

RESOLUTION NO. 2003-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE PRESERVE

Section 1. Recitals

WHEREAS, in 2000 the City of Chino initiated the preparation of a Program Environmental Impact Report (PEIR), General Plan Amendment (The Preserve Area Plan) and The Preserve Specific Plan (prezone and zone) ("The Project") as legally described in Exhibit "A" attached; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the State of California CEQA guidelines (14 CCR Section 15,000 et seq.), and the City of Chino's Local CEQA Guidelines, the City of Chino is the lead agency for the Project; and

WHEREAS, the City of Chino, as the lead agency, determined that an Environmental Impact Report (EIR) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of The Project; and

WHEREAS, five focus group workshops to solicit input on various topics for the Master Plan and the PEIR were held between March 15, 2000 and June 7, 2000; and

WHEREAS, the focus groups included Environmental Issues, Infrastructure and Services, Transportation and Mobility, Property Owner interests, and review of Alternative Land Use Plan Concepts; and

WHEREAS, beyond these workshops, comments on alternative master plan concepts and environmental issues were also received by the City of Chino at a series of Joint City Council/Planning Commission Workshops, held on June 14, August 16, October 17, 2000 and October 23, 2001; and

WHEREAS, an Environmental Impact Report (EIR) Notice of Preparation (NOP) was distributed on December 5, 2000, via certified mail to agencies and other interested parties to solicit comments and inform the public of the proposed project; and

WHEREAS, the public was invited to review the NOP and comment on the issues discussed; and

WHEREAS, subsequently, an amended NOP was issued on January 5, 2001 to reflect an increase in the total number of residential units proposed within the project area; and

WHEREAS, pursuant to Public Resources Code Section 21092, the City of Chino also provided a Notice of Completion (NOC) and Notice of Availability (NOA) to all organizations and individuals who had previously requested such notice in writing, and published the Notice of

Completion exceeding the CEQA requirement of publishing in only a newspaper of general circulation; and

WHEREAS, the City of Chino published a NOC and NOA in three newspapers (The Press Enterprise, The Chino Champion, a newspaper of general circulation, and The Daily Bulletin); and

WHEREAS, the Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review period from September 14 to November 1, 2001; and

WHEREAS, subsequent to the DEIR public review the City of Chino partially recirculated three sections (water, biological resources, and transportation and circulation) of the DEIR; and

WHEREAS, the availability of the partially recirculated DEIR (PDEIR) was published in the same three newspapers and the document was circulated for an additional 45 day public review period from August 2, 2002 to September 16, 2002; and

WHEREAS, as required by California Environmental Quality Act Section 15132, a Final EIR has been prepared responding to comments on significant environmental points raised in the review and consultation process of the Environmental Impact Report; and

WHEREAS, the City of Chino, as part of the PEIR, has prepared a Resources Management Plan; and

WHEREAS, the purpose of the Resources Management Plan is to provide a framework to ensure compliance with the EIR, to ensure adequate reporting and monitoring, and to provide a detailed methodology for implementing the biological resources mitigation measures contained in the PEIR, and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City of Chino provided written response to comments by mailing certified copies on January 31, 2003; the Resources Management Plan and Final Environmental Impact Report Response to Comments were made available to all agencies and parties that commented on the DEIR and PDEIR; and

WHEREAS, the Planning Commission held a public hearing on February 24, 2003, concerning the proposed project, and received and considered public testimony; and

WHEREAS, the Planning Commission on February 24, 2003, recommended the City Council to certify the Program Environmental Impact Report and adopted Resolution 2003-07; and

WHEREAS, the City Council on March 11, 2003, and continued to March 25, 2003, held a noticed public hearing and all interested parties were heard; and

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

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

WHEREAS, all provisions of the California Government Code and Chino Municipal Code related to the proposed project have been complied with, including noticed public hearings; and

WHEREAS, the City Council has considered and clearly established the following findings of fact:

1. The Initial Study, Resources Management Plan and Program Environmental Impact Report for The Preserve have been prepared in compliance with the California Environmental Quality Act (CEQA).
2. The proposed project has been altered to avoid or substantially lessen significant impacts identified in the Final EIR.
3. Specific social, economic or other concerns render other mitigation measures or alternatives to the project infeasible.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 2. Findings

At a special meeting assembled on March 11, 2003, and continued to March 25, 2003, the City Council determined that based on all of the evidence presented, including the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public organizations and regulatory agencies, the following environmental impacts associated with The Project are: 1) less than significant and do not require mitigation; or 2) potentially significant and each of these impacts will be avoided or reduced to a less than significant level through identified and feasible mitigation measures; or 3) significant and will be lessened by the identified and feasible mitigation measures.

Section 3. Statement of Overriding Considerations

Pursuant to State CEQA Guidelines Section 15093, the City Council must balance the benefits of The Project against any unavoidable environmental impacts in determining whether to approve The Project. If the benefits of The Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable." Therefore, the City Council hereby adopts the Findings and Reasons stated, and Statement of Overriding Considerations attached to this resolution as Exhibit "B" and Exhibit "C", respectively.

Section 4. Mitigation Monitoring and Reporting Plan

The City Council hereby adopts the Mitigation Monitoring and Reporting Plan attached to this resolution as Exhibit "D".

Section 5. Custodian of Records

The documents and materials that constitute the records of proceedings in which these findings have been based are located at the Community Development Department, City of Chino City Hall, 13220 Central Avenue, Chino, California. The custodian for these records is the Director of Community Development. This information is provided in compliance with the Public Resources Code Section 21081.6.

Section 6 Certification of Program Environmental Impact Report

The City Council hereby directs staff to file a Notice of Determination within 5 days from the certification of the Program Environmental Impact Report.

The Mayor shall sign this resolution and the City Clerk shall attest and certify the passage and adoption thereof.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

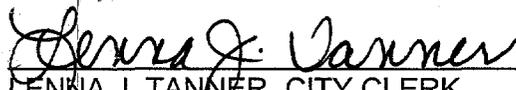
1. The City of Chino City Council certifies the Program Environmental Impact Report, Statement of Overriding Considerations, Mitigation Monitoring Program, and Resources Management Plan for The Preserve Area Plan General Plan Amendment 2000-02, The Preserve Specific Plan and Prezone No. 2003-01, and other land use actions and approvals as noted in section 4 of the Final Environmental Impact Report.

APPROVED AND ADOPTED THIS 25th DAY OF MARCH 2003.



EUNICE M. ULLOA, MAYOR

ATTEST:



LENNIA J. TANNER, CITY CLERK

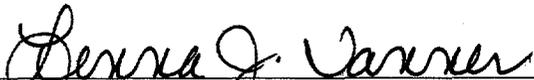
State of California)
County of San Bernardino) §
City of Chino)

I, Lenna J. Tanner, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution of the City of Chino was duly adopted by the Chino City Council at a meeting held on the 25th day of March 2003, by the following votes:

AYES: COUNCIL MEMBERS: ULLOA, DUNCAN, ELROD, HAUGHEY, YATES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



LENNA J. TANNER, CITY CLERK

EXHIBIT "A"
LEGAL DESCRIPTION

BEING SECTION 32 AND PORTIONS OF SECTIONS 21, 22, 27, 28, 29, 30, 31 AND 33, TOWNSHIP 2 SOUTH, RANGE 7 WEST AND SECTION 5 AND PORTIONS OF SECTIONS 4, 6, 7, 8 AND 9 OF TOWNSHIP 3 SOUTH, RANGE 7 WEST, AS PROTRACTED INTO THE SANTA ANA DEL CHINO PER MAP RECORDED IN BOOK 6 OF MAPS, PAGE 15 IN THE OFFICE OF THE COUNTY RECORDER, ALL BEING IN THE SAN BERNARDINO BASE AND MERIDIAN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF EUCLID AVENUE (STATE ROUTE 83) AND THE CHINO VALLEY FREEWAY (STATE ROUTE 71), SAID CENTERLINE OF CHINO VALLEY FREEWAY BEING THE BOUNDARY OF THE CITY OF CHINO HILLS AND SAID CENTERLINE OF EUCLID AVENUE BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO;

THENCE NORTHEASTERLY AND NORTHERLY ALONG THE CENTERLINE OF EUCLID AVENUE (STATE ROUTE 83), SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO, TO A POINT ON A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF THE CENTERLINE OF KIMBALL AVENUE;

THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE SOUTHLINE OF KIMBALL AVENUE, SAID SOUTH LINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE EAST LINE OF LOT 38;

THENCE NORTHERLY ALONG THE EAST LINE OF LOT 38, SAID EAST LINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO, A DISTANCE OF 17.00 FEET MORE OR LESS TO THE SOUTH RIGHT OF WAY LINE OF KIMBALL AVENUE;

THENCE EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF KIMBALL AVENUE, SAID SOUTH RIGHT OF WAY LINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF CUCAMONGA AVENUE;

THENCE NORTHERLY ALONG THE CENTERLINE OF CUCAMONGA AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF KIMBALL AVENUE;

THENCE EASTERLY ALONG THE CENTERLINE OF KIMBALL AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF WALKER AVENUE;

THENCE NORTHERLY ALONG THE CENTERLINE OF WALKER AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF REMINGTON AVENUE;

THENCE WESTERLY ALONG THE CENTERLINE OF REMINGTON AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF COMET AVENUE;

THENCE NORTHERLY ALONG THE CENTERLINE OF COMET AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO TO THE CENTERLINE OF MERRILL AVENUE;

THENCE EASTERLY ALONG THE CENTERLINE OF MERRILL AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF ONTARIO, TO THE CENTERLINE OF CARPENTER STREET;

THENCE SOUTHERLY ALONG THE CENTERLINE OF CARPENTER STREET, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF ONTARIO, TO THE CENTERLINE OF REMINGTON AVENUE;

THENCE EASTERLY ALONG THE CENTERLINE OF REMINGTON AVENUE, SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF ONTARIO, TO THE SAN BERNARDINO COUNTY LINE AND RIVERSIDE COUNTY LINE.

THENCE SOUTHWESTERLY ALONG SAID COUNTY LINE TO AN ANGLE POINT IN SAID COUNTY LINE, SAID ANGLE POINT ALSO BEING THE NORTHWEST CORNER OF THE JURUPA RANCHO;

THENCE SOUTHERLY ALONG SAID COUNTY LINE TO AN ANGLE POINT IN SAID COUNTY LINE, SAID ANGLE POINT ALSO BEING THE QUARTER CORNER ON THE EAST LINE OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 7 WEST;

THENCE WESTERLY ALONG SAID COUNTY LINE TO AN ANGLE POINT IN SAID COUNTY LINE, SAID ANGLE POINT ALSO BEING THE CENTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 7 WEST;

THENCE SOUTHERLY ALONG SAID COUNTY LINE A DISTANCE OF 164.00 FEET, MORE OR LESS TO THE INTERSECTION OF SAID COUNTY LINE AND THE CENTERLINE OF THE CHINO VALLEY FREEWAY (STATE ROUTE 71), SAID CENTERLINE ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO HILLS;

THENCE NORTHWESTERLY ALONG THE CENTERLINE OF THE CHINO VALLEY FREEWAY (STATE ROUTE 71), ALSO BEING THE EXISTING BOUNDARY OF THE CITY OF CHINO HILLS, TO THE INTERSECTION OF EUCLID AVENUE, SAID POINT BEING THE POINT OF BEGINNING.

APPROXIMATE ACREAGE: 5216.10 ACRES.



SEC. 19

CA. INSTITUTION FOR MEN
CITY OF CHINO
ANNEX. NO. 53
8/24/67

CHINO AIRPORT
ANNEX. NO. 140
8/24/67

RANCHO DEL CHINO
M.B. 6715

CALIFORNIA INSTITUTION FOR WOMEN

EL PRADO GOLF COURSE
L.A. CO. ANNEX. NO. 240
EL PRADO REGIONAL PARK

EL PRADO REGIONAL PARK

P.O.B.

CHINO HILLS

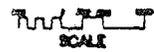
CENTER OF SECTION 7

RIVERSIDE COUNTY LINE

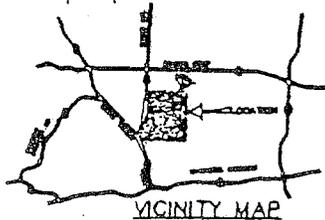
APPROXIMATELY 5218.1 ACRES



NORTH



SCALE



VICINITY MAP

NORTHWEST CORNER OF JURUPA RANCHO

RIVERSIDE COUNTY LINE

SAN BERNARDINO COUNTY LINE

EUCALIPTUS AVE (SR 83)

CITY OF CHINO
EUCALIPTUS AVE (SR 83)

PRADO LINE

SAN BERNARDINO COUNTY LINE

CITY OF CHINO

CITY OF ONTARIO

CITY OF ONTARIO

CITY OF ONTARIO

CITY OF CHINO

CITY OF CHINO

OMBALL AVE

REMINGTON AVE

REMINGTON AVE

WILSON AVE

EAST LINE

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EXHIBIT "B"

**FINDINGS, FACTS IN SUPPORT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE
ENVIRONMENTAL IMPACT REPORT FOR
THE PRESERVE (CHINO SUBAREA 2)
(SCH No. 2000121036)**

1.0 INTRODUCTION

1.1 State Law. The State Guidelines (“Guidelines”) promulgated pursuant to the California Environmental Quality Act (“CEQA”) provide:

No public agency shall approve or carry out a project for which an EIR has been completed 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:

- a. 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 (*hereinafter referred to as “finding (1)”*).
- b. 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 (*hereinafter referred to as “finding (2)”*).
- c. The proposed mitigation measures would substantially lessen the impact, but not to a level of less than significant, and there are specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, that make infeasible any additional mitigation measures or project alternatives identified in the Final EIR (*hereinafter referred to as “finding (3)”*).

The required findings shall be supported by substantial evidence in the record. (Guidelines, Section 15091).

1.2 Findings. An Environmental Impact Report (“EIR”) pursuant to CEQA has been prepared by the City of Chino. The EIR for The Preserve Specific Plan (Chino Subarea 2) (“Project”) identifies significant effects on the environment which may occur as a result of the Project. Section 2.0 of this Attachment identifies the significant environmental effects of the Project which cannot feasibly be mitigated below a level of significance. Section 3.0 sets forth potential environmental effects of the Project which are not significant because of the design of the Project or which can feasibly be mitigated below a level of significance. Section 4.0 summarizes the alternatives discussed in the EIR and makes findings with respect to the feasibility of alternatives and whether the alternatives would lessen the significant environmental effects of the Project. Section 5.0 sets forth a Statement of Overriding Considerations with respect to the Project.

The following sets forth all significant effects of The Preserve Specific Plan for Chino Subarea 2, and with respect to each effect, makes one or more of the findings set forth in the Introduction above, states facts in support of such findings, and, as appropriate, refers to the Statement of Overriding Considerations which is attached hereto.

The Final Environmental Impact Report (“FEIR”), and the administrative record concerning the Project provide additional facts in support of the findings herein. The mitigation measures set forth in the Mitigation Monitoring Program (Attachment B) are incorporated by reference in these findings, and the findings in Sections 2.0 and 3.0 refer to individual mitigation measures as appropriate.

1.3 Feasible Mitigation Defined. To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project’s significant environmental effects. (Public Resources Code Section 21002). Based on Section 21002, both the California Resources Agency and the State’s courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify projects, to the extent *feasible*, to substantially lessen or avoid such effects. (CEQA Guidelines, Sections 15002, subd. (a)(3), 15021, subd. (a)(2); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 [271 Cal.Rptr. 393].)

Public Resources Code Section 21061.1 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.” CEQA Guidelines Section 15364 adds another factor: “Legal” considerations. (*See also, Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410].) An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency’s ability to meet the objectives of a proposed project. (*See, City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182].)

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of “CEQA” findings, as mandated by Public Resources Code Section 21081. The parallel section in the CEQA Guidelines is Section 15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt “one or more findings for each [such] ... significant effect.” For each effect, the agency’s findings must reach one or more of three (3) permissible conclusions.

The first possible finding is that “[c]hanges 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.” (CEQA Guidelines, Section 15091, subd. (a)(1).)

The second permissible finding is that “[s]uch 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.” (CEQA Guidelines, Section 15091, subd. (a)(2).)

As to the third permissible conclusion, CEQA Guidelines Section 15091 no longer exactly tracks the statutory language of Public Resources Code Section 21081, subdivision (a)(3), which was amended in 1993 and again in 1994. The amended statute provides that the third permissible conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.” (Public Resources Code, Section 21081, subd. (a)(3); *see also* CEQA Guidelines, Section 15091, subd. (a)(3).)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen”. Such an understanding of the statutory term is consistent with Public Resources Code Section 21002, which, as noted earlier, uses the terms “substantially lessen” and “avoid”, but does not use the word “mitigate.”

For purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a *less-than-significant level*. In contrast, the term “substantially lessen” refers to the effectiveness of such a measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed]”, these Findings, for purposes of clarity, in each case will specify whether the effect in question has been avoided (i.e., reduced to a less-than-significant level), or has simply been substantially lessened but remains significant.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation even to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and *Laurel Heights Improvement Association v. Regents of the University of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 400-403 [253 Cal.Rptr. 426].)

In these Findings, the City of Chino first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the FEIR are (i) environmentally superior with respect to that effect and (ii) “feasible” within the meaning of CEQA.

In cases in which a project’s significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the “benefits of the project outweigh the significant effects on the environment.” (Public Resources Code, Section 21081, subd. (b); *see also*, CEQA Guidelines, Sections 15093, 15043, subd.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that “[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.” (*Goleta II, supra*, 52 Cal.3d at 576 [276 Cal.Rptr. 410].)

1.4 Record of Proceedings. For purposes of CEQA, and the Findings as set forth herein, the Record of Proceedings (the “Record”) for the City’s decision on the Project consists of the following documents:

1. The City of Chino General Plan;
2. All Notices of Preparation, as amended, and other public notices issued by the City in conjunction with the Project;
3. The *FEIR for the Preserve Project, including its Resources Management Plan* (City of Chino, 2003) (including all Appendices)(hereinafter the “FEIR”);
4. The *Draft EIR for the Preserve Project* (City of Chino, 2001) (including all Appendices (hereinafter the “DEIR”);
5. The revised Biological Resources, Transportation and Circulation, and Water Supply chapters of the Draft EIR (City of Chino, 2002)(hereinafter the “RDEIR”);
6. The Preserve Project’s Specific Plan (City of Chino, 2003) and associated General Plan Amendment (hereinafter the “Specific Plan”);
7. All comments submitted by public agencies or members of the public during the public comment period on the Draft SEIR, the Recirculated chapters of the Draft EIR, the Final EIR and the Resources Management Plan, and responses to those comments, as well as comments on the Preserve Project’s Specific Plan;
8. All staff reports, memoranda, maps, letters, minutes of meetings, referrals, and other planning documents prepared by City staff relating to the Project;
9. All testimony, documents, and other evidence presented by landowners and members of the public and their representatives within the Project Area;
10. All testimony and documents submitted to the City by public agencies and members of the public in connection with the Project;
11. Minutes, transcripts, recordings and videotapes of all workshops, information sessions, public meetings, and public hearings held by the City in connection with the Project;
12. Any documentary or other evidence submitted to the City at such workshops, information sessions, public meetings and public hearings.

13. Matters of common knowledge to the City Council, including, but not limited to, the following:

- a. The City General Plan, including the Land Use Map and elements thereof;
- b. The Zoning Ordinance of the City of Chino;
- c. The City of Chino Municipal Code; and
- d. Other formally adopted policies and ordinances.

14. All pleadings and court orders filed in San Bernardino County Superior Court case no. RCV 0624284, Chino Land & Water Co. , Inc. vs. Lewis Investment Company, LLC, etc., et al.

Items listed under 1 through 13.a. are in the custody of the City Planning and Community Development Department, located at 13220 Central Avenue, Chino, California 91708.

Items 13.b., 13.c., 13.d and 14 are in the custody of the City Clerk's Office, located at 13220 Central Avenue, Chino, California 91708.

1.4 Hearing Process. The scoping process for the Preserve Project Specific Plan has essentially spanned three years, from early 2000 to the present. The public and affected agencies have been involved in raising environmental issues since the Project area was placed within the City's Sphere of Influence by the San Bernardino Local Agency Formation Commission and planning efforts began.

A notice of preparation ("NOP") for the Draft EIR was originally released on December 5, 2000, with an Amended NOP being released on January 5, 2001. The issues raised in response to the NOP, as amended, were addressed in the Draft and Final EIR. The DEIR was released on September 18, 2001 and circulated for 45 days for public review and comment, with the comment period ending November 1, 2001. The RDEIR concerning Biological Resources, Transportation and Circulation, and Water Supply was recirculated for 45 days, with the comment period ending on September 16, 2002. Thereafter the FEIR was prepared with responses to comments, as well as a Resources Management Plan, and released for review on January 31, 2003.

A public hearing on the FEIR was held by the City's Planning Commission on February 24, 2003, where approval of the Project and certification of the EIR was recommended by the Planning Commission. The City Council held a public hearing on March 11, 2003, continued the hearing to March 25, 2003, when they approved the Project and certified the FEIR.

2.0 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

2.1 Land Use

2.1.1 Significant Effect. **Land use change from rural to urban.** Implementation of The Preserve Specific Plan will result in a fundamental change in the rural character of the plan area to a more suburban or urban setting. The proposed project will accelerate the conversion of existing agricultural and dairy uses to a mix of residential, commercial, business park, industrial, airport-related uses, open space/active recreation uses (OS-R), and public facilities. Approximately 85 percent of the project area is currently in agriculture and dairy use, with the remaining 15 percent largely in other open space, recreation and institutional uses. This change in character is significant for the plan area and cumulatively significant for the Chino Basin.

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) The proposed Specific Plan includes design features that minimize potential land use impacts at plan buildout. These features include but are not limited to:

A compact urban form and community core; a gradation of land use intensity/density from the community core outward, and from northerly portions of the plan near Chino Airport south to the open space and sensitive resources below the 566' elevation; appropriate buffering and separation of potentially incompatible uses through application of linear open space (e.g. Community Paseo and Open Space System, linear park and other recreational open space); retention and consolidation of the major open space resources within a vast, manageable open space unit below the 566' elevation; and preserved opportunities for long-term agricultural use within agricultural units defined by the AG and AG/OS-N designations. (See DEIR, Pages 5.1-1 to 5.1-19)
- (2) Implementation of policies in the General Plan Amendment through provisions of the Specific Plan will mitigate land use impacts to the extent feasible. This includes the application of various specific plan overlay zones to reduce potential land use impacts and implementation of a right to farm policy designed to minimize conflicts between urban growth and continuing agricultural operations. (See Pages 144 to 146 of the Specific Plan)
- (3) None of the build alternatives (i.e. Alternatives other than "No Project") would avoid the irreversible conversion of land from rural to urban character.

- (4) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.
- (5) Ultimately, there is a finite amount of land that is suitable for agricultural uses. The purchase of fee title or of agricultural conservation easements over other agricultural parcels off-site would not avoid, reduce or fully compensate for the impact of converting land in the Project area to urban uses because it would not offset the loss of agricultural land caused by the Project. There would still be a net reduction in the total amount of land suitable for agricultural use that is available for such use. The same analysis applies for purposes of mitigating the loss of privately owned agricultural land treated as a loss of open space. There are no measures available to fully mitigate the loss of open space that will be converted to urban uses. The views and open space that will be lost in the Project area cannot be replaced by preserving existing space in areas outside of the Project area.

Supporting Explanation: An unavoidable impact of the Specific Plan will be a change in land uses from rural to urban. Such a change is a fundamental policy decision which has been made by the City Council with the adoption of the General Plan Amendment and Specific Plan. While there is a finite amount of land within the City which can be made available for agricultural and open space uses, this shift in land uses has been mitigated to the extent feasible, while still accomplishing the City's policy goals, through the Specific Plan's adoption of a compact urban form and community core to restrict urban areas to the northern portion of the plan area; by adopting a gradation of land use intensities and densities radiating from the community core with the most intense and dense land uses to less intense and less dense urbanization from north to south; by avoiding any new development in areas with sensitive biological resources below the 566' line, and by requiring appropriate buffers between urban and agricultural uses both above and below of the 566' line. Moreover, the Specific Plan has retained opportunities for agricultural uses to continue wherever located pursuant to the Specific Plan's right to farm policies as well as in areas with AG and AG/OS-N land use designations. It has also preserved a vast, manageable and contiguous agricultural and open space area below the 566' line which will not be developed with urban uses. While these features reduce the impacts of changing from rural to urban land uses, they do not reduce it to a level of less than significant.

2.1.2 Significant Effect. Land use conflicts between urban and agricultural uses. Potentially significant urban use conflicts with adjacent agriculture may occur during the implementation of The Preserve Specific Plan (i.e. during the transition phase). The types of impacts commonly associated with adjacent agricultural and urban uses include, but are not limited to dust, harmful chemicals, noise, odor and flies, intrusion by pets, trespass and vandalism. At buildout of The Preserve Specific Plan, land use compatibility impacts for the plan area would be substantially reduced, although the Project may still contribute to cumulative land use conflicts during the long-term transition of the greater Chino Valley dairylands to urban uses. (See, DEIR, Pages 5.1-16 to 5.1-17)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) The proposed Preserve Specific Plan includes design features that minimize potential land use impacts at plan buildout. These features include but are not limited to:

A compact urban form and community core; a gradation of land use intensity/density from the community core outward, and from northerly portions of the plan near Chino Airport south to the open space and sensitive resources below the 566' elevation; appropriate buffering and separation of potentially incompatible uses through application of linear open space (e.g. Community Paseo and Open Space System, linear park and other recreational open space, 100' wide ag/urban buffer along 566' elevation line); retention and consolidation of the major open space resources within a vast, manageable open space unit below the 566' elevation; and preserved opportunities for long-term agricultural use within agricultural units defined by the AG and AG/OS-N designations.

- (2) Implementation of policies in the Preserve Project's Specific Plan will mitigate land use impacts to the extent feasible. This includes the application of various specific plan overlay zones to reduce potential land use impacts.
- (3) None of the build alternatives (i.e. Alternatives other than "No Project") would avoid the potentially significant urban use conflicts with adjacent agriculture that would occur during the implementation of The Preserve Specific Plan (i.e. during the transition phase).
- (4) The Specific Plan includes "Right-to-Farm" provisions and compatibility findings requirements, including minimum 100 ft. setback requirements between existing animal uses and any residential buildings, that will reduce the potential for urban use conflicts with agricultural/dairy operations during the transition to urban uses.
- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: To the greatest extent feasible, the potential conflicts between urban and agricultural land uses have been reduced by the Specific Plan's design features which created a compact urban form with urbanization radiating from the community core outward and the preservation of almost half of the entire Plan Area in open space and agricultural land use designations. Moreover, the Plan includes right to farm policies which will allow agricultural uses to continue within the Specific Plan area and will require minimum 100 foot setback requirements between existing animal uses and residential buildings so as to minimize conflicts. In addition, a permanent 100 foot

buffer area will be established along the 566' line to separate urban uses from the agricultural uses below the 566' line to further minimize land use conflicts.

