city of RANCHO CUCAMONGA

10500 Civic Center Drive ✧ Rancho Cucamonga, CA 91730-3801
City Office: (909) 477-2700

AGENDAS

FIRE PROTECTION DISTRICT BOARD
SUCCESSOR AGENCY
PUBLIC FINANCING AUTHORITY
CITY COUNCIL

WEDNESDAY, DECEMBER 2, 2015

REGULAR MEETINGS

1st and 3rd Wednesdays ✧ 7:00 P.M.

ORDER OF BUSINESS

CLOSED SESSION	Tapia Conference Room.....	5:00 P.M.
	Call to Order	
	Public Communications	
	City Manager Announcements	
	Conduct of Closed Session	
SPECIAL MEETING	Council Chambers	6:00 P.M.
REGULAR MEETINGS	Council Chambers	7:00 P.M.

MEMBERS

MAYOR	L. Dennis Michael
MAYOR PRO TEM	Sam Spagnolo
COUNCIL MEMBERS	William Alexander
	Lynne B. Kennedy
	Diane Williams
CITY MANAGER	John R. Gillison
CITY ATTORNEY	James L. Markman
CITY CLERK	Janice C. Reynolds
CITY TREASURER	James C. Frost

INFORMATION FOR THE PUBLIC

City of Rancho Cucamonga

TO ADDRESS THE FIRE BOARD, SUCCESSOR AGENCY, PUBLIC FINANCING AUTHORITY AND CITY COUNCIL

The Fire Board, Successor Agency, Public Financing Authority and City Council encourage free expression of all points of view. To allow all persons to speak, given the length of the Agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement from the audience.

The public may address the Fire Board, Successor Agency, Public Financing Authority and City Council by filling out a speaker card and submitting it to the City Clerk. The speaker cards are located on the wall at the back of the Chambers, at the front desk behind the staff table and at the City Clerk's desk. If as part of your presentation, you would like to display visual material, please see the City Clerk before the meeting commences. Any handouts for the Fire Board, Successor Agency, Public Financing Authority or City Council should be given to the City Clerk for distribution.

During "Public Communications," your name will be called to speak on any item listed or not listed on the agenda in the order in which it was received. The "Public Communications" period will not exceed one hour prior to the commencement of the business portion of the agenda. During this one hour period, all those who wish to speak on a topic contained in the business portion of the agenda will be given priority, and no further speaker cards for these business items (with the exception of public hearing items) will be accepted once the business portion of the agenda commences. Any other "Public Communications" which have not concluded during this one-hour period may resume after the regular business portion of the agenda has been completed. Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak.

If you are present to speak on an "Advertised Public Hearing" or on an "Administrative Hearing" Item(s), your name will be called when that item is being discussed, in the order in which it was received. Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak.

AGENDA BACK-UP MATERIALS

Staff reports and back-up materials for agenda items are available for review at the City Clerk's counter, the City's Public Library(-ies) and on the City's website. A complete copy of the agenda is also available at the desk located behind the staff table during the Council meeting.

LIVE BROADCAST

Fire Board, Successor Agency, Public Financing Authority and City Council meetings are broadcast live on Channel 3 for those with cable television access. Meetings are rebroadcast on the second and fourth Wednesdays of each month at 11:00 a.m. and 7:00 p.m. The City has added the option for customers without cable access to view the meetings "on-demand" from their computers. The added feature of "Streaming Video On Demand" is available on the City's website at ***www.cityofrc.us/cityhall/council/videos.asp*** for those with Hi-bandwidth (DSL/Cable Modem) or Low-bandwidth (Dial-up) Internet service.

The Fire Board, Successor Agency, Public Financing Authority and City Council meet regularly on the first and third Wednesday of the month at 7:00 p.m. in the Council Chambers located at 10500 Civic Center Drive.

Members of the City Council also sit as the Fire Board, Successor Agency, Public Financing Authority and City Council.

Copies of the agendas and minutes can be found @ *www.cityofrc.us*

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at (909) 477-2700. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

Please turn off all cellular phones and pagers while the meeting is in session.

FIRE PROTECTION DISTRICT, SUCCESSOR AGENCY, PUBLIC FINANCING AUTHORITY AND CITY COUNCIL AGENDA

DECEMBER 2, 2015

A. 5:00 P.M. – CLOSED SESSION CALL TO ORDER – TAPIA CONFERENCE ROOM

A1. Roll Call: Mayor Michael
Mayor Pro Tem Spagnolo
Council Members Alexander, Kennedy and Williams

CLOSED SESSION CALLED TO ORDER AS THE HOUSING SUCCESSOR AGENCY AND CITY COUNCIL.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

D. CITY MANAGER ANNOUNCEMENTS (NO DISCUSSION OR ACTION WILL OCCUR)

E. CONDUCT OF CLOSED SESSION – TAPIA CONFERENCE ROOM

E1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF BASE LINE ROAD AND DAY CREEK BOULEVARD; NEGOTIATING PARTIES LINDA DANIELS, ASSISTANT CITY MANAGER AND GARY BAUER, LEWIS OPERATING CORPORATION; REGARDING PRICE AND TERMS. – *HOUSING SUCCESSOR AGENCY*

E2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED AT 7418 AND 7422 ARCHIBALD AVENUE; NEGOTIATING PARTIES LINDA DANIELS, ASSISTANT CITY MANAGER AND TODD COTTLE, 7418 ARCHIBALD LLC; REGARDING PRICE AND TERMS. – *HOUSING SUCCESSOR AGENCY*

F. RECESS

CLOSED SESSION TO RECESS TO THE REGULAR FIRE PROTECTION DISTRICT, PUBLIC FINANCING AUTHORITY, SUCCESSOR AGENCY AND CITY COUNCIL MEETINGS AT 7:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, LOCATED AT 10500 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CALIFORNIA.

