Memorandum

To: CHAIR AND COMMISSIONERS CTC Meeting: August 14-15, 2019

From: SUSAN BRANSEN, Executive Director

Reference Number: 2.2c.(7), Action

Prepared By: Jose Oseguera

Assistant Deputy Director

Published Date: August 2, 2019

Subject: Approval of Project for Future Consideration of Funding – Final Environmental Impact Report, Addendum, and Statement of Overriding Considerations for the Haynes, Vista Grande and Oaks Schools Project (Resolution E-19-80)

<u>lssue:</u>

Should the California Transportation Commission (Commission), as a Responsible Agency, accept the Final Environmental Impact Report, Addendum, and Statement of Overriding Considerations for the Haynes, Vista Grande and Oaks Schools Project (Project) in San Bernardino County and approve the Project for future consideration of funding?

Recommendation:

Staff recommends the Commission accept the Final Environmental Impact Report, Addendum, and Statement of Overriding Considerations and approve the Project for future consideration of funding.

Background:

The City of Ontario (City) is the California Environmental Quality Act lead agency for the Project. The Project will construct a total of 16,150-linear feet of sidewalks, 189 new or replacement handicap ramps, 14 truncated domes on existing ramps, 85 street lights, and other improvements to encourage children to walk to school. The Project is located in the area bounded by Mission Boulevard on the north, Euclid Avenue (State Route 83) on the east, State Route 60 on the south, and Benson Avenue on the west in the City of Ontario, San Bernardino County.

On January 27, 2010, the Ontario City Council adopted the Final Environmental Impact Report, including the Statement of Overriding Considerations. The Final Environmental Impact Report determined that the impacts related to agriculture, air

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quality, cultural resources, global climate change, noise, and transportation would be significant and unavoidable.

The Ontario City Council found that there were several benefits that outweigh the unavoidable adverse impact of the project. These overriding benefits include economic, legal, social, and technological considerations that outweigh the identified significant effects on the environment. The benefits allow the City of Ontario to reach regional sustainable growth goals that focus on linking land use with transportation and economic development. Specifically, the Project:

- Implements the Southern California Regional Association of Government's Compass Blueprint 2% Strategy.
- Improves the jobs-to-housing balance in the San Bernardino Association of Government's subregion.
- Encourages smart growth principles in the Interstate 10 Corridor and in the New Model Colony.
- Represents a guiding framework that unites the Old Model Colony and the New Model Colony.
- Fulfills the Ontario Plan principles to improve quality of life and the physical environment.

On April 15, 2019, the City of Ontario Development Advisory Board approved an Addendum to accommodate bicycle and pedestrian facilities.

On July 9, 2019, the City confirmed that the Final Environmental Impact Report remains valid and that there are no new identified impacts requiring mitigation. The City also confirmed that the preferred alternative set forth in the final environmental document is consistent with the Project scope of work programmed by the Commission.

The Project is estimated to cost \$6,998,010 and is fully funded with Active Transportation Program Funds (\$5,764,000), Sales Tax Measure (\$681,233), and Local Funds (\$552,777).

Construction is estimated to begin in Fiscal Year 2020-21.

Attachments:

- Attachment A: Resolution E-19-80
- Attachment B: Statement of Overriding Considerations
- Attachment C: Notice of Determination
- Attachment D: Project Location Map

CALIFORNIA TRANSPORTATION COMMISSION Resolution for Future Consideration of Funding

