Findings of Fact, the Proposed Project would result in less than significant impacts, or impacts that can be mitigated to less than significant. For significant and unavoidable impacts, the City has determined that these impacts are acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment, as described in the Statement of Overriding Considerations.

2. Reduction of Housing Units

California Public Resources Code Section 21159.26 states that "a Lead or Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant effect on the environment if that agency determines that there is another feasible, specific mitigation measure or alternative that would provide a comparable lessening of the significant effect" (see also CEQA Guidelines Section 15041[c], 15092[c], 15096[g][2]). TOP 2050 would result in significant air quality and VMT impacts associated with the increase in housing units of the Proposed Project compared to the Approved Project. While a reduction in housing units would reduce VMT and VOC emissions from consumer product use, this alternative is considered and rejected because the increase in housing units under TOP 2050 is consistent with the RHNA allocation for Ontario.

Finding

The City finds that although a reduction of housing units under the Proposed Project would reduce VMT and VOC emissions, it would not be consistent with the RHNA allocation for Ontario. As described in these Findings of Fact, the Proposed Project would result in less than significant impacts, or impacts that can be mitigated to less than significant. For significant and unavoidable impacts, the City has determined that these impacts are acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment, as described in the Statement of Overriding Considerations.

C. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project. Table 7-2, *Summary of Impacts of Alternatives Compared to the Proposed Project*, in Chapter 7, *Alternatives to the Proposed Project*, of the Draft SEIR, identifies how each of the alternatives selected for further analysis compare to the Proposed Project. Table 7-3, *Ability of Each Alternative to Meet the Project Objectives*, in Chapter 7, *Alternatives to the Proposed Project*, of the Draft SEIR, provides a summary of the ability of the alternatives to achieve the project objectives.

1. No Project Alternative

In the No Project/Current TOP Alternative, TOP 2050 would not be implemented by the City. The current TOP would remain in effect. Buildout statistics for TOP 2050 and the current TOP are compared in Table 7-1, *Buildout Statistical Summary*, in Chapter 7, *Alternatives to the Proposed Project*, of the Draft SEIR. In addition, this alternative would not include the policy updates for environmental justice, climate vulnerability, adaptation, resiliency, complete streets, and the CCAP.

Impacts of the No Project/Current TOP alternative would be similar for aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, hydrology and water quality, mineral resources, noise, tribal cultural resources, and wildfire. This alternative would eliminate the Proposed Project's VMT impact on transportation and lessen impacts associated with public services, recreation, and utilities and service systems. This alternative would

slightly increase population and housing impacts; and would increase impacts related to hazards and hazardous materials (airport safety), GHG emissions, and land use and planning (airport land use compatibility, resulting in a significant unavoidable impact).

Finding

The No Project Alternative would not implement the proposed TOP 2050 policies, which are designed to further enhance the project objectives, compared to the existing TOP. While this alternative would eliminate the Proposed Project's VMT impact on transportation and lessen impacts associated with public services, recreation, and utilities and service systems, this alternative would slightly increase population and housing impacts; and would increase impacts related to hazards and hazardous materials (airport safety), GHG emissions, and land use and planning (airport land use compatibility). As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final SEIR.

2. Reduced Industrial Alternative

TOP 2050 includes 338 additional acres zoned Industrial compared to the current TOP. Compared to the Approved Project, the Proposed Plan is adding capacity for 25,399 residential units and 1,092,508 square feet of nonresidential square footage. This includes additional capacity for 5,189,888 square feet of Business Park (BP) and 8,099,949 square feet of Industrial (IND), and reduced capacity for 8,990,532 square feet of Mixed Use (MU) and 3,206,797 square feet of Commercial and Hospitality (NC, GC, OC, and HOS). To eliminate impacts associated with an increase in diesel trucks, VMT from trucks (which have a greater trip length), and associated DPM, this alternative would eliminate approximately 8.1 million square feet of industrial development in the City, resulting in 4,405 fewer warehouse jobs compared to the Proposed Project.

Impacts of the Reduced Industrial alternative would be similar for aesthetics, agriculture and forestry resources, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, tribal cultural resources, and wildfire. This alternative would reduce the Proposed Project's air quality, GHG, noise, and utilities and service systems impacts. This alternative would reduce but would not eliminate the Proposed Project's significant transportation (VMT) impact.

Finding

The Reduced Industrial Alternative would meet all of the project objectives to the same extent as the Proposed Project. While this alternative would lessen the Proposed Project's air quality, GHG, noise, and utilities and service systems impacts, this alternative would also reduce but would not eliminate the Proposed Project's significant transportation (VMT) impact. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final SEIR.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

An EIR must identify an "environmentally superior" alternative and where the No Project Alternative is identified as environmentally superior, the EIR is then required to identify as environmentally superior an alternative from among the others evaluated. Based on the analysis contained within the Draft SEIR, the Reduced Industrial Alternative has been identified as the "environmentally superior" to the Proposed Project.

The Reduced Industrial Alternative has been identified as the environmentally superior alternative because it would result in reduced impacts related to air quality, greenhouse gas emissions, noise, transportation, and utilities and service systems due to the reduction in square footage of industrial development. However, significant and unavoidable impacts related to cultural resources would continue to occur from implementation of this alternative. Impacts related to aesthetics, agriculture and forestry resources, biological resources, energy, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, tribal cultural resources, and wildfire would be similar to the Proposed Project.

CEQA does not require the lead agency (the City of Ontario) to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the Proposed Project, and make findings that the benefits of those considerations outweigh the harm. "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts" (CEQA Guidelines Section 15126.6[c]).