G. SPECIAL MEETING OF THE CITY COUNCIL ONLY CALL TO ORDER – 6:00 P.M. COUNCIL CHAMBERS

THE SPECIAL MEETING OF THE CITY COUNCIL WILL BE CALLED TO ORDER

G1. Pledge of Allegiance

G2. Roll Call: Mayor Michael
Mayor Pro Tem Spagnolo
Council Members Alexander, Kennedy and Williams

H. ITEMS OF BUSINESS

H1. Public Communication.

H2. Presentation of Service Pins to City of Rancho Cucamonga City Council Members and Employees.

I. RECESS

THE REGULAR CITY COUNCIL MEETING WILL CONVENE AT 7:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, LOCATED AT 10500 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CALIFORNIA.

G. REGULAR MEETING CALL TO ORDER – 7:00 P.M. COUNCIL CHAMBERS

THE REGULAR MEETINGS OF THE FIRE PROTECTION DISTRICT, PUBLIC FINANCING AUTHORITY, SUCCESSOR AGENCY AND CITY COUNCIL WILL BE CALLED TO ORDER. IT IS THE INTENT TO CONCLUDE THE MEETINGS BY 10:00 P.M., UNLESS EXTENDED BY CONCURRENCE OF THE FIRE BOARD, AUTHORITY BOARD AND COUNCIL.

G1. Pledge of Allegiance

G2. Roll Call: Mayor Michael
Mayor Pro Tem Spagnolo
Council Members Alexander, Kennedy and Williams

H. ANNOUNCEMENTS/PRESENTATIONS

H1. None.

I. PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Fire Protection District, Public Financing Authority Board, Successor Agency and City Council on any item listed or not listed on the agenda. State law prohibits the Fire Protection District, Public Financing Authority Board, Successor Agency and City Council from addressing any issue not previously included on the Agenda. The Fire Board, Public Financing Authority Board, Successor Agency and City Council may receive testimony and set the matter for a subsequent meeting.

Comments are to be limited to five minutes per individual or less, as deemed necessary by the Mayor, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Fire Board, Authority Board, Successor Agency or City Council not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.

The public communications period will not exceed one hour prior to the commencement of the business portion of the agenda. During this one hour period, all those who wish to speak on a topic contained in the business portion of the agenda will be given priority, and no further speaker cards for these business items (with the exception of public hearing items) will be accepted once the business portion of the agenda commences. Any other public communications which have not concluded during this one hour period may resume after the regular business portion of the agenda has been completed.

FIRE PROTECTION DISTRICT, SUCCESSOR AGENCY, PUBLIC FINANCING AUTHORITY AND CITY COUNCIL AGENDA

DECEMBER 2, 2015

CONSENT CALENDARS:

The following Consent Calendar items are expected to be routine and non-controversial. They will be acted upon by the Fire Board/Successor Agency/Authority Board/Council at one time without discussion. Any item may be removed by a Fire Board/Successor Agency/Authority Board/Council Member for discussion.

J. CONSENT CALENDAR – FIRE PROTECTION DISTRICT

J1. Consideration to approve Minutes of: November 17, 2015 (Special Meeting) ---

J2. Consideration to approve Check Register dated November 10, 2015 through November 19, 2015 for the total of $77,087.66. 1

K. CONSENT CALENDAR – SUCCESSOR AGENCY

K1. Consideration to approve Minutes of: November 17, 2015 (Special Meeting) ---

L. CONSENT CALENDAR – PUBLIC FINANCING AUTHORITY

L1. Consideration to approve Minutes of: November 17, 2015 (Special Meeting) ---

M. CONSENT CALENDAR – CITY COUNCIL

M1. Consideration to approve Minutes of: November 17, 2015 (Special Meeting) ---

M2. Consideration to approve Check Register dated November 10, 2015 through November 19, 2015 and payroll ending November 19, 2015 for the total of $3,391,922.67. 1

M3. Consideration of approval to amend contract for Law Enforcement Services to assume County area responsibilities and receive a credit to the Schedule A in the amount of $39,042 effective January 9, 2016 through June 30, 2016. 10

M4. Consideration to release Maintenance Guarantee Bond No. 09136070/014064936-A in the amount of $78,855.98, for the Ramona Avenue Storm Drain and Pavement Rehabilitation from Foothill Boulevard to south of Pacific Electric Trail project, Contract No. 14-120. 16