2.1.3 Significant Effect. Land use conflicts between urban uses and IEUA Co-Composting Facility. Until the IEUA Co-Composting Facility is relocated or enclosed, nearby properties may be adversely impacted by the noise, odors, insects, dust, traffic and visual/aesthetic impacts associated with facility operations. The Specific Plan Co-Composting Facility Overlay (300' interim buffer) and the planned enclosure of this facility by IEUA would reduce these potentially significant adverse impacts to residential uses and other sensitive receptors (e.g. schools). However, there would remain a potentially significant land use conflict until such time as the Co-Composting Facility either is enclosed or relocates. (See, DEIR, Pages 5.1-17 to 5.1-18)

Findings. The City Council hereby makes findings (2) and (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when considered in light of the facts set forth in the Statement of Overriding Considerations.

The proposed Specific Plan includes design features that minimize potential land use impacts at Specific Plan buildout. This includes appropriate buffering and separation of potentially incompatible uses through application of linear open space (e.g. Community Park and Open Space System, linear park and other recreational open space);

- (2) The proposed Specific Plan includes an Interim Co-Composting Facility Overlay (CCO) to be applied to properties within 300 feet of the Co-Composting Facility. Any residential projects within this overlay must provide a 300-foot interim buffer until such time as the Co-Composting Facility relocates;
- (3) The relocation of the Co-Composting Facility is a change or alteration that is within the responsibility and jurisdiction of IEUA and not the City of Chino. The timing of such relocation is determined by IEUA and the environmental analysis and any necessary mitigation for such relocation will be the responsibility of IEUA;
- (4) None of the build alternatives (i.e. Alternatives other than "No Project") would avoid the potentially significant land use conflicts with the Co-Composting Facility that may occur during the early phases of The Preserve Specific Plan (i.e. during the transition phase).
- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: Until such time as the IEUA Co-Composting Facility is relocated or fully enclosed, these land use conflicts will be present. In order to minimize such conflicts, the Specific Plan will buffer adjoining residential land uses by requiring such uses to be

setback at least 300 feet from the Facility. Until the Facility relocates, that 300 foot setback must remain in place. Linear parks and recreational open space may also be used to buffer urban uses from the Co-Composting Facility in order to separate these land uses and minimize impacts from the odors, insects, dust, traffic and visual impacts associated with the operation of the Facility.

2.1.4 Significant Effect. Conversion of agricultural/open space to urban uses. Implementation of the Specific Plan will result in the conversion of approximately 2,055 acres of agricultural open space to urban uses. Although limited to approximately 38% of the total plan area, this loss of open space is irretrievable, and is considered a significant, unavoidable impact of the proposed project. This loss of open space is cumulatively significant within the Chino Valley Dairy Preserve. (See, DEIR, Pages 5.1-23 to 5.1-25)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) The proposed Specific Plan includes design features that minimize potential land use impacts and conserve open space resources in a manageable system. These features include but are not limited to:

A compact urban form and community core; a gradation of land use intensity/density from the community core outward, and from northerly portions of the plan near Chino Airport south to the open space and sensitive resources below the 566' elevation; appropriate buffering and separation of potentially incompatible uses through application of linear open space (e.g. Community Paseo and Open Space System, linear park and other recreational open space); retention and consolidation of the major open space resources within a vast, manageable open space unit below the 566' elevation; and preserved opportunities for long-term agricultural use within agricultural units defined by the AG and AG/OS-N designations.

- (2) Implementation of policies in the General Plan Amendment and the Specific Plan will mitigate land use impacts to the extent feasible. This includes the application of various Specific Plan overlay zones to preserve and protect open space resources.
- (3) None of the build alternatives (i.e. Alternatives other than "No Project") would avoid the irretrievable loss of open space that would occur with implementation of The Preserve Specific Plan.
- (4) Ultimately, there is a finite amount of land that is suitable for agricultural uses. The purchase of fee title or agricultural conservation easements over other agricultural parcels off-site would not completely avoid, reduce or fully compensate for the impact of converting land in the Project area to urban uses because it would not offset the loss of agricultural land caused by the Project. There would still be a net reduction in the total amount of land suitable for agricultural use that is available within the Project area for

such use. The same analysis applies for purposes of mitigating the loss of privately owned agricultural land treated as a loss of open space. There are no measures available to fully mitigate the loss of open space that will be converted to urban uses. The views and open space that will be lost in the Project area cannot be replaced by preserving existing open space in areas outside of the Project area.

- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: An unavoidable impact of the Specific Plan will be a change in land uses from agricultural/open space to urban. Such a change is a fundamental policy decision which has been made by the City Council with the adoption of the General Plan Amendment and Specific Plan. While there is a finite amount of land within the City which can be made available for agricultural and open space uses, this shift in land uses has been mitigated to the extent feasible, while still accomplishing the City's policy goals, through the Specific Plan's adoption of a compact urban form and community core to restrict urban areas to the northern portion of the plan area; by adopting a gradation of land use intensities and densities radiating from the community core with the most intense and dense land uses to less intense and less dense urbanization from north to south; by avoiding any new development in areas with sensitive biological resources below the 566' line, and by requiring appropriate buffers between urban and agricultural uses both above and below the 566' line. Moreover, the Specific Plan has retained opportunities for long term agricultural and open space uses both above and below the 566' line, as well as in areas with AG and AG/OS-N land use designations and preserved a vast, manageable and contiguous agricultural and open space area below the 566' line which will not be developed with urban uses. While these features reduce the impacts of changing from agricultural/open space land uses to urban land uses, they do not and cannot reduce it to a level that is less than significant due to the finite supply of land available within the City.

2.2 Agriculture

2.2.1 Significant Effect. **Loss of prime farmland.** Implementation of the Specific Plan would result in the conversion of approximately 1,265 acres of prime farmland to non-agricultural use. This represents approximately 56% of the total 2,268 acres of prime farmland within the Plan area, and is considered a significant impact. Approval of the Project and the introduction of residential and other urban uses within the Plan area will accelerate the conversion of prime farmlands. This is considered a significant direct and cumulative impact of the Project. (See, DEIR, Pages 5.2-10 to 5.2-12)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Project design features that reduce significant impacts to agricultural resources include retention of approximately 862 acres in agricultural-related use designations, and Specific Plan right-to-farm provisions which allow existing agricultural uses to continue wherever located in the Plan area.
- (2) agencies to identify locations where continued agricultural uses would be preferable.

None of the build alternatives (i.e. Alternatives other than “No Project”) would avoid the conversion of prime farmland to urban use that would occur with implementation of Specific Plan.

- (3) Ultimately, it must be recognized that there is a finite amount of land that is suitable for agricultural uses. The purchase of fee title or of agricultural conservation easements over other agricultural parcels off-site would not fully avoid, reduce or compensate for the impact of converting land in the Project area to urban uses because it would not offset the loss of agricultural land caused by the Project. There would still be a net reduction in the total amount of land suitable for agricultural use that is available for such use.
- (4) Mitigation Measure AG-1: “The City of Chino shall participate in the Williamson Act Easement Exchange Program and any plan that may be adopted pursuant to SB 831 for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural/Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N), designated areas of the plan area.” In this manner the City will be able to reduce the further loss of agricultural lands, but not eliminate such loss completely, since not all agricultural lands are under Williamson Act contracts.
- (5) Mitigation Measure AG-2: “The City of Chino shall participate in a coordinated multi-agency planning program for sustainable agricultural uses within the Lower Chino/ Prado Basin. This program should involve the principal public landowners within the basin, including but not limited to the U.S. Army Corps of Engineers, Orange County Flood Control District and County of San Bernardino. Components of this program may include an agricultural feasibility study, acquisitions plan, and management plan for sustainable agricultural uses within the basin.” In this manner, the City will seek to ameliorate the loss of agricultural lands by working with other public agencies to identify locations where continued agricultural uses would be preferable.
- (6) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.
- (7) Master planning for the Plan area and its annexation to the City of Chino was specifically contemplated by LAFCO’s inclusion of the area within the City’s sphere of influence. The pattern of cancellation or non-renewal of Williamson Act contracts within the Plan area dates back to 1992-93, precipitating a transition to urban uses, long before the Preserve Project was ever proposed.

Supporting Explanation: Ultimately, it must be recognized that there is a finite amount of land that is suitable for agricultural uses within the City. Nonetheless, the Specific Plan designates areas for permanent agricultural uses and will allow existing agricultural uses to continue wherever located. In addition, to further mitigate the impacts from the loss of prime farmland, the City has committed to the purchase of fee title or agricultural conservation easements over other agricultural parcels with proceeds from Williamson Act contract cancellation fees through participation in the Williamson Act Easement Exchange Program. While this would stem the further loss of prime farmland, it could not fully avoid, reduce or compensate for the impact of converting land in the Preserve Project area to urban uses because there is a finite supply of farmland. There would still be a net reduction in the total amount of land suitable for agriculture that is available for such use.

2.2.2 Significant Effect. Acceleration of Williamson Act contract non-renewals and cancellations. The Project would accelerate Williamson Act contract non-renewals and/or cancellation notices on the remaining 1,148 acres under contract within the Plan area. This is considered a significant and unavoidable impact of the proposed Project, and is cumulatively significant within the Chino Basin Dairy Area. (See, DEIR, Pages 5.2-10 to 5.2-13)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Project design features that reduce significant impacts to agricultural resources include retention of approximately 862 acres in agricultural-related use designations, and Specific Plan right-to-farm provisions which allow existing agricultural uses to continue wherever located in the Plan area.
- (2) Mitigation Measure AG-1: “The City of Chino shall participate in the Williamson Act Easement Exchange Program and any plan that may be adopted pursuant to SB 831 for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural/Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N), designated areas of the plan area.” In this manner the City will be able to somewhat reduce the further loss of agricultural lands within the overall Project area, but not eliminate such loss completely, since private landowners are always able to decide not to renew their Williamson Act contract.
- (3) Mitigation Measure AG-2: “The City of Chino shall participate in a coordinated multi-agency planning program for sustainable agricultural uses within the Lower Chino/ Prado Basin. This program should involve the principal public landowners within the basin, including but not limited to the U.S. Army Corps of Engineers, Orange County Flood Control District and County of San Bernardino. Components of this program may

include an agricultural feasibility study, acquisitions plan, and management plan for sustainable agricultural uses within the basin.” In this manner, the City will seek to ameliorate the loss of agricultural lands by working with other public agencies to identify locations where continued agricultural uses would be preferable.

- (4) None of the build alternatives (i.e. Alternatives other than “No Project”) would avoid an acceleration of Williamson Act contract non-renewals and/or cancellation notices that would occur with implementation of The Preserve plan.
- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: Private landowners always hold the right to non-renew or seek the cancellation of their Williamson Act contracts. In order to slow the rate of cancellations or non-renewals, the Specific Plan has designated 862 acres in agricultural-related land uses, as well as adopted right to farm policies in order to allow farming to continue for as long as the landowner desires to do so. In addition, to further reduce this impact, the City has committed to participate in the Williamson Act Easement Exchange Program to purchase agricultural conservation easements to permanently protect farmland, and to participate in a multi-agency planning program for the Lower Chino/Prado Basin for sustainable agricultural uses. While these actions will serve to reduce the impacts of the Project, they will not reduce or avoid it completely.

2.2.3 Significant Effect. Offsite relocation of dairies. Development of the Project area will accelerate the relocation of dairies from the Chino Basin Dairy Area and plan area, resulting in an annual milk production value loss to the region. In addition, the Santa Ana Regional Water Quality Control Board has adopted requirements for dairies to retain and control their surface water drainage, and to limit the amount of manure which may be stockpiled at dairies. Approximately 700 acres of cultivated cropland will be converted, although some of these farming operations may choose to relocate to AG and AG/OS-N designated areas within the Plan area. New dairies and expansions of existing dairies within these designated areas below the 566’ elevation are prohibited under the proposed Specific Plan. As such, the proposed Project will result in a significant direct and cumulative impact on agricultural productivity. (See, DEIR, Pages 5.2-11 to 5.2-13)

Findings. The City Council hereby makes findings (2) and (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Project design features that partially reduce significant impacts to agricultural resources include retention of approximately 862 acres in agricultural-related use designations, and Specific Plan right-to-farm provisions which allow existing agricultural uses to continue wherever located in the Plan area.

- (2) Mitigation Measure AG-1: “The City of Chino shall participate in the Williamson Act Easement Exchange program and any plan that may be adopted pursuant to SB 831 for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural/Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N), designated areas of the plan area.” While this measure will somewhat reduce the further loss of agricultural lands, it will not eliminate such loss completely, nor will it ensure that such lands are used for dairies.
- (3) Mitigation Measure AG-2: “The City of Chino shall participate in a coordinated multi-agency planning program for sustainable agricultural uses within the Lower Chino/ Prado Basin. This program should involve the principal public landowners within the basin, including but not limited to the U.S. Army Corps of Engineers, Orange County Flood Control District and County of San Bernardino. Components of this program may include an agricultural feasibility study, acquisitions plan, and management plan for sustainable agricultural uses within the basin.” With this measure, the City will seek to ameliorate the loss of agricultural lands by working with other public agencies to identify locations where continued agricultural uses would be preferable; however, there is no assurance that dairies would relocate to such other areas or that other jurisdictions would approve of dairy uses.
- (4) None of the build alternatives (i.e. Alternatives other than “No Project”) would avoid an acceleration of the relocation of dairies and corresponding loss of regional agricultural productivity that would occur with implementation of The Preserve plan.
- (5) Ultimately, there is a finite amount of land that is suitable for agricultural/dairy uses. The purchase of fee title or of agricultural conservation easements over other agricultural parcels off-site would not avoid, reduce or fully compensate for the impact of converting land in the Project area to urban uses because it would not offset the loss of agricultural land and the potential relocation of dairies to other regions caused by the Project. There would still be a net reduction in the total amount of agricultural land suitable for dairy use in the City.
- (6) To the extent that dairies relocate to areas outside of the City to other agricultural lands in other jurisdictions, the environmental impacts of approving new dairies would be the responsibility of the jurisdictions approving the new dairy location/use.
- (7) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: The relocation of dairies has been happening even in the absence of the Specific Plan’s adoption for a number of reasons unrelated to the Specific Plan, such as the Santa Ana Regional Water Quality Control Board’s enforcement actions to remediate the contamination of surface and groundwater arising from dairy wastes. The loss of agricultural

productivity caused by the Plan's acceleration of that relocation is an unavoidable result of the City's policy decision to adopt urban land uses for a significant portion of the plan area. However, the City has also provided for the retention of agricultural uses by designating 862 acres of the plan area for agricultural uses, committing to the participation in the Williamson Act Easement Exchange Program for the purchase of permanent agricultural easements, and participating in a coordinated multi-agency planning program with other governmental agencies in the Lower Chino/Prado Basin that will provide for sustainable agricultural uses. While these measures will allow dairies to remain in operation, they will not avoid the loss of agricultural productivity which arises due to dairy relocations.

2.3 Biological Resources

2.3.1 Significant Effect. **Loss of burrowing owl habitat.** The loss of burrowing owl nesting and foraging habitat within the Project area was determined to be significant at the project level and cumulatively significant at the regional level. (See, RDEIR, Pages 5.4-23 to 5.4-44)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Mitigation Measure B-2 "Required Biological Studies" provides: (1) Conduct a biological assessment of each specific project site to characterize the habitat types and the potential for the site to support any sensitive species or habitat. (2) Where a sensitive species has the potential to occur, determine the level of potential for occurrence as low, moderate, or high. Provide scientific justification for this determination. (3) If the potential for occurrence is moderate or high (e.g., the required habitat elements for this species are present and/or there has been a sighting of this species in the vicinity of the project site), conduct focused surveys within suitable habitat to determine the presence or absence of the species on the project site. (4) Any surveys deemed necessary must be conducted by a biologist qualified to perform the needed survey(s). The City of Chino, or its consultant, will review or approve the personnel and methodology for any such proposed surveys. (5) If a sensitive species or habitat is found to occur on a proposed project site, or occupies habitat that may be impacted directly or indirectly by the proposed project, this must be called to the City's immediate attention and documented in the biological assessment for the project. (6) Mitigation measures to offset any potential impact to the sensitive species and habitats must comply with the RMP and shall be included in the biological assessment. All lands set aside for conservation and/or other mitigation measures must be clearly documented in the final biological assessment.
- (2) Mitigation Measure B-3 "Resources Management Plan", subsections B-3(3) "Burrowing Owls", B-3(1) "300-Acre Conservation Area", B-3(2) "Alternate Location", B-3(8) "Mitigation Fee" and B-3(10) "Administration and Monitoring" provide as follows: "B-3(3) Burrowing Owls - If burrowing owls are found on an individual development site, development including the expansion of existing land uses or other land use activities that

could disrupt the owls, will be required to follow the CDFG burrowing owl relocation protocols, including the creation of artificial burrows; B-3(1) 300-Acre Conservation Area – Provision will be made for the creation, enhancement, expansion and perpetuation of high quality wildlife habitat in a 300-acre Conservation Area to be located generally below the 566-foot elevation line and within the boundaries of the project area. The more specific location of the conservation area will be determined through the preparation of the RMP and will depend on availability of such lands for mitigation purposes, and the suitability of land for the enhancements envisioned. Such habitat will be designed to address the impacts that will occur as the result of development of The Preserve (i.e. raptor, waterfowl and burrowing owl habitat); B-3(2) Alternate Location for the 300-Acre Conservation Area. If the City is unable, or it is infeasible, to obtain the onsite mitigation agreements from property owners for all or a portion of the 300-acre Conservation Area, the City may acquire and enhance, or make other arrangements securing the right to permanently protect/preserve and enhance, land off-site within the Prado Basin (including Chino Hills). Such land must have similar biological value to land on-site within the areas planned for urban development (generally above the 566-foot elevation line). In addition, provisions shall be made to provide enhancements/restoration similar to the measure described in B-3(1) above; B-3(8) Mitigation Fee – A mitigation fee shall be imposed on new development for the purpose of implementing the Biological Resource mitigation measures as described in the Resources Management Plan. The fee shall be adopted by the City Council prior to the issuance of grading permits for new residential, commercial, office, industrial development, or public facilities; provided grading permits may be issued prior to final adoption of the fee upon the developer's deposit with the City of adequate cash or other form of security in excess of the proposed fee, as approved by the City Council for the City. The fee shall be structured to cover the estimated cost of the identified mitigation measures; and B-3(10) Administration and Monitoring – The City shall use a conservancy or land trust, or other similar, qualified entity to oversee and implement the Resources Management Plan and principally manage the 300-acre conservation area. Such an entity shall have expertise in the management of land and biological resources. The chosen entity may also jointly provide a similar function to adjacent jurisdictions, provided that effective implementation of the mitigation measures described herein can be achieved. The City Council shall use its best efforts to select and enter into necessary agreements with the chosen entity prior to the acquisition of any property through an irrevocable license, conservation easement, right of entry, or other legally enforceable instrument.”

- (3) None of the build alternatives (i.e. Alternatives other than “No Project”) would avoid an acceleration of the relocation of dairies and corresponding loss of regional agricultural productivity that would occur with implementation of the Specific Plan.
- (4) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: Implementation of the Specific Plan will result in the loss of lands used as burrowing owl habitat in the plan area. In order to mitigate for the loss of that habitat which has varying quality, the Project will be required to create enhanced burrowing owl habitat in suitable locations remote from urban development. Moreover, to prevent impacts to burrowing owls, a pre-construction biological study must be performed by a qualified biologist to

determine the owls' presence on each specific development site and appropriate measures taken to prevent harm to any owls found to be present during construction, including relocation, and the creation of artificial burrows for the owls within the Plan area. The relocation area(s) will be permanently protected and managed by a third party to preserve its biological values. All new development will be required to pay a mitigation fee determined by the City in order to fund the mitigation program that includes acquisition of the relocation areas. The Resources Management Plan also provides for monitoring to ensure the success of mitigation efforts. While all of the above mitigation measures will reduce adverse impacts arising from the loss of burrowing owl habitat, they will not avoid it completely.

2.3.2 Significant Effect. Loss of raptor habitat. The loss of raptor foraging habitat within Subarea 2 will contribute to a cumulative significant adverse impact to regional raptor populations. (See, RDEIR, Pages 5.4-31 to 5.4-37)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Mitigation Measures B-2 Required Biological Studies, B-3 Resources Management Plan, B-3(1) 300-Acre Conservation Area, B-3(2) Alternate Location for the 300-Acre Conservation Area, B-3(6) Existing Windrows, B-3(7) Agricultural Easements, B-3(8) Mitigation Fee and B-3(10) Administration and Monitoring, as previously stated above, are all hereby incorporated by reference to reduce this impact.
- (2) None of the alternatives would avoid the cumulative loss of regional raptor foraging habitat that would occur with or without implementation of The Preserve plan.
- (3) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: In order to reduce the impacts from the cumulative loss of raptor habitat on a regional level, the Project will implement the Resources Management Plan to create a 300-acre Conservation Area with enhanced habitat values for wildlife, including raptors. This Conservation Area may be situated within the Plan area or in an alternate offsite location and will be permanently protected and managed for the benefit of wildlife by a third party. In addition, the Project will be required to preserve windrows wherever feasible for the benefit of raptors and some agricultural areas which provide raptor foraging habitat will be permanently protected with agricultural conservation easements purchased under the Williamson Act Easement Exchange Program. In order to fund this mitigation, the City will be required to implement a mitigation fee that must be paid before a grading permit is issued. In the foregoing manner, impacts for the loss of raptor habitat will be reduced, but not to level of less than significant on a cumulative level.

2.3.3 Potential Effect. Loss of land cover types. The project will result in the loss of approximately 2,349 acres of land cover type above the 566' elevation line. Acres lost above the 566' line include approximately 1,580 acres of agricultural industry (dairy/pasture), 702 acres of cultivated fields (croplands), 1 acre of fallow fields, 38 acres of surface water bodies (dairy detention/livestock watering/irrigation ponds), 1 riparian acre, and 17 acres of windrows. Proposed development will result in the loss of most of the remaining ruderal plant species within the northern portion of Subarea 2 above the 566' line.

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure B-1 Zoning and Land Use Regulation provides: "Zoning and Land Use Regulations: (1) All areas below the 566-foot dam inundation line, except such areas located north of Pine Avenue, will be retained within an open space or agricultural land use designation in order to provide protection for existing wildlife habitat values found in such areas and those to be created by the habitat enhancement activities described under Mitigation Measure B-3, below, as well as to avoid any new impacts. (2) Any new development or expansions of existing land uses within the open space designations of The Preserve Specific Plan (i.e., Agriculture, Agriculture/Open Space-Natural, Open Space-Recreation, Open Space-Natural and Open Space-Water) shall comply with the requirements and provisions of the Resources Management Plan in order to mitigate potential adverse project-specific impacts on biological resources."
- (2) Mitigation Measure B-2 "Required Biological Studies" provides: (1) Conduct a biological assessment of each specific project site to characterize the habitat types and the potential for the site to support any sensitive species or habitat. (2) Where a sensitive species has the potential to occur, determine the level of potential for occurrence as low, moderate, or high. Provide scientific justification for this determination. (3) If the potential for occurrence is moderate or high (e.g., the required habitat elements for this species are present and/or there has been a sighting of this species in the vicinity of the project site), conduct focused surveys within suitable habitat to determine the presence or absence of the species on the project site. (4) Any surveys deemed necessary must be conducted by a biologist qualified to perform the needed survey(s). The City of Chino, or its consultant, will review or approve the personnel and methodology for any such proposed surveys. (5) If a sensitive species or habitat is found to occur on a proposed project site, or occupies habitat that may be impacted directly or indirectly by the proposed project, this must be called to the City's immediate attention and documented in the biological assessment for the project. (6) Mitigation measures to offset any potential impact to the sensitive species and habitats must comply with the RMP and shall be included in the biological assessment. All lands set aside for conservation and/or other mitigation measures must be clearly documented in the final biological assessment
- (3) Mitigation Measure B-3 "Resources Management Plan", subsections B-3(1) "300-Acre Conservation Area", B-3(2) "Alternate Location", B-3(3) "Burrowing Owls", B-3(5) "Surface Water and Riparian Habitat", B-3(6) "Existing Windrows", B-3(7) "Agricultural Easements", B-3(8) "Mitigation Fee", and B-3(10) "Administration and

Monitoring”, provide as follows: B-3(1) 300-Acre Conservation Area – Provision will be made for the creation, enhancement, expansion and perpetuation of high quality wildlife habitat in a 300-acre Conservation Area to be located generally below the 566-foot elevation line and within the boundaries of the Project area. The more specific location of the Conservation Area will be determined through the preparation of the RMP and will depend on availability of such lands for mitigation purposes, and the suitability of land for the enhancements envisioned. Such habitat will be designed to address the impacts that will occur as the result of development of The Preserve (i.e. raptor, waterfowl and burrowing owl habitat); B-3(2) Alternate Location for the 300-Acre Conservation Area. If the City is unable, or it is infeasible, to obtain the onsite mitigation agreements from property owners for all or a portion of the 300-acre Conservation Area, the City may acquire and enhance, or make other arrangements securing the right to permanently protect/preserve and enhance, land off-site within the Prado Basin (including Chino Hills). Such land must have similar biological value to land on-site within the areas planned for urban development (generally above the 566-foot elevation line). In addition, provisions shall be made to provide enhancements/restoration similar to the measure described in B-3(1) above, B-3(3) Burrowing Owls - If burrowing owls are found on an individual development site, development including the expansion of existing land uses or other land use activities that could disrupt the owls, will be required to follow the CDFG burrowing owl relocation protocols, including the creation of artificial burrows; B-3(5) Surface Water and Riparian Habitat – (a) All development will be required to satisfy any applicable requirements of USACE, Regional Water Quality Control Board and CDFG for Section 404 Clean Water Act Permits and streambed alteration agreements, (b) Drainage Area B (see, RDEIR, Exhibit 5 4.5) will be designed as a naturalized drainage course and enhanced to provide riparian habitat values, including plantings of appropriate native species of plants and trees. It is anticipated that these enhancements will be provided in conjunction with drainage facilities and constructed Natural Treatment Systems designed to improve water quality Exhibit 5 4.6 in the RDEIR provides an illustrative example of how the drainage area may be designed. Specific features related to habitat values will be addressed as part of the RMP; (c) A minimum of 10 acres of marsh and/or riparian habitats shall be constructed in conjunction with drainage facilities and/or Natural Treatment Systems for water quality purposes, in order to provide mitigation for loss of the low quality habitat values of agricultural detention basins, as well as other surface water areas that support waterfowl; B-3(6) Existing Windrows – Existing windrows that provide viable raptor habitat shall be retained and incorporated into the design of individual development projects where practical. If retention is not practical, the developer shall provide for the replacement of the windrow trees in a manner supportive of raptor habitat. The biological study prepared for the development project shall include an analysis by an ornithologist specializing in raptor biology. Such analysis shall include recommendations on the number of trees, tree specifications and location of replacement trees for windrows or stands of trees. The recommendations shall be based on biological values, as determined by the ornithologist, and in consultation with the City and the wildlife agencies. Replacement trees may be located within the 300-acre Conservation Area or other suitable areas located outside of the project site if consistent with the recommendations of the ornithologist; B-3(7) Agricultural Easements – Under Mitigation Measure AG-1, which addresses mitigation for loss of prime agricultural land, the City has committed to actively pursuing SB 831 Williamson Act cancellation fees to acquire agricultural easements within the Preserve. These easements will also provide mitigation for identified impacts on biological resources in that they will preserve areas in agriculture and prevent the future development of recreational or other non-agricultural

uses that could be detrimental to biological resources; B-3(8) Mitigation Fee – A mitigation fee shall be imposed on new development for the purpose of implementing the Biological Resource mitigation measures as described in the Resources Management Plan. The fee shall be adopted by the City Council prior to the issuance of grading permits for new residential, commercial, office, industrial development, or public facilities; provided grading permits may be issued prior to final adoption of the fee upon developer’s deposit with the City of adequate cash or other form of security in excess of the proposed fee, as approved by the City Council for the City. The fee shall be structured to cover the estimated cost of the identified mitigation measure; and B-3(10) Administration and Monitoring – The City shall use a conservancy or land trust, or other similar, qualified entity to oversee and implement the Resources Management Plan and principally manage the 300-acre Conservation Area. Such an entity shall have expertise in the management of land and biological resources. The chosen entity may also jointly provide a similar function to adjacent jurisdictions, provided that effective implementation of the mitigation measures described herein can be achieved. The City Council shall use its best efforts to select and enter into necessary agreements with the chosen entity prior to the acquisition of any property through an irrevocable license, conservation easement, right of entry, or other legally enforceable instrument.”