The City Council rejects the Reduced Industrial Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) this alternative does not avoid the Project's significant and unavoidable impacts on the environment; and (2) this alternative meets the Project objectives to a lesser extent than the proposed Project. Therefore, the Reduced Industrial Alternative is eliminated from further consideration.

V. ADDITIONAL CEQA CONSIDERATIONS

A. SIGNIFICANT IRREVERSIBLE CHANGES DUE TO THE PROJECT

Section 15126.2(c) of the State CEQA Guidelines requires that an EIR describe any significant irreversible environmental changes that would be caused by the proposed project should it be implemented. Specifically, the State CEQA Guidelines state:

> "Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highways improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the

project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources are not justified (e.g., the project involves the wasteful use of energy).

In the case of TOP 2050, implementation would cause the following significant irreversible changes:

- Implementation of the proposed project would include construction activities that would entail the commitment of nonrenewable and/or slowly renewable energy resources; human resources; and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, water, and fossil fuels. Future developments in accordance with the proposed project would require the use of natural gas and electricity, fossil fuels, and water. The commitment of resources required for the construction and operation of the proposed project would limit the availability of such resources for future generations or for other uses during the life of the project.
- An increased commitment of social services and public maintenance services (e.g., police, fire, schools, libraries, and sewer and water services) would also be required. The energy and social service commitments would be long-term obligations in view of the low likelihood of returning the land to its original condition once it has been developed.
- Population growth related to the Proposed Project compared to the Approved Project would increase vehicle miles traveled and volatile organic compound emissions associated with consumer product use. The Proposed Project would cumulatively contribute to the South Coast Air Basin's nonattainment designation for ozone.

B. GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

Pursuant to Section 15126(d) and 15126.2(d) of the State CEQA Guidelines, this section is provided to examine ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. To address this issue, potential growth-inducing effects will be examined through analysis of the following questions:

- Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?

- Would this project result in the need to expand one or more public services to maintain desired levels of service?

- Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

- Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

Please note that growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information on ways in which TOP 2050 could contribute to significant changes in the environment, beyond the direct consequences of developing the land use concept examined in the preceding sections of this SEIR.

1. Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?

Approval and implementation of TOP 2050 would not remove obstacles to growth. Development in the City is guided by TOP. Changes to the Approved Project are identified in Section 3.4.2.3, *Areas of Change*, and would not result in changes to existing regulations that would remove barriers to growth in the City. Portions of the City are already served by infrastructure. Like the current TOP, implementation of TOP 2050 would allow for development of currently undeveloped land and redevelopment of existing land uses. This would induce construction of infrastructure extensions and improvements, such as roadways, storms drains, water pipes, solid waste collection systems, and energy/communication extensions toward undeveloped areas of the City. In addition, the Proposed Project would increase demand for electricity and natural gas that could require expansion of energy infrastructure, as provided by SCE and the SoCalGas. Impacts to existing utilities and service systems and potential needs for future improvements are discussed further in Section 5.19, *Utilities and Service Systems*.

TOP 2050 accommodates the additional population growth required to accommodate the SCAG's RHNA. Buildout of the proposed project may require additional firefighting and police personnel and construction of new and/or expanded facilities to improve response times, if necessary. Buildout may also require future construction of new and/or expanded schools in the school districts that serve Ontario (e.g., Chaffey Joint Union High School District, Chino Valley Unified School District, Cucamonga School District, Ontario-Montclair School District, and Mountain View School District). Impacts from the proposed project on public services facilities are discussed in detail in Section 5.15, *Public Services*.

2. Would this project result in the need to expand one or more public services to maintain desired levels of service?

As stated above, like the Approved Project buildout, the Proposed Project may require additional fire and police services, school facilities, and library space to maintain desired levels of service. This would include expanding existing facilities; acquiring land to construct new stations, schools, and libraries;

and adequately equipping and staffing new facilities. Section 5.15, *Public Services*, analyzes the impacts of the Proposed Project on existing public services in more detail.

3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

Like the Approved Project, implementation of the Proposed Project would not encourage or facilitate economic effects that could result in other activities that could significantly affect the environment. Impacts of job-generating land uses and employment pursuant to TOP 2050 are analyzed throughout Chapter 5 of this SEIR. No additional impacts would occur.

4. Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

Cities and counties in California periodically update their general plans pursuant to California Government Code Sections 65300 et seq. Thus, approval of TOP 2050 would not set a precedent that could encourage and facilitate other activities that could significantly affect the environment.

VI. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT SEIR AND REVISIONS TO THE FINAL SEIR

The Final SEIR contains response to comments, clarifications, revisions, and corrections to the Draft SEIR. The focus of the response to comments is on the disposition of significant environmental issues as raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The City provided written responses to each comment made by a public agency, as set forth in Section 2 of the Final SEIR, pursuant to State CEQA Guidelines Section 15088(b), and revisions and corrections to the Draft SEIR are found in Section 3 of the Final SEIR.

City staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft SEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft SEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance the benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative

record (State CEQA Guidelines Section 15093 [b]). The agency's statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the project's significant and unavoidable adverse impact and the justification for adopting a statement of overriding considerations.

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Although most potential project impacts have been substantially avoided or mitigated, as described above, there remains nine project impacts for which complete mitigation is not feasible. The EIR identified the following significant unavoidable adverse impacts of the project, which would continue to be applicable upon implementation of the Proposed Project:

1. Air Quality

- **Impact 5.3-1:** TOP 2050 would be inconsistent with the South Coast AQMD AQMP because buildout under the plan would cumulatively contribute to the nonattainment designations of the SoCAB. Incorporation of Mitigation Measures 3-2 and AQ-1 into future development projects for the operation phase would reduce criteria air pollutant emissions associated with buildout of TOP 2050. Additionally, goals and policies in TOP 2050 would promote increased capacity for alternative transportation modes. However, due to the magnitude of residential units that would be developed under TOP 2050 to accommodate the RHNA, compared to the Approved Project, no additional mitigation measures are available that would reduce impacts below South Coast AQMD thresholds. Similar to the Approved Project, Impact 5.3-1 would remain ***significant and unavoidable***.