8 – San Bernardino County Resolution E-19-80

- 1.1 WHEREAS, the City of Ontario (City) has completed a Final Environmental Impact Report, Addendum, and Statement of Overriding Considerations pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the Haynes, Vista Grande and Oaks Project (Project) in San Bernardino County; and
- 1.2 WHEREAS, the City has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the CEQA Guidelines; and
- 1.3 WHEREAS, the Project is located in the area bounded by Mission Boulevard on the north, Euclid Avenue (State Route 83) on the east, State Route 60 on the south, and Benson Avenue on the west in the City of Ontario, San Bernardino County; and
- 1.4 WHEREAS, the Project will construct a total of 16,150-linear feet of sidewalks, 189 new or replacement handicap ramps, 14 truncated domes on existing ramps, 85 street lights, and other improvements to encourage children to walk to school; and
- 1.5 WHEREAS, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report, including an Addendum; and
- 1.6 WHEREAS, on July 27, 2010, the Ontario City Council adopted the Final Environmental Impact Report; and
- 1.7 WHEREAS, the Ontario City Council determined that impacts related to agriculture, air quality, cultural resources, global climate change, noise, and transportation would be significant and unavoidable; and
- 1.8 WHEREAS, on April 15, 2019, the City of Ontario Development Advisory Board adopted an Addendum; and
- 1.9 WHEREAS, on July 9, 2019, the City confirmed that the Final Environmental Impact Report, including the Addendum, remains valid and that there are no new identified impacts requiring mitigation since adoption; and
- 1.10 WHEREAS, on July 9, 2019, the City also confirmed that the preferred alternative set forth in the final environmental document is consistent with the project scope of work programmed by the Commission; and
- 1.11 WHEREAS, the City adopted a Statement of Overriding Considerations for the Project finding that the Project benefits outweigh the unavoidable adverse environmental impacts; and
- 1.12 WHEREAS, the above-referenced significant effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations; and

- 1.13 WHEREAS, the Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report, Addendum, and the Statement of Overriding Considerations.
- 2.1 NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby accept the Final Environmental Impact Report, Addendum, and Statement of Overriding Considerations for the above-referenced Project to allow for future consideration of funding.

Ability to Attain Project Objectives

Although the 15 Percent GHG Reduction Alternative meets some of the objectives established for the project and eliminates the local GHG emissions impact, this Alternative would result in local GHG reduction benefits at the expense of regional GHG reduction benefits. Furthermore, basic project objectives relating to the development of new residential, commercial and industrial neighborhoods, thereby resulting in an improved jobs-to-housing balance and the provision of employment opportunities and new mixed-use centers, would not be met, among others. The City of Ontario is a major participant in SCAG's Compass Blueprint program. The City is a major destination for many of the region's in habitants, and three major inhabitants transportation routes (I-10, I-15, and SR-60), two major rail lines, and one major airport (Los Angeles/Ontario International Airport [LAONT]) lie within the City's boundaries. SCAG projects the City to accommodate a large portion of employment (nonresidential square footage) in order to reduce commute travel within the San Bernardino County subregion. In addition, development of housing closer to these employment centers furthers SCAG's regional goals as the NMC area is within the Strategic Growth Area identified by SCAG, reducing the need to develop at the urban fringe. Therefore, this alternative would not advance California's goal of developing and fostering sustainable communities that reduce GHG emissions, as population and employment within the San Bernardino County subregion would need to be accommodated elsewhere.

Finding: The 15 Percent GHG Reduction Alternative is the "non-No Project" Environmentally Superior Alternative. However, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the final EIR (Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3)). Furthermore, this alternative would not meet several of the project objectives. On this bases, each of which is considered to be adequate to support this finding, the City Council rejects this alternative.

Facts In Support of Finding: As discussed above, the 15 Percent GHG Reduction Alternative is less than desirable because it does not eliminate significant and unavoidable impacts related to air quality, noise, and the cumulative traffic and transportation impacts related to the LOS on freeway segments. Also, this alternative would not meet many of the project objectives as this alternative would not foster sustainable communities that reduce GHG emissions, as population and employment within the San Bernardino County subregion would need to be accommodated elsewhere.

STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project under consideration. If the benefits of the project outwelgh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). However, CEQA requires the agency to explain, in writing, the specific reasons for considering a project acceptable when significant impacts are Infeasible to mitigate. Such reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record (State CEQA Guidelines Section 15093 [b]). The agency's statement is referred to as a "Statement of Overriding Considerations."