Supporting Explanation: The adoption of the Preserve Specific Plan is a policy decision by the City that fundamentally reflects a choice of urban land uses over rural land uses and the land cover types associated with rural uses. Those mitigation measures identified above will reduce/minimize the Project’s impacts on biological resources resulting from the loss of the current and heavily degraded and modified land cover types above the 566’ elevation by retaining all lands below the 566’ inundation in open space and agricultural uses, require biological studies to determine the presence of sensitive species and mitigation if any such species are found in an area being developed for urban uses, implement a Resources Management Plan to mitigate for the impacts of urban development on the Area’s biological resources, set aside in perpetuity a 300 acre Conservation Area, enhance the habitat values of the 300 acre Conservation Area, provide a burrowing owl mitigation program, create new riparian habitat and marsh areas in existing degraded areas, retain existing windrows to the extent possible and provide for a tree planting program for any windrows which cannot feasibly be preserved. They also provide for the imposition of a mitigation fee to fund all of the measures set forth in the Resources Management Plan. Ultimately, it must be recognized that there is a finite amount of land that is suitable for retention in rural land cover types within the City. Nonetheless, the Specific Plan designates areas for permanent agricultural uses and a 300-acre Conservation Area that allow for rural land cover types to continue. While these measures will reduce this impact, they will not reduce it to a level of less than significant.

2.4 Transportation and Circulation

2.4.1 Significant Effect. **Traffic impacts on local and regional intersections, streets and highways to LOS “E” or “F”.** The projected level of development for the Interim Year (2010) will generate a total of approximately 71,499 trip-ends per day with 5,722 vehicles per hour during the AM peak hour and 7,793 vehicles per hour during the PM peak hour. For the ultimate Buildout conditions (post 2020), development is estimated to generate a total of approximately 244,930 trip-ends per day with 18,993 vehicles per hour during the AM peak hour and 25,911 vehicles per hour during the PM peak hour.

For Interim Year (2010) Without Project traffic conditions, fifteen (15) intersections are projected to be at LOS "E" or "F" For the Interim Year (2010) With Project conditions, twenty-five (25) intersections are projected to be at LOS "E" or "F", representing an increase of 10 intersections adversely impacted. By the Year 2020, thirty-five (35) intersections are projected to be at LOS "E" or "F" for the Without Project condition. Forty-two (42) intersections are projected to be at LOS "E" or "F" for the With Project condition by 2020 and 46 intersections at buildout of the Project. This represents a significant project and cumulative effect on the area wide circulation system. (See, RDEIR, Pages 5 7-13 to 5 7-54)

Findings. The City Council hereby makes findings (2) and (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Mitigation Measure T-1 provides: "Notification. Since the Project contributes significant traffic to a State Highway (I-15 Freeway, SR-71 Freeway, SR-60 Freeway, and SR-91 Freeway), and it also contributes significant traffic to roadway segments serving CMP intersections within the jurisdictions of the City of Chino Hills, City of Ontario, County of San Bernardino, City of Norco, City of Corona, and the County of Riverside, the City of Chino shall notify the Congestion Management Agency (SANBAG), the California Department of Transportation (CalTrans), and the aforementioned cities in accordance with CMP requirements. Each of these agencies must be provided with a copy of the CMP traffic study once the document is accepted by the City of Chino.
- (2) Mitigation Measure T-2 provides: "Internal Roadway Improvements. The proposed project shall construct or otherwise provide for all internal roadway improvements. The provision of such improvements shall be phased to address the incremental impacts of individual development projects."
- (3) Mitigation Measure T-3 provides: "Regional/Subregional Project Participation. The City shall work cooperatively through SCAG and SANBAG to develop regional/subregional projects and identify regional transportation funding needed to minimize future freeway deficiencies. The City will actively participate in other future regional and/or subregional efforts to reduce freeway congestion."
- (4) Mitigation Measure T-4 provides: "Regional/Subregional Transportation Planning. The City shall participate in planning efforts to develop subregional and/or regional transportation facilities based on equitable cost sharing programs among cities and counties."
- (5) Mitigation Measure T-5 provides: "Traffic Operations and Systems management. The City shall provide traffic operations and traffic systems management (TSM) improvements, including signal system coordination, automated traffic control, Smart Corridors, intelligent transportation systems, and other measures."

- (6) Mitigation Measures T-6 provides: "Project Review for Trip Reduction and Travel Demand Management. Individual development projects shall be reviewed by the City for integration of trip reduction measures, travel demand management (TDM) strategies and alternative transportation modes, consistent with the Specific Plan."
- (7) Mitigation Measure T-7 provides: "Transit Feasibility Study. In the initial phases of development, the City shall require that a Transit Feasibility Study be prepared of the proposed project transit system. The Feasibility Study should address the timing of transit development vis-à-vis development phasing, and the interface with future regional transit works. To respond to potential issues related to the development of such a transit system, the following actions must be undertaken: identify the various funding mechanisms associated with the construction and operation of the system; require each proposed project to provide adequate right of way for such a system and construct the required infrastructure; establish design criteria and an evaluation process for determining transit stop locations that ensure pedestrian access prior to tentative map approval; operational issues, such as the future management of the system, may be deferred until the appropriate time, based upon discussions with current regional transit providers."
- (8) Mitigation Measure T-8 provides: "Transit Service Extensions. The City shall contact appropriate transit agencies to encourage an expansion of transit services up to and within the project area."
- (9) Mitigation Measure T-9 provides: "Project Traffic Studies. Traffic studies shall be required as deemed necessary by the City Engineer. Each study will identify the timing, and extent of required improvements to adequately evaluate future traffic impacts of individual projects needed to mitigate the impacts of such development."
- (10) The Project includes a compact urban form and community core that has been designed to include transit. The Traffic Impact Assessment is required to allocate all vehicles trips to the surrounding circulation system without factoring in any potential reduction in vehicle trips due to future transit implementation within the plan area, or extensions of regional transit service to the site.
- (11) Of the build alternatives, the Environmental Land Use Alternative minimizes impacts to transportation and circulation. However, as described in Section 4.0 Findings Regarding Alternatives, this alternative would not attain the basic project objectives.
- (12) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: As noted in the RDEIR, the Project will have impacts to a number of streets, highways and intersections that result in their operation at LOS "E" or "F" at ultimate buildout of the Project. In order to mitigate for those impacts, the Project shall construct or otherwise provide for all internal roadway improvements and to phase such improvements to address the incremental impacts of individual development projects.. Such impacts of individual development projects shall be addressed through project-level traffic studies, as deemed

necessary by the City Engineer, and such studies shall identify the timing and extent of improvements needed for mitigation. In addition, individual development projects will be required to implement TDM strategies and provide traffic studies as deemed necessary by the City Engineer. The City will also participate in regional level approaches to reduce traffic impacts, such as the SANBAG Congestion Management Plan and regional/subregional transportation planning efforts to develop transportation facilities, and to conduct a Transit Feasibility Study to develop and improve the regional public transit system and ensure that local projects are designed to be compatible with such a system. The City will also encourage the local transit system providers to expand their service to the plan area. All of the foregoing will reduce, but not eliminate, the traffic impacts arising from the buildout of the Project over time.

2.4.2 Significant Effect. Impacts on 35 freeway segments needed to provide adequate LOS. The traffic report included an analysis of 35 freeway segments based upon the San Bernardino County CMP. The Project's traffic study identified the number of general use and high occupancy traffic lanes required to accommodate the proposed project and other future development. Providing the number of lanes necessary to provide an adequate level of service for all segments, except those on the SR-91 which are currently under study by the Counties of Riverside, San Bernardino, and Orange, is based upon obtaining adequate funding. A portion of the traffic generated by the proposed project will contribute toward the need to expand these freeway segments. This represents a significant project and cumulative effect on the identified freeway segments. (See, RDEIR, Pages 5.7-41 to 5.7-54)

Findings. The City Council hereby makes findings (2) and (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Mitigation Measures T-1, T-3, T-4, T-6, and T-7, as set forth in full above, are hereby incorporated by reference for this impact.
- (2) Outside of state and federal funding sources, and application of San Bernardino County's Measure "I" half-cent sales tax, no mechanisms are currently in place for local contributions to needed freeway improvements on a project-by-project basis. Similarly, no mechanisms or interagency agreements exist to address full funding and construction of offsite intersection improvements needed by cumulative projects and regional growth. (See, RDEIR, Page 5.7-54)
- (3) The Project will provide for the full cost or in-lieu construction of road improvements within the boundaries of the Plan area, including the proportionate share of costs associated with impacts of other regional traffic as determined by the City of Chino. (See, RDEIR, Page 5.7-54)
- (4) Of the build alternatives, the Environmental Land Use Alternative minimizes impacts to transportation and circulation. However, as described in Section 4.0 Findings Regarding Alternatives, this alternative would not attain the basic Project objectives.

- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: While the Project will implement a number of mitigation measures designed to reduce the traffic impacts that will arise at buildout, there will nonetheless be impacts on the freeway system that cannot be mitigated for by the City. The Project will contribute, on a cumulative basis, to the need to expand segments of the regional freeway system as identified in the RDEIR. Funding for that expansion may come from federal and state sources, as well as from San Bernardino County's Measure "T" sales tax, but there are no local mechanisms which have been put into place for local jurisdictions to contribute to state freeway improvements on a project by project basis. Consequently, while the Project will be implementing a number of measures designed to reduce the overall traffic produced by the Project, there are no regional or local mechanisms available for funding the needed freeway expansions. Such funding mechanisms will be the responsibility of the State of California and other regional transportation agencies.

2.5 Air Quality

2.5.1 Significant Effect. **Construction activity emissions impacts on air quality.** Project development will create temporary emissions of fugitive dust from soil disturbance, and combustion emissions from on-site construction equipment and from off-site trucks moving dirt, delivering construction materials, and from worker travel. A significant source of air pollution from Project construction will be the dust generated during clearing, excavation and site preparation. Nitrogen oxide (NO_x) emissions are likely to exceed the SCAQMD significance threshold. However, the mobile nature of the on-site construction equipment and off-site trucks will minimize any localized violations of the NO_x or other standards. With mitigation to keep equipment in good tune (low-NO_x tune-ups), average daily construction equipment emissions can be reduced, but not to less than significant levels during maximum grading activity days. While emissions of particulate matter (PM₁₀) will occur with construction activity phased over the long-term buildout of the community, daily emissions would still have the potential to exceed significance thresholds identified by SCAQMD. (See, DEIR, Pages 5.9-17 to 5.9-27)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) The proposed project will employ standard mitigation measures, such as dust control measures during construction mandated by the SCAQMD, and energy efficient design practices required by Title 24 of the California Code of Regulations.

- (2) Mitigation Measure AQ-2 provides: "Construction Emissions. Per SCAQMD Rule 403, the City shall enforce the following measures during all construction activities: contractors shall use low emission mobile construction equipment where feasible to reduce the release of undesirable emissions; construction contractors shall encourage rideshare and transit programs for project construction personnel to reduce automobile emissions; construction contractors shall water active grading sites at least twice a day, and clean construction equipment in the morning and/or evening to reduce particulate emissions and fugitive dust; construction contractors shall, as necessary, wash truck tires leaving the site to reduce the amount of particulate matter transferred to paved streets as required by SCAQMD Rule 403; construction contractors shall sweep on and off site streets if silt is carried over to adjacent public thoroughfares, as determined by the City Engineer to reduce the amount of particulate matter on public streets; construction contractors shall limit traffic speeds on all unpaved road surfaces to 15 MPH or less to reduce fugitive dust; at the discretion of the City's Planning Director, construction contractors shall suspend grading operations during first and second stage smog alerts to reduce fugitive dust; at the discretion of the City's Planning Director, construction contractors shall suspend all grading operations when wind speeds exceed 25 MPH to reduce fugitive dust; construction contractors shall maintain construction equipment engines by keeping them tuned; construction contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions; construction contractors shall use existing onsite electrical power to the maximum extent possible. Where such power is not available, the contractor shall use clean fuel generators during the early stages of construction to minimize or eliminate the use of portable generators and reduce the release of undesirable emissions; the construction contractor, in conjunction with the City Engineer, shall locate construction parking to minimize interference on local roads; construction contractors shall ensure that all trucks hauling dirt, sand, soil or other loose materials are covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114 to reduce spilling of material on area roads."
- (3) Although project daily PM₁₀ emissions during the construction phase have the potential to exceed significance thresholds, these emissions levels are not likely to exceed the substantial daily particulate emissions attributable to current dairy activities within the Plan area (i.e. a No Project Alternative).
- (4) Other build alternatives evaluated in the EIR would have similar grading disturbance areas and earthwork requirements as compared to the proposed Project, and would result in similar levels of particulate emissions during construction.
- (5) The Preserve is situated in a regional non-attainment area for air quality. It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: Construction of the Project will have significant temporary air quality impacts, especially since the Project is located in a non-attainment air quality basin. In order to reduce the temporary construction activity emissions, the Project will require contractors to comply with SCAQMD Rules 403, 431.1 and 431.2, as well as comply with the mitigation measures identified above to reduce exhaust and particulate emissions of PM₁₀ during

construction activities to the extent feasible by requiring motorized equipment to be kept in tune and good repair, the watering of sites to control dust, the sweeping of streets to control dust, the covering of trucks hauling loose loads of dirt or sand, the use of onsite electrical power sources in lieu of fossil fuel powered generators, and the suspension of construction during smog alerts and windy conditions

2.5.2 Significant Effect. **Project related increases in NO_x and CO emissions at Buildout.** Project implementation will create significant increases in CO and NO_x levels due to traffic exhaust emissions. At buildout, Project-related emission levels for the three primary exhaust pollutants (CO, NO_x and ROG) would substantially exceed SCAQMD thresholds. However, displacement of dairy operations will cause a significant net reduction in reactive organic gases and in particulates. There is no basis for comparing pollutants as one type being better or worse than another. The South Coast Air Basin as a whole is in attainment for CO, but not for ozone (created by ROG + NO_x + sunlight), or for particulates. The net effect of Project implementation is that two non-attainment pollutants or precursors (ROG and PM-10) will be significantly reduced, while one non-attainment precursor (NO_x) and one attainment pollutant (CO) will be increased significantly. This air quality effect is cumulatively significant within the South Coast Air Basin non-attainment area. (See, DEIR, Page 5.9-26 to 5.9-27)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Effective emissions reduction of mobile source emissions requires a unified transportation system management (TSM) approach where a variety of transportation control measures (TCM's) are integrated into a comprehensive system of procedures and goals. The proposed Project includes several important components of an effective mobile source emissions reduction program. These components include basic project design features which are consistent with air quality objectives and "smart growth" principles, and include:

Community design to facilitate local transit (The Preserve Mobility Plan and Transit System); development of park-and-ride facilities; encouragement of bicycle and pedestrian circulation alternatives (The Preserve Community Paseo and Open Space System and Bicycle System); encouragement of local employment-generating uses to reduce jobs-housing imbalances that promote long commutes in and out of the local area (The Preserve Land Use Development Plan, including approximately 626 acres of Business Uses).

- (2) Mitigation Measure AQ-1, Mobile Source Emissions/Transit, provides: "The City of Chino shall contact appropriate transit agencies to encourage an expansion of transit services up to and within the project area. The City will coordinate with such agencies and other jurisdictions to promote express transit access from the Chino area to other regional employment centers."

- (3) Long-term operational air emissions under the Environmental Land Use Alternative may be reduced as compared with the Project, as a result of the reduction in the projected number of daily vehicle trips. However, the feasibility of implementing a future transit system that would contribute to reductions in air emissions is less likely with this reduced density alternative. As described in Section 4.0 Findings Regarding Alternatives, the Environmental Land Use alternative would not attain the basic project objectives.
- (4) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: In order to reduce mobile source emissions and thereby reduce the production of NO_x and CO, the Project has been designed with smart growth principles, such as a compact community design to facilitate the use of public transit systems, the use of park and ride facilities, the encouragement of bicycle and pedestrian circulation with a system of paseos and bike trails, a favorable jobs/housing balance to reduce long commutes in/out of the area, and the use of express transit services from Chino to other regional employment centers. All of these measures will tend to reduce the use of single occupant vehicles to the greatest extent feasible, but will not do so to a level where emissions of NO_x and CO will be reduced to a less than significant level.

2.5.3 Significant Effect. Odor impacts on sensitive uses during the transition to urban uses. Odor impacts of dairies on sensitive uses (e.g. residential, schools) are anticipated to be significant during the transition period to urban use. Residential development in the vicinity of the IEUA Co-Composting facility (e.g. within approximately ½ mile) may be affected by facility-generated odor prior to facility relocation. (See, DEIR, Pages 5.9-19 to 5.9-20)

Findings. The City Council hereby makes finding (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) The Specific Plan establishes a 300-ft. overlay zone setback from the IEUA Co-Composting facility for residential and other sensitive uses. Although this setback will reduce odor impacts, given the variability of meteorological conditions residential development within 0.5 mile of the IEUA Co-Composting Facility is considered to have a potentially significant odor exposure.
- (2) Odor impacts from dairy operations to new receptors (e.g. residences, schools) during the transition period are an unavoidable effect of urban development within the Plan area. (3)
It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: Odor impacts from existing dairy and agricultural related operations on new sensitive receptors in the plan area will be an uncontrollable and unavoidable impact during the transition from rural to urban uses. In order to minimize this impact, the Project will require a 300-foot setback from the IEUA Co-Composting Facility for residential and other sensitive land uses. While this will reduce odor impacts, given the variability of meteorological conditions, odor impacts could still arise at residential development within 0.5 miles of the Facility. Consequently, there is no feasible measure to reduce these impacts to a less than significant level without adversely impacting the integrity of the land use planning of the Specific Plan.

2.6 Electricity

2.6.1 Significant Effect. **Uncertainty over future electricity supplies to serve the Project.** Given the recent electrical energy shortfall in California and the western United States due to high wholesale costs of electricity brought about by deregulation in 1996, it is uncertain that electrical supplies will be sufficient to meet future growth demand. Therefore, the Project may contribute to significant cumulative impacts on electrical energy supplies. (See, DEIR, Page 5.12-16 to 5.2-18)

Findings. The City Council hereby makes findings (2) and (3).

Facts in Support of Findings. The following facts or mitigation measures indicate that although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated below a level of significance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Considerations.

- (1) Development will be required to conform to Title 24 of the California Code of Regulations regarding efficient use of energy resources, and other State and/or City Regulations which may be in effect at the time of approval of individual projects.
- (2) Mitigation Measure U-E-1 provides: "Energy efficient lighting and natural lighting should be encouraged and utilized where practical."
- (3) Provision of energy supplies is largely the responsibility of major utilities such as Southern California Edison, and is under the jurisdiction of the State through the Public Utilities Commission. Impacts from new electrical generating facilities would be the responsibility of the entity permitting the facility.
- (4) Of the build alternatives, no substantial difference in electrical energy consumption is apparent.
- (5) It is infeasible to completely avoid this significant effect, due to the economic, legal, social, technological or other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

Supporting Explanation: The recent energy shortfall in California has created uncertainty over the sufficiency of future electrical supplies to serve the project. In order to minimize the Project's usage of electrical power, it has required the use of energy efficient lighting systems and natural lighting wherever practical. In addition, all new construction must comply with the requirement of Title 24 of the California Code of Regulations (the Building Code) that require energy efficient buildings. While these measures will reduce electrical demand, they will not reduce this impact to a level of less than insignificant.

3.0 POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE.

The City Council has determined that the following potential environmental effects will not be significant for the reasons stated below.

3.1 Land Use 3.1.1 Potential Effect. The Specific Plan locates potentially incompatible residential uses in close proximity to the Correctional Institution for Women (CIW-Chino). Without careful design of the linear paseo to fully buffer and screen these potentially incompatible uses, significant land use conflicts could occur.

Findings. **The City Council hereby makes finding (1).**Facts in Support of Findings.

The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure LU-2 provides: “Special attention should be focused during subsequent review of specific development projects on providing an adequate buffer and separation between the existing CIW-Chino and planned residential uses immediately to the east. The planned linear Community Paseo along Chino-Corona Road separating these uses should include some combination of landscape screening, berms and/or walls, and setbacks to achieve an adequate physical and visual separation between these uses.”

Supporting Explanation: As stated in the DEIR (See Pages 5.1-18 to 5.1-26), a buffer must be provided between the correctional institution and neighboring land uses to prevent incompatible land uses in close proximity to the institution. The foregoing mitigation measure will prevent significant land use conflicts from occurring by requiring a separation of residential uses and institutional uses by the Community Paseo, which will have landscape screening, berms and/or walls, and setbacks designed to provide both a physical and visual separation between those uses, while at the same time considering prison security issues.

3.1.2 Potential Effect. The Specific Plan includes a Chino Airport Overlay Zone to assure subsequent project review for consistency with the ACLUP. No significant land use compatibility impacts with current Chino Airport operations and adopted safety zones and noise contours will result from the Preserve’s Specific Plan implementation. However, potential future changes to the Airport Master Plan and airport operations could result in significant safety and/or noise impacts to proposed land uses depending on the type and magnitude of such changes.

Findings. **The City Council hereby makes finding (1) and (2).**

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure LU-1 provides: “The City of Chino shall provide notice of development applications within adopted airport noise and safety zones to the Airport Land Use Commission (ALUC), in compliance with the Chino Airport Comprehensive Land Use Plan (ACLUP). The City will coordinate with the ALUC to assure specific development projects’ compatibility with Chino Airport operations.”
- (2) Projects at the Airport which cause changes in the ACLUP will be subject to independent environmental review under CEQA by the ALUC during their approval process for compatibility with surrounding land uses.
- (3) Additional mitigation will be provided by the aviation easements required to be granted pursuant to the Specific Plan by all new development within close proximity to the Airport.

Supporting Explanation: The mitigation measure will require notice to the Airport Land Use Commission of any projects with a potential to impact the airport's noise and safety zones, as required by the ACLUP. It will also require the City to coordinate those projects with the ALUC to ensure that the projects are compatible with the Airport's operations, thereby minimizing any land use conflicts. See DEIR, Pages 5.1-18 to 5.1-19.

3.1.3 Potential Effect. The Specific Plan land use designations below the 566' elevation consist almost entirely of Open Space-Recreation (OS-R), Open Space-Water (OS-W), Agriculture/Open Space-Natural (AG/OS-N) and Open Space-Natural (OS-N) uses. These designations include uses that are potentially allowed by the Prado Flood Control Basin Master Plan. However, without a mechanism to assure Army Corps of Engineers ("ACOE") review of specific development proposals, consistency impacts could occur.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The Specific Plan includes a 566-Foot Dam Inundation Elevation Overlay (DIO) applied to all lands below 566' elevation inundation area. This overlay requires that all specific development proposals be submitted for ACOE review, and that allowable land uses comply with provisions of any cooperative management plans that may apply to the Lower Chino Basin/Prado Basin area. As a result, no significant conflicts with the Prado Flood Control Basin Master Plan or other ACOE plans within the Prado Dam inundation area are anticipated.

Supporting Explanation: The Specific Plan is self mitigating in this regard, and no additional mitigation measure was required in the DEIR or FEIR. See DEIR, Pages 5.1-19 to 5.1-23. It will preclude new development and new structures which conflict with Army Corps of Engineers requirements for inundation areas, as noted on Page 130 of the Specific Plan.

3.1.4 Potential Effect. The Specific Plan includes approximately 52 acres of the 566' elevation inundation area above Pine Avenue at its intersection with Euclid Avenue (northeast corner) within the Regional Commercial designation. This could potentially conflict with U.S. Army Corps of Engineers use requirements within the Prado Basin inundation area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The affected area falls within the proposed DIO Overlay Zone, requiring ACOE review of specific development projects. As the ACOE would review proposed uses for inconsistency with the DIO Overlay Zone, no significant land use conflict is likely to result.

Supporting Explanation: ACOE review of any development and structures in this area will assure that no loss of flood control capacity or volume within the 566' inundation area occurs.