- **Impact 5.3-2:** Buildout in accordance with TOP 2050 would generate short-term emissions that would exceed South Coast AQMD's regional significance thresholds and cumulatively contribute to the nonattainment designations of the SoCAB. Mitigation Measure 3-1 and the goals and policies of TOP 2050 would reduce construction-related air pollutant emissions to the extent feasible. Construction emissions associated with the Proposed Project would be similar to the Approved Project, because the Proposed Project would result in an increase in land use intensity rather than development of new, previously undeveloped areas of the City that would require substantial landform modification. However, individual projects accommodated under TOP 2050 may exceed the South Coast AQMD regional significance thresholds. Therefore, like the Approved Project, construction-related regional air quality impacts of developments that would be accommodated by TOP 2050 under Impact 5.3-2 would remain ***significant and unavoidable***.

- **Impact 5.3-3:** Buildout in accordance with TOP 2050 would generate long-term emissions that would exceed South Coast AQMD's regional significance thresholds and cumulatively contribute to the nonattainment designations of the SoCAB. Mitigation Measure 3-2 and AQ-1, in addition to the goals and policies of TOP 2050, would reduce air pollutant emissions to the extent feasible. The measures and policies covering topics such as expansion of the pedestrian and bicycle networks, promotion of public and active transit, and support to increase building energy efficiency and energy conservation would also reduce criteria air pollutants within the City. However, Impact 5.3-3 would remain ***significant and unavoidable*** due to the increase in VOCs

from residential development associated with TOP 2050 compared to that of the Approved Project.

- **Impact 5.3-4:** Buildout of TOP 2050 and the Approved Project could expose sensitive receptors to substantial concentrations of Toxic Air Contaminants (TACs). Buildout could result in new sources of criteria air pollutant emissions and/or TACs near existing or planned sensitive receptors. Review of development projects by South Coast AQMD for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) would ensure that health risks are minimized. Policy ER-4.9, New Localized Air Pollution Sources Near Existing Sensitive Receptors, would ensure mobile sources of TACs not covered under South Coast AQMD permits are considered during subsequent project-level environmental review by the City of Ontario. Individual development projects would be required to achieve the incremental risk thresholds established by South Coast AQMD, and TACs would be less than significant. However, implementation of TOP 2050 would generate TACs that could contribute to elevated levels in the air basin. This effect is more substantial with the Proposed Project compared to the Approved Project because of the increase in industrial land use allowed under the Proposed Project. While individual projects would achieve the project-level risk threshold of 10 per million, they would nonetheless contribute to the higher levels of cancer risk in the SoCAB; and therefore, result in a cumulatively considerable impact. Therefore, similar to the Approved Project, the Proposed Project's cumulative contribution to health risk is ***significant and unavoidable***.

2. Cultural Resources

- **Impact 5.5-1:** Mitigation Measure 5-1 would require historic or potentially historic resources to be evaluated for historic significance through the City's Development Code tier system. Major modification or demolition of Tier III resources may be appropriate under certain circumstances. If demolition occurs, the City requires historic resources to be documented and historic features to be salvaged, and requires a demolition mitigation fee. Therefore, the ordinance does not provide a high level of protection for Tier III historic resources. Similar to the Approved Project, Impact 5.5-1 would remain ***significant and unavoidable***.

3. Noise

- **Impact 5.13-1:** Mitigation Measure 12-4 would reduce potential impacts associated with construction from individual development projects to the extent feasible. However, due to the potential for proximity of construction activities to sensitive uses, the number of construction projects occurring simultaneously, and the potential duration of construction activities, Impact 5.13-1 could still result in a temporary substantial increase in noise levels above ambient conditions and exceedance of the 80 dBA L_{eq} threshold. Therefore, similar to the Approved Project, project and cumulative impacts of the Proposed Project would remain **significant and unavoidable**. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

- **Impact 5.13-3:** Mitigation Measure 12-2 would reduce potential impacts associated with construction vibration from individual development projects to the extent feasible. However, due

to the potential for proximity of construction activities to sensitive uses, the number of construction projects occurring simultaneously, and the potential duration of construction activities, Impact 5.13-3 could be significant. Therefore, similar to the Approved Project, project and cumulative impacts associated with the Proposed Project would remain **significant and unavoidable**. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

- **Impact 5.13-4:** With the implementation of Mitigation Measure 12-1, impacts to future sensitive receptors from excessive airport-related noise would be reduced to interior noise levels of 45 dBA CNEL or less. While interior noise levels are required to achieve the interior noise limits of Title 24 and Title 25, exterior noise levels may continue to exceed the noise compatibility criteria for the City. Consequently, airport noise compatibility impacts of the Proposed Project would remain **significant and unavoidable**, similar to the Approved Project.

4. Transportation

- **Impact 5.17-2:** Total VMT would increase under the Proposed Project compared to the Approved Project, primarily as a result of the increase in residential land use in the City. Mitigation Measure T-1 would reduce potential impacts for future development projects to the extent feasible. Future development projects consistent with TOP 2050 would need to consider transportation demand management (TDM) measures consistent with those identified in the Mobility Element. TDM techniques include incentives to use transit; incentives to form carpools rather than drive alone; and making home, work, and shopping closer together to shorten travel distances. VMT impacts under the Proposed Project would remain. Impact 5.17-2 would be **significant and unavoidable**.