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The following adverse impacts of the project are considered significant and unavoidable based on the Final EIR and the findings discussed in Sections 2.0 and 3.0 of this document.

Agricultural – Farmland Impacts. Buildout of The Ontario Plan would convert 3,269.3 acres of California Resource Agency–designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to residential, commercial, mixed-use, and industrial land uses.

The Ontario Plan CEQA Findings of Facts and Statement of Overriding Considerations

Agricultural – Williamson Act Contracts. There are a number of Williamson Act contracts in the City that have yet to expire. Buildout of The Ontario Plan would most likely require the cancellation or nonrenewal of these contracts. The current use of these contracts would slow the rate of conversion from agricultural to nonagricultural land but it would not stop the conversion. Since there are some Williamson Act contracts still active in the New Model Colony, implementation of the Proposed Land Use Plan for The Ontario Plan would conflict with these contracts and cause a significant impact.

Agricultural – Conversion of Agricultural Land to Nonagricultural Use. Development of the City in accordance with The Ontario Plan would increase the amount of nonagricultural land uses. When nonagricultural land uses are placed near agricultural uses, the odors, noises, and other hazards related to agriculture conflict with the activities and the quality of life of the people living and working in the surrounding areas. Consequently, conversion of agricultural uses in the City may cause farms and agricultural land uses outside the City to be converted to nonagricultural uses because of the nuisances related to agriculture.

Air Quality – Consistency with the AQMP. The project would not be consistent with the air quality management plan (AQMP) because air pollutant emissions associated with buildout of the City of Ontario would cumulatively contribute to the nonattainment designations in the South Coast Air Basin (SoCAB). Furthermore, buildout of the Proposed Land Use Plan would exceed current estimates of population, employment, and vehicle miles traveled for Ontario, and therefore these emissions are not included in the current regional emissions inventory for the SoCAB. The project would be considered inconsistent with the AQMP.

Air Quality – Construction-Related Impacts. Construction activities associated with buildout of The Ontario Plan would generate short-term emissions that exceed the South Coast Air Quality Management District's (SCAQMD) regional significance thresholds; cumulatively contribute to the South Coast Air Basin's nonattainment designations for O₃, PM₁₀, and PM_{2.5}; and potentially elevate concentrations of air pollutants at sensitive receptors.

Air Quality — Operational Phase Impacts. Buildout of The Ontario Plan would generate long-term emissions that would exceed SCAQMD'S regional significance thresholds and cumulatively contribute to the SoCAB nonattainment designations for O_3 , PM_{10} , and $P_{2.5}$.

Air Quality – Land Use Compatibility. Approval of residential and other sensitive land uses within 500 feet of I-10, I-15, or SR-60 would result in exposure of persons to substantial concentrations of diesel particulate matter.

Air Quality - Odor Impacts. Conversion of agricultural land to nonagricultural uses would temporarily expose residents to objectionable odors.

Cultural Resources – Historic Resources. Although protective regulations are in place and preservation policies are included in The Ontario Plan, implementation of the Proposed Land Use Plan, especially in growth focus areas, has the potential to impact Tier III historical resources. As a result, historical resources categorized under the ordinance as Tier III could potentially be impacted with implementation of the Proposed Land Use Plan.

Global Climate Change. Buildout of the City of Ontario would generate greenhouse gas emissions that would significantly contribute to global climate change impacts in California. GHG emissions generated in the City would significantly contribute to climate change impacts in California as a result of the growth in population and employment in the City and scale of development activity associated with buildout of the Proposed Land Use Plan.

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Noise - Transportation Noise Sources. Buildout of the Proposed Land Use Plan would result in an increase in traffic on local roadways in the City of Ontario, which would substantially increase noise levels.