M5. Consideration to authorize the purchase of two (2) Traffic Signal Controller Cabinets from Econolite, of Anaheim, California, in the amount of $118,830.24, in accordance with Request for Bid ("RFB") #15/16-009 to be funded from Account Number 1712001-5603 (Equipment/Vehicle Replacement Fund). 18

M6. Consideration to donate three "EZ GO Express L6" gasoline golf carts valued at $36,556.48 to the County of San Bernardino for use by our Law Enforcement Staff to patrol the Victoria Gardens Mall, Pacific Electric Trail, Local Parks and other areas within the City. 19

M7. Consideration of approval of a request to summarily vacate a 25-foot wide Storm Drain Easement, located at the northeast corner of Haven Avenue and the SR-210 Freeway (V-231) – APN 201-272-23 Related Files: DRC2008-00464, DRC2013-00811. 20

RESOLUTION NO. 15-210 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, SUMMARILY ORDERING THE VACATION OF A 25-FOOT WIDE STORM DRAIN EASEMENT, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND THE SR 210 FREEWAY

M8. Consideration of approval of Real Estate Purchase Contract with the Howard Duerson Chastain, JR 2004 Trust for the purchase of Real Property generally located at the northeast corner of Arrow Route and Rochester Avenue; (APN 229-021-97) and the appropriation of $1,895,000 for purchase and $40,000 for Closing Costs and contingency for a total of $1,935,000 from Fund 25 to Account No. 1025001-5600 Capital Outlay Land. 25

N. ADVERTISED PUBLIC HEARINGS CITY COUNCIL

The following items have been advertised and/or posted as public hearings as required by law. The Mayor will open the meeting to receive public testimony.

N1. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT DRC2015-00388 - LEWIS RETAIL CENTERS – A request to change the General Plan Land Use Designation for 10.94 acres of land from Low Medium (LM) Residential to Neighborhood Commercial (NC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, Victoria Community Plan Amendment DRC2015-00390, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration. 38

ENVIRONMENTAL ASSESSMENT AND VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390 - LEWIS RETAIL CENTERS – A request to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Medium (M) Residential (4-8 dwelling units per acre) to Village Commercial (VC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center at the northwest corner of Day Creek Boulevard and Base Line Road. The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling units per acre) and a text amendment clarifying development standards – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2015-00388, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

RESOLUTION NO. 15-211 253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT DRC2015-00388, A REQUEST TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR 10.94 ACRES OF LAND FROM LOW MEDIUM (LM) RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL (NC) RELATED TO THE CONSTRUCTION OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER LOCATED AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD IN THE MEDIUM (M) ZONING DISTRICT OF THE VICTORIA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

ORDINANCE NO. 882 (FIRST READING) 259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APROVING VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390, A REQUEST TO CHANGE THE VICTORIA COMMUNITY PLAN ZONING DESIGNATION FOR 10.94 ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) TO VILLAGE COMMERCIAL (VC) RELATED TO THE CONSTRUCTION OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD. THE AMENDMENT ALSO INCLUDES CHANGING THE ZONING DESIGNATION FOR 4 CONTIGUOUS ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (8-14 DWELLING UNITS PER ACRE) TO LOW MEDIUM (LM) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) AND A TEXT AMENDMENT CLARIFYING DEVELOPMENT STANDARDS; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

O. ADMINISTRATIVE HEARING ITEM

Speaker cards may be submitted for all those who wish to speak on the following topic. The following item have no legal publication or posting requirements. Comments are to be limited to five minutes per individual or less, as deemed necessary by the Mayor, depending upon the number of individuals wishing to speak. All communications are to be addressed directly to the City Council, not to members of the audience.

O1. Consideration of actions related to the continued fiscal stewardship of the City's West-Side Parks, Landscaping, and Street Lighting Districts. 266

P. CITY MANAGER'S STAFF REPORTS
CITY COUNCIL

The following items have no legal publication or posting requirements.

P1. Consideration of First Reading of Ordinance No. 883 Adding Chapter 2.14 to the Municipal Code relating to Electronic and Paperless Filing of Fair Political Practices Commission (FPPC) Campaign Disclosure Statements. **278**

ORDINANCE NO. 883 (FIRST READING) **280**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ADDING CHAPTER 2.14 TO THE MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION (FPPC) CAMPAIGN DISCLOSURE STATEMENTS.

P2. November 3, 2015 Special Election Results and Associated Costs. **285**

RESOLUTION NO. 15-212 **286**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE WEST-SIDE NEIGHBORHOOD PARKS AND STREET LIGHTING COMMUNITY FACILITIES DISTRICT NO. 1 OF THE CITY OF RANCHO CUCAMONGA ON NOVEMBER 3, 2015, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY PROVISION OF LAW

Q. COUNCIL BUSINESS

The following items have been requested by the City Council for discussion.