B. PROJECT BENEFITS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The following section describes the benefits of the Proposed Project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the FEIR has indicated that there will be nine significant project impacts if the mitigation measures for these impacts cannot be implemented. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the Proposed Project, as set forth below, has been prepared. Pursuant to CEQA Guidelines Section15093(c), the Statement of Overriding Considerations will be included in the record of the project approval and will also be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Proposed Project.

Having reduced the potential effects of the Proposed Project through all feasible mitigation measures as described previously herein, and balancing the benefits of the Proposed Project against its potential unavoidable adverse impacts on air quality, cultural resources, noise, and transportation if the mitigation measures for these impacts cannot be implemented, the City finds that the following legal

requirements and benefits of the Proposed Project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Implements the Objectives Established for the Proposed Project

The proposed project would provide goals and policies that would facilitate and achieve the project objectives:

- Provide a technical update to the current TOP that updates the goals and policies to enhance public safety and livability, align with updated economic forecasts, and comply with new state laws while maintaining the foundation, vision, and objectives of the current TOP.
- Provide a streamlined, user-friendly, web-based TOP that is easily accessible to the public.
- Designate the distribution, location, balance, and extent of land uses, including residential, retail, employment, open space, and public uses.
- Link Ontario's community design goals to a broader context that includes economic development, land use, housing, community health, infrastructure, and transportation.
- Improve the balance between jobs and housing in the San Bernardino County subregion to reduce vehicle miles traveled and associated air quality impacts, consistent with regional policies on jobs-housing balance.
- Provide employment and housing opportunities for the San Bernardino Council of Governments subregion, consistent with the goals of the Southern California Association of Governments Sustainable Communities Program.
- Provide for high-intensity mixed-use urban centers along the I-10 corridor and citywide bus rapid transit system that reduce vehicle trips and incorporate smart growth principles.
- Foster the development of pedestrian and transit-oriented environments that create lively, appealing, and safe pedestrian areas, active during both daytime and evening hours.
- Maintain Ontario's distinct neighborhoods and districts to foster a positive sense of identity and belonging among residents and businesses.
- Establish a framework for using and managing the city's natural resources sustainably.
- Provide for the security and safe transportation of goods and hazardous materials, and maintain disaster preparedness and response and recovery systems to reduce loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation.
- Enhance the capacity for the people, businesses, and public agencies that are in or serve Ontario to be resilient in cases of severe and/or prolonged weather conditions, natural disasters, and emergencies.

- Prioritize the improvement of areas most impacted by environmental justice issues, and enable Ontario residents to enjoy equal access to public facilities, civic engagement opportunities, nutritious foods, and safe and healthy environments.

- Correlate the mobility system with the future land use patterns and buildout levels of Ontario and with other transportation planning efforts by local, state, and federal authorities.

- Address a range of mobility options in Ontario, including vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

2. Provides High-Density Housing that Helps Achieve the City's Regional Housing Needs

The Proposed Project would introduce an additional 77,096 housing units in the City by 2050 compared to existing conditions, or 25,399 units compared to full buildout of the Approved Project. To make meaningful reforms to the housing crisis in California, the state Department of Housing and Community Development (HCD) recently declared that cities and counties in Southern California will have to plan for the construction of 1.3 million new homes in the next decade. The Southern California Association of Governments (SCAG) distributed the increased targets to jurisdictions based on factors such as jobs, households, and affordability that were considered in the City's 2021-2029 Housing Element Update. For cities and counties that do not perform, the state can withhold state transportation revenue generated from Senate Bill 1 (2017). The Proposed Project includes refinements to the Policy Plan to comply with state housing mandates and accommodate the mandatory Regional Housing Needs Assessment (RHNA) allocation. TOP 2050 brings long-term growth and fiscal projections into alignment with current economic conditions as well as property owner and stakeholder requests, to support the vision for Ontario. TOP 2050 includes map changes to convert areas reserved for strictly commercial and office uses to mixed-use or residential areas that are better positioned to respond to the current and future economic climate and are positioned to help the City to meet its RHNA requirements. TOP 2050 also intensifies residential uses on key sites that align higher-density housing with regional plans for high-quality transportation routes and help to meet the City's RHNA obligation.

3. Provides Employment Opportunities and Promotes the City's Economic Vision

- TOP 2050 includes a Community Economics Element to protect investments in the City that improve the quality of life for Ontario's residents, employees, and visitors. The Proposed Project brings long-term growth and fiscal projections into alignment with current economic conditions. The Proposed Project would provide employment opportunities for the economic activities envisioned for the City of Ontario. Buildout of TOP 2050 would allow development of approximately one million additional square feet of nonresidential buildings compared to the Approved Project. The Proposed Project would better align land uses, infrastructure plans, and job opportunities with the current and forecasted market conditions, ensuring that future development is more likely to occur during the buildout timeframe and decrease the likelihood of sites remaining perpetually vacant. Additionally, while the Proposed Project would represent a decrease of 17,065 total jobs compared the Approved Project, the Proposed Project still supports opportunities for generating an additional 164,003 jobs to the City's existing 2021 employment of

131,999. The Proposed Project's employment projections of TOP 2050 would exceed SCAG's current regional forecasts for the City Ontario. The Community Economics Element includes policies that provide a complete community:

- **CE-1.1 Jobs-Housing Balance**. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.

- **CE-1.2 Jobs and Workforce Skills.** We use our economic development resources to:

  1. attract jobs suited for the skills and education of current and future City residents;

  2. work with regional partners to provide opportunities for the labor force to improve its skills and education; and

  3. attract businesses that increase Ontario's stake and participation in growing sectors of the regional and global economy.

- **CE-1.3 Regional Approach to Workforce Development.** We work with our partners to provide workforce training and development services throughout the region, recognizing that Ontario employers rely on workers living outside of the City.