Noise — Noise Compatibility. Noise-sensitive uses could be exposed to elevated noise levels from transportation sources. Any siting of new sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion would result in a potentially significant impact and would require a separate noise study through the development review process to determine the level of impacts and required mitigation.

Noise – **Construction-Related Vibration**. Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would expose sensitive uses to strong levels of groundborne vibration.

Noise – Construction-Related Noise. Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would substantially elevate noise levels in the vicinity of sensitive land uses.

Noise – Airport Compatibility. Noise-sensitive land uses within the 65 dBA CNEL contour of the Los Angeles/Ontario International Airport would be exposed to substantial levels of airport-related noise.

Transportation/Traffic – Regional Transportation Facilities. Buildout of the Proposed Land Use Plan would result in additional traffic volume that would significantly cumulatively contribute to main-line freeway segment impacts. The City's development impact fees cannot be used for improvements to roadway facilities under Caltrans jurisdiction.

CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The following section describes the benefits of the project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the FEIR has indicated that there will be significant project impacts that are infeasible to mitigate.

Implements the Objectives Established for the Project:

The following objectives have been established for The Ontario Plan and their implementation is deemed to be substantial benefits of the proposed project:

- Provide a comprehensive update to the City's General Plan that establishes the goals and
 policies that create a built environment and cultural setting that fosters the enjoyment, financial
 benefit, and well being of the entire community.
- Provide a streamlined, user-friendly, web-based General Plan that is easily accessible to the public.
- Designate the distribution, location, balance, and extent of land uses including residential, retail, employment, open space, and public uses.
- Link Ontario's community design goals to a broader context that includes economic development, land use, housing, community health, infrastructure, and transportation.

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- Improve the balance between jobs and housing within the San Bernardino County Association of Governments subregion to reduce vehicle miles traveled and associated air quality impacts consistent with regional jobs/housing balance policies.
- Provide employment and housing opportunities for the San Bernardino County Association of Governments subregion consistent with the goals of the Southern California Association of Government's Compass Blueprint Program.
- Provide for high-intensity mixed-use urban centers along the Interstate 10 corridor and within the New Model Colony that reduce vehicle trips and incorporate smart growth principles.
- Foster the development of pedestrian and transit-oriented environments that create lively, appealing and safe pedestrian areas, active during both daytime and evening hours.
- Maintain Ontario's distinct neighborhoods and districts to foster a positive sense of identity and belonging among residents and businesses.
- Establish a framework for using and managing the City's natural resources sustainably.
- Provide for the security and safe transportation of goods and hazardous materials and maintain disaster preparedness, and response and recovery systems to reduce loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation.
- Correlate the mobility system with the future land use patterns and buildout levels of Ontario and with other transportation planning efforts by local, state, and federal authorities.
- Address a range of mobility options in Ontario, including vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

Regional Benefits

The proposed project would have the following substantial regional benefits:

Implements the Southern California Regional Association of Government's Compass Blueprint 2% Strategy

Compass Blueprint 2% Strategy was adopted in 2004 to help cities in Southern California reach regional sustainable growth goals that focus on linking land use with transportation and economic development. The strategy serves as a guide to implement the Growth Vision for Southern California with modest changes to land use patterns and transportation trends on 2 percent of the region's land. The strategy aims to improve regional mobility, livability, prosperity, and sustainability for local neighborhoods and residents.

By making the Proposed Land Use Plan consistent with the goals of the Compass Blueprint 2% Strategy, The Ontario Plan would help to reduce air pollutant (criteria and greenhouse gas) emissions and increase mobility through strategic land use changes. The City of Ontario has been an active participant in the Compass Blueprint 2% Strategy, and Ontario is the cornerstone of SCAG's strategy to reduce vehicle mile traveled (VMT) and vehicle emissions in the San Bernardino County subregion. The Proposed Land Use Plan would allow Ontario to meet the goals of the Compass Blueprint 2% Strategy by (1) improving the jobs/housing ratio for the San Bernardino Association of Governments (SANBAG) subregion by placing job opportunities and mobility options in the southwest portion of the NMC and (2) increasing development density along the I-10 corridor between Ontario and San Bernardino, focused on the

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"Meredith Property," which is surrounded by 4th Street to the north, Archibald Avenue to the east, I-10 to the south, and Vineyard Avenue to the west. Both of these projects increase the accessibility between residential areas and transportation hubs, thereby reducing air quality, global climate change, traffic, and noise impacts.