3.1.5 Potential Effect. Implementation of the Specific Plan and related actions by the City of Chino would conflict with the existing San Bernardino County General Plan's Agriculture-Agriculture Preserve (AG-AP) designations for the site, and the site's agricultural status within the Chino Valley Dairy Preserve and West Valley Subregion Planning Area. This conflict in and of itself does not represent a significant adverse impact.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Master planning for the area and its annexation to the City of Chino was specifically contemplated by LAFCO's inclusion of the area within the City's sphere of influence. The pattern of cancellation or non-renewal of Williamson Act contracts within the Plan area dates back to 1992-93, precipitating a transition to urban uses, long before the Preserve Project was ever proposed. Therefore, implementation of the proposed Preserve Specific Plan and related actions by the City do not represent a new substantial adverse land use impact or conflict with existing San Bernardino County land use planning for the area.
- (2) All existing agricultural uses will be allowed to continue following annexation as either conforming or non-conforming uses under the Zoning Code pursuant to the Specific Plan and its Right to Farm policies.

3.2 Agriculture

3.2.1 Potential Effect. The Project would require annexation of the Preserve Project area by the City of Chino and rezoning consistent with the Specific Plan and City Zoning Code. Existing County of San Bernardino Agriculture-Agriculture Preserve (AG-AP) zoning designations on the site would be removed.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Removal of the existing County Agricultural Preserve status and rezoning of the site for urban development were actions contemplated in LAFCO's 1994 inclusion of this portion of the dairy preserve within the City's sphere of influence, and do not in and of themselves represent a significant adverse impact. All existing agricultural uses will be allowed to continue following annexation as either conforming or non-conforming uses under the Zoning Code pursuant to the Specific Plan and its Right to Farm policies.

- (2) Mitigation Measure AG-1 provides: “The City of Chino shall actively pursue the use of Williamson Act cancellation fees pursuant to SB 831, for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N) designated area of the plan area.”

Supporting Explanation: As noted above, the rezoning of the land within the County’s Agricultural Preserve was already contemplated when LAFCO included the area within the City of Chino’s sphere of influence in 1994, and underwent environmental review at that time. Impacts arising from the cancellation of Williamson Act contracts also will be mitigated in part by the City’s commitment to pursue the use of cancellation fees for the acquisition of permanent agricultural easements pursuant to the provisions of SB 831. Furthermore, all agricultural uses at the time of annexation of the Project area will be allowed to continue.

3.2.2 Potential Effect. Buildout of the proposed Preserve Specific Plan will place the new local resident population near farmlands and agricultural uses that choose to locate within the AG and AG/OS-N designated areas within the Plan area (i.e. northeast corner and below the 566’ elevation). Without managed access, buffers and other measures to protect these remaining farmlands, land use conflicts may arise that would ultimately lead to the conversion of farm land to non-agricultural use.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures AG-1 provides: “The City of Chino shall actively pursue the use of Williamson Act cancellation fees pursuant to SB 831, for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N) designated area of the plan area.”
- (2) Mitigation Measure AG-2 provides: “The City of Chino shall participate in a coordinated multi-agency planning program for sustainable agricultural uses within the Lower Chino/ Prado Basin. This program should involve the principal public landowners within the basin, including but not limited to the U.S. Army Corps of Engineers, Orange County Flood Control District and County of San Bernardino. Components of this program may include an agricultural feasibility study, acquisitions plan, and management plan for sustainable agricultural uses within the basin.”
- (3) Mitigation Measure B-3(4) provides: “In order to limit urban intrusion into areas with habitat value that are below the 566-foot dam inundation line, a buffer area will be provided along the southern edge of urban development within the Preserve Specific Plan area. The buffer will be designed to provide for limited access to habitat areas and will include provisions for the logical transition between urban structures/uses and habitat areas.”

- (4) The Specific Plan includes “Right-to-Farm” provisions and compatibility findings requirements, as well as 100 ft. setback requirements between existing animal uses and any residential buildings, that will reduce the potential for urban use conflicts with agricultural/dairy operations during the transition to urban uses.

Supporting Explanation: The mitigation measures will reduce these conflicts by requiring the use of Williamson Act cancellation fees to acquire agricultural easements for permanent ag land preservation in appropriate locations, as well as City participation in a multi-agency planning program for sustainable agricultural uses in the Lower Chino/Prado Basin. In addition, the agricultural uses below the 566’ elevation will be buffered from the urban uses above the 566’ elevation by the ag/urban buffer required by the Specific Plan. Implementation of the Specific Plan’s Right to Farm policy and the minimum 100 ft. setback between residential buildings and animal uses will also further reduce conflicts between farm lands and urban uses.

3.3 Hydrology and Water Quality

3.3.1 Potential Effect. At buildout of the proposed Specific Plan, existing problems associated with flooding of the dairies, lack of stormwater containment and related pollution of downstream receiving waters with dairy wastes would be alleviated. With implementation of the Storm Drainage Plan and project-level detailed storm water management studies and measures specified in the Specific Plan, no significant storm water runoff impacts are anticipated from future urban development.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure HWQ-1 provides: “All development shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Stormwater Permit requirements to the satisfaction of the City of Chino. Applicable BMP provisions shall be incorporated into the NPDES Permit.”
- (2) Mitigation Measure HWQ-6 provides: “The City of Chino shall assure that storm drain facilities and outlets to Prado Regional Park and the natural open space system are designed in a manner that minimizes disruption of park operations and protects park and open space resources. Specific drainage facility designs at outlets to the major open space system below the 566’ elevation shall be made available for review by the County of San Bernardino Flood Control District and the U.S. Army Corps of Engineers, as appropriate.”
- (3) Mitigation Measure HWQ-7 provides: “Prior to any development approvals, a plan for managing urban runoff to protect sensitive drainages within the open space system shall

be approved by the City of Chino. This Urban Runoff Management Plan (URMP) will be integrated with the Project's Storm Drain Plan, and provide the framework and mechanism for: (1) Phased implementation of structural and non-structural best management practices to control stormwater discharges and protect water quality; (2) Review of subsequent projects for inclusion of mini-basins for detention, filtration and recharge to groundwater; (3) The design and location of Natural Treatment Systems for water quality purposes within drainages; and (4) Implementation of a water quality monitoring program at storm drain outlets to Prado Lake, Chino Creek and Mill Creek.

- (4) The Specific Plan would not result in significant alteration of the principal natural streams and natural watercourses through the site. Existing natural channels within the open space system, including Chino Creek and Mill Creek, would remain unaltered.

Supporting Explanation: Those mitigation measures will reduce storm water impacts by requiring compliance with the National Pollutant Discharge Elimination System regulations and requiring the construction of an adequate storm water drainage and treatment system to prevent uncontrolled flooding and the release of urban pollutants. In addition, they will require monitoring of storm water discharges to prevent pollution of Prado Lake, Chino Creek and Mill Creek with urban pollutants in the storm water.

3.3.2 Potential Effect. The proposed plan limits urban development to areas above the 566-foot Prado Dam high water inundation line, consistent with the Prado Dam Flood Control Project and land acquisition program. An exception to this is an approximate 55-acre area at the northeast corner of Euclid and Pine Avenues designated Regional Commercial in the proposed Specific Plan.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Any future development at this location would require use agreements and permits with the U.S. Army Corps of Engineers to offset the loss of flood volume. As a result, no significant impact on Prado Dam inundation capacity is anticipated. (See, DEIR, Page 5.1-19 to 5.1-23)

Supporting Explanation: By limiting urban development to areas above the 566' line, the Project is consistent with the Corps of Engineers' Prado Dam Flood Control Project. In order to assure that there is no net loss of flood storage volume behind Prado Dam, the development of the 55-acre area at Euclid and Pine Avenues will be subject to review by the Corps to assure that it does not result in any loss of flood control capacity or volume.

3.3.3 Potential Effect. Proposed urban uses would have the potential to degrade surface waters through discharges of urban runoff, containing a variety of pollutants including but not limited to oils, greases, solvents, pesticides and urban debris. These contaminants may enter the storm drain system in the form of street runoff, indiscriminate household use or other sources. Without proper management, potentially significant project and cumulative water quality impacts could occur.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure HWQ-2 provides: “Individual projects within the specific plan area shall be reviewed by the City of Chino for the inclusion of appropriate structural and nonstructural Best Management Practices to control stormwater discharges and protect water quality. Structural controls may include, but are not limited to, filtration, common area efficient irrigation, common area runoff minimizing landscape design, velocity dissipation devices, oil/grease separators, inlet trash racks, and catch basin stenciling. Non structural BMPs can include education for property owners, tenants and occupants, activity restrictions, common area landscape management, litter control, and catch basin inspection, BMP maintenance, and street sweeping.”
- (2) Mitigation Measure HWQ-3 provides: “Best Management Practices. The City shall review subsequent development projects within the specific plan area for the application of Best Management Practices. To reduce water pollution from urban runoff. Among the source reduction BMPs that may be required by the City for application to such projects are the following: animal waste removal, exposure reduction, recycling/waste disposal, parking lot and street cleaning, infiltration (exfiltration) devices, oil and grease traps, sand traps, filter traps, and regular/routine maintenance. The specific measures to be applied shall be determined in conjunction with review of required project hydrology and hydraulic studies, and shall conform to City standards and the standards of the County’s Municipal Stormwater Permit under the NPDES program.”
- (3) Mitigation Measure HWQ-4 provides: “Water Quality Monitoring. A water quality monitoring program should be implemented to regularly test the water quality at the project storm drainage outlets to Prado Lake, Chino Creek and Mill Creek. The program should be devised to differentiate the pollutant contributions of project development from dairies during the transitional period. If test results determine that the water quality standards established by the RWQCB are not being met, corrective actions acceptable to the RWQCB would be taken to improve the quality of surface runoff discharged from the outlets to a level in compliance with the adopted RWQCB standards.”
- (4) Mitigation Measure HWQ-7 provides: “Prior to any development approvals, a plan for managing urban runoff to protect sensitive drainages within the open space system shall be approved by the City of Chino. This Urban Runoff Management Plan (URMP) will be integrated with the Project’s Storm Drain Plan, and provide the framework and mechanism for: (1) Phased implementation of structural and non-structural best management practices to control stormwater discharges and protect water quality; (2) Review of subsequent projects for inclusion of mini-basins for detention, filtration and recharge to groundwater; (3) The design and location of Natural Treatment Systems for water quality purposes within drainages; and (4) Implementation of a water quality monitoring program at storm drain outlets to Prado Lake, Chino Creek and Mill Creek.”

Supporting Explanation: The foregoing measures will control the discharges from urban runoff through the use of Best Management Practices and compliance with NPDES requirements, including without limitation, grease traps, debris screens, oil/water separators and filtering of contaminants in the urban runoff. In addition, a water quality monitoring program will be conducted on a regular basis to test the Project area's storm drainage outlets to Chino Creek, Mill Creek and Prado Lake and corrective measures taken when needed.

3.3.4 Potential Effect. Both Chino Creek and Mill Creek within the Plan area have been listed as impaired waters due to high nutrient, pathogen, salinity/TDS/chlorides and suspended solids concentrations caused by the existing dairy operations. Without proper management of runoff to protect water quality in Chino and Mill Creeks, potentially significant project and cumulative water quality impacts could occur.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure HWQ-2 provides: "Individual projects within the Specific Plan area shall be reviewed by the City of Chino for the inclusion of appropriate structural and nonstructural Best Management Practices to control stormwater discharges and protect water quality. Structural controls may include, but are not limited to, filtration, common area efficient irrigation, common area runoff minimizing landscape design, velocity dissipation devices, oil/grease separators, inlet trash racks, and catch basin stenciling. Non structural BMPs can include education for property owners, tenants and occupants, activity restrictions, common area landscape management, litter control, and catch basin inspection, BMP maintenance, and street sweeping."
- (2) Mitigation Measure HWQ-3 provides: "Best Management Practices. The City shall review subsequent development projects within the Specific Plan area for the application of Best Management Practices. To reduce water pollution from urban runoff. Among the source reduction BMPs that may be required by the City for application to such projects are the following: animal waste removal, exposure reduction, recycling/waste disposal, parking lot and street cleaning, infiltration (exfiltration) devices, oil and grease traps, sand traps, filter traps, and regular/routine maintenance. The specific measures to be applied shall be determined in conjunction with review of required project hydrology and hydraulic studies, and shall conform to City standards and the standards of the County's Municipal Stormwater Permit under the NPDES program."
- (3) Mitigation Measure HWQ-4 provides: "Water Quality Monitoring. A water quality monitoring program should be implemented to regularly test the water quality at the project storm drainage outlets to Prado Lake, Chino Creek and Mill Creek. The program should be devised to differentiate the pollutant contributions of project development from dairies during the transitional period. If test results determine that the water quality standards established by the RWQCB are not being met, corrective actions acceptable to the RWQCB would be taken to improve the quality of surface runoff discharged from the outlets to a level in compliance with the adopted RWQCB standards."

- (4) Mitigation Measure HWQ-7 provides: “Prior to any development approvals, a plan for managing urban runoff to protect sensitive drainages within the open space system shall be approved by the City of Chino. This Urban Runoff Management Plan (URMP) will be integrated with the Project’s Storm Drain Plan, and provide the framework and mechanism for: (1) Phased implementation of structural and non-structural best management practices to control stormwater discharges and protect water quality; (2) Review of subsequent projects for inclusion of mini-basins for detention, filtration and recharge to groundwater; (3) The design and location of Natural Treatment Systems for water quality purposes within drainages; and (4) Implementation of a water quality monitoring program at storm drain outlets to Prado Lake, Chino Creek and Mill Creek.”

- (5) The Santa Ana Regional Water Quality Control Board (“RWQCB”) is also responsible for reducing pollution for the existing dairy operations in the Plan area. It has adopted requirements for dairy operators designed to prevent continued surface and groundwater contamination. In August of 1999, the RWQCB adopted additional manure handling requirements designed to impede manure waste from further degradation of the Santa Ana River watershed. (DEIR, Page 5.3-9)

Supporting Explanation: The foregoing measures will assist with reducing pollution from the dairies by requiring monitoring of all discharges into Chino Creek and Mill Creek and the performance of corrective actions to reduce pollution from dairy sources as required by RWQCB standards.

3.4 Biological Resources

3.4.1 Potential Effect. Proposed land use designations below the 566-foot elevation consist of open-space related uses that will also fall under the jurisdiction of the U.S. Army Corps of Engineers. Biologically sensitive areas within the Chino Creek and Mill Creek floodways are included within an resource area that is protective of biological resources. These areas include critical habitat areas identified as suitable only for extremely low intensity use. However, without adequate mitigation, additional impacts to sensitive biological resources below the 566-foot elevation line could occur from increased public access and use of the open space system, as well as uncontrolled stormwater discharges from planned development above the 566-foot elevation.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures B-1 “Zoning and Land Use Regulation”, B-2 “Required Biological Studies”, B-3 “Resources Management Plan”, B-3(1) “300-Acre Conservation Area”, B-3(2) “Alternate Location”, B-3(4) “Urban Buffer/Transition Area”, B-3(7) “Agricultural Easements”, B-3(8) “Mitigation Fee”, B-3(9) “Participation in Regional Efforts”, and B-3(10) “Administration and Monitoring,” as set forth above, are all hereby incorporated by reference for this impact.

- (2) Mitigation Measure HWQ-7 Urban Runoff Management Plan, as set forth above, is incorporated by reference for this impact.
- (3) The Resources Management Plan provides that land uses will be restricted below the 566' line so as to avoid land uses incompatible with critical habitat designations. Land below the 566-foot line is within the Specific Plan's Dam Inundation Elevation Overlay ("DIO"). This overlay requires all specific development proposals be submitted for US Army Corps of Engineers review, and that allowable land uses comply with provisions of any existing cooperative management plans developed for the Lower Chino/Prado Basin area. If there are proposed uses, activities, or improvements that could affect Corps or federal land, the Corps may require compliance with the provisions of the National Environmental Policy Act. Compliance with land use designations, the DIO, as well as other applicable cooperative management plans, will ensure that future land uses within the area are carefully managed to avoid or minimize the risk to sensitive biological species. (See, Resources Management Plan, Pages 4-11 to 4-12 and Appendix E thereto)

Supporting Explanation: The Project has provided mitigation in a number of ways. The first is avoidance of any new impacts to the areas below the 566' line by retaining such areas with their existing land use designations, rather than provide for urban land uses in that area. Secondly, any new development or any expansion of existing uses below the 566' inundation line must comply with the Resources Management Plan to reduce impacts to that area's biological resources. In addition, the mitigation measures and the Specific Plan will require the creation of an urban buffer/transition area that will only allow limited access to habitat areas below the 566' line. No urban development will be allowed by the Specific Plan in any areas designated as critical habitat by the U.S. Fish and Wildlife Service.

3.4.2 Potential Effect. Without resource protection and management measures, plan implementation could result in significant impacts to the following resources: Loss of Surface Water and Riparian Habitat, Least Bell's Vireo Critical Habitat, Southwest Willow Flycatcher Habitat, Western Yellow-Billed Cuckoo Habitat, Windrows and Agricultural Fields, Migratory Corridors and Delhi Sands Flower-loving Fly Recovery Area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures B-2 "Required Biological Studies", B-3 "Resources Management Plan", B-3(1) "300-Acre Conservation Area", B-3(2) "Alternate Location for 300-Acre Conservation Area", B-3(3) "Burrowing Owls", B-3 (5) "Surface Water and Riparian Habitat", B-3(6) "Existing Windrows," and B-3(7) "Agricultural Easements", as previously set forth above, are all hereby incorporated by reference.

Supporting Explanation: Any new development or any expansion of existing uses below the 566' inundation line must comply with the Resources Management Plan to limit or avoid impacts to the Project area's biological resources. In addition, the mitigation measures will require the creation of an urban buffer/transition area which will only allow limited access to habitat areas below the 566' line where the locations with designated critical habitat are located. No urban

development will be allowed in any areas designated as critical habitat by the U.S. Fish and Wildlife Service. Further, any development below the 566' line will require review by the U.S. Army Corps of Engineers ("USACOE") to assure avoidance of any conflicts with sensitive critical habitat areas.

3.4.3 Potential Effect. Waterbodies likely to fall under the jurisdiction of the U.S. Army Corps of Engineers and California Department of Fish and Game are included within a variety of Open Space plan designations. Any development activity proposed within wetlands and jurisdictional drainages would require coordinated review and permitting with the USACOE, CDFG and Santa Ana Regional Water Quality Control Board. Through the permitting process, loss of wetlands and jurisdictional drainages would be mitigated to less than significant levels, or permits would not be issued.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures B-2 "Required Biological Studies", B-3 "Resources Management Plan", and B-3(5) "Surface and Riparian Habitat", as fully set forth above, are hereby incorporated by reference.

Supporting Explanation: These mitigation measures will require all development within jurisdictional waters and wetland areas to obtain all Clean Water Act permits from the USACOE and streambed alteration agreements from the CDFG, and water quality certifications from the RWQCB, when necessary. In addition, all such development must pay a mitigation fee to fund the City's implementation of the Resources Management Plan.

3.5 Geology and Soils

3.5.1 Potential Effect. The potentially significant geologic hazards affecting land use and development in the plan area are: Fault rupture and severe groundshaking due to a local moderate to large earthquake; Liquefaction (including lateral spread landslides) due to shallow groundwater and severe groundshaking from local and major regional faults; and Subsidence-induced ground fissures due to groundwater withdrawal. Development and buildout according to the Specific Plan would have the potential to expose additional people, residences, commercial and industrial development, and public facilities to these geologic and seismic hazards.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure GS-1 provides: "Geotechnical and Soils Engineering Study. All applications for individual development projects shall include a detailed Geotechnical and Soils Engineering Study which addresses potential hazards associated with fault rupture, seismicity and groundshaking, liquefaction, subsidence and near-surface

groundwater. Such studies shall conform to code requirements and standards and guidelines established by the City of Chino; fully and accurately reflect site conditions regarding possible hazards identified herein; and include all mitigation measures necessary for reducing risks posed by geologic hazards on the project site.”

- (2) Mitigation Measure GS-2 provides: “Conformance with Geological Study requirements. All individual developments shall be constructed according to requirements established in geologic studies pertaining to the project site, and general engineering practices established by the City of Chino.”
- (3) Mitigation Measure GS-3 provides: “Soils Report – Dairy Lands. Grading operations on all former dairy lands and other agricultural properties will be conducted in accordance with the soils report prepared by a registered soils engineer approved by the City of Chino. The soils engineer will make recommendations concerning removal of any organic material or the proper handling of such material during grading. All manure from dairy corrals and other surface areas shall be stripped and removed prior to grading operations, in accordance with applicable codes and regulations. The potential for methane in remaining soils shall be specifically addressed in soils reports on all former dairy lands and other agricultural properties. Where the potential for methane accumulation or release is identified, soils testing shall occur with results and remedial measures identified in the soils report.”
- (4) Federal, state and local laws, regulations, codes, and policies are in effect to mitigate geologic and seismic hazards experienced within the region and at the project site. Conformance with standard measures, code requirements, and recommendations of detailed geotechnical and soils engineering studies required for subsequent development projects should serve to reduce hazards to less than significant levels.

Supporting Explanation: Those mitigation measures require all new development to comply with the City’s code requirements for geologic studies and engineering measures and to thereby minimize risk from groundshaking and subsidence and from the accumulation of manure on the former agricultural lands.

3.5.2 Potential Effect. Of special concern in the Specific Plan area is the distribution, character and thickness of surface organic residue (e.g. cow manure and other organic deposition) within the soils that remain from activities of the dairy industry. A related concern for development and building foundations is the potential accumulation and/or release of methane in soils with manure and other organic content.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure GS-3, as set forth above, is hereby incorporated by reference for this impact.

Supporting Explanation: All grading operations will be required to be conducted in accordance with a soils report prepared by a registered soils engineer approved by the City. Such report shall make recommendations concerning removal and disposal of any organic matter; manure from dairy corrals and other surface areas must be stripped and removed prior to grading in order to preclude any problems. In addition, testing for methane gas and remedial measures will be required as part of the soils report in order to resolve any methane gas problems.

3.5.3 Potential Effect. Development of the proposed project and other approved, pending and probable future projects may expose future populations to regional seismic hazards.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Compliance with seismic safety standards for new construction, recommendations of project geotechnical engineering reports, and ongoing provisions for emergency preparedness and response are anticipated to reduce such risks, on a project-by-project basis, to acceptable levels. Other geologic and soils influences are largely site specific, and there is little if any cumulative relationship between proposed project development and development of other cumulative projects.
- (2) Mitigation Measures GS-1, GS-2 and GS-3, as set forth above, are hereby incorporated by reference and provide for compliance with safety standards and requirements in construction to minimize seismic hazards.

Supporting Explanation: The risks from regional seismic hazards will be reduced by requiring compliance with the applicable seismic safety codes in the construction of new buildings and other structures in the Project area, as well as the requirement to prepare site specific soils reports and to comply with the requirements in such reports.

3.6 Hazards

3.6.1 Potential Effect. The possible location of wildlife areas or large water features near the Chino Airport is a safety concern for aircraft operations, particularly with regard to waterfowl near runways.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure HM-1 provides as follows: "Aircraft/Waterfowl Hazards. To minimize aircraft/wildlife hazards, sizeable water features that might attract waterfowl should be prohibited in the plan area east of the Airport."

Supporting Explanation: This mitigation measure will preclude the creation of sizeable water features that could attract waterfowl near the existing Chino Airport, thereby reducing the risk of aircraft/waterfowl hazards.

3.6.2 Potential Effect. With cumulative development within the Chino Airport vicinity, additional populations will be exposed to some level of risk associated with aircraft activities and hazards. However, safety zones have been established to protect future uses and reduce hazards to an acceptable level of risk. No significant cumulative impact is anticipated.

- (1) Planned land uses surrounding the airport are compatible with Airport Safety Zones and the adopted Airport Comprehensive Land Use Plan (ACLUP). School sites within two miles of the airport will require special review by CalTrans Division of Aeronautics and Chino Valley Unified School District to assure compliance with site criteria.
- (2) Mitigation Measure HM-2 provides: "Maximum Building Height. The maximum building heights outside of the runway protection zones may not exceed 160 feet to prevent any conflict with adopted flight patterns."

Supporting Explanation: The mitigation measure limits maximum building heights outside of the runway protection zones to 160 feet in order to prevent conflicts with adopted flight patterns at the Chino Airport and hazards to aircraft from tall buildings. In addition, the Specific Plan has designated land uses surrounding the airport with uses compatible with the Airport Safety Zones and ACLUP.

3.6.3 Potential Effect. Surface organic residues (e.g. manure and other organic deposition) within the soils that remain from activities of the dairy industry are a potential concern for development. Related concerns are possible exposure of new development and human populations to explosive concentrations of methane released from such soils, and exposure to pesticide residues in agricultural soils.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures HM-3 provides: "Environmental Site Assessments. Prior to City consideration of any specific development projects within the plan area, developers will be required by the City to submit a completed Phase I Environmental Site Assessment, which at a minimum, meets with the requirements of the most current standards of investigation established by the American Society of Testing and Materials (ASTM Standard E 1527). The recommendations of such Environmental Site Assessments, including testing and soil remediation, if necessary, shall be adhered to reduce any identified hazards to acceptable levels."
- (2) Mitigation Measure GS-3, as previously noted above, is also hereby incorporated by reference for this impact.

Supporting Explanation: These require each specific development proposal for projects within the Preserve area to conduct a Phase I Environmental Survey and to comply with all remediation measures and testing required by such Surveys. In addition, specific projects must prepare soils reports and engineering studies and comply with all measures derived from those studies in order to reduce any risks and hazards arising from the presence of manure and other organic deposition arising from former dairy activities on a site.

3.6.4 Potential Effect. Mosquito populations may continue to breed during the dairy transition to urban uses, and buildout of the community.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Control of mosquito populations will be achieved with non-chemical methods (i.e. mechanical methods) and the use of pesticides. With proper vector control practices, health and safety impacts are not expected to be significant.

Supporting Explanation: The use of non-chemical methods of vector control, in conjunction with the use of pesticides, will assure that mosquito populations will be controlled so as not to present any risk to human health.