- **CE-1.4 Business Retention and Expansion.** We continuously improve two-way communication with the Ontario business community and emphasize customer service to existing businesses as part of our competitive advantage.

- **CE-1.5 Business Attraction.** We proactively attract new and expanding businesses to Ontario in order to increase the City's share of growing sectors of the regional and global economy.

4. Included Goals and Policies for Community Health, Environmental Justice, Climate Adaptation and Resiliency, and Mobility.

The Proposed Project would conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility.

As part of the technical background work for TOP 2050 a Vulnerability Assessment was conducted that analyzed how climate-related hazards may harm the community. This work is a requirement of California Government Code Section 65302(g)(4) as amended by Senate Bill (SB) 379. The Vulnerability Assessment Report followed the recommended process in the *California Adaptation Planning Guide*, which is the State's guidance for how local communities should conduct climate adaptation planning efforts, including vulnerability assessments. The Vulnerability Assessment Report presents the local and regional impacts created by climate change hazards and the ability of Ontario's populations and community to resist these hazards, to assess which aspects of the community are most vulnerable to climate change. TOP 2050 Safety Element includes goals and policies that were informed by the CCVA. Goals of TOP 2050 Safety Element include:

- **Goal S-1:** Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

- **Goal S-2:** Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

- **Goal S-3:** Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.

- **Goal S-5:** Minimize the risk of injury, property damage, and economic loss resulting from windstorms and wind-related hazards.

- **Goal S-7:** Residential neighborhoods, commercial areas, and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, and community involvement in public safety.

- **Goal S-8:** Disaster resilient, prepared community through effective emergency/disaster preparedness, response, mitigation, and recovery.

- **Goal S-9:** Incorporate energy efficient practices and renewable energy systems to improve air quality, comfort, and energy reliability during temporary power outages.

TOP 2050 also conform with the requirements of Senate Bill 1000, the Planning for Health Communities Act (2016). The Vision, principles, goals, and policies throughout the Policy Plan reinforce the City's commitment to enabling all persons to enjoy equal access to healthy environments, healthy foods, parks and recreational facilities, and civic engagement opportunities. The Environmental Resources Element maps environmental justice areas. TOP 2050 weaves environmental justice (EJ) goals and policies throughout the Policy Plan. Some policies explicitly address residents living in the physical environment of environmental justice areas while others guide decisions, investments, and priorities that seek to improve issues and conditions that will benefit people within and around environmental justice areas. A sample of policies are listed below.

- **LU-2.2 Buffers.** We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Additional mitigation is required when new uses could negatively impact environmental justice areas.

- **LU-2.10 Sensitive Uses.** We monitor and share information with the community about stationary and non-stationary emission sources. We encourage siting and design of facilities to minimize health and safety risks on existing and proposed sensitive uses, especially in environmental justice areas.

- **ER-1.5 Water Resource Management.** Environmental justice areas are prioritized as we coordinate with local agencies to protect water quality, prevent pollution, address existing contamination, and remediate contaminated surface water and groundwater.

- **ER-4.4 Indoor Air Quality.** We will comply with State Green Building Codes relative to indoor air quality. We seek funding to improve indoor air quality for households with poor indoor air quality, with priority for lower income households in environmental justice areas.

- **ER-4.7 Other Agency Collaboration.** We collaborate with other agencies within the South Coast Air Basin to improve regional air quality at the emission source, with a particular focus on sources that affect environmental justice areas in Ontario.

- **ER-4.8 Tree Planting.** We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality. We expand the tree canopy in environmental justice areas to enhance air quality and reduce the "heat island" effect.

- **ER-4.9 New Localized Air Pollution Sources Near Existing Sensitive Receptors.** We require new developments to conduct a Health Risk Assessment for land uses that generate more than 100 trucks per day or 40 trucks per day by trucks operating transportation refrigeration units (TRU's) within 1,000 feet from sensitive land uses (California Health and Safety Code § 42705.5(a)(5)). If the health risk assessment determines the new development poses health hazards that increase the incremental cancer risk above the threshold established by the South Coast Air Quality Management District (AQMD), we will only approve permits upon the condition that adequate mitigation measures are proposed and implemented for potential impacts on the sensitive uses around the site and along the route within Ontario taken by the trucks to and from freeways. We require new developments that must perform a health risk assessment to conduct additional public outreach by sending notifications in multiple languages to all residents living within 500 feet, and encourage hosting a public meeting.

- **SR-1.2 Nutrition Choices.** We support the promotion of equitable access to affordable healthy food choices in the community, including community gardens, farmers markets, and cooking classes.

- **SR-1.3 Health Education.** We promote equitable access to health education, including disease prevention, mental health, nutrition, and physical fitness.

- **SR-1.4 Physical Activity.** We encourage activities and community design that improve the physical fitness of our community members, with an emphasis on the provision of activities and facilities in environmental justice areas.

- **SR-2.6 Language.** We promote broad outreach in languages used by the community for proposed projects that could negatively affect environmental justice areas.

- **SR-2.7 Community Engagement.** We promote targeted outreach and education to historically underrepresented groups to encourage meaningful participation in decision-making process for projects whose outcomes will affect land use in environmental justice areas.

- **PR-1.1 Access to Parks.** In all new residential development areas, we strive to provide a park and/or recreational facility within walking distance (¼ mile) of every residence and prioritize the establishment of parks in environmental justice areas that do not have adequate access to parks.

- **PR-2.4 Access to Programs.** We provide a range of recreational and physical exercise programs that are accessible to residents of all income levels throughout the community and prioritize establishing and maintaining equitable access for residents in environmental justice areas.

- **S-1.4 Seismically Vulnerable Structures.** We conform to state law regarding unreinforced masonry structures and coordinate with not-for-profits to facilitate seismic retrofits in environmental justice areas and for low-income households.