Q1. Consideration of the City Council Community Services Subcommittee's recommendation regarding Appointment(s) to the Park and Recreation Commission. **296**

Q2. Consideration of the City Council Community Services Subcommittee's recommendation regarding re-appointments to the Community & Arts Foundation's Board of Directors. **297**

Q3. Consideration of approval of a Resolution of the City Council of the City of Rancho Cucamonga, California, amending Resolution 13-079 to add Landscape Maintenance District No. 7 (North Etiwanda) to the purview of the Citizens' Oversight Committee and amend certain other items. **298**

RESOLUTION NO. 15-209 **299**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING RESOLUTION 13-079 TO ADD LANDSCAPE MAINTENANCE DISTRICT NO. 7 (NORTH ETIWANDA) TO THE PURVIEW OF THE CITIZENS' OVERSIGHT COMMITTEE AND AMEND CERTAIN OTHER ITEMS.

Q4. INTER-AGENCY UPDATES (**Update by the City Council to the community on the meetings that were attended.**) ---

Q5. COUNCIL ANNOUNCEMENTS **(Comments to be limited to three minutes per Council Member.)** ---

R. IDENTIFICATION OF ITEMS FOR NEXT MEETING

S. ADJOURNMENT

CERTIFICATION

I, Linda A. Troyan, MMC, City Clerk Services Director of the City of Rancho Cucamonga, or my designee, hereby certify under penalty of perjury that a true, accurate copy of the foregoing agenda was posted on November 25, 2015, seventy-two (72) hours prior to the meeting per Government Code 54954.2 at 10500 Civic Center Drive, Rancho Cucamonga, California, and on the City's website.

Linda A. Troyan, MMC
City Clerk Services Director
City of Rancho Cucamonga

November 17, 2015

CITY OF RANCHO CUCAMONGA

CLOSED SESSION, FIRE PROTECTION DISTRICT, SUCCESSOR AGENCY,
PUBLIC FINANCING AUTHORITY AND CITY COUNCIL SPECIAL MEETINGS MINUTES

A. CALL TO ORDER

The City of Rancho Cucamonga City Council held a special closed session on Tuesday, November 17, 2015 in the Tapia Conference Room at the Civic Center, 10500 Civic Center Drive, Rancho Cucamonga, California. Mayor L. Dennis Michael called the meeting to order at 5:00 p.m.

Present were Council Members: Bill Alexander, Lynne Kennedy, Diane Williams, Mayor Pro Tem Sam Spagnolo. and Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; James L. Markman, City Attorney; Linda Daniels, Assistant City Manager; Lori Sassoon, Deputy City Manager/Administrative Services; Jeff Bloom, Deputy City Manager/Economic and Community Development; and Nettie Nielsen, Community Services Director.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

The following special closed session item was considered:

E1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ARROW HIGHWAY AND ROCHESTER AVENUE (APN 229-021-97); NEGOTIATING PARTIES JOHN GILLISON, CITY MANAGER, CITY OF RANCHO CUCAMONGA AND WARD MACE, SUCCESSOR TRUSTEE, HOWARD DUERSON CHASTAIN, JR 2004 TRUST, REGARDING PRICE AND TERMS. – *CITY*

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

No public communications were made.

D. CITY MANAGER ANNOUNCEMENTS

F. RECESS

The special closed session recessed at 6:30 p.m. with no action taken.

G. SPECIAL MEETING
CALL TO ORDER – 7:00 P.M.
COUNCIL CHAMBERS

The special meetings of the Rancho Cucamonga Fire Protection District, Successor Agency, Public Financing Authority, and the City of Rancho Cucamonga City Council reconvened in the Council Chambers at City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California. Mayor L. Dennis Michael called the meeting to order at 7:00 p.m.

Present were Council Members: Bill Alexander, Lynne Kennedy, Diane Williams, Mayor Pro Tem Sam Spagnolo and Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; Linda Daniels, Assistant City Manager; Steven L. Flower, Assistant City Attorney; Linda A. Troyan, City Clerk Services Director and Adrian Garcia, Assistant City Clerk.

Mayor Pro Tem Spagnolo led the Pledge of Allegiance.

H. ANNOUNCEMENTS/PRESENTATIONS

H1. Presentation of a Proclamation of National Adoption Month.

Isabel Hunt, Executive Director, EMBRACE ME! Adoption & Foster Care, thanked the City for embracing youth in the community and spoke about their organization. Mayor Michael and Members of the City Council presented her with a Proclamation proclaiming November as National Adoption Month. She was joined by Joseph Salomon, Co-Founder and 2012 recipient of Jr. Community Hero for the City; Jessie and Alejandra Martinez, Support Group Leaders/Adoptive Parents; and Jim Hunt, Prayer Ministry.

H2. Presentation of a donation from the Friends of the Pacific Electric Trail.

The Friends of the Pacific Electric Trail members Vicky Jones, Dennis Jones, Gregory Wright, Eva Armijo, Pat Curtis, and Bob Curtis presented a check donation to Candyce Burnett, Planning Services Director, and the City Council for restoration of the Etiwanda train depot.

I. PUBLIC COMMUNICATIONS

I1. Tressy Capps voiced concern about the proposed project at Empire Lakes and the November 10, 2015 Planning Commission meeting.

I2. Rebekah Reynolds announced GridEx exercise on November 18-19, 2015.