3.6.5 Potential Effect. A number of existing buildings within Subarea 2 may contain potentially hazardous materials, including asbestos and lead-based paints. These buildings may include, but are not limited to, pre-1979 residential structures as well as commercial and industrial buildings.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure HM-3, as previously noted above, is hereby incorporated by reference to reduce this impact.
- (2) Mitigation Measure HM-4 provides: “Asbestos and Lead Based Paint. Prior to issuance of permits by the City of Chino for major renovation or demolition of any pre-1979 structure within the project area, the project developer will be required to submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions will be taken to correct any asbestos or lead-based paint issues prior to development of the site.”
- (3) Mitigation Measure HM-5 provides: “Compliance with Laws and Regulations. In order to minimize risks to life and property, projects within the plan area will be required to demonstrate compliance with all applicable federal, state and local laws and regulations governing the handling, transport, treatment, generation and storage of hazardous materials.”

Supporting Explanation: The mitigation measures noted above will require the preparation of Environmental Surveys and the remediation of any hazardous materials, asbestos and lead-based paint problems in pre-1979 structures. In addition, they will require compliance with all laws and regulations concerning the handling, transport, treatment, storage and generation of hazardous materials in order to reduce all risks associated with such materials in the Project area.

3.6.6 Potential Effect. Without proper management practices, the exposure of surrounding populations to odors, dust emissions and related health hazards resulting from Co-Composting Facility air quality impacts during windy conditions would be potential concerns.

Findings. The City Council hereby makes finding (1) and (2).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) IEUA has implemented dust and odor control plans including measures to mitigate these potential effects from its operation of the Co-Composting Facility.
- (2) The Specific Plan includes an overlay zone to establish an appropriate buffer around the Co-Composting Facility in the event that residential uses are developed prior to Facility relocation.
- (3) Following Facility relocation, appropriate site remediation methods will be employed to ensure adequate site safety for residential use. No significant airborne or waterborne health or safety risks are anticipated.

3.6.7 Potential Effect. Scientific research has suggested that long-term direct exposure to electromagnetic fields may pose a risk to human health.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The Specific Plan has located the Community Paseo and open space system along the alignment of the major Southern California Edison power line corridor that is roughly parallel with Pine Avenue. This land use will create a corridor that separates the power transmission lines from other land uses, further reducing the possibility of long term effects of electromagnetic fields. No significant health hazards or risks are anticipated.

3.6.8 Potential Effect. Implementation of the Specific Plan may result in an increase in the use and storage of hazardous materials and waste as commercial, airport-related and light industrial uses expand within the Project area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance

- (1) Mitigation Measures HM-3 and HM-5, as previously set forth above, are hereby incorporated by reference for this impact.

Supporting Explanation: Those mitigation measures will require the preparation of Phase I Environmental Surveys and compliance with all federal, state and local laws and regulations concerning hazardous materials in the Project Area in order to reduce the risks associated with this potential impact from the presence of additional hazardous materials.

3.7 Noise

3.7.1 Potential Effect. Construction activities, especially heavy equipment, will create short-term noise increases within and near the project site. Such impacts may be significant if project development occurs near the interface with existing noise-sensitive land uses.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance

- (1) Mitigation Measure N-1, Construction Noise, provides: "The following construction noise reduction measures will be implemented. All construction activities conducted within 500 feet of any occupied dwelling shall not occur from 7 P.M. to 7 A.M. the following day, and at any time on Sundays or universally observed holidays. All construction equipment will use properly operating mufflers. All staging areas shall be located away from occupied dwellings and schools where feasible. The City of Chino

will approve construction access routes that minimize noise intrusion into sensitive areas, such as neighborhoods, schools, and parks.”

Supporting Explanation: In order to reduce noise impacts, this mitigation measure will restrict noise producing construction activities within 500 feet of any occupied dwelling to between 7:00 AM and 7:00 PM, require properly operating mufflers on all construction equipment, require the location of construction staging areas away from dwellings, and require prior City approval of haul truck routes to minimize noise intrusion into sensitive areas.

3.7.2 Potential Effect. Potentially significant noise level differences between the Year 2020 Without Project and Year 2020 With Project conditions are predicted to occur at twenty-five (25) roadway links. This includes increases of +3 dB CNEL that are forecast to occur along 17 roadway links and measurable (+1 dB CNEL) increases along another 8 roadway links where existing levels already exceed 65 dB CNEL as far away as 100 feet from the roadway centerline. Area roadways will experience potentially significant noise level increases due to cumulative traffic growth, including traffic from the project area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance

- (1) Mitigation Measure N-2, Roadway Noise, provides: “Developer/builders shall submit acoustical studies to the City of Chino for subsequent tentative maps and noise sensitive uses (e.g. residences, schools, medical facilities) adjacent to the principal area roadways. Such studies shall assure that: usable exterior space meets noise standards of 65 dB CNEL through a combination of setback or barriers; habitable interior rooms along any project perimeter near noise impacted roadways meet the interior standard of 45 dB CNEL through dual-paned windows, central air conditioning and other structural upgrades.”
- (2) Future development projects adjacent roadways in the vicinity of the plan area will be required to demonstrate compliance with noise standards.

Supporting Explanation: The foregoing mitigation measures will attenuate noise impacts because they ensure that usable exterior space at noise sensitive uses is provided that meets 65 dB CNEL, and that habitable rooms meet an interior noise standard of 45 dB CNEL with design and structural features of the new buildings.

3.7.3 Potential Effect. Near airports, even at noise exposures well outside the 65 dB CNEL contour, there may be single flyover events that are perceived as intrusive even if the 65 dB CNEL standard is met with a large margin of safety.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance

- (1) Mitigation Measure N-3, Airport Noise, provides: “In order to ensure that noise exposure is considered in review of subsequent development projects within the plan area, and in acknowledgment of possible single-event aircraft audibility even if standards are not exceeded, the following measures will be implemented: The City of Chino shall provide notice of development applications within adopted airport noise and safety zones to the Airport Land Use Commission (ALUC), in compliance with the Airport Comprehensive Land Use Plan (ACLUP). The City will coordinate with ALUC to assure the compatibility of specific development projects with Chino Airport operations; all real estate transaction within Subarea 2 within 1.0 mile of the airport boundary will contain advisory language that aircraft may be periodically audible even though the subject property is exposed to noise levels due to aviation activities that are well within State guidelines.”
- (2) The proposed Specific Plan includes a Chino Airport Overlay (CAO) zone that conforms to the airport limits, based on the 1991 ACLUP adopted noise contours and safety zones.
- (3) The Specific Plan also requires new development in close proximity to the Airport to grant the Airport aviation in recognition of the potential noise impacts from Airport operation.

Supporting Explanation: The foregoing measures will minimize, the extent feasible, the possible noise impacts that may arise from single flyover events by requiring new projects to comply with the ACLUP and assuring compatibility with airport operations. In addition, all real estate transaction within 1 mile of the airport boundary will be required to contain an advisory to the landowner of the potential for aircraft noise.

3.8 Air Quality

3.8.1 Potential Effect. The maximum project-related carbon monoxide (CO) increment is less than 1.0 ppm at any intersection if recommended roadway improvements are constructed in concert with project development. This small increment would not cause the hourly standard to be exceeded. All “with-project” CO increments are dominated by the no-project area growth of traffic and congestion.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance

- (1) With implementation of recommended roadway improvements, microscale air quality impacts are not considered significant.

- (2) Mitigation Measure AQ-1, Mobile Source Emissions/Transit, provides: “The City of Chino shall contact appropriate transit agencies to encourage an expansion of transit services up to and within the project area. The City will coordinate with such agencies and other jurisdictions to promote express transit access from the Chino area to other regional employment centers.”

Supporting Explanation: The mitigation measure will require the City to promote transit expansion in the Project area and the promotion of express transit service from Chino to other regional employment centers in order to reduce the use of single occupancy vehicles, thereby reducing the production of CO from those vehicles.

3.9 Population and Housing

3.9.1 Potential Effect. Employment growth will increase demand for housing in the Project area and vicinity. Because of the nature of the new jobs, including higher-paying manufacturing and wholesale trade jobs, the average household income associated with the Project is estimated to be higher than the current estimated household income for San Bernardino County.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The proposed Plan area jobs/housing ratio in 2020 is projected to be 1.37, compared with a projected County ratio of 1.28, thus furthering subregional and regional jobs/housing balance objectives. The plan area jobs/housing ratio will be less than SCAG’s projected year 2020 ratio of 4.13 for the City of Chino as a whole. Sub-regions with employment to housing ratios which reflect the SCAG regional average are generally considered to be balanced. Housing growth in the Plan area and vicinity is not inconsistent with SCAG regional forecasts
- (2) The proposed Plan design including housing in close proximity to employment and retail centers is considered a positive effect on the local economy and the physical environment, because it may contribute to reduced reliance on the automobile and possible reductions in regional work trip commutes, with corollary air pollution and energy consumption reduction benefits.

3.10 Public Services--Schools

3.10.1 Potential Effect. Implementation of the proposed Specific Plan will result in a maximum increase of approximately 6,063 new students within the Chino Valley Unified School District (“CVUSD”), based on the District student generation factor (SGF) of .62 students, on average per dwelling unit. This represents a significant direct and cumulative impact on schools and school capacity within CVUSD. [Note: The student generation estimates in the EIR did not utilize the more recently CVUSD-adopted generation rates of 0.70 students for detached dwellings and 0.35 students for attached dwellings. When these rates are applied, the total

number of new students will be less than the 6,063 mentioned in the DEIR. The .62 student generation rate was based on all units being single family residences, with no multi family units. Consequently, the impact stated in the DEIR is an upper limit; the actual impact will be less because the Specific Plan contains both multi-family and single family residential land use designations.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Three K-8 school sites are identified in the proposed Project's Land Use Plan to accommodate the student population growth estimate by the affected school district. The location, size, and configuration of the school sites would be determined during site plan and tract map review.
- (2) Mitigation Measure PS-S-1 provides: "Planning for School Services. Developers/builders within the Plan area shall work with the CVUSD to plan school service for the proposed development."
- (3) Mitigation Measure PS-S-2 provides: "School Fees. Prior to issuance of a building permit, project developers shall pay statutory developer fees to the CVUSD, form a Community Facilities District, or provide land and improvements pursuant to the requirements established in SB 50. The amount of fees or special taxes to be paid or the land and improvements to be provided will be determined based on the established state formula for determining construction costs."

Supporting Explanation: The foregoing mitigation measures will require developers in the Plan area to work with CVUSD to plan school service, as well as require the payment of developer fees or otherwise finance the cost of needed school facilities with a community facilities district or as otherwise required by SB 50 in order to reduce and avoid impacts on the area's school system from new development and the students it will generate.

3.10.2 Potential Effect. Proposed plan development of approximately 695 acres of business uses, including commercial and industrial space, is expected to result in an indirect increase in the District's student population (i.e. non-resident student population). This indirect student enrollment impact will be mitigated by school impact fees.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-S-2, as previously set forth above, is hereby incorporated by reference.

Supporting Explanation: This mitigation measure will require developers in the Plan area to work with CVUSD to plan school service, as well as require the payment of developer fees or otherwise finance the cost of needed school facilities with a community facilities district or as otherwise required by SB 50 for non-residential developments, as well as for residential developments, in order to reduce impacts on the school system.

3.10.3 Potential Effect. Construction activities adjacent to operating schools could result in potential safety hazards to students and others accessing the school site.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-S-3 provides: "Construction Activity Notification. To reduce potential safety hazards during construction, the City shall require developer notification to Chino Valley Unified School District pending construction activity adjacent or near operating schools. Evidence of notification shall be provided to the City prior to issuance of grading and building permits for projects within any master plan, tentative map or site plan inclusive of, or immediately adjacent to, an operating school site."

Supporting Explanation: This mitigation measure will require advance notice to the school district so that it may take steps to safeguard its students from nearby construction activities and thereby avoid any safety issues.

3.11 Public Services—Police Protection

3.11.1 Potential Effect. Implementation of the proposed plan will significantly increase demands on police services within the plan area. Access and use of the planned recreational areas will increase the need for police responses to these areas. Until such time as a police facility is established near the site, overall response time to The Preserve Specific Plan area could be expected to increase by 2 to 3 minutes for emergency calls.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-P-1 provides: "Police impact fees shall be paid to cover capital costs associated with the creation of additional facilities and improvements to service The Preserve area. The City may allow credit toward impact fees for any police facilities constructed by the developer."

- (2) The Preserve Plan includes a Community Core (125 acres) with areas available for civic uses, possibly including a future police substation. Until expansion of the existing department or creation of a new facility, the police department plans to establish a police sub-station housed at the Chino Airport, near the proposed plan area. This temporary substation will give immediate aid to the proposed plan area and could become a permanent sub-station.
- (3) To mitigate the need for additional police resources in the plan area, the City of Chino and the Police Department have implemented long-term budgetary strategies to ensure availability of necessary resources, as the project area develops.
- (4) Pursuant to City requirements and standard conditions, the Chino Police Department will be consulted during site planning and design to ensure that adequate provisions for law enforcement protection/prevention are designed into the project. No significant security impacts are anticipated.

Supporting Explanation: This measure will require the payment of police impact fees by developers in order to fund the capital costs associated with additional public safety facilities and improvements to serve the Project area, thereby reducing the impact on police services from new development.

3.12 Public Services—Fire/Emergency Medical Services

3.12.1 Potential Effect. Development of the plan area will create additional fire service needs, and will place a significant burden on the Chino Valley Independent Fire District (CVIFD) to maintain sufficient resources and response times for all fire and medical emergency calls. At least one new fire station with adequate equipment and personnel to meet demand will be needed to reduce fire safety impacts to less than significant levels.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-F-2 provides: “The City shall coordinate with the Fire District to evaluate potential new station sites within the area of the proposed project to provide adequate response times for emergency services.”
- (2) Mitigation Measure PS-F-3 provides: “Prior to construction, the developer shall contact the Fire District for verification of current fire protection development requirements. All new construction shall comply with all applicable statutes, codes, ordinances, and/or Fire District standards.”
- (3) Mitigation Measure PS-F-4 provides: “Water lines within the project site shall be designed to meet the fire requirements.”

- (4) Mitigation Measure PS-F-5 provides: "Fire hydrants shall be designed and placement specified by the Fire District at the time water lines to the Project area are built or as a condition of development project approval."
- (5) Mitigation Measure PS-F-6 provides: "Upon annexation of the plan area, the City will be responsible for payment of services to the State Department of Forestry & Fire Protection rules and standards for wild land fire areas still receiving State protection."
- (6) Designation and development of a fire facility within or near the plan area (i.e. Chino Airport), and payment of City and Fire Department fees (per Mitigation Measures PS-F-1 and PS-F-2) will offset impacts on fire resources and services.
- (7) CVIFD will be expanding fire service capabilities to meet cumulative demands, consistent with its fire services master plan. With payment of fire fees and provisions for a new fire facility, the plan area's incremental contributions to cumulative fire impact will be mitigated to a less than significant level.

Supporting Explanation: The foregoing mitigation measures will reduce this impact by requiring new development to coordinate with the Fire District the location of new fire fighting facilities and compliance with all fire codes and Fire District standards. In addition, it will require the City to reimburse the State Department of Forestry & Fire for the cost of providing fire protection to wild land fire areas in order to continue fire protection services to those areas.

3.13 Public Services--Library

3.13.1 Potential Effect. Based on the current deficient library space utilization of .16 square feet per capita, approximately 5,319 additional square feet of library space would be needed to serve the plan area population. However, based on a desirable minimum space standard of .35 square feet per capita, approximately 11,637 additional square footage of library space would be needed to serve the plan area population.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-L-1 provides: "The proposed project should address the need for additional library facilities and library services, and provide space or funding for library construction. The construction of a joint use library shared by the County of San Bernardino and Chino Valley Unified School District may be an appropriate option."
- (2) Mitigation Measure PS-L-2 provides: "Project developers should contribute impact fees either toward expansion of existing library facilities or construction of new facilities, if such fees or requirements are adopted for general application by the County."
- (3) The Project's Community Core will include approximately 10 acres for civic-related uses, including potential space for a branch library. CVUSD is planning with San

Bernardino County the potential construction of a joint-use library to serve the project and vicinity. [Letter dated 2/21/03 from CVUSD to Community Development Director, City of Chino]

Supporting Explanation: The foregoing mitigation measures will reduce this impact by requiring new development to provide space, funding or another financing mechanism for library construction, as well as requiring the payment of impact fees to fund the expansion of existing library facilities or the construction of new facilities to meet added demand for library services. The Specific Plan has already identified a location for a new library in the Community Core area.

3.14 Public Services—Parks/Recreation

3.14.1 Potential Effect. Based on the City's existing parkland development standard of 3 acres per 1,000 population, approximately 100-acres of local park and recreational facilities will be needed at buildout. Buildout of the planned area and cumulative projects is expected to increase demands for parks and recreational facilities in the plan area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-PR-1 provides: "Every residential developer or person who develops land for residential purposes shall dedicate a portion of such land, pay a fee, or a combination of both at the option of the City for the purpose of providing park and recreational facilities at the time and according to City standards outlined in Chapter 18.04, Land Dedication Requirements Generally of the City Ordinances."
- (2) As the Specific Plan allocates 100 acres of community and neighborhood parks, no significant local park impacts will occur. The Plan identifies over 2,600 acres in various open space designations potentially available for recreation opportunities.

Supporting Explanation: This mitigation measure will require the dedication of land or the payment of a fee, or both, for the purpose of providing park and recreational facilities to serve new residential development in the Project area. The Specific Plan has already allocated 100 acres of parks within the area to be urbanized to address this impact.

3.14.2 Potential Effect. Recreational use of Prado Regional Park and adjacent concession areas, including El Prado Golf Course, Prado Stables, Prado Olympic Shooting Park, Oranco Bowmen Archery Range, Prado Recreational Dog Training Facility, and the Prado Air Park, will increase with the Project, due to the increase in the population in close proximity.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure PS-PR-2 provides: “The City will coordinate with San Bernardino County to assure that traffic, access control, and safety needs of Prado Regional Park are met, and that the impacts of implementation of the proposed project on Prado Regional Park facilities are minimized to the extent practical. A traffic and access control plan may be a component of this collaboration. The City will also assure through subsequent development reviews, that project-related drainage does not adversely affect the Park and Prado Lake.”
- (2) As individual developments are phased within the plan area, park and recreational facilities will be planned to be developed to meet the future needs of area residents. Plan area residents will pay park use fees for access to regional park facilities.

Supporting Explanation: This mitigation measure will require the City to coordinate with San Bernardino County to assure that traffic, access control and the safety needs of Prado Regional Park are met and the Project’s impacts are minimized to the extent practical.

3.15 Utilities—Water Supply

3.15.1 Potential Effect. The Project at buildout will generate a potable water demand of 6.1 million gallons daily (MGD) and an average daily recycled water demand of 4.0 MGD. The proposed project will contribute to significant cumulative demands on water supplies in the City of Chino and region.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) SAWPA’s Chino Basin Desalination Plant is identified to supply 4.5 MGD of the needed 6.1 MGD of potable water to the Project area. The remaining 1.6 MGD will be obtained by the City through the following measures: 1) production of groundwater over entitlement based on Safe Yield limitations; and, 2) purchasing additional desalted water, if more is produced than is needed to satisfy the requirements of other purchasers.(See, RDEIR, Pages 5.12-12 to 5.12-20 and Appendix I)
- (2) Mitigation Measure U-W-1 provides: “Consistent with SB 221, subsequent development projects within the plan area shall be reviewed by the City to confirm the availability of sufficient water supplies to meet project water needs.”
- (3) Mitigation Measure U-W-2 provides: “Consistent with requirements of AB 2838, the City shall periodically review and update its urban water management plan to ensure that adequate water supplies and facilities are available to meet future growth.”

- (4) Mitigation Measure U-W-3 provides: "Subsequent development projects should be designed to incorporate features that encourage and promote groundwater replenishment."
- (5) Mitigation Measure U-W-4 provides: "Retention of precipitation and run-off onsite should be encouraged in development designs where appropriate."
- (6) Mitigation Measure U-W-5 provides: "The City shall continue to support efforts to develop the water supply and to encourage water conservation. Water conservation techniques appropriate for new and existing development include: installing flow restrictors in showers; repairing leaky water fixtures; promoting drought resistant low maintenance vegetation."
- (7) Mitigation Measure U-W-6 provides: "The City shall coordinate its efforts with the IEUA to expand the reuse of wastewater for such uses as the irrigation of parkways, golf courses, landscaped areas, and parks, and, if feasible, for industrial processes."
- (8) Mitigation Measure U-W-7 provides: "The City shall engage in water conservation programs and activities including but not limited to, participation in the following conservation practices: water survey programs for single family residential customers; residential plumbing retrofits; system water audits, leak detectors and repair; large landscape conservation programs and incentives; high efficiency washing machine programs; conservation programs for commercial, industrial and institutional accounts; wholesale agency technical assistance program; conservation program."
- (9) Mitigation Measure U-W-8 provides: "Where erosion or water runoff is not a problem, encourage use of onsite water recharge, such as dry wells."
- (10) Recycled water will be obtained from IEUA sources. The total required operational storage capacity for recycled water at the project site is 8.9 MG of water.
- (11) The City in coordination with SAWPA and IEUA has developed an Urban Water Management Plan to assure sufficient water supplies and facilities to meet future growth.
- (12) Based on the City's Final Draft of Technical Memorandum of the Water System Master Plan for Subarea 2 and the City's approved Water Supply Assessment (RDEIR Appendix I) the City is expected to meet Project and cumulative water demands through multiple reliable sources, including potable, desalted, groundwater and recycled water sources.

Supporting Explanation: The foregoing mitigation measures will reduce the Project's impacts on the water supply by requiring the City to confirm that water is available to serve new development projects and meet future growth; requiring the incorporation of numerous features that promote groundwater replenishment; requiring water conservation measures on a wide scale, including but not limited to the use of flow restrictors in showers, the repair of leaky water fixtures, and the use of drought resistant low maintenance vegetation; require the City to expand the re-use of wastewater for irrigation of parkways, golf courses, landscaped areas, parks and

industrial processes; requiring participation in water conservation programs for residential, commercial, industrial and institutional uses; and implement programs for the use of desalted and recycled water obtained from reliable sources.

3.16 Utilities--Wastewater

3.16.1 Potential Effect. Increases in Specific Plan area's population and development of commercial and industrial uses will increase wastewater treatment demands on Inland Empire Utility Agency (IEUA) wastewater treatment facilities. Based on unit wastewater flow generation factors used in the City's Sewer Master Plan, it is estimated that wastewater will increase by approximately 4.8 million gallons per day (MGD) upon buildout of the Plan area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure U-WW-1 provides: "The City shall assure that required backbone sewer lines or an equivalent system recommended by the City Engineer are implemented pursuant to the Sewer Master Plan."
- (2) Mitigation Measure U-WW-2 provides: "Developers shall pay required sewage facilities development fees and system collection fees to cover City costs to construct master planned sewer mains"
- (3) IEUA has indicated it will provide sufficient sewage disposal capacity to serve additional sewage generated within the City of Chino, and the Specific Plan area. The City will coordinate with the IEUA to ensure that adequate wastewater facilities are available to meet future growth. Project design will be reviewed by the City, prior to individual project approval, to ensure that sufficient infrastructure and capacity are available.
- (4) The increased use of reclaimed water will decrease the need for treatment capacity and provide a beneficial reuse of water resources. Sufficient capacity has been allocated by IEUA to serve the plan area through buildout.

Supporting Explanation: Implementation of the foregoing mitigation measures and programs will reduce the impacts arising from wastewater treatment at the Project because they will require specific projects to pay sewage facility development fees and will require construction of the necessary sewer system backbone infrastructure according to the City's Sewer Master Plan.

3.17 Utilities—Electricity

3.17.1 Potential Effect. Buildout of the proposed project will result in a total electrical demand of 164,547,624 megawatts per hour per year (MW/hr/yr). Approximately 33 percent of the demand, or 55,017,390 MW/hr/yr will be generated by residential uses; 27 percent, or 29,836,537 MW/hr/yr by industrial uses; and 40 percent, or 109,530,234 MG/hr/yr, by commercial uses. The increased level of service to the project area will require implementation of new service lines and support facilities.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure U-E-1 provides: “Energy efficient lighting and natural lighting should be encouraged and utilized where practical.” (2) Development will be required to conform to Title 24 of the California Code of Regulations regarding efficient use of energy resources, and other State and/or City Regulations which may be in effect at the time of approval of individual projects.”

Supporting Explanation: The mitigation measure and the Title 24 requirements will result in the conservation of electricity because they require the use of energy efficient lighting and natural lighting, and the construction of energy efficient buildings, thereby reducing the Preserve Project’s overall demand for electricity.

3.18 Utilities—Natural Gas

3.18.1 Potential Effect. Natural gas demand at buildout of the Specific Plan is estimated at approximately 3.9 million cubic feet annually.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The Southern California Gas Company anticipates it will be able to provide the resources and facilities necessary to meet these additional demands. The City and future developers within the plan area will also coordinate with The Southern California Gas Company to ensure adequate services and facilities are available to provide for future development. (See, DEIR, Pages 5.12-18 to 5.12-20)

3.19 Utilities—Solid Waste

3.19.1 Potential Effect. Buildout of the Specific Plan will result in the production of approximately 29,302 tons per day of residential, commercial, industrial, and public waste. Cumulative projects within the Chino Basin Dairy Area will increase daily solid waste production and place demands upon County landfills operated by Waste Management.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure U-SW-1 provides: “Future developments should be reviewed by the City for the provision of outside building space to accommodate the storage of large waste containers (e.g., 3 containers of 96-gallons).” This system reduces waste production by encouraging the recycling of material.

- (2) Waste Management, the sole provider of waste collection and disposal services to the City, has indicated that the Specific Plan will not adversely affect El Sobrante Landfill's disposal capacity. The landfill can accommodate growth in waste generation for the next 50-70 years and Waste Management owns 6 other landfills that could offer services as well. (See, DEIR, Pages 5.12-21 to 5.12-22)
- (3) In reviewing subsequent development projects, the City will continue to implement solid waste reduction measures pursuant to AB 939.

Supporting Explanation: The mitigation measure will require all new buildings to encourage the recycling of waste materials by providing space for the use of three separate containers for the separation of recyclable materials at all new buildings, thereby reducing the waste stream from new development at the Project.

3.20 Utilities—Dairy Waste

3.20.1 Potential Effect. The problems associated with stockpiled manure, high TDS and salts in groundwater, and degradation of surface waters from dairy runoff are existing conditions that have resulted in promulgation of regulations by the Regional Water Quality Control Board to protect water resources. Requirements for manure removal and management have been imposed on the dairies irrespective of the Project and other related projects.