- **S-6.5 Location of Hazardous Material Facilities.** We regulate facilities that will be involved in the production, use, storage, or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated. We prohibit new hazardous waste facilities in close proximity to sensitive land uses and environmental justice areas.

- **S-8.7 Extreme Heat and Air Quality.** We work to ensure that all community members are informed about and have access to community cooling centers and clean air centers during extreme heat events or wildfires, with a focus on serving environmental justice communities. We support the development of extreme heat emergency response policies and practices to address these critical health risks in the community.

- **M-3.1 Transit Partners.** We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available, cost-efficient, and convenient, particularly for residents in environmental justice areas:

Land use changes in growth areas are intended to improve growth areas by encouraging the use of alternative forms of transportation and promoting healthier communities through land use planning that encourages walking and biking, promotes vibrant communities, puts residents in proximity to resources (i.e., jobs, grocery stores, retail), and aligns growth with planned infrastructure improvements and regional transportation goals.

5. Includes Goals, Policies, and an Update to the Community Climate Action Plan to reduce GHG emissions in the City.

The Proposed Project includes goals, policies, and an update to the Community Climate Action Plan (CCAP) to reduce GHG emissions in the City. The update to the CCAP identifies GHG emissions reduction targets to achieve the GHG reduction goals of the City of Ontario consistent with Senate Bill 32, Executive Order S-03-05, and substantial progress toward the State's carbon neutrality goals of Executive Order B-55-18. The 2022 update to the CCAP would result in beneficial impacts to GHG emissions and co-benefits for air quality.

Various elements of TOP 2050 contain goals and policies to reduce GHG emissions in the City, including:

- **Goal ER-3:** Cost-effective and reliable energy system sustained through a combination of low impact buildings, site and neighborhood energy conservation, and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

- **ER-3.1 Conservation Strategy.** We require conservation as the first strategy to be employed to meet applicable energy-saving standards.

- **ER-3.2 Green Development – Communities.** We encourage the use of the LEED Neighborhood Development rating system, or similar mechanism, to guide the planning and development of all new communities.

- **ER-3.3 Building and Site Design.** We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar, and natural ventilation.

- **ER-3.4 Green Development – Public Buildings.** We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council.

- **ER-3.5 Fuel-Efficient and Alternative Energy Vehicles and Equipment.** We require purchase and use vehicles and equipment that are fuel efficient and meet or surpass state emissions requirements and/or use renewable sources of energy.

- **ER-3.6 Generation- Renewable Sources.** We promote the use of renewable energy sources (e.g., solar, wind, biomass) in public and private sector development.

- **Goal ER-4:** Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.

  - **ER-4.1 Land Use.** We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.

  - **ER-4.3 Greenhouse Gases (GHG) Emissions Reductions.** We will reduce GHG emissions in accordance with regional, state, and federal regulations.

  - **ER-4.4 Indoor Air Quality.** We will comply with State Green Building Codes relative to indoor air quality. We seek funding to improve indoor air quality for households with poor indoor air quality, with priority for lower income households in environmental justice areas.

  - **ER-4.5 Transportation.** We promote mass transit and non-motorized mobility options (walking, biking) to reduce air pollutant emissions.

  - **ER-4.6 Particulate Matter.** We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.

  - **ER-4.7 Other Agency Collaboration.** We collaborate with other agencies within the South Coast Air Basin to improve regional air quality at the emission source, with a particular focus on sources that affect environmental justice areas in Ontario.

- **ER-4.8 Tree Planting.** We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality. We expand the tree canopy in environmental justice areas to enhance air quality and reduce the "heat island" effect.

- **Goal S-9:** Incorporate energy efficient practices and renewable energy systems to improve air quality, comfort, and energy reliability during temporary power outages.

  - **S-9.1: Solar Energy.** We support and may incentivize the installation of residential and commercial solar panels and battery storage systems that can provide electricity during power outages.

  - **S-9.2: Renewable Energy.** Renovate existing city-owned facilities and plan future facilities to include renewable energy generation capacity and battery storage as part of an effort to make public facilities and services greener and more resilient to power outages.

  - **S-9.3: Energy Efficiency Retrofits.** We support and may incentivize retrofits to residential and commercial buildings that improve energy efficiency and insulation from extreme temperatures, giving priority towards low-income applicants.

- **Goal M-2:** A system of trails and corridors that facilitate and encourage active modes of transportation.

  - **M-2.1: Active Transportation.** We maintain our Active Transportation Master Plan to create a comprehensive system of on- and off-street bikeways and pedestrian facilities that are safe, comfortable, and accessible and connect residential areas, businesses, schools, parks, and other key destination points.

  - **M-2.2: Bicycle System.** We provide off-street multipurpose trails and Class II bikeways as our preferred paths of travel and use the Class III for connectivity in constrained circumstances. When truck routes and bicycle facilities share a right-of-way, we prefer Class I or Class IV bicycle facilities. We require new development to include bicycle facilities, such as bicycle parking and secure storage areas.

  - **M-2.3: Pedestrian Walkways.** We require streets to include sidewalks and visible crosswalks at major intersections where necessary to promote safe and comfortable mobility between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

  - **M-2.4: Network Opportunities.** We use public rights-of-way and easements such as, utility easements, levees, drainage corridors, road rights-of-way, medians, and other potential options to maintain and expand our bicycle and pedestrian network. In urban, mixed- use, and transit-oriented Place Types, we encourage the use of underutilized public and private spaces to expand our public realm and improve pedestrian and bicycle connectivity.

- **Goal M-3:** A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit-dependent.

- **M-3.1 Transit Partners.** We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available, cost-efficient, and convenient, particularly for residents in environmental justice areas.