I3. Bill Hanlon spoke about proposed rezoning of Empire Lakes and suggested tabling Consent Calendar item O1 to a Regular City Council meeting.

I4. Sandra Barrera addressed Council regarding the proposed development at Empire Lakes.

I5. John Lyons spoke about Measure A election and Thanksgiving.

I6. Janet Walton said a prayer.

Steven Flower, Assistant City Attorney, outlined the timeline and process of the proposed project for Empire Lakes.

CONSENT CALENDARS:

J1. Consideration to approve Minutes of: November 4, 2015 (Regular Meeting)

J2. Consideration to approve Check Register dated October 28, 2015 through November 9, 2015 and Electronic Debit Register for the month of October 2015 for the total of $661,371.52.

J3. Consideration to receive and file current Investment Schedule as of October 31, 2015.

MOTION: Moved by Vice-President Spagnolo, seconded by Board Member Kennedy, to approve the Staff Recommendations in the Staff Reports for Consent Calendar Items J1 through J3. Motion carried 5-0.

K. CONSENT CALENDAR – SUCCESSOR AGENCY

K1. Consideration to approve Minutes of: November 4, 2015 (Regular Meeting)

MOTION: Moved by Council Member Kennedy, seconded by Council Member Williams, to approve the Minutes of November 4, 2015. Motion carried 5-0.

L. CONSENT CALENDAR – PUBLIC FINANCING AUTHORITY

L1. Consideration to approve Minutes of: November 4, 2015 (Regular Meeting)

MOTION: Moved by Authority Member Kennedy, seconded by Vice-Chairman Spagnolo, to approve the Minutes of November 4, 2015. Motion carried 5-0.

M. CONSENT CALENDAR – CITY COUNCIL

M1. Consideration to approve Minutes of: November 4, 2015 (Regular Meeting)

M2. Consideration to approve Check Register dated October 28, 2015 through November 9, 2015 and payroll ending November 9, 2015 and Electronic Debit Register for the month of October 2015 for the total of $12,536,457.99.

M3. Consideration to receive and file current Investment Schedule as of October 31, 2015.

M4. Approval to accept Grant Revenue in the amount of $33,314.00 awarded by the California Emergency Management Agency (FY2014 Homeland Security Grant), and administered by the San Bernardino County Fire Department, Office of Emergency Services to the City of Rancho Cucamonga into Account 1380000-4740 (Grant Income) for the purpose of Law Emergency Management Equipment.

M5. Approval to accept Grant Revenue in the amount of $30,623.00 awarded by the California Emergency Management Agency (FY2014 Homeland Security Grant), and administered by the San Bernardino County Fire Department, Office of Emergency Services to the City of Rancho Cucamonga into Account 1380000-4740 (Grant Income) for the purpose of Fire Emergency Management Equipment.

M6. Continuation of Resolution No. 15-093, proclaiming the existence of a Local Drought Emergency under Government Code Section 8630 and Rancho Cucamonga Municipal Code Section 2.36.

M7. Consideration to release Maintenance Guarantee Bond in the amount of $103,978.29, for the Fiscal Year 2013/2014 Local Street Pavement Rehabilitation – Slurry Seal of Various Streets project, Contract No. 14-081.

M8. Consideration to approve Amendment No. 001 to License Agreement CO#2011-072 between the new property owner, Rodger B. Badger and Sybil B. Badger (Licensee), for real property known as 7365 Hellman Avenue and the City of Rancho Cucamonga for use of a twenty-foot wide strip of City's storm drain right-of-way for parking and landscaping purposes.

M9. Consideration to accept the 8th Street from Baker Avenue to Hellman Avenue, Baker Avenue from Main Street to Foothill Boulevard and 6th Street from Hermosa Avenue to Haven Avenue Pavement Rehabilitation Projects, Contract No. 15-094 as complete, release the Bonds, accept a Maintenance Bond, authorize the City Engineer to file a Notice of Completion and approve the final contract amount of $540,681.64.

RESOLUTION NO. 15-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE 8TH STREET FROM BAKER AVENUE TO HELLMAN AVENUE, BAKER AVENUE FROM MAIN STREET TO FOOTHILL BOULEVARD AND 6TH STREET FROM HERMOSA AVENUE TO HAVEN AVENUE PAVEMENT REHABILITATION PROJECTS, CONTRACT NO. 15-094, AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

M10. Consideration of approval of Improvement Agreement, Improvement Securities and ordering the Annexation to Landscape Maintenance District No. 3B and Street Light Maintenance District Nos. 1 and 6 for DRC2014-01048, located on the east side of Utica Avenue between 6th and 7th Streets, submitted by CRP Oakmont 6th & Utica, L.P.