Findings. The City Council hereby makes finding (1) and (2).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Deadlines for removal of stockpiled manure from the Chino Basin have been imposed by the Santa Ana Regional Water Quality Control Board ("SARWQCB") irrespective of the Project. Various initiatives to respond to the challenges imposed by these deadlines have either been proposed or are underway, including the Organics Management Facilities and plans to provide sewer service to the dairies.
- (2) The Project represents a potential beneficial impact on waste management in that it provides an economic incentive to remove, recycle or otherwise dispose of manure within the Chino Basin. As implementation of the proposed development plan for The Preserve is anticipated to occur over approximately 20 years, the Project is not anticipated to exacerbate the existing waste management impact associated with dairy use.

Supporting Explanation: The SARWQCB is already implementing steps to reduce the volume of dairy waste found in the Project area in order to reduce water pollution of the existing water resources. The project will have a positive impact on those efforts because it will encourage the conversion of dairy lands to other uses and the remediation of manure stockpiles.

3.21 Utilities—Telecommunications

3.21.1 Potential Effect. Buildout of the Plan area would result in additional Project and cumulative demand relative to provision of telephone, cable television (and cable fiber-optic) services.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The existing telephone service provider Verizon, has plans for locating future wire centers to distribute telephone services to customers in the plan area. Verizon plans its services provision to accommodate growth in service areas. Existing and planned distribution and supply of telephone service is expected to accommodate the proposed plan implementation and service area demands. (See. DEIR, Pages 5.12-31 to 5.12-32)
- (2) Adelphia Communication Services is prepared to provide cable service to the Project area. Planned distribution and supply of cable services is expected to accommodate the proposed buildout of the plan area and service area demands. (See. DEIR, Pages 5.12-31 to 5.12-32)

3.22 Cultural Resources

3.22.1 Potential Effect. Proposed development of the plan area could have an adverse impact on as yet undiscovered significant archaeological resources. There is a significant potential that additional prehistoric materials will be encountered during earth-disturbing activities within planned development areas.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure CR-1, Survey and Mitigation Report, provides: “Phase I field surveys (surface survey and collection) by a certified archeologist should be conducted prior to all earth disturbing activities within the plan area. Existing natural open space, agricultural open space and dairy sites are included in this survey requirement. Excluded would be heavily disturbed areas, lagoons and detention ponds, and paved areas. The archeologist will identify all prehistoric and historic resources observed during the field survey, complete a preliminary evaluation of the resources, and recommend appropriate measures for the disposition and treatment of significant resources. A technical report shall be prepared including discussion of cultural site significance (depth, nature, condition and extent of resources), final mitigation recommendations, and cost estimates.

Excavated finds shall be offered to the City or its designee on a first refusal basis. Final mitigation shall be carried out based upon the report recommendations and a determination as to site disposition by the City. Possible determinations include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary.”

- (2) Mitigation Measure CR-2, Archaeological Monitoring, provides: “Where recommended, archeological monitoring of earth disturbing activities shall be conducted. The monitoring certified archeologist will identify any prehistoric or historic resources exposed, complete a preliminary evaluation of the resource, and recommend appropriate resource management for the treatment of the resource. If additional or unexpected archeological features are discovered, the archeologist shall report such findings to the City. If the resources are found to be significant, the archeologist shall determine, in consultation with the City, appropriate actions for further exploration and/or salvage recovery.”

Supporting Explanation: The foregoing mitigation measures provide a comprehensive method for discovering and preserving any significant cultural resources found earth disturbing activities at the Project by requiring pre-construction surveys by certified archeologists, implementation of the archeologist’s recommended mitigation measures, and monitoring of earth-disturbing activities in culturally sensitive areas to prevent loss of cultural resources.

3.22.2 Potential Effect. Future recreational or agricultural uses within the planned open space system could have the potential to disturb or destroy recorded or as yet undiscovered archaeological resources within these areas. Much of the planned open space system below the 566’ elevation is owned or controlled by other public agencies (i.e. U.S. Army Corps of Engineers, Orange County Flood Control District, and County of San Bernardino).

Findings. The City Council hereby makes findings (1) and (2).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure CR-1, Survey and Mitigation Report, and CR-2, Archaeological Monitoring, as set forth above, are hereby incorporated by reference to reduce this impact as well
- (2) Use plans and permits for planned open space areas will be coordinated with the appropriate agencies to assure that no significant impacts occur to archaeological resources in these areas.

Supporting Explanation: The proposed mitigation will govern all earth disturbing activities in the entire Project area order to prevent/minimize the loss of historic and prehistoric cultural resources. To the extent other governmental agencies pursue their own projects within the Project area, they will be required to conduct their own environmental reviews and provide mitigation for the loss of any cultural resources impacted by those particular specific projects.

3.22.3 Potential Effect. There are forty-five (45) recorded historic sites within the plan area, with most of these located in the planned open space system. Proposed development of the plan area could have an adverse impact on significant historic resources. Additional as yet unrecorded historic resources could be encountered during earth-disturbing activities.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measures CR-1, Survey and Mitigation Report, and CR-2, Archaeological Monitoring, as previously set forth above, are hereby incorporated by reference for this impact.
- (2) Use plans and permits for planned open space areas will be coordinated with the appropriate agencies to assure that no significant impacts occur to archaeological resources in these areas.

Supporting Explanation: The foregoing mitigation measures provide a comprehensive method for identifying, covering and preserving any significant cultural resources found during earth disturbing activities at the Project by requiring pre-construction surveys by certified archeologists, implementation of the archeologist's recommended mitigation measures, and monitoring of earth-disturbing activities in culturally sensitive areas to prevent loss of cultural resources by a qualified archeologist. Most of the 45 recorded historic sites are located in the planned open space system and would not be impacted.

3.22.4 Potential Effect. Significant paleontological resources could be encountered during earth-moving activities. Older alluvium in the region and within the plan area has a high paleontologic sensitivity as a primary source of significant vertebrate fossils. Proposed development of the plan area could have an adverse impact on significant paleontological resources.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Mitigation Measure CR-3, Paleontological Monitoring, provides: "Monitoring fossil material should be conducted by a qualified paleontologist during construction grading activities within older alluvium (Pleistocene), in order to avoid any disturbances to possible unknown or unidentified paleontological resources.

Supporting Explanation: This measure will require monitoring for fossil material by a paleontologist during construction grading activities within older alluvium soils in order to avoid disturbance/damage to paleontological resources as a result of the grading activities.

3.23 Aesthetics

3.23.1 Potential Effect. The visual character of the Project area above the 566' elevation line will change substantially as agricultural land uses transition to an urban setting with a mix of residential, commercial, and industrial uses. While the land use change is significant, it does not represent a significant adverse visual or aesthetic impact as no significant visual resources are identified in this area. The visual character of the Project area below the 566' elevation line will not change significantly.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The proposed Specific Plan includes design guidelines and criteria to create an attractive and positive visual condition for future development. These guidelines and criteria implemented through Design Review are essentially project design features. These features are intended to assure a quality urban visual environment, and minimize the visual impact associated with a significant change in land use.
- (2) Scenic resources and aesthetic values associated with the southerly portions of the plan area will be preserved through open space, recreation and agriculture designations.

3.23.2 Potential Effect. Additional light and glare sources will be created within the plan area.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The use of landscaping, directional lighting criteria, and building design criteria specified in the Specific Plan will reduce the impact to a level that is less than significant.

3.23.3 Potential Effect. The Project will be visible from surrounding vantage points at greater distances.

Findings. The City Council hereby makes finding (1).

Facts in Support of Findings. The following facts or mitigation measures indicate this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Due to the distance to planned urban uses, proposed Specific Plan and airport overlay building height limitations, and the effect of intervening landscaping, the quality of views from surrounding vantage points including SR 71, Chino Hills, Ontario, Eastvale, and Prado Basin will not significantly change.

- (2) Scenic resources and aesthetic values associated with the southerly portions of the plan area will be preserved through open space, recreation and agriculture designations.

Supporting Explanation: As noted above, the quality of views from vantage points such as SR 71, Chino Hills, Ontario, Eastvale and the Prado Basin will not change due to the distance of such vantage points to the new urban uses within the plan area; consequently, there will be no significant impact. Moreover, the views and aesthetic values in the southern portion of the plan area will remain as they currently exist, since no new urban development is planned for that area.

4.0 FINDINGS REGARDING ALTERNATIVES

4.1 Introduction

This section presents findings regarding alternatives to the Project. The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the DEIR:

- No Project
- Environmental Land Use Alternative
- Metropolitan Center Land Use Alternative
- Alternative Location

Prior to identification of these alternatives, the range of possible alternatives was initially narrowed in response to various issues, opportunities and constraints identified at the outset of the Specific Plan and EIR process. Among the significant factors in the regional context and local setting that have shaped the range of alternatives are those summarized in Section 4.1 of the DEIR.

Opportunities for public comment on alternatives have also been provided. Five Focus Group Workshops to solicit input on various topics for the Specific Plan and EIR were held between March 15, 2000 and June 7, 2000. Focus Group topics included Environmental Issues, Infrastructure and Services, Transportation and Mobility, Property Owner interests, and review of Alternative Land Use Plan Concepts. Summaries of comments from these workshops are included in the DEIR Appendix A. Beyond these workshops, comments on alternative Specific Plan concepts and environmental issues were also received by the City of Chino at a series of joint City Council/Planning Commission Workshops, held on June 14, August 16 and October 17, 2000.

The goals and objectives of the project are identified in the DEIR Section 3.3 Project Objectives.

4.2 Feasibility and Comparative Environmental Effects of Alternatives

4.2.1 The No Project Alternative

The No Project Alternative assumes the Project area would continue under the current land use designations in the County of San Bernardino's General Plan. The current County General Plan Land Use designation for the site is Agriculture-Agriculture Preserve (AG-AP). The minimum

lot size allowed within this category is 10 acres. The Project area would not be annexed to the City of Chino under the No Project Alternative. To provide a meaningful analytical frame work, it is assumed in this scenario that utilization of the area consistent with the County's General Plan land use designations continues with the existing agricultural-related and recreational uses.

The No Project Alternative is infeasible or not environmentally preferable for the following reasons:

- (1) The No Project Alternative maintains the existing rural land use pattern that avoids or minimizes some environmental impacts within the Plan area. Some of the impacts that are avoided or minimized include agricultural land conversion, traffic and circulation, noise, biological resources and impacts to public services and utilities.
- (2) The existing land uses would continue to degrade the area's existing surface and groundwater quality, create significant odor, air quality, particulate and vector problems.
- (3) Aesthetic values are compromised due to the industrialized quality and density of dairy operations, the outside storage of equipment, extensive manure stockpiles, and the lack of area improvements.
- (4) Overall, this alternative would be considered slightly environmentally superior to the Preserve Project. However, other than meeting selected environmental goals, it does not meet any of the objectives of the Preserve Project.

4.2.2 'The Environmental Alternative'

The 'Environmental Land Use Alternative' was considered as a preliminary land use concept during the formulation of the Specific Plan and proposed land use development plan. For the Plan area, the Environmental Land Use Alternative represents a decrease in the number of residential units from 9,779 to 6,958 (approx. 29% reduction), and a reduction in the amount of square feet devoted to business related land uses, from 10,238,744 to 7,840,800 (approx. 24% reduction). The number of acres devoted to open space areas would increase by 20% from 2,988 acres to 3,587.

The features of this concept that originally distinguished it from the proposed project (i.e. Specific Plan's land use plan) included the following:

- The Community Core would be reduced in size and shifted to the west, north of Pine Avenue (adjacent an extension of the Community Paseo and Open Space System that follows an existing drainage course);
- Reduced size of Regional Commercial component (along Euclid Avenue);
- Reduction in total Commercial and employment-generating uses;
- Concentration of lower density residential uses south of Pine Avenue;
- Emphasis on passive, regional recreational use and natural habitat below the 566' elevation (i.e. no agricultural designations below the 566' elevation).

The Environmental Land Use Alternative is infeasible or not environmentally superior for the following reasons:

- (1) The Environmental Land Use Alternative would result in a significant reduction in residential units and business related square footage. This alternative would result in a decrease in the total number of employment opportunities, although the jobs/housing ratio for the Plan area would be slightly above that estimated for the proposed Project.
- (2) Due to the reduced scale and density of this alternative, the feasibility of operating public transit, an integral feature of the proposed project, is diminished. The implementation of local transit with future connections to the regional transit system is a key design feature and objective of the Preserve Project.
- (3) Due to the reduced scale and density of this alternative, the ability of the development to support substantial needed infrastructure improvements is diminished. In addition, the reduced density and number of units in this alternative would adversely impact the City's ability to implement the mitigation fee needed to fully fund the Resources Management Plan.
- (4) The land use design of the alternative would result in a significant departure from the intent of the Specific Plan, and would not respond as favorably to design goals and objectives of the Project. This alternative lacks a Community Core. The Community Core in the Specific Plan is intended to provide a variety of commercial, institutional, entertainment, and residential uses in close proximity to each other, thereby allowing for greater pedestrian-type movement and interaction, with density levels and concentrations amenable to the use of public transit.
- (5) This alternative reduces the amount of Agriculturally-designated land as compared with the Project, and would completely eliminate the Agricultural use designation below the 566' elevation line. As such, it would not allow for retention of appropriate agricultural uses consistent with passive open space and habitat values within this area, and would not facilitate an orderly transition of agricultural use to other open space uses. Its impact on agriculture and the loss of farmland would be greater than those of the proposed Project.
- (6) While this alternative would increase the amount of open space relative to the Project, no significant differences in the aesthetic character of the planned open space and in protection of biological resources are apparent as compared with the Project. Through a process of review and refinement of the Specific Plan, the predominantly passive open space character of the major open space system below the 566' elevation line has been assured. The proposed Project includes a Resources Management Plan with specific measures to assure the conservation and management of significant biological resources within the Plan area. Unlike the proposed Project, it is unclear whether the Environmental Land Use Alternative includes a sufficient density of development to support a Biological Resources Mitigation Fee to establish and maintain proposed conservation areas within the open space system.
- (7) The EIR also considers 'Further Density Reductions to the Environmental Land Use Alternative'. At a further reduced density, it is unlikely such alternatives would provide the broad range of living, working and recreational opportunities desired by the City for Subarea 2. The alternative would not respond favorably to the goal of accommodating a broad range of uses that capitalize on adjacent uses, and may not respond to the goal to enhance the City of Chino's fiscal outlook. The reduced densities would not promote public transit usage, and the variety of housing opportunities and neighborhoods would be diminished. More importantly, it is unlikely this alternative would provide sufficient density of development to support needed major

infrastructure improvements. Substantial investments in infrastructure, including new roads, water, wastewater, and drainage systems, are needed to support the planned development of this rural area. A sufficient size and density of development is needed to finance needed improvements and spread infrastructure costs to the development.

4.2.3 'The Metropolitan Center Land Use Alternative'

The 'Metropolitan Center Land Use Alternative' was considered as a preliminary land use concept during the formulation of the Specific Plan and proposed land use development plan. For the Plan area, the Metropolitan Center Land Use Alternative represents a decrease in the number of residential units from 9,779 to 4,818 (approximately 51 percent) and an increase in the amount of square footage devoted to business related land uses, from 10,238,744 to 11,803,671 (15 percent). The number of acres devoted to open space areas will increase from 2,988 acres to 3,369 or approximately 13 percent.

Distinguishing features of this concept from the Project (i.e. Specific Plan's land use plan) include the following:

- Community Core scaled-down to community serving commercial center along realigned Pine Avenue
- Intense corridor of regional serving business and commercial uses along Euclid Avenue
- Business Park/Industrial uses along Kimball Avenue, further separating residential development from Chino Airport.
- Reduction in total housing units, with higher proportion of both high density and estate residential units.
- An active, regional recreational and golf center within the open space system to the south.
- Extension of the land use concept to include Chino Subarea 1 .

The Metropolitan Center Land Use Alternative is infeasible or not environmentally superior for the following reasons:

- (1) This alternative would result in a significant reduction in residential units and would not respond as favorably to the objective of offering a variety of housing opportunities and types within unique, livable neighborhoods.
- (2) The higher development intensity associated with this alternative could result in additional concern for impacts upon biological resources within the planned open space system below the 566' elevation line. The alternative includes an 18-hole golf course in the southerly portion of the project area, and potentially greater loss of windrows with related farmland habitat value in the northeast portion of the plan area.
- (3) This alternative reduces the amount of Agriculturally-designated land as compared with the proposed project, and includes no Agricultural use designation within the northeast sector of

the community. This conflicts with the existing agricultural land trust and County agricultural preserve lands status in this northeast area.

(4) Implementation of this alternative would result in traffic and circulation impacts that are similar to the proposed project. The number of vehicle trips would continue to represent a significant impact upon the region's circulation system.

(5) The scaled-down Community Core does not respond favorably to this objective and design feature of the proposed Specific Plan, intended to provide a focal point for the Community, including a variety of commercial, institutional, entertainment, and residential uses in close proximity to each other--thereby allowing for greater pedestrian-type movement and interaction, with density levels and concentrations amenable to the use of public transit.

4.2.4 Alternate Location

Pursuant to CEQA Guidelines 15126.6(f)(2), the City of Chino has considered alternative locations for the proposed Project.

An Alternative Location for the Project is infeasible or not environmentally preferable for the following reasons:

(1) There are no remaining locations within the City's sphere of influence or the Chino Basin capable of supporting a major new planned community that meets the goals and objectives of The Preserve, while avoiding or substantially lessening any of the significant effects of the Project. As discussed in EIR Section 4.2, remaining lands within the Chino Basin potentially capable of supporting a project of this size are already approved for development in other jurisdictions (i.e. New Model Colony-Ontario, Eastvale-Riverside County).

(2) The City of Chino's Subarea 1 has already been planned, annexed and approved for a combination of General Industrial, Agricultural/Transitional and Greenspace (Open Space) uses. This 1,800-acre area is subject to environmental constraints that are similar to those in Subarea 2, and insufficient buildable area is available to create a compact, balanced community of residential and business uses similar to the proposed Project.

(3) While several developments are pending or approved in Chino Hills, Norco and Corona, these are on smaller development sites that are zoned for specific uses, and are not suitable for the type of development envisioned by The Preserve Specific Plan.

(4) In its action placing Subarea 2 within the City of Chino's sphere of influence, the San Bernardino County LAFCO recognized the need to comprehensively plan for the eventual transition of this portion of the County's Agricultural Preserve to alternative uses. No feasible alternative locations are available and suitable for the proposed project.

EXHIBIT "C"

5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has carefully balanced the benefits of the Project against the adverse impacts and residual impacts identified in the DEIR, RDEIR and FEIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of impacts which are identified herein as being significant but which have not been eliminated, lessened or mitigated to a level of less than significant, the City Council, acting pursuant to CEQA and the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and remaining residual impacts, and that the Project should be approved.

This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable in Section 2.0 above, as well as any residual impacts in Section 3.0 above. Such impacts include, but are not limited to:

Impact 2.1.1	Land use change from rural to urban
Impact 2.1.2	Land use conflicts between urban and agricultural uses
Impact 2.1.3	Land use conflicts between urban uses and IEUA Co-Composting Facility
Impact 2.1.4	Conversion of agricultural/open space to urban uses
Impact 2.2.1	Loss of prime farmland
Impact 2.2.2	Acceleration of Williamson Act contract non-renewals and cancellations
Impact 2.2.3	Offsite relocation of dairies
Impact 2.3.1	Loss of burrowing owl habitat
Impact 2.3.2	Loss of raptor habitat
Impact 2.3.3	Loss of land cover types
Impact 2.4.1	Traffic impacts on local and regional intersections, streets and highways to LOS "E" or "F"
Impact 2.4.2	Impacts on 35 freeway segments needed to provide adequate LOS
Impact 2.5.1	Construction activity emissions impacts on air quality
Impact 2.5.2	Project related increases in NOx and CO emissions at Buildout
Impact 2.5.3	Odor impacts on sensitive uses during the transition to urban uses
Impact 2.6.1	Uncertainty over future electricity supplies to serve Project

In addition to the above impacts, this Statement of Overriding Considerations applies to those residual impacts that have been substantially lessened or avoided, but not necessarily reduced to a level of insignificance.

Although the City Council believes that many of the unavoidable and irreversible environmental effects, as well as many of the environmental effects which have not been mitigated to the point of insignificance, will be substantially lessened by the mitigation measures incorporated in the Project, the DEIR, RDEIR, the Resources Management Plan and FEIR, the Council recognizes that the implementation of the Project will result in certain potentially irreversible environmental effects.

In reaching the City Council's decision to approve the Project and all related documentation, the Council has carefully considered each of the unavoidable impacts, each of the impacts that have not been substantially mitigated to the point of insignificance, as well as each of the residual impacts over which there is a dispute concerning the impact's significance following mitigation.

The Program EIR for The Preserve Specific Plan (Chino Subarea 2) indicates that if the proposed project is implemented, certain significant effects may be unavoidable. However, if the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The City Council finds the unavoidable significant effects described in Section 2.0 above are acceptable, any residual effects from the impacts described in Section 3.0 are not substantial, and that the alternatives with less significant environmental impacts described in Section 4.0 are not preferable, due to the following overriding considerations:

- 1) The Project's planned mix of commercial, office, industrial and business park uses will generate approximately 13,376 new jobs at buildout. Because of the nature of the new jobs, including higher-paying manufacturing and wholesale trade jobs, the average household income associated with the Project is estimated to be higher than the current household income for both the City of Chino and San Bernardino County. (Source: Projected Fiscal Impacts—The Preserve Specific Plan; Stanley R. Hoffman Assoc.; 3/2001).
- 2) The Project will provide approximately 9,779 housing units and 13,376 jobs, which will promote local and regional jobs and housing balance goals. There is a shortage of housing which the Project will lessen, and the Project will provide a wide range of housing types.
- 3) The Specific Plan establishes a range of housing densities that will allow the project to offer a variety of housing opportunities and types within unique, livable neighborhoods to a broad cross section of the City's residents. The Project will assist in satisfying an unmet housing need for the region which is now at a critical stage.
- 4) A City General Fund recurring annual revenue surplus of \$2.53 million is projected for the Project at buildout of the Specific Plan. (Source: Projected Fiscal Impacts—The Preserve Specific Plan; Stanley R. Hoffman Assoc.; 3/2001).
- 5) The Project implements the City of Chino's 'Vision' for use and development of Subarea 2, as originally articulated in City Council Vision Workshops in October/November 1999

and carried forward through formulation of the proposed Specific Plan. This vision emphasizes a livable, sustainable planned community as an extension of the City of Chino, and incorporates a mixture of residential neighborhoods focused around a Community Core activity center and a regional commercial center, interconnected with a regional open space amenity via a system of paseos and trails. The adoption of the Preserve Specific Plan for the entire remaining area within the City's southern sphere of influence will provide for integrated, well planned, orderly development, as opposed to piecemeal development of this area.

- 6) The Specific Plan, with its major Community Core and employment-generating uses, surrounded by higher and medium density residential uses, will facilitate implementation of the planned local transit system. The community has been specifically designed to accommodate local transit, including street sections with dedicated or prioritized transit lanes within a continuous loop system. This local transit system, with future connections to regional transit, will reduce dependence upon the private automobile and promote local and regional air quality goals.
- 7) Approximately 55% of the Project site (almost 3,000 acres) is retained with a variety of agricultural and open space designations that protect sensitive habitats, and preserve opportunities for agricultural and recreational uses that are compatible with habitat values. Much of this open space is located within a large, contiguous manageable open space area below the 566-foot elevation line, including the most sensitive environmental resources within the site.
- 8) The Project contributes to the restoration, preservation and enhancement of high quality wildlife habitat through implementation of a Resources Management Plan, including payment of fees towards the acquisition and installation of enhancement/restoration improvements for a permanent 300-acre Conservation Area.
- 9) The Project would ultimately result in the remediation of much of the environmental degradation which has taken place during decades of industrial scale dairy operations in the Plan area, including the removal of manure stockpiles, removal of a significant amount of the soils containing excessive amounts of manure, and the prevention of further contamination of surface waters and the groundwater by dairy wastes and runoff. Urbanization also will accelerate the termination of dairy operations, which will have a significant positive benefit on surface and groundwater quality. The urban runoff management plan will control future urban runoff from new development, having further beneficial impacts on water quality.
- 10) Dairy operations are being discontinued in a haphazard manner at the present time. Alternative or replacement land uses are pursued on an ad hoc basis with little thought being given to overall planning of the area. The new Specific Plan will provide for an orderly transition from agricultural/dairy uses to urban uses as part of a well reasoned plan.
- 11) The increasing costs of dairy operations in the Plan area have caused an adverse impact on the local economy due to the closure or relocation of existing dairies. Implementation of the Specific Plan and its urban development will revitalize the area's economy.

- 12) The improvement to the City's jobs/housing balance that will result from the Preserve Project will also reduce the total vehicle miles traveled, thereby reducing air quality impacts of the Project by reducing the need for the City's residents to travel beyond the City to find employment opportunities.
- 13) Air quality impacts from the Preserve Project are further lessened by the Project's promotion of non-motorized travel within the Plan Area's system of paseos, trails, and bike paths.
- 14) The Specific Plan's right to farm policies and agricultural overlay provisions will allow agricultural operations to continue in the Plan Area.
- 15) The Preserve Project contains a comprehensive master plan for the use of reclaimed/recycled water as a means of conserving water from the very beginning of the area's development. Such a feature is uncommon in most communities that have to be retrofitted for recycled water use, rather than being designed to use recycled water from their inception.
- 16) Urban development will be concentrated and clustered in the Project's northern area in order to avoid impacts to sensitive biological species and habitats located below the 566' line in the southern portion of the Project. Such urban development will also become less dense as it radiates outward from the community core.
- 17) As dairy operations are phased out over time in the Plan Area, there will be reductions in emissions of PM-10, ROG, methane and ammonia, which will benefit the region's air quality.

CONCLUSION

The City Council has determined that any remaining significant effects on the environment attributable to the Project which are found to be unavoidable, irreversible or not substantially mitigated are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. The Board has concluded that with all the environmental trade-offs of the Project taken into account, the Project's implementation will represent a net positive impact on the City, and based upon such considerations after a comprehensive analysis of all the underlying planning and environmental documentation, the City Council has approved the Project.