- **M-3.2 Alternative Transit Facilities at New Development.** We require new development adjacent to an existing or planned transit stop to contribute to the creation of transit facilities, such as bus shelters, transit bays and turnouts, and bicycle facilities, such as secure storage areas.

- **M-3.3 Transit-Oriented Development.** We may provide additional development-related incentives to those inherent in the Land Use Plan for projects that promote transit use and reduce vehicle miles traveled.

- **M-3.4 Bus Rapid Transit (BRT) Corridors.** We work with regional transit agencies to implement BRT service and reduce vehicle miles traveled by targeting destinations and corridors with the highest number of potential riders.

- **M-3.5 Light Rail.** We support extension of the Metro Rail Gold Line to Ontario, and will work to secure station locations at the proposed multimodal transit center.

- **M-3.6 Metrolink Expansion.** We advocate expansion of Metrolink service to include the Downtown and the multimodal transit center.

- **M-3.7 High Speed Rail.** We encourage the development of high-speed rail systems that would enhance regional mobility in Southern California and serve the City of Ontario.

- **M-3.8 Feeder Systems.** We work with regional transit agencies to secure convenient feeder service from the Metrolink station and the proposed multimodal transit center to employment centers in Ontario.

- **M-3.9 Ontario Airport Metro Center Circulator.** We will explore development of a convenient mobility system, including but not limited to shuttle service, people mover, and shared car system, for the Ontario Airport Metro Center.

- **M-3.10 Multimodal Transportation Center.** We intend to ensure the development of a multimodal transportation center near ONT airport to serve as a transit hub with amenities for transit riders, pedestrians, and bicyclists transitioning to local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center Circulator, and other future transit modes. We support locations for the multimodal transportation center that are north of ONT airport, between Vineyard Avenue and Interstate 15.

- **M-3.11 Transit and Community Facilities.** We require the future development of community-wide serving facilities to be sited in transit-ready areas that can be served and made accessible by public transit. Conversely, we plan (and coordinate with other transit agencies to plan) future transit routes to serve existing community facilities.

The City of Ontario prepared the 2022 CCAP to update the community's strategic path to reducing GHG emissions beyond 2020, consistent with State requirements and TOP 2050. Specifically, this CCAP does the following:

- Identifies and updates sources of GHG emissions within the City of Ontario's municipal boundaries for the calendar year of 2019 and estimates how these emissions may change over time.
- Identifies GHG reduction targets.
- Provides strategies in various sectors to meet or exceed the state targets of reducing emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, consistent with the direction of the State of California via Assembly Bill (AB) 32, Governor's Executive Order S-03-05, and California Public Resources Code Section 21083.3.
- Provides substantial evidence that the emission reductions estimated in the CCAP are feasible, with supporting technical detail.
- Provides an implementation program and discusses the various outcomes of reduction efforts and how these reduction efforts can be implemented.
- Serves as the programmatic tiering document for review of the climate change impacts of projects under CEQA.

6. Consistency with the Regional Goals in the RTP/SCS

SCAG's Connect SoCal was adopted in September 2020. The RTP/SCS identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal RTP/SCS is to provide for a plan that allows the southern California region to grow in more compact communities in existing urban areas; provide neighborhoods with efficient and plentiful public transit and abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands.

SCAG's Connect SoCal identifies several types of Priority Growth Areas in Ontario, including High-Quality Transit Areas, Transit Priority Areas, Neighborhood Mobility Areas, and Livable Corridors. TOP 2050 would promote growth consistent with these Priority Growth Areas, as proposed land use changes under TOP 2050 are intended to encourage walking and biking, put residents in proximity to resources, and align future growth in Ontario with planned infrastructure improvements and regional transportation goals. In addition, TOP 2050 includes several policies that promote strategic growth in support of sustainability goals.

- **LU-1.1 Strategic Growth.** We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

- **LU-1.2 Sustainable Community Strategy.** We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.

- **LU-1.3 Adequate Capacity.** We require adequate infrastructure and services for all development.

- **LU-1.5 Jobs-Housing Balance.** We coordinate land use, infrastructure, and transportation planning and analysis with the regional, county, and other local agencies to further regional and subregional goals for jobs-housing balance.

- **LU-4.3 Infrastructure Timing.** We require that the necessary infrastructure and services be in place prior to or concurrently with development.

- **H-2.1 Corridor Housing.** We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

The goals and policies of TOP 2050 is consistent with the overall objectives of SCAG's RTP/SCS, which include maximizing mobility; ensuring safe, sustainable and reliable travel; encouraging active transportation; encouraging energy efficiency; and encouraging land use growth that facilitate transit and non-motorized transportation.

7. Consistency with the Ontario International Airport (ONT) and Chino Airport ALUC

Airport Land Use Commission (ALUC) review is required for adoptions of, or amendments to a General Plan or Specific Plan; zoning ordinance; Master Plan for public use airports; and heliports within the airport influence area (Public Utilities Code Sections 21676(b), 21676(c), 21664.5, and 21661.5).

The Land Use Element of TOP 2050 states that all new developments surrounding ONT should be consistent with the adopted Airport Land Use Compatibility Plan (ALUCP) and should meet standards and recommendations of Part 77 of the FAA, adopted through Ordinance 2758 in the Ontario Municipal Code. A consistency determination analysis for the ONT was prepared by the City, submitted to the ONT-IAC Technical Advisory Committee, and found that TOP 2050 is consistent with ALUCP for ONT.