RESOLUTION NO. 15-202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES FOR DRC2014-01048

RESOLUTION NO. 15-203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO LANDSCAPE MAINTENANCE DISTRICT NO. 3B (COMMERCIAL INDUSTRIAL MAINTENANCE DISTRICT) FOR DRC2014-01048

RESOLUTION NO. 15-204

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO STREET LIGHT MAINTENANCE DISTRICT NO. 1 (ARTERIAL STREETS) FOR DRC2014-01048

RESOLUTION NO. 15-205

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO STREET LIGHT MAINTENANCE DISTRICT NO. 6 (COMMERCIAL/INDUSTRIAL) FOR DRC2014-01048

M11. Consideration to approve the Consent and Agreement, Intercreditor and Subordination Agreement, and the non-disturbance and Attornment Agreement and authorize the City Manager to execute all three agreements on behalf of the City of Rancho Cucamonga for the Re Astoria 2 LLC Solar Project.

M12. Consideration to approve and authorize an increase to Professional Services Agreement (CO#14-008) in the amount of $458,526.00 to Pacific Utility Installation for line extension improvements for the Rancho Cucamonga Municipal Utility to be funded by Rancho Cucamonga Municipal Utility Account 1705303-5650 and to approve an appropriation in the amount of $458,526.00 to Account 1705303-5650 from Rancho Cucamonga Municipal Utility Fund Balance.

M13. Consideration of approval of Amendment No. 002 for the payment to Bureau Veritas North America, Inc. not to exceed a total of ninety-five thousand dollars ($95,000) from the Building and Safety's Contract Services Account Number 1001302-5300 for Fiscal Year 2015-2016. Services are for contract plan checks for various construction projects within the City.

M14. Consideration of a request from the Friends of the Pacific Electric Trail for City Partnership with their Annual Cucamonga Challenge to be held on May 14, 2016.

M15. Consideration of Resolution No. 15-206 consenting to the establishment of Property Accessed Clean Energy (PACE) programs by the California Statewide Communities Development Authority's (CSCDA) to finance renewable energy, energy efficiency, water efficiency, and seismic strengthening improvements and electric vehicle charging infrastructure.

RESOLUTION NO. 15-206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, CONSENTING TO THE ESTABLISHMENT OF PROPERTY ACCESSED CLEAN ENERGY (PACE) PROGRAMS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY'S (CSCDA) TO FINANCE RENEWABLE ENERGY, ENERGY EFFICIENCY, WATER EFFICIENCY, AND SEISMIC STRENGTHENING IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND AUTHORIZE THE CSCDA TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS, LEVY CONTRACTUAL ASSESSMENTS AND AUTHORIZING RELATED ACTIONS

M16. Consideration to receive and file update on Implementation of the 2015 Updated Model Water Efficient Landscape Ordinance requested by the State of California.

MOTION: Moved by Council Member Williams, seconded by Council Member Kennedy, to approve the Staff Recommendations in the Staff Reports for Consent Calendar Items M1 through M16. Motion carried 5-0.

N. CITY MANAGER'S STAFF REPORTS
CITY COUNCIL

N1. 1st Annual Review of the Paid Parking Programs in the Cucamonga Canyon Area and the Metrolink Station.

Mark Steuer, Engineering Services Director/City Engineer, and Tiffany Cooper, Management Analyst II, via Power Point presentation, reviewed the first annual report of the paid parking programs for June 1, 2014 through June 30, 2015.

Council received and filed report.

O. COUNCIL BUSINESS

O1. Consideration of a Resolution establishing a West-side Districts Citizens' Oversight Committee.

RESOLUTION NO. 15-207

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ESTABLISHING A WEST-SIDE LANDSCAPE MAINTENANCE DISTRICTS CITIZENS OVERSIGHT COMMITTEE.

Council Member Kennedy explained her request to establish a West-side Districts Citizens Oversight Committee in response to the unsuccessful November 3, 2015 election for a West-side Neighborhood Parks and Street lighting Community Facilities District No. 1, Measure A. The proposed committee would provide oversight of the revenues and expenses through the review of annual financial audits, similar to the City's existing LMD Oversight Committee.

City Manager Gillison outlined the proposed committee structure, application, and interview process, and responded to questions. Council Member Kennedy expressed concerns that Landscape Maintenance District No. 7 did not have a representative on the existing Oversight Committee. City Manager Gillison acknowledged staff can return at a future meeting with an item adding a representative from LMD 7 to the existing LMD Oversight Committee.

Council Member Alexander believed there to be no rush with this item since the districts have existing budgets and Council budget hearings are upcoming.

MOTION: Moved by Council Member Williams, seconded by Mayor Pro Tem Spagnolo, to adopt Resolution No. 15-207 establishing a West-side Landscape Maintenance Districts Citizens Oversight Committee. Motion carried 4-1 with Council Member Alexander opposed.

O2. INTER-AGENCY UPDATES (**Update by the City Council to the community on the meetings that were attended.**)

There was none.

O3. COUNCIL ANNOUNCEMENTS **(Comments to be limited to three minutes per Council Member.)**

There was none.

P. IDENTIFICATION OF ITEMS FOR NEXT MEETING

Staff was directed to return at a future meeting with a report to include a representative from LMD 7 as a member of the existing LMD Oversight Committee: LMD 2 (Victoria), LMD 4-R (Terra Vista), and LMD 6-R (Caryn Communities).

Q. ADJOURNMENT

The meeting adjourned at 8:26 p.m. in memory of those who lost their lives in the Paris, France terror attack.