Improves the Jobs-to-Housing Balance in the SANBAG Subregion

The buildout scenario of the Ontario Plan would bring 330,023 jobs to the City, increasing the jobs-to-housing ratio of the SANBAG subregion from 1.29 to 1.42. According to SCAG, the ideal jobs-to-housing ratios is around 1.36. A job-to-housing ratio of 1.42 is more desirable for the region because it will bring a more balanced distribution of housing and employment opportunities in the area. More employment opportunities in the SANBAG region would reduce the need for people to travel to Los Angeles and Orange counties to work. This helps create a more sustainable economy in the SANBAG region and reduce total VMT of the region, which improves air quality and reduces GHG emissions.

Local Benefits

The proposed project would have the following substantial local benefits:

Encourages Smart Growth Principles in the I-10 Corridor and in the New Model Colony

Smart growth uses compact, infill development to create a better sense of community, reduce urban sprawl, and establish a vital economy. There are several areas to be proposed for mixed-use development in Ontario under The Ontario Plan. Most notably are the mixed-use areas along the I-10 corridor between I-215 and Vineyard Ave and the mixed-use centers in the NMC. The mixed-use category is not included in the current general plan and it would offer the opportunity to build areas that accommodate a horizontal and/or vertical mixture of retail, service, office, restaurant, entertainment, cultural, and residential uses. This blend of land uses supports smart growth principles such as creating a better sense of place; allowing for more compact development where needed; and bringing residential, commercial, and employment land uses closer to each other to reduce the need of excessive traveling. The mixed-use corridors along the I-10 corridor would work to improve regional and local transportation opportunities that would connect light rail, potential high speed rail, and the freeway network with. They would also include hospitality, office, and cultural and entertainment land uses to attract visitors to Ontario and to strengthen a community identity for local residents.

The areas of mixed use in the NMC would be town centers in the southwestern portion of the NMC, consisting of a mix of residential, office, retail, and entertainment uses. Incorporating a mix of uses within the City would reduce local VMT in the City, which improves air quality and reduces community-wide GHG emissions.

Represents a Guiding Framework that Unites the Old Model Colony and the New Model Colony

Even without the implementation of The Ontario Plan, between 2010 and 2025, SCAG projects population growth in the SANBAG subregion to increase from 187,060 to 277,799. This 48.5 percent increase will require urban development to accommodate housing, employment, and public service needs. Development in Ontario is inevitable. The Ontario Plan would shape development and create compatibility between the NMC and OMC. Without a comprehensive guiding framework of planning principles to outline development between the developed northern half and undeveloped southern half of Ontario, development would occur in the area without consistent goals. The Ontario Plan would help maintain balanced land uses, the phasing of development to ensure appropriate timing and placement of utilities and services, and create a stronger sense of community than would occur without this type of planning document.

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However, The Ontario Plan is more than just a policy and land use plan; It has components that are meant to guide government and community interaction and maintain the future sustainability of the economic, physical, and social development goals. These documents and programs include The Ontario Vision, The Governance Manual, City Council Priorities, the Policy Plan, an implementation program, and tracking and feedback. Through the continual upkeep of The Ontario Plan, development throughout all of Ontario would be comprehensive and unified.