Buildout of TOP would involve development within the Chino Airport influence area. Land uses within the Chino Airport Overlay include Medium Density Residential, Mixed Use, Business Park, Industrial, and Open Space – Recreation. Projects accommodating TOP 2050 in this area would be required to meet the conditions of the Chino Airport Authority and the 2011 Caltrans Airport Land Use Planning Handbook, including those determining appropriate land uses, maximum population density, maximum site coverage, height restrictions, and required notification/disclosure areas based on the noise contours and runway protection, approach, and Part 77 zones of the FAA. Additionally, implementation of TOP 2050 would result in a beneficial impact for land use compatibility near Chino Airport as a result of the change from residential and business park to warehouse/industrial land uses.

The Airport Planning section of the TOP 2050 Land Use Element includes policies that would ensure airport planning compatibility and consistency. These policies include:

- **LU-5.1 Coordination with Airport Authorities.** We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update, and maintenance of airport-related plans.

- **LU-5.2 Airport Planning Consistency.** We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations, and/or adopted master plans, and airport land use compatibility plans for ONT and Chino Airport.

- **LU-5.3 Airport Impacts.** We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations – their homes.

- **LU-5.4 ONT Growth Forecast.** We support and promote an ONT that accommodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.

- **LU-5.5 Airport Compatibility Planning for ONT.** We create and maintain the Airport Land Use Compatibility Plan for ONT.

- **LU-5.6 Alternative Process.** We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.

- **LU-5.7 ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public-use airport.

- **LU-5.8 Chino Airport.** We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.

- **M-5.2 Land Use Compatibility with Regional Transportation Facilities.** We work with ONT, railroads, Caltrans, SBCTA, and other transportation agencies to minimize impacts.

Therefore, TOP 2050 ensures compatibility with ONT and Chino Airport.

8. Improves the City's Jobs-housing balance.

The Proposed Project would also improve the City's jobs-housing balance. TOP 2050 projections would represent a more balanced jobs-housing balance (2.3 jobs-housing ratio) than the Approved Project (3.0 jobs-housing ratio). The City's jobs-housing ratio would also be more closely aligned to SCAG projections under TOP 2050 than under the Approved Project.

9. Other Considerations.

There are unavoidable, significant impacts in the following categories: Air Quality, Cultural Resources, Noise, and Transportation.

- If the City does not update TOP 2050, there would still be significant impacts relating to air quality and construction noise. Even without any growth in the City, which is not a realistic scenario, the significant impacts relating to air quality emissions will occur simply due to regional growth.

- Impacts relating to construction noise and vibration are temporary in nature.

C. Conclusion

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

Having reduced the adverse significant environmental effect of the Proposed Project to the extent feasible by adopting the Mitigation Measures contained in the SEIR, the Mitigation Monitoring and Reporting Program (MMRP), and this Resolution, having considered the entire administrative record on the Proposed Project, and having weighed the benefits of the Proposed Project against its unavoidable adverse impact after mitigation, the City Council has determined that each of the following social, economic and environmental benefits of the Proposed Project separately and individually outweigh the Proposed Project's potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations: The Proposed Project will:

A. Provide a technical update to the current TOP that updates the goals and policies to enhance public safety and livability, align with updated economic forecasts, and comply with new state laws while maintaining the foundation, vision, and objectives of the current TOP.

B. Provide a streamlined, user-friendly, web-based TOP that is easily accessible to the public.

C. Designate the distribution, location, balance, and extent of land uses, including residential, retail, employment, open space, and public uses.

D. Link Ontario's community design goals to a broader context that includes economic development, land use, housing, community health, infrastructure, and transportation.

E. Improve the balance between jobs and housing in the San Bernardino County subregion to reduce vehicle miles traveled and associated air quality impacts, consistent with regional policies on jobs-housing balance.

F. Provide employment and housing opportunities for the San Bernardino County subregion, consistent with the goals of the Southern California Association of Governments' Sustainable Communities Program.

G. Provide for high-intensity mixed-use urban centers along the I-10 corridor and in the Ontario Ranch that reduce vehicle trips and incorporate smart growth principles.

H. Foster the development of pedestrian and transit-oriented environments that create lively, appealing, and safe pedestrian areas, active during both daytime and evening hours.

I. Maintain Ontario's distinct neighborhoods and districts to foster a positive sense of identity and belonging among residents and businesses.

J. Establish a framework for using and managing the city's natural resources sustainably.

K. Provide for the security and safe transportation of goods and hazardous materials and maintain disaster preparedness and response and recovery systems to reduce loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation.

L. Enhance the capacity for the people, businesses, and public agencies that are in or serve Ontario to be resilient in cases of severe and/or prolonged weather conditions, natural disasters, and emergencies.

M. Prioritize the improvement of areas most impacted by environmental justice issues, and enable Ontario residents to enjoy equal access to public facilities, civic engagement opportunities, nutritious foods, and safe and healthy environments.

N. Correlate the mobility system with the future land use patterns and buildout levels of Ontario and with other transportation planning efforts by local, state, and federal authorities.

O. Address a range of mobility options in Ontario, including vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

The City Council hereby declares that the foregoing benefits provided to the public through the approval and implementation of the Proposed Project outweigh the identified significant adverse environmental impact of the Proposed Project that cannot be mitigated. The City Council finds that each of the Proposed Project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the SEIR and therefore finds those impacts to be acceptable.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") attached as Exhibit "C." Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the Project. In the event of any inconsistencies between the mitigation measures set for herein and the MMRP, the MMRP shall control.

IX. CERTIFICATION

The City Council finds that it has been presented with the SEIR, which it has reviewed and considered, and further finds that the SEIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines and that the SEIR reflects the independent judgment and analysis of the City Council.

The City Council declares that no evidence of new significant impacts as defined by State CEQA Guidelines section 15088.5 has been received by the City Council after circulation of the Draft SEIR which would require recirculation.

Therefore, the City Council hereby certifies the SEIR based on the entirety of the record of proceedings.