Respectfully submitted,

_____
Linda A. Troyan, MMC
City Clerk Services Director

Approved: * * * * *

CITY OF RANCHO CUCAMONGA
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Agenda Check Register

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Check No.	Check Date	Vendor Name	City	Fire	Amount
AP 00005631	11/10/2015	CALIF GOVERNMENT VEBA/RANCHO CUCAMONGA	9,820.00	0.00	9,820.00
AP 00005632	11/10/2015	EXELON GENERATION CO. LLC.	340,039.26	0.00	340,039.26
AP 00005633	11/10/2015	RCCEA	1,329.00	0.00	1,329.00
AP 00005634	11/10/2015	RCPFA	10,812.95	0.00	10,812.95
AP 00005635	11/10/2015	RIVERSIDE, CITY OF	6,388.00	0.00	6,388.00
AP 00005636	11/10/2015	SHELL ENERGY NORTH AMERICA	16,060.00	0.00	16,060.00
AP 00005637	11/18/2015	SAN BERNARDINO COUNTY	63.00	0.00	63.00
AP 00363695	11/10/2015	ABLE BUILDING MAINTENANCE	5,461.12	0.00	5,461.12
AP 00363696	11/10/2015	ADAPT CONSULTING INC	0.00	840.46	840.46
AP 00363697	11/10/2015	ADOBE ANIMAL HOSPITAL	175.00	0.00	175.00
AP 00363698	11/10/2015	AFLAC GROUP INSURANCE	79.40	0.00	79.40
AP 00363699	11/10/2015	ALL CITIES TOOLS	722.30	0.00	722.30
AP 00363700	11/10/2015	ALL WAYS ENTERTAINMENT & KIDS PARTIES	1,000.00	0.00	1,000.00
AP 00363701	11/10/2015	ALL WAYS ENTERTAINMENT & KIDS PARTIES	30.00	0.00	30.00
AP 00363702	11/10/2015	ALLEN, DEBORAH	90.23	0.00	90.23
AP 00363703	11/10/2015	ALLIANT INSURANCE SERVICES INC.	306.00	0.00	306.00
AP 00363704	11/10/2015	ALLIED STORAGE CONTAINERS	0.00	75.60	75.60
AP 00363705	11/10/2015	ALPHAGRAPHICS	81.00	0.00	81.00
AP 00363706	11/10/2015	AMERICAN TRUCK BODIES & REPAIR INC.	3,450.64	0.00	3,450.64
AP 00363707	11/10/2015	AMTECH ELEVATOR SERVICES	779.81	0.00	779.81
AP 00363708	11/10/2015	ARANA, JONATHON	921.00	0.00	921.00
AP 00363709	11/10/2015	ARCHITERRA DESIGN GROUP	12,302.50	0.00	12,302.50
AP 00363710	11/10/2015	ARROW INTERNATIONAL	0.00	2,386.98	2,386.98
AP 00363711	11/10/2015	ARROW TRAILER SUPPLIES INC	396.79	0.00	396.79
AP 00363712	11/10/2015	ASSE	200.00	0.00	200.00
AP 00363713	11/10/2015	BALL, CLIFFORD	250.00	0.00	250.00
AP 00363714	11/10/2015	BEE REMOVERS	145.00	0.00	145.00
AP 00363715	11/10/2015	BELTRAN, OSBALDO ALVARADO	459.00	0.00	459.00
AP 00363716	11/10/2015	BERNELL HYDRAULICS INC	125.06	0.00	125.06
AP 00363717	11/10/2015	BNY WESTERN TRUST	1,750.00	0.00	1,750.00
AP 00363718	11/10/2015	BRAUN BLAISING MCLAUGHLIN	3,324.98	0.00	3,324.98
AP 00363719	11/10/2015	BUREAU VERITAS NORTH AMERICA INC	9,379.93	0.00	9,379.93
AP 00363720	11/10/2015	CALBO	3,235.00	0.00	3,235.00
AP 00363721	11/10/2015	CALIFORNIA DIVISION OF THE STATE ARCHITECT	788.40	0.00	788.40
AP 00363722	11/10/2015	CALIFORNIA FRANCHISE TAX BOARD	1,348.11	0.00	1,348.11
AP 00363723	11/10/2015	CALIFORNIA SHOPPING CART RETRIEVAL CORP	60.00	0.00	60.00
AP 00363724	11/10/2015	CAPITAL ONE COMMERCIAL	3,444.01	0.00	3,444.01
AP 00363725	11/10/2015	CARQUEST AUTO PARTS	161.36	0.00	161.36
AP 00363726	11/10/2015	CARSON, DANIEL	0.00	208.00	208.00
AP 00363727	11/10/2015	CCS ORANGE COUNTY JANITORIAL INC.	35,563.17	743.70	36,306.87 ***
AP 00363728	11/10/2015	CENTRAL SCHOOL DISTRICT	7,554.00	0.00	7,554.00
AP 00363729	11/10/2015	CHANGING ENVIRONMENTS INC.	4,138.11	0.00	4,138.11
AP 00363730	11/10/2015	CINTAS CORP. #150	1,068.77	0.00	1,068.77
AP 00363731	11/10/2015	CITY RENTALS	37.50	0.00	37.50
AP 00363732	11/10/2015	CLEMENT COMMUNICATIONS INC	240.90	0.00	240.90
AP 00363733	11/10/2015	COMEAU, CHAD	0.00	260.00	260.00
AP 00363734	11/10/2015	CONCEPT POWDER COATING	660.00	0.00	660.00