The Ontario Plan Principles Work to Improve Quality of Life and the Physical Environment

Although development in Ontario would have significant impacts on the environment (such as those on agricultural resources, air quality, cultural resources, global climate change, noise, and transportation), a number of the policles found in the Policy Plan would reduce these impacts on the environment and promote more environmentally sustainable development than would otherwise result in the development of Ontario. These types of policies include those that:

Promote efficient energy use (ER3-1 through ER3-6 and CD2-7)

Promote the wise use of water (ER1-1 through ER1-4)

Improve air quality (ER4-1 through ER4-9)

Preserve the Right-to-Farm (ER5-2)

Preserve historic resources (CD4-1 through CD4-7)

Manage the roadway network and encourage use of alternative transportation (M1-1 through M1-4, M2-1 through M2-4, M3-1 through M3-10, M4-1 through M4-6, M5-1, and M5-2)

Reduce greenhouse gas emissions (ER1-1 through ER1-5, ER2-1, ER2-3, ER3-1 through ER3-6, ER4-1 through ER4-9, CD2-2 through CD2-10, CD2-14, CD3-1 through CD3-4, CD3-6, CD3-7, CE1-1, CE1-12, LU1-1 through LU1-6, LU3-3, M1-1 through M1-4, M3-1 through M3-10, M4-1 through M4-4, M5-1, M5-2, SR2-5, H3-1, and H3-2)

Ensure noise compatibility for noise-sensitive uses (S4-1 through S4-5, LU5-1 through LU5-5, M4-1 through M4-5, and M5-2)

Improve pedestrian environments and create healthy, safe neighborhoods in Ontario (CD3-1 through CD3-7)

Promote place-making (CE2-1 through CE2-6)

Encourage the preservation of open space and critical habitats for endangered resources and natural communities (ER5-1)

CONCLUSION

For the abovementioned reasons, the City Council finds that implementation of The Ontario Plan would have environmental, economic, and social benefits that outweigh the unavoidable adverse environmental impacts of the physical development of the City. The Ontario Plan would help reach regional goals for land use, transportation, and economic stability; improve the jobs-to-housing ratio in the SANBAG subregion; encourage smart growth development along the I-10 corridor and in the NMC, require environmentally sustainable development; reduce regional VMT; and bring development in the OMC and

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NMC together through multiple collaborative documents. The City Council further finds that each of these project benefits discussed in this Statement of Overriding Considerations separately and independently outweigh all of the significant and unavoidable impacts of the proposed project and justify its approval despite the existence of such significant and unavoidable impacts.

NOTICE OF DETERMINATION

To: Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814 From: California Transportation Commission Attn: Jose Oseguera 1120 N Street, MS 52 Sacramento, CA 95814 (916) 653-2094

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Project Title: Haynes, Vista Grande	e and Oaks Schools Project	
2008101140	Melanie Mullis	(909) 395-2430
State Clearinghouse Number	Lead Agency Contact Person	Area Code/Telephone
	The project is located in the area bou te 83) on the east, State Route 60 on an Bernardino County.	
	ill construct a total of 16,150-linear fed Incated domes on existing ramps, 85 In to walk to school.	
project on	Fransportation Commission has appro	oved the above described
	the following determinations regarding	g the above described project:
 X An Environmental Impac CEQA. A Mitigated Negative DecEQA. 	Il not) have a significant effect on the ct Report was prepared for this project claration was prepared for this project	t pursuant to the provisions of pursuant to the provisions of
4. Mitigation reporting or monite5. A Statement of Overriding C	ere/were not) made a condition oring plan (<u>X</u> was / _was not) adoptonsiderations (<u>X</u> was /was ere not) made pursuant to the provision	nted for this project. not) adopted for this project.
The above identified document with to the General Public at: 303 East B	comments and responses and record Street, Ontario, CA 91764	l of project approval is available
SUSAN BRANSEN	Executive D California Tr	irector ansportation Commission
Signature (Public Agency)	Date Title	;
Date received for filing at OPR:		

Attachment D