EXHIBIT "D"

ATTACHMENT 5

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
<p>5.1 Land Use</p>	<p>LU-1. Chino Airport Influence Area. The City of Chino shall provide notice of development applications within adopted airport noise and safety zones to the Airport Land Use Commission (ALUC), in compliance with the Chino Airport Comprehensive Land Use Plan (ACLUP). The City will coordinate with the ALUC to assure specific development projects' compatibility with Chino Airport operations.</p>	<p>Written evidence of notification</p>	<p>Development Application Review and Plan Check</p>	<p>Community Development Director</p>
	<p>LU-2. Correctional Institution for Women (CIW-Chino). Special attention should be focused during subsequent review of specific development projects on providing an adequate buffer and separation between the existing CIW-Chino and planned residential uses immediately to the east. The planned linear Community Paseo along Chino-Corona Road separating these uses should include some combination of landscape screening, berms and/or walls, and setbacks to achieve an adequate physical and visual separation between these uses.</p>	<p>Plan Check</p>	<p>Development Application Review and Prior to Issuance of Grading Permit</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
<p>5.2 Agriculture</p>	<p>AG-1. Agricultural Land Preservation. The City of Chino shall participate in the Williamson Act Easement Exchange Program (WAEEP) and any plan that may be adopted pursuant to SB 831, for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation within the Agricultural (AG), Agricultural/Open Space-Natural, and as appropriate subject to conditional use permit, the Open Space-Natural (OS-N) designated areas of the plan area.</p>	<p>Written or other evidence of participation</p>	<p>Ongoing (Following implementation of a plan for Chino Basin pursuant to SB 831)</p>	<p>Community Development Director</p>
	<p>AG-2. Agency Coordination and Planning for Agricultural Uses. The City of Chino shall participate in a coordinated multi-agency planning program for sustainable agricultural uses within the Lower Chino/Prado Basin. This program should involve the principal public landowners within the basin, including but not limited to the U.S. Army Corps of Engineers, Orange County Flood Control District, and County of San Bernardino. Components of this program may include an agricultural feasibility study, acquisitions plan, and management plan for sustainable agricultural uses within the basin.</p>	<p>Written or other evidence of participation/coordination</p>	<p>Ongoing</p>	<p>Community Development Director</p>
	<p>Also see Biological Resources Measure B-3(4), RMP-Urban Buffer/Transition Area</p>	<p>Plan Check</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
5.3 Hydrology and Water Quality	HWQ-1. NPDES. All development shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Stormwater Permit requirements to the satisfaction of the City of Chino. Applicable BMP provisions shall be incorporated into the NPDES Permit.	Plan Check	Prior to Issuance of Grading Permit	City Engineer
	HWQ-6. Storm Drain Outlets. The City of Chino shall assure that storm drain facilities and outlets to Prado Regional Park and the natural open space system are designed in a manner that minimizes disruption of park operations and protects park and open space resources. Specific drainage facility designs at outlets to the major open space system below the 566' elevation shall be made available for review by the County of San Bernardino Flood Control District and U.S. Army Corps of Engineers, as appropriate.	Plan Check	Development Review/Prior to Issuance of Grading Permit	City Engineer
	HWQ-7. Urban Runoff Management Plan. Prior to any development approvals, a plan for managing urban runoff to protect sensitive drainages within the open space system shall be approved by the City of Chino. This Urban Runoff Management Plan (URMP) will be integrated with the project Storm Drain Plan,	Plan Check and approved Urban Runoff Management Plan	URMP approval prior to subsequent development project approvals	City Engineer

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>and provide the framework and mechanism for:</p> <ol style="list-style-type: none"> 1) Phased implementation of structural and non-structural best management practices (BMP's) to control stormwater discharges and protect water quality; 2) Review of subsequent projects for inclusion of 'mini-basins' for detention, filtration and recharge to groundwater; 3) The design and location of Natural Treatment Systems (NTS) for water quality purposes within drainages; and 4) Implementation of a water quality monitoring program at storm drain outlets to Prado Lake, Chino Creek and Mill Creek. <p>The URMP shall be made available for review and comment by the Flood Control Districts of the counties of San Bernardino and Orange, the U.S. Army Corps of Engineers, and Orange County Water District during the City of Chino's review and approval process. The URMP shall assure to the satisfaction of the City of Chino that project development that drains into Chino Creek and Mill Creek will not unacceptably contribute to flooding, scour and erosion, or water quality degradation of these environmentally sensitive drainages.</p>		<p>Review of subsequent projects for compliance with URMP prior to issuance of Grading Permit</p>	

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>HWQ-2. Best Management Practices. Individual projects within the specific plan area shall be reviewed by the City of Chino for the inclusion of appropriate structural and non-structural Best Management Practices (BMPs) to control stormwater discharges and protect water quality. Structural controls may include, but are not limited to filtration, common area efficient irrigation, common area runoff-minimizing landscape design, velocity dissipation devices, oil/grease separators, inlet trash racks, and catch basin stenciling. Non-structural BMPs can include education for property owners, tenants and occupants, activity restrictions, common area landscape management, litter control, and catch basin inspection, BMP maintenance; and street sweeping.</p> <p>The following are examples of BMPs that may be included within NPDES permit requirements for individual projects:</p> <ul style="list-style-type: none"> • Use of sand bags and temporary desilting basins during project grading and construction during the rainy season (October through April) to prevent discharge of sediment-laden runoff into stormwater facilities. • Installation of landscaping as soon as practicable after completion of grading to 	<p>Plan Check (for NPDES Permit Compliance)</p>	<p>Prior to Issuance of Grading Permit</p>	<p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>reduce sediment transport during storms.</p> <ul style="list-style-type: none"> • Hydroseeding, soil binders or other measures to retain soil on graded building pads if they are not built upon before the onset of the rainy season. • Incorporation of structural BMPs (e.g., grease traps, debris screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the project design to provide detention and filtering of contaminants in urban runoff from the developed site prior to discharge to stormwater facilities. • Stenciling of catch basins and other publicly visible flood control facilities with the phrase "No Dumping-Drains to the Ocean." <p>HWQ-3. Best Management Practices. The City shall review subsequent development projects within the specific plan area for the application of Best Management Practices (BMPs) to reduce water pollution from urban runoff. Among the source-reduction BMPs that may be required by the City for application to such projects are the following:</p> <ul style="list-style-type: none"> • Animal waste reduction • Exposure reduction • Recycling/waste disposal 	<p>Plan Check</p>	<p>Prior to Issuance of Grading Permit</p>	<p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<ul style="list-style-type: none"> • Parking lot and street cleaning • Infiltration (exfiltration) devices • Oil and grease traps • Sand traps • Filter strips • Regular/routine maintenance <p>The specific measures to be applied shall be determined in conjunction with review of required project hydrology and hydraulic studies, and shall conform to City standards and the standards of the County's Municipal Stormwater Permit, under the NPDES program.</p> <p>HWQ-4. Water Quality Monitoring. A water quality monitoring program should be implemented to regularly test the water quality at the project storm drainage outlets to Prado Lake, Chino Creek and Mill Creek. The program should be devised to differentiate the pollutant contributions of project development from dairies during the transitional period. If test results determine that the water quality standards established by the RWQCB are not being met, corrective actions acceptable to the RWQCB would be taken to improve the quality of surface runoff discharged from the outlets to a level in compliance with the adopted RWQCB standards.</p>	<p>Water quality samples</p>	<p>Annual Monitoring Report</p>	<p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
<p>5.4 Biological Resources</p>	<p>B-1. Zoning and Land Use Regulation.</p> <p>1. All areas below the 566-foot dam inundation line, except such areas located north of Pine Avenue, will be retained within an open space or agricultural land use designation in order to provide protection for existing wildlife habitat values found in such areas and those to be created by the habitat enhancement activities described under mitigation B-3, below, as well as to avoid any new impacts.</p> <p>2. Any new development or expansions of existing land uses within the open space designations of The Preserve Specific Plan (i.e., Agriculture, Agriculture/Open Space-Natural, Open Space-Recreation, Open space-Natural and Open Space-Water) shall comply with the requirements and provisions of the Resource Management Plan (see Mitigation No. B-3, below) in order to mitigate potential adverse project-specific impacts on biological resources.</p> <p>B-2. Required Biological Studies</p> <p>1. Conduct a biological assessment of each specific project site to characterize the habitat types and the potential for the site to support any sensitive species or habitat.</p>	<p>Review of requests for changes in Land Use Designations utilizing the Zoning and Land Use Regulations Checklist (RMP Table 4-2)</p> <p>Development Application Review (see Zoning and Land Use Regulations Checklist--RMP Table 4-2)</p> <p>Development Application Review (see Required Biological Surveys Checklist--RMP</p>	<p>Prior to Planning Commission action on requests for changes in Land Use Designations</p> <p>Prior to Issuance of Permit</p> <p>Prior to Approval of Development Projects or the Issuance of Grading Permits, as appropriate</p>	<p>Community Development Director</p> <p>Community Development Director</p> <p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>2. Where a sensitive species has the potential to occur, determine the level of potential for occurrence as low, moderate, or high. Provide scientific justification for this determination.</p> <p>3. If the potential for occurrence is moderate or high (e.g., the required habitat elements for this species are present and/or there has been a sighting of this species in the vicinity of the project site), conduct focused surveys within suitable habitat to determine the presence or absence of the species on the project site.</p> <p>4 Any surveys deemed necessary must be conducted by a biologist qualified to perform the needed survey(s). The City of Chino, or its consultant, will review and approve the personnel and methodology for any such proposed surveys.</p> <p>5. If a sensitive species or habitat is found to occur on a proposed project site, or occupies habitat that may be impacted directly or indirectly by the proposed project, this must be called to the City's immediate attention and documented in the biological assessment for the project.</p> <p>6. Mitigation measures to offset any potential impact to sensitive species and habitats must comply with the RMP and shall be included in the biological assessment. All lands set aside</p>	<p>Table 4-3)</p>		

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>for conservation and/or other mitigation measures must be clearly documented in the final biological assessment.</p> <p>B-3. Resources Management Plan</p> <p>A Resources Management Plan (RMP) shall be prepared by the City of Chino to provide for the implementation of the mitigation measures described below, in order to avoid, lessen and reduce impacts on the biological resources within the Preserve Specific Plan Area. The Resources Management Plan will be approved by the Chino City Council at the time of certification of the Final EIR. The RMP will formalize the City's balanced approach to land use and resource management, and provides the framework for coordinating the City's actions with other agencies, such as County of San Bernardino, CDFG, USFWS, USACE, OCFWD, and OCWD with regard to specific conservation measures and resource management initiatives within The Preserve. The RMP will focus on the development and implementation of wildlife habitat enhancement and restoration activities, primarily funded by a mitigation fee imposed on all urban development within the Project Area. The RMP will specifically address the following mitigation measures:</p>	<p>Approved RMP</p>	<p>With Certification of Program EIR</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>1. 300-acre Conservation Area</p> <p>Provision will be made for the creation, enhancement, expansion and perpetuation of high quality wildlife habitat in a 300-acre Conservation Area to be located generally below the 566-foot inundation line and within the boundaries of the project area. The more specific location of the conservation area will be determined through the preparation of the RMP and will depend on availability of such lands for mitigation purposes, and the suitability of land for the enhancements envisioned. Such habitat will be designed to address the impacts that will occur as the result of development of The Preserve (i.e., raptor, waterfowl and burrowing owl habitat). Key enhancements that will be provided comprise the following:</p> <p>a.) A weed removal program and replanting of native vegetation within the 300-acre Conservation Area shall be implemented to create high quality raptor and burrowing owl foraging habitat.</p> <p>b.) Installation and maintenance of twenty (20) artificial burrowing owl nesting sites to mitigate for the loss of burrowing owl habitat. An illustrative example of an artificial burrow is provided in Exhibit 5.4.4). Nesting sites will</p>	<p>Feasibility Study of Potential Conservation Areas (see Conservation Area Checklist—RMP Table 4-4)</p> <p>Enhancement/Restoration Checklist—RMP Table 4-5</p>	<p>Study Complete within 12 Months of Program EIR Certification</p> <p>Annual Report for first 5 years (RMP Table 4-5)</p>	<p>Community Development Director</p> <p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>be located and designed to facilitate use by burrowing owls.</p> <p>c.) Stands of trees shall be planted at a minimum of five (5) locations within the 300-acre Conservation Area to mitigate for the loss of raptor nesting/foraging habitat. Specifics regarding enhancements (i.e., location of tree stands, placement of artificial owl burrows, plant and tree species, long-term maintenance and management, etc.) will be detailed in the RMP.</p> <p>d.) The City shall obtain agreements with the landowners in the 300-acre Conservation Area in the form of an irrevocable license, conservation easement, right of entry, or other legally enforceable instrument to install and maintain the above habitat enhancements and to provide the City with a perpetual right to control uses which would conflict with the land's use as wildlife habitat.</p> <p>2. Alternate Location for the 300-acre Conservation Area (if needed)</p> <p>If the City is unable, or it is infeasible, to obtain the onsite mitigation agreements from property owners for all or a portion of the 300-acre conservation area, the City may acquire and enhance, or make other arrangements securing the right to permanently</p>	<p>Feasibility Study of Potential Conservation Areas (see Conservation Area Checklist—RMP Table 4-4)</p>	<p>Annual Report for first 5 years (RMP Table 4-5)</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>protect/preserve and enhance, land off-site within the Prado Basin (including Chino Hills). Such land must have similar biological value to land on-site within the areas planned for urban development (generally above the 566-foot elevation line). In addition, provisions shall be made to provide enhancements/restoration similar to the measure described in Section B-3(1), above.</p> <p>3. Burrowing Owls</p> <p>a.) If burrowing owls are found on an individual development site, development, including the expansion of existing land uses or other land use activities that could disrupt the owls, will be required to follow the CDFG burrowing owl relocation protocols, including the creation of artificial burrows (Exhibit 5.4.4). Key components of this protocol presently include:</p> <ul style="list-style-type: none"> i. Occupied burrows should not be disturbed during the nesting season, from February 1 through August 31. ii. If owls must be moved away from the disturbance area, passive relocation is preferable to trapping. iii. A time period of at least one week is recommended to allow owls to move and acclimate to the alternate burrows. 	<p>Development Application Review and Burrowing Owl Mitigation Checklist (see RMP Table 4-6) (Measure to be implemented in accordance with the RMP.)</p>	<p>Prior to Issuance of Permit related to development, expansion of existing land uses, or other land use activities</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>iv. Passive relocation involves encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are at least 50 meters from the impact zone with a minimum of 6.5 acres of suitable foraging habitat for each pair of relocated owls (see Exhibit 5.4.4).</p> <p>v. Owls should be excluded from burrows in the immediate impact zone and within a 50-meter buffer zone by installing one-way doors in burrow entrances.</p> <p>vi. One-way door should be left in place for at least 48 hours to insure that owls have left the burrow before excavating the burrow.</p> <p>vii. One alternate burrow (natural or artificial) should be provided for each burrow that will be excavating in the project impact zone.</p> <p>viii. The project areas should be monitored daily for at least one week to confirm no owl use before excavating burrows in the immediate impact zone.</p> <p>ix. When excavating burrows, hand tools should be used and the burrows should be refilled to prevent reoccupation.</p> <p>x. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels during excavation to maintain an escape route for any animals that may still be located inside the</p>			

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>burrow.</p> <p>b.) In order to provide supplemental mitigation beyond the standard CDFG protocol requirements for relocation of owls, the 300-acre Conservation Area will be made available for the relocation of burrowing owls that would be displaced by development, including the creation of 20 artificial burrows. The feasibility of relocating owls from development sites to the conservation area will be reviewed on a case-by-case basis for individual development projects, subject to the evaluation and recommendations of the biological study prepared for a given site.</p> <p>4. Urban Buffer/Transition Area</p> <p>In order to limit urban intrusion into areas with habitat value that are below the 566-foot dam inundation line, a buffer area will be provided along the southern edge of urban development within the Preserve Specific Plan project area. The buffer will be designed to provide for limited access to habitat areas and will include provisions for the logical transition between urban structures/uses and habitat areas. Such provisions may address without limit measures regarding: location and type of land uses, lighting, vegetation and tree plantings. Specific features regarding the design,</p>	<p>Plan Check for Conformance with RMP Urban Buffer/Transition Area design guidelines (all Development Applications adjacent 566' Elevation Line)</p>	<p>Prior to approval of development project (Buffer/transition area improvements to be installed prior to issuance of Certificate of Occupancy.)</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>conceptual location, buffer width and/or setback requirements, timing and other features of the buffer shall be included as part of the Resources Management Plan (RMP).</p> <p>While every reasonable effort will be made to seek such a buffer, this mitigation measure does not require land acquisition or obtaining any agreements with landowners in the form of an irrevocable license, conservation easement, right of entry, or other legally enforceable instrument for the purposes of providing the buffer, or for purposes of providing any of enhancements or features described under Mitigation Measure B-3(1).</p> <p>5. Surface Water and Riparian Habitat</p> <p>a.) All development will be required to satisfy any applicable requirements of USACE, Regional Water Quality Control Board and CDFG for Section 404 Clean Water Act permits and streambed alteration agreements.</p> <p>b.) Drainage Area B (see, Exhibit 5.4.5) will be designed as a naturalized drainage course and enhanced to provide riparian habitat values, including plantings of appropriate native species of plants and trees. It is anticipated that these enhancements will be provided in conjunction with drainage facilities and</p>	<p>Development Application Review (see Surface Waters Checklist—RMP Table 4-7)</p> <p>Development Application Review and Plan Check</p>	<p>Prior to Issuance of Grading Permit</p> <p>Prior to Issuance of 1,800th Building Permit</p>	<p>Community Development Director</p> <p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>The fee shall be adopted by the City Council prior to the issuance of grading permits for new residential, commercial, office, industrial development, or public facilities; provided grading permits may be issued prior to final adoption of the fee upon developer's deposit with the City of adequate cash or other form of security in excess of the proposed fee, as approved by the City Council for the City. The fee shall be structured to cover the estimated cost of the identified mitigation measures, including:</p> <p>a.) Costs associated with obtaining agreements for the 300-acre conservation area with landowners in the form of conservation easements or other legally enforceable instruments as described under mitigation measures B-3-1 and B-3-2, above;</p> <p>b.) Costs associated with the design, installation, and maintenance of the various enhancements and improvements described above, including such appropriate refinements/adjustments as may be identified by the RMP.</p> <p>c.) Administration, management and monitoring of the 300-acre conservation area and other mitigation measures as appropriate, including adaptive management.</p>		<p>Payment of fee once the fee is adopted to be prior to the issuance of grading permits.</p>	

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>Costs that form the basis for the mitigation fee may, at the discretion of the City, be defrayed through the use of grants or other government or private funding sources as such sources become available in the future.</p> <p>Costs for wetlands/riparian enhancements shall be structured in conjunction with costs for such improvements that also serve water quality and drainage purposes, which may be funded by project drainage and/or water quality fees.</p> <p>9. Participation in Regional Efforts</p> <p>The City has had ongoing involvement with various regional conservation-related efforts. The City will continue to be involved in and coordinate with such efforts within The Preserve. These efforts include, without limitation:</p> <ul style="list-style-type: none"> a.) USACE and Orange County Water District's Prado Basin Master Plan; b.) IEUA's Chino Creek Habitat Restoration Program; c.) Orange County Water District's Santa Ana River Watershed program; d.) USACE's Santa Ana River Mainstem Project; 	<p>Written or other evidence of participation</p>	<p>Ongoing</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>e.) Lower Chino Basin Working Group (Santa Ana River Working Group MOU) Resources Management Planning;</p> <p>f.) Chino Basin Center for Organic Materials (Santa Ana River Working Group MOU); Wildlife, Wetlands and Recreation Resource Conservation Program (Santa Ana River Working Group MOU);</p> <p>g.) Urban Transition Planning Smart Growth Program (Santa Ana River Working Group MOU);</p> <p>h.) Conjunctive Groundwater Management, Replenishment and Conservation Program (Santa Ana River Working Group MOU).</p> <p>i.) Chino Hills State Park General Plan (February 1999).</p> <p>10. Administration and Monitoring</p> <p>The City shall use a conservancy or land trust, or other similar, qualified entity to oversee and implement the Resources Management Plan and principally manage the 300-acre conservation area. Such an entity shall have expertise in the management of land and biological resources. The chosen entity may also jointly provide a similar function to adjacent jurisdictions, provided that effective implementation of the mitigation measures</p>	<p>Execution of an agreement or similar instrument.</p>	<p>Concurrent with the City's cessation of RMP management</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	described herein can be achieved. The City Council shall use its best efforts to select and enter in to necessary agreements with the chosen entity prior to acquisition of any property through an irrevocable license, conservation easement, right of entry, or other legally enforceable instrument.			
5.5 Geology and Soils	<p>GS-1. Geotechnical and Soils Engineering Study. All applications for individual development projects shall include a detailed Geotechnical and Soils Engineering Study which addresses potential hazards associated with fault rupture, seismicity and groundshaking, liquefaction, subsidence and near-surface groundwater. Such studies shall:</p> <ul style="list-style-type: none"> • Conform to code requirements, and standards and guidelines established by the City of Chino; • Fully and accurately reflect site conditions regarding the possible hazards identified herein; and • Include all mitigation measures necessary for reducing risks posed by geologic hazards on the project site. 	Development Application Review and Plan Check	Prior to Issuance of Grading Permit	City Engineer

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
<p>5.6 Hazards</p>	<p>HM-1. Aircraft/Waterfowl Hazards. To minimize aircraft/wildlife hazards, sizeable water features that might attract waterfowl should be prohibited in the plan area east of the Airport.</p>	<p>Development Application Review Plan Check</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Community Development Director</p>
	<p>HM-2. Maximum Building Height. The maximum building heights outside of the runway protection zones may not exceed 160 feet to prevent any conflict with adopted flight patterns.</p>	<p>development Application Review Plan Check</p>	<p>Prior to Issuance of Building Permit</p>	<p>Community Development Director</p>
	<p>HM-3. Environmental Site Assessments. Prior to City consideration of any specific development projects within the plan area, developers will be required by the City to submit a completed Phase 1 Environmental Site Assessment (ESAs), which at a minimum, meets with the requirements of the most current standards of investigation established by the American Society of Testing and Materials (ASTM Standard E 1527). The recommendations of such ESAs, including testing and soil remediation, if necessary, shall be adhered to reduce any identified hazards to acceptable levels.</p>	<p>Development Application Review</p>	<p>Prior to Issuance of Grading Permit</p>	<p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>HM-4. Asbestos and Lead-Based Paint. Prior to issuance of permits by the City of Chino for major renovation or demolition of any pre-1979 structure within the project area, the project developer will be required to submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions will be taken to correct any asbestos or lead-based paint issues prior to development of the site.</p> <p>HM-5. Compliance with Laws and Regulations. In order to minimize risks to life and property, projects within the plan area will be required to demonstrate compliance with all applicable federal, state and local laws and regulations governing the handling, transport, treatment, generation and storage of hazardous materials.</p>	<p>Development Application Review</p> <p>Measure HM-3 and written evidence of Compliance</p>	<p>Prior to Issuance of Grading, Building or Demolition Permits as appropriate.</p> <p>Prior to Issuance of Grading and/or Use Permits (or any state, federal or local permits, approvals or licenses related to the handling, transport, treatment, generation and storage of hazardous materials</p>	<p>Building Official</p> <p>Community Development Director and the City Engineer</p>
<p>5.7 Transportation and Circulation</p>	<p>A cumulative listing of all project related roadway and signal improvements to be provided for post-2020 buildout conditions, including the proposed project, is contained in RDEIR Table 5.7-5.</p> <p>T-1. Notification: Since the project contributes significant traffic to a State Highway (I-15</p>	<p>Documentation of Notification and CMP</p>	<p>Following approval of CMP</p>	<p>City Transportation Manager</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>to minimize future freeway deficiencies. The City will actively participate in other future regional and/or subregional efforts to reduce freeway congestion.</p> <p>T-4. Regional/Subregional Transportation Planning. The City of Chino shall participate in planning efforts to develop subregional and/or regional transportation facilities based on equitable cost sharing programs among cities and counties.</p> <p>T-5. Traffic Operations and System Management. The City of Chino shall provide traffic operations and traffic systems management (TSM) improvements, including signal system coordination, automated traffic control, Smart Corridors, intelligent transportation systems, and other measures.</p> <p>T-6. Project Review for Trip Reduction and Travel Demand Management. Individual development projects shall be reviewed by the City for integration of trip reduction measures, travel demand management (TDM) strategies and alternative transportation modes, consistent with the Specific Plan.</p> <p>T-7. Transit Feasibility Study. In the initial phases of development, the City of Chino shall require that a Transit Feasibility Study be</p>	<p>Written or other evidence of planning coordination</p> <p>Plan Check and Measure T-9</p> <p>Development Application Review</p> <p>Acceptance of Transit Feasibility Study</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Development Application Review and Prior to Issuance of Permits</p> <p>Initial development phase (i.e. within 24 months of Issuance of</p>	<p>City Transportation Manager</p> <p>City Transportation Manager</p> <p>City Transportation Manager</p> <p>City Transportation Manager</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>prepared of the proposed project transit system. The feasibility study should address the timing of transit development vis-a-vis development phasing, and the interface with future regional transit works. To respond to potential issues related to the development of such a system, the following actions must be undertaken:</p> <ul style="list-style-type: none"> • Identify the various funding mechanisms associated with the construction and operation of the system. • Require each proposed project to provide adequate right of way for such a system and construct the required infrastructure. • Establish design criteria and an evaluation process for determining transit stop locations that ensure pedestrian access prior to tentative map approval. • Operational issues, such as the future management of the system, may be deferred until the appropriate time, based upon discussions with current regional transit providers. <p>T-8. Transit Service Extensions. The City of Chino shall contact appropriate transit agencies to encourage an expansion of transit services up to and within the project area.</p> <p>T-9. Project Traffic Studies. Traffic studies shall be required as deemed necessary by the</p>	<p>Evidence of Contact</p> <p>Development Application Review</p>	<p>Initial Grading Permits)</p> <p>Ongoing</p> <p>Prior to Issuance of Grading Permit</p>	<p>City Transportation Manager</p> <p>City Transportation Manager</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>Such studies shall assure that:</p> <ul style="list-style-type: none"> • Usable exterior space meets noise standards of 65 dB CNEL through a combination of setback or barriers. • Habitable interior rooms along any project perimeter near noise-impacted roadways meet the interior standard of 45 dB CNEL through dual-paned windows, central air conditioning and other structural upgrades. <p>N-3. Airport Noise. In order to ensure that noise exposure is considered in review of subsequent development projects within the plan area, and in acknowledgement of possible single-event aircraft audibility even if standards are not exceeded, the following measures will be implemented:</p> <ul style="list-style-type: none"> • The City of Chino shall provide notice of development applications within adopted airport noise and safety zones to the Airport Land Use Commission (ALUC), in compliance with the Airport Comprehensive Land Use Plan (ACLUP). The City will coordinate with the ALUC to assure the compatibility of specific development projects with Chino Airport Operations (same as Mitigation Measure LU-1). • All real estate transactions within Subarea 2 within 1.0 mile of the airport boundary will 	<p>Development Application Review and Plan Check (Airport Overlay Zone) and Evidence of Notification</p> <p>Evidence of Notification</p>	<p>Prior to Issuance of Grading Permit</p> <p>Certificate of Occupancy</p>	<p>Community Development Director</p> <p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	contain advisory language that aircraft may be periodically audible even though the subject property is exposed to noise levels due to aviation activities that are well within State guidelines.			Development Director
5.9 Air Quality	<p>AQ-2. Construction Emissions. Per SCAQMD Rule 403, the City shall enforce the following measures:</p> <ul style="list-style-type: none"> • During all construction activities, construction contractors shall use low emission mobile construction equipment where feasible to reduce the release of undesirable emissions. • During all construction activities, construction contractors shall encourage rideshare and transit programs for project construction personnel to reduce automobile emissions. • During all grading and site disturbance activities, construction contractors shall water active grading sites at least twice a day, and clean construction equipment in the morning and/or evening to reduce particulate emissions and fugitive dust. • During all construction activities, construction contractors shall, as necessary, wash truck tires leaving the site to reduce the amount of particulate matter transferred to 	Plan Check	Prior to Issuance of Grading Permit	Community Development Director and City Engineer

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>paved streets as required by SCAQMD Rule 403.</p> <ul style="list-style-type: none"> • During all construction activities, construction contractors shall sweep on and off site streets if silt is carried over to adjacent public thoroughfares, as determined by the City Engineer to reduce the amount of particulate matter on public streets. • During all construction activities, construction contractors shall limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less to reduce fugitive dust. • During grading and all site disturbance activities, at the discretion of the City's Planning Director, construction contractors shall suspend grading operations during first and second stage smog alerts to reduce fugitive dust. • During grading and all site disturbance activities, at the discretion of the City's Planning Director, construction contractors shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour to reduce fugitive dust. • During all construction activities, the construction contractors shall maintain construction equipment engines by keeping 			

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>them tuned.</p> <ul style="list-style-type: none"> • During all construction activities, the construction contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions. • During all construction activities, the construction contractors shall use existing on site electrical power sources to the maximum extent practicable. Where such power is not available, the Contractor shall use clean fuel generators during the early stages of construction to minimize or eliminate the use of portable generators and reduce the release of undesirable emissions. • During all construction activities, the construction contractors shall use low emission, on site stationary equipment (e.g., clean fuels) to the maximum extent practicable to reduce emissions, as determined by the City Engineer. • During all construction activities, the construction contractors, in conjunction with the City Engineer, shall locate construction parking to minimize traffic interference on local roads. • During all construction activities, the construction contractors shall ensure that all trucks hauling dirt, sand, soil or other loose 			

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>materials are covered or should maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of the California Vehicle Code Section 23114 to reduce spilling of material on area roads.</p> <p>AQ-1. Mobile Source Emissions/Transit. The City of Chino shall contact appropriate transit agencies to encourage an expansion of transit services up to and within the project area. The City will coordinate with such agencies and other jurisdictions to promote express transit access from the Chino area to other regional employment centers.</p>	Evidence of Contact (see Measure T-8)	Ongoing	City Transportation Manager
5.10 Population and Housing	[No Mitigation Measures are necessary.]			
5.11.1 Schools	<p>PS-S-1. Planning for School Services. Developers/builders within the plan area shall work with the CVUSD to plan school service for the proposed development.</p> <p>PS-S-2. School Fees. Prior to issuance of a building permit, project developers shall pay statutory developer fees to the CVUSD, form a Communities Facilities District, or provide land and improvements pursuant to the</p>	<p>Written or other evidence of fee payment, mitigation agreement or other compliance in accordance with state law</p> <p>Plan Check (evidence of fee payment, mitigation agreement or other compliance in accordance with state law)</p>	<p>Ongoing</p> <p>Prior to Issuance of Building Permit</p>	<p>Community Development Director</p> <p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>requirements established in SB 50. The amount of fees or special taxes to be paid or land and improvements to be provided will be determined based on the established state formula for determining construction costs.</p> <p>PS-S-3. Construction Activity Notification. To reduce potential safety hazards during construction, the City shall require developer notification to Chino Valley Unified School District of pending construction activity adjacent or near operating schools. Evidence of notification shall be provided to the City prior to issuance of grading and building permits for projects within any Master Plan, Tentative Map or Site Plan inclusive of, or immediately adjacent to, an operating school site.</p>	<p>Plan Check (evidence of Notification)</p>	<p>Prior to Issuance of Grading and Building Permits</p>	<p>Community Development Director</p>
<p>5.11.2 Policy Protection</p>	<p>PS-P-1. Police Services Impact Fees. Police impact fees shall be paid to cover capital costs associated with the creation of additional facilities and improvements to service The Preserve area. The City of Chino may allow credit toward impact fees for any police facilities constructed by the developer.</p>	<p>Plan Check (evidence of fee payment or other compliance)</p>	<p>Prior to Issuance of Building Permit</p>	<p>Community Development Director</p>
<p>5.11.3 Fire Service & Emergency Medical Service</p>	<p>PS-F-1. Fire Service Impact Fees. Developer impact fees shall be paid to contribute to the cost of new fire facilities, apparatus, and equipment to offset the increase in fire services</p>	<p>Plan Check (evidence of fee payment or other compliance)</p>	<p>Prior to Issuance of Building Permit</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>demand created by the project.</p> <p>PS-F-2. Fire Station. The City of Chino shall coordinate with the Fire District to assure construction of a new fire station site to serve the proposed project. The fire station shall be constructed and ready for Fire District occupancy prior to the issuance of the 1,350th building permit for the proposed project. The station location may either be within the project site or at Chino Airport, subject to agreement by San Bernardino County Department of Airports. The station shall be adequately attenuated from noise effects of airport operations.</p> <p>PS-F-3. Fire Protection Requirements. Prior to construction, the developer shall contact the Fire District for verification of current fire protection development requirements. All new construction shall comply with all applicable statutes, codes, ordinances, and/or Fire District standards.</p> <p>PS-F-4. Water Lines. Water lines within the project site shall be designed to meet the fire requirements.</p> <p>PS-F-5. Fire Hydrants. Fire hydrants shall be designed and placement specified by the Fire District at the time water lines to the project</p>	<p>Plan Check (and Evidence of Compliance from CVIFD)</p> <p>Plan Check</p> <p>Plan Check</p> <p>Development Application Review and Plan Check</p>	<p>Prior to Issuance of the 1,350th Building Permit</p> <p>Prior to Issuance of Grading Permit</p> <p>Prior to Issuance of Grading Permit</p> <p>Prior to Issuance of Grading Permit</p>	<p>Community Development Director</p> <p>Community Development Director and Fire Division Chief (CVIFD)</p> <p>City Engineer and Fire Division Chief (CVIFD)</p> <p>City Engineer and Fire Division Chief (CVIFD)</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>area are built or as a condition of development project approval.</p> <p>PS-F-6. Wild Land Fire Protection Services. Upon annexation of the plan area, the City will be responsible for payment of services to the State Department of Forestry & Fire Protection in conformance with rules and standards for wild land fire areas still receiving State protection.</p>	<p>Written Evidence of Fire Protection Service from (SDFFP or CVIFD)</p>	<p>Upon Annexation of State Responsibility Area (SRA)</p>	<p>Community Development Director</p>
<p>5.11.4 Library Services</p>	<p>PS-L-1. Library Facilities. The proposed project should address the need for additional library facilities and library services, and provide space or funding for library construction. The construction of a joint use library shared by the County of San Bernardino and Chino Valley Unified School District may be an appropriate option.</p> <p>PS-L-2. Library Impact Fees. Project developers should contribute impact fees either toward expansion of existing library facilities or construction of new facilities, if such fees or requirements are adopted for general application by the County.</p>	<p>Ongoing review of Development Applications and coordination with County of San Bernardino (libraries) and the Chino Valley Unified School District</p> <p>Plan Check (subject to adopted City or County Fee requirement)</p>	<p>Ongoing</p> <p>Prior to Issuance of Building Permit (if a fee is adopted)</p>	<p>Community Services Director</p> <p>Community Development Director</p>
<p>5.11.5 Parks and Recreation</p>	<p>PS-PR-1. City Park Requirements. As Per the City of Chino, every residential developer or person who develops land for residential purposes shall dedicate a portion of such land,</p>	<p>Development Application Review and Plan Check</p>	<p>Prior to Issuance of Building Permit (fees or dedication)</p>	<p>Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>pay a fee, or a combination of both at the option of the city for the purpose of providing park and recreational facilities at the time and according to City standards outlined in Chapter 18.04, "Land Dedication Requirements Generally."</p> <p>PS-PR-2. Prado Regional Park. The City of Chino will coordinate with San Bernardino County to assure that traffic, access control and safety needs of Prado Regional Park are met, and that the impacts of implementation of the proposed project on Prado Regional Park facilities are minimized to the extent practical. A Traffic and Access Control plan may be a component of this collaboration. The City will also assure through subsequent development reviews, that project-related drainage does not adversely affect the park and Prado Lake.</p>	<p>Development Application Review and Plan Check</p>	<p>Ongoing</p>	<p>Community Development Director</p>
<p>5.12.1 Water Supply</p>	<p>U-W-1. Water Supply Availability. Consistent with SB 221, subsequent development projects within the plan area shall be reviewed by the City to confirm the availability of sufficient water supplies to meet project water needs.</p> <p>U-W-2. Urban Water Management Plan. Consistent with requirements of AB 2838, the City shall periodically review and update its urban water management plan to ensure that</p>	<p>Plan Check</p> <p>Verification per Requirements of AB 2838</p>	<p>Tentative Map</p> <p>Periodically (or per AB 2838 Requirements)</p>	<p>City Engineer</p> <p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
	<p>adequate water supplies and facilities are available to meet future growth.</p> <p>U-W-3. Groundwater Replenishment. Subsequent development projects should be designed to incorporate features that encourage and promote groundwater replenishment.</p> <p>U-W-4. Onsite Retention. Retention of precipitation and runoff on-site should be encouraged in development designs where appropriate.</p> <p>U-W-5. Water Conservation Techniques. The City shall continue to support efforts to develop the water supply and to encourage water conservation. Water conservation techniques appropriate for new and existing development include:</p> <ul style="list-style-type: none"> • Installing flow restrictors in showers. • Repairing leaky water fixtures. • Promoting drought resistant low maintenance vegetation. <p>U-W-6. Wastewater Re-use. The City shall coordinate its efforts with the IEUA to expand the re-use of wastewater for such uses as the irrigation of parkways, golf courses, landscaped areas, and parks, and, if feasible, for industrial processes.</p>	<p>Development Application Review and Plan Check</p> <p>Development Application Review and Plan Check</p> <p>Plan Check</p> <p>Urban Water Management Plan review</p>	<p>Prior to Issuance of Grading Permit</p> <p>Prior to Issuance of Grading Permit</p> <p>Prior to Issuance of Building Permits</p> <p>Periodically (or per AB 2838 Requirements)</p>	<p>City Engineer</p> <p>City Engineer</p> <p>Community Development Department</p> <p>City Engineer</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
5.12.2 Wastewater	U-WW-1. Compliance with Sewer Master Plan. The City shall assure that required backbone sewer lines, or an equivalent system recommended by the City Engineer are implemented pursuant to the Sewer Master Plan.	Development Application Review and Plan Check	Prior to Issuance of Grading Permit	City Engineer
	U-WW-2. Sewer Impact Fees. Developers shall pay required sewage facilities development fees and system collection fees to cover City costs to construct master planned sewer mains.	Plan Check	Prior to Issuance of Building Permit	Community Development Director
5.12.3 Electricity	U-E-1. Energy Efficient Lighting. Energy efficient lighting and natural lighting should be encouraged and utilized where practical.	Plan Check	Prior to Issuance of Building Permit	Community Development Director
5.12.4 Natural Gas	[No Mitigation Measures are necessary.]			
5.12.5 Waste Management	U-SW-1. Waste Container Storage Space. Future developments should be reviewed by the City for the provision of outside building space to accommodate the storage of large waste containers (e.g. 3 containers of 96-gallons). This system reduces waste production by encouraging recycling of material.	Development Application Review and Plan Check	Prior to Issuance of Building Permit	Community Development Director
5.12.6 Telecommunication	[No Mitigation Measures are necessary.]			

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
<p>5.13 Cultural Resources</p>	<p>CR-1. Archaeological Survey and Mitigation Report. Phase 1 field surveys (surface survey and collection) by a certified archaeologist should be conducted prior to all earth disturbing activities within the plan area. Existing natural open space, agricultural open space and dairy sites are included in this survey requirement. Excluded would be heavily disturbed areas, lagoons and detention ponds, and paved areas. The archaeologist will identify all prehistoric and historic resources observed during the field survey, complete a preliminary evaluation of the resources, and recommend appropriate measures for the disposition and treatment of significant resources. A technical report shall be prepared including discussion of cultural site significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates. Excavated finds shall be offered to the City of Chino, or its designee on a first refusal basis. Final mitigation shall be carried out based upon the report recommendations and a determination as to site disposition by the City. Possible determinations include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary.</p>	<p>Development Application Review</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Archaeologist and Community Development Director</p>

**CHINO SUBAREA 2 ('THE PRESERVE')
MITIGATION MONITORING PROGRAM (Cont.)**

EIR Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Party
5.15 General Plan Consistency	[No Mitigation Measures are necessary.]			

**ATTACHMENT TO MITIGATION MONITORING PROGRAM
CHINO SUBAREA 2 RESOURCE MANAGEMENT PLAN CHECKLISTS**

**TABLE 4-2
ZONING AND LAND USE REGULATIONS CHECKLIST**

<input type="checkbox"/> Verify location of proposed use, improvement or activity within Specific Plan designated Open Space.
<input type="checkbox"/> Confirm proposed use as allowable open space use under Specific Plan and Section 20.11.030 of the Zoning Ordinance (see Appendix E).
<input type="checkbox"/> Verify jurisdictional authority of other public agencies, if any (i.e., USACE, San Bernardino County, etc.).
<input type="checkbox"/> Confirm compliance with Biological Study submittal requirements (EIR Mitigation Measure B-2 and RMP Table 4-3 Checklist).
<input type="checkbox"/> Identify location and proximity of proposed Open Space use, improvement or activity with respect to identified sensitive habitat areas. Sensitive habitat areas include, but may not be limited to the following: <ul style="list-style-type: none"> - High Sensitivity Areas identified in Program EIR Exhibit 5.4-2; - Least bell's vireo (LBV) Critical Habitat (below elevation of 543 feet); - Habitat of other federal- or State-listed Endangered and Threatened Species; - Riparian Woodland; - Conservation Areas(s) designated in the RMP; and - Burrowing owl relocation areas established pursuant to the RMP. Proposed improvements or the location of any land uses proposed to be changed from their current use shall be designed to avoid and/or minimize impacts to these areas.
<input type="checkbox"/> Verify location of proposed use with respect to Specific Plan Dam Inundation Overlay (DIO) and notify U.S. Army Corps of Engineers if included within DIO.
<input type="checkbox"/> Review proposed use, improvement or activity for compliance with applicable requirements of USACE, RWQCB and CDFG for Section 404 Clean Water Act permits and streambed alteration agreements.
<input type="checkbox"/> Review location of proposed use with respect to current ownership map and assessor's parcel information for OS designated areas below the 566-foot line; identify any additional agency and landowner notification requirements.
<input type="checkbox"/> Review proposed use, improvement or activity for conformance with other RMP checklist requirements and criteria.
<input type="checkbox"/> Review proposed use, improvement or activity status with respect to CEQA compliance; complete Environmental Checklist as necessary, and identify additional documentation requirements, if any.
<input type="checkbox"/> Evaluate need for special design requirements and/or setbacks for Open Space uses, improvements or activities proposed in proximity to identified sensitive habitat areas (e.g., within 100 feet).
<input type="checkbox"/> Prepare and adopt CEQA findings, as necessary.
<input type="checkbox"/> Process required City approvals and issue permit(s).

**TABLE 4-3
REQUIRED BIOLOGICAL SURVEYS CHECKLIST**

<input type="checkbox"/> Conduct a biological survey of the project site and document habitat present, including surface waters and windrows.												
<input type="checkbox"/> Determine potential for sensitive species to occur, including but not limited to: <ul style="list-style-type: none"> - Least Bell's vireo; - Southwestern willow flycatcher; - Yellow-billed cuckoo; and - Burrowing owls, raptors, and migratory birds and waterfowl. 												
<input type="checkbox"/> Determine potential for impacts to Waters of the U.S. or Waters of the State.												
<input type="checkbox"/> Subcontract with a USFWS and/or CDFG permitted biologist qualified to perform any needed survey(s), if required.												
<input type="checkbox"/> Conduct needed focused surveys during the following timeframes: <table style="margin-left: 40px; border: none;"> <tr> <td>Least Bell's vireo</td> <td>April 10 – July 31</td> </tr> <tr> <td>Southwestern willow flycatcher</td> <td>May 5 – July 10</td> </tr> <tr> <td>Yellow-billed cuckoo</td> <td>May 5 – July 10</td> </tr> <tr> <td>Burrowing owl</td> <td>December 1 – January 31 or April 15 – July 15</td> </tr> <tr> <td>Raptors</td> <td>February 1 – August 31</td> </tr> <tr> <td>Migratory birds and waterfowl</td> <td>February 1 – August 31</td> </tr> </table>	Least Bell's vireo	April 10 – July 31	Southwestern willow flycatcher	May 5 – July 10	Yellow-billed cuckoo	May 5 – July 10	Burrowing owl	December 1 – January 31 or April 15 – July 15	Raptors	February 1 – August 31	Migratory birds and waterfowl	February 1 – August 31
Least Bell's vireo	April 10 – July 31											
Southwestern willow flycatcher	May 5 – July 10											
Yellow-billed cuckoo	May 5 – July 10											
Burrowing owl	December 1 – January 31 or April 15 – July 15											
Raptors	February 1 – August 31											
Migratory birds and waterfowl	February 1 – August 31											
<input type="checkbox"/> Conduct Jurisdictional Delineation on all potential Waters of the U.S. or Waters of the State, if needed.												
<input type="checkbox"/> Determine if impacts to non-jurisdictional surface water and/or windrows on a project site require mitigation.												
<input type="checkbox"/> Review potential impacts and recommended mitigation against conservation measures initiated in compliance with the RMP.												
<input type="checkbox"/> Evaluate need for additional mitigation measures beyond those already initiated under the RMP.												
<input type="checkbox"/> Prepare and submit technical reports for all biological surveys to the City as part of the application review process.												
<input type="checkbox"/> Acquire any needed take permits under the Federal Endangered Species Act and the California Endangered Species Act.												
<input type="checkbox"/> If Waters of the U.S. are present, coordinate with USACE regarding need for Nationwide Permit.												
<input type="checkbox"/> If Waters of the State are present, obtain a Streambed Alteration Agreement from CDFG.												
<input type="checkbox"/> Prepare and adopt CEQA findings, as necessary.												
<input type="checkbox"/> Process required City approvals and issue permit(s).												

**TABLE 4-4
CONSERVATION AREA CHECKLIST**

<p><input type="checkbox"/> Identify large, contiguous parcels of land within the Prado Basin meeting one or more of the following criteria:</p> <ul style="list-style-type: none"> - Agricultural land or natural open space with short, native, or non-native grassland; - Site supporting native habitats such as riparian woodlands and oak woodlands; - Proximity to wildlife corridors; - Connectivity to regional open space; - Availability of the land for conservation purposes; and - Preference to feasible onsite areas within the 566-foot flood inundation area.
<p><input type="checkbox"/> Retain a biologist experienced with conservation ecology to conduct a general biological inventory of potential sites with emphasis on assessing the suitability to serve as a conservation site for foraging and nesting raptors and migratory bird and waterfowl species and to support regional wildlife movement.</p>
<p><input type="checkbox"/> The biologist will prepare a technical report documenting his findings, evaluation, and recommendations on whether a property could serve as a Conservation Area based on the above criteria.</p>
<p><input type="checkbox"/> Submit the biological report to the City of Chino for review and concurrence.</p>
<p><input type="checkbox"/> Once an appropriate site is identified, the City will retain a conservation biologist to prepare implementing procedures specific to that site. Procedures will address all issues needed to ensure the site is permanently conserved and provides all necessary elements for supporting foraging or nesting raptors, migratory birds and waterfowl, and/or regional wildlife movement. Issues to be addressed should include:</p> <ul style="list-style-type: none"> - Site description, such as location, physical features, and biological habitats; - Species presence; - Potential for site to support foraging or nesting raptor species, migratory birds, and/or regional wildlife movement; - Establish a biological monitoring program to document wildlife use of the site; and - Reporting requirements.
<p><input type="checkbox"/> Work with an existing agency or conservancy to establish a management program for the long-term management and maintenance of the Conservation Area.</p>

**TABLE 4-5
ENHANCEMENT/RESTORATION CHECKLIST**

<p><input type="checkbox"/> Once a conservation site has been identified, the City will retain a biologist/restoration specialist to inspect the site and prepare Enhancement/Restoration recommendations specific to that site. Recommendations will address all improvements needed to a candidate site to ensure the site provides good quality habitat for both short-term and long-term occupation by burrowing owls, raptors, migratory birds, and other wildlife species as appropriate. Issues to be considered include:</p> <ul style="list-style-type: none"> - A weed removal program and replanting of native vegetation to create high-quality raptor foraging, burrowing owl nesting and foraging, and migrating bird habitats; - Installation and maintenance of twenty (20) artificial burrowing owl nesting sites, if appropriate, to mitigate for the loss of burrowing owl habitat. Nesting sites will be located and designed to facilitate use by burrowing owls; and - Planting stands of trees within the proposed Conservation Areas to mitigate for the loss of raptor nesting/foraging habitat.
<p><input type="checkbox"/> Contract with a restoration, landscaping, or planting services company to implement needed Enhancement/Restoration efforts.</p>
<p><input type="checkbox"/> The biologist/restoration specialist will monitor the installation of improvements for compliance with the Implementation Plan.</p>
<p><input type="checkbox"/> Prepare an annual report for the first 5 years to document the successful implementation of the Enhancement/Restoration efforts.</p>

**TABLE 4-6
BURROWING OWL MITIGATION CHECKLIST**

<p><input type="checkbox"/> A general biological and any required focus surveys for each development application shall determine if burrowing owls are nesting on the development site (see Section 4.3.2, Required Biological Surveys).</p>
<p><input type="checkbox"/> If surveys confirm that the site is occupied by burrowing owls, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat should be incorporated into subsequent, project-level CEQA documents as enforceable conditions. Projects and situations vary and mitigation measures should be adapted to fit specific circumstances.</p>
<p><input type="checkbox"/> For sites occupied by burrowing owl, a report for the development project should be prepared for the City of Chino. The report should include the following information:</p> <ul style="list-style-type: none"> - Date and time of visit(s) including name of the qualified biologist conducting surveys, weather and visibility conditions, and survey methodology; - Description of the site including location, size, topography, vegetation communities, and animals observed during visit(s); - Maps and photographs of the site; - Results of focused surveys for burrowing owls, including a map showing the location of all burrow(s) (natural or artificial) and owl(s), as well as the numbers at each burrow, if present, and tracks, feathers, pellets, or other items (e.g., prey remains, animal scat); - Behavior of owls during the surveys; and - Any historical information (Natural Diversity Database, Department region files/Breeding Bird Survey data, American Birds records, Audubon Society, local bird club, other biologists, etc.) regarding the presence of burrowing owls on the site.
<p><input type="checkbox"/> If avoidance is feasible⁽¹⁾, then no disturbance should occur within 50 meters (approximately 160 feet) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31.</p>
<p><input type="checkbox"/> If avoidance is not feasible, passive relocation shall be employed; owls should be excluded from burrows in the immediate impact zone and within a 50-meter (approximately 160-foot) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to ensure owls have left the burrow before excavation. Two natural or artificial burrows should be provided in the Conservation Area or within a City-approved Candidate Relocation Area for each occupied burrow that will be rendered biologically unsuitable by a given development project. The affected portion of the project site should be <i>monitored daily for one week</i> to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.</p>
<p><input type="checkbox"/> Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p>
<p><input type="checkbox"/> Pre-construction surveys of suitable habitat at the project site(s) and buffer zone(s) should be conducted within the 30 days prior to construction to ensure no additional burrowing owls have established territories since the initial surveys. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site should be resurveyed.</p>
<p><input type="checkbox"/> When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 within the Conservation Area or a Candidate Relocation Area. One example of an artificial burrow design is provided in Exhibit 9.</p>
<p>Note: ⁽¹⁾ For the purposes of this Section "feasible" refers to location of nests in open space or other areas not proposed for development or other invasive use.</p>

**TABLE 4-7
SURFACE WATERS CHECKLIST**

<input type="checkbox"/> All development applications will include in the general biological survey conducted for a proposed project, a review of surface waters on the project site.
<input type="checkbox"/> If it is determined that jurisdictional waters (Waters of the U.S. or Waters of the State) may be present, a jurisdictional delineation must be conducted and submitted to the City for review.
<input type="checkbox"/> If any impacts to jurisdictional waters are identified based on the jurisdictional delineation and proposed project design, the appropriate wetland permits will be acquired including a wetlands permit under Section 404 of the Clean Water Act and a Streambed Alteration Agreement under CDFG code.

**TABLE 4-8
WINDROW CHECKLIST**

<input type="checkbox"/> All development applications will include, in the general biological survey conducted for a proposed project, a discussion of existing windrows on the project site.
<input type="checkbox"/> If windrows are present, a tree replacement program for all trees slated for removal for the project site must be submitted to the City for review and approved by a certified arborist in consultation with an ornithologist specializing in raptor biology. The program will include post-planting monitoring requirements, including germination/survival rates and expected growth rates of trees over a 5-year period.
<input type="checkbox"/> Completion of a nesting bird survey prior to tree removal, if tree will be removed during the breeding season (February 1 through August 31).
<input type="checkbox"/> Removal of trees outside the nesting season (February 1 through August 31) if birds are determined to be nesting in trees slated for removal.
<input type="checkbox"/> Submittal to the City of annual reports for a 5-year period documenting germination/survival rates and growth rates for all newly planted trees. Recommended germination/survival rates and growth rates will be approved by the City as part of their review and approval of a tree replacement program for a project.