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Check No.	Check Date	Vendor Name	City	Fire	Amount
AP 00363735	11/10/2015	CONVERGENT OUTSOURCING INC.	3,011.09	0.00	3,011.09
AP 00363736	11/10/2015	CPRS DISTRICT XIII	25.00	0.00	25.00
AP 00363737	11/10/2015	CULPEPPER, MIMI	250.00	0.00	250.00
AP 00363738	11/10/2015	D & D GOLF CARS INC.	1,308.00	0.00	1,308.00
AP 00363739	11/10/2015	D AND K CONCRETE COMPANY	1,308.98	0.00	1,308.98
AP 00363740	11/10/2015	DAVIS, STEVEN	159.71	0.00	159.71
AP 00363741	11/10/2015	DEAN, TRACY	102.35	0.00	102.35
AP 00363742	11/10/2015	DIAMOND ENVIRONMENTAL SERVICES	0.00	201.20	201.20
AP 00363743	11/10/2015	DICKINSON JANITORIAL SUPPLIES	410.40	0.00	410.40
AP 00363744	11/10/2015	DU, WEI	57.00	0.00	57.00
AP 00363745	11/10/2015	DUMBELL MAN FITNESS EQUIPMENT, THE	0.00	300.00	300.00
AP 00363746	11/10/2015	ECHEVESTE, JIMMY	62.20	0.00	62.20
AP 00363747	11/10/2015	EDWARD PROFESSIONAL ADVISIORS	675.00	0.00	675.00
AP 00363748	11/10/2015	ENVIRONMENTAL SERVICES JOINT POWERS AUTHOF	106.14	0.00	106.14
AP 00363749	11/10/2015	EXCLUSIVE EMAGES	64.80	0.00	64.80
AP 00363750	11/10/2015	FEDERAL EXPRESS CORP	112.08	0.00	112.08
AP 00363751	11/10/2015	FIRST VETERINARY SUPPLY	153.93	0.00	153.93
AP 00363752	11/10/2015	FORTSON, HELEN	100.00	0.00	100.00
AP 00363753	11/10/2015	FRAZEE PAINT CENTER	63.05	0.00	63.05
AP 00363754	11/10/2015	GEMPLERS INC	503.02	0.00	503.02
AP 00363755	11/10/2015	GLOBAL AFFAIR ENTERTAINMENT	300.00	0.00	300.00
AP 00363756	11/10/2015	GRAINGER	2,188.79	849.52	3,038.31 ***
AP 00363757	11/10/2015	GRAVES & KING LLP	542.67	0.00	542.67
AP 00363758	11/10/2015	HARRIS, TY	0.00	261.00	261.00
AP 00363759	11/10/2015	HENRY SCHEIN ANIMAL HEALTH SUPPLY	235.44	0.00	235.44
AP 00363760	11/10/2015	HERITAGE EDUCATION GROUP	90.00	0.00	90.00
AP 00363761	11/10/2015	HI WAY SAFETY INC	292.25	1,009.78	1,302.03 ***
AP 00363762	11/10/2015	HILL'S PET NUTRITION	4,013.68	0.00	4,013.68
AP 00363763	11/10/2015	HOME DEPOT CREDIT SERVICES 645	27.62	0.00	27.62
AP 00363764	11/10/2015	HOYT LUMBER CO., SM	0.00	12.63	12.63
AP 00363765	11/10/2015	HUERTA, SYLVIA	500.00	0.00	500.00
AP 00363766	11/10/2015	I A A P CALIFORNIA DIVISION	282.00	0.00	282.00
AP 00363767	11/10/2015	INDUSTRIAL ELECTRIC MACHINERY LLC	38,000.00	0.00	38,000.00
AP 00363768	11/10/2015	INLAND EMPIRE TOURS AND TRANSPORTATION	1,606.75	0.00	1,606.75
AP 00363769	11/10/2015	INLAND TOP SOIL MIXES	2,916.00	0.00	2,916.00
AP 00363770	11/10/2015	INLAND VALLEY DANCE ACADEMY	2,454.40	0.00	2,454.40
AP 00363771	11/10/2015	INPRO CORPORATION	870.24	0.00	870.24
AP 00363772	11/10/2015	INTEGRITY DOOR & HARDWARE INC	147.81	0.00	147.81
AP 00363773	11/10/2015	INTERACTIVE DATA CORPORATION	115.52	0.00	115.52
AP 00363774	11/10/2015	IPROMOTEU	0.00	2,025.44	2,025.44
AP 00363775	11/10/2015	JACOBSEN DIVISION OF TEXTRON INC	145.26	0.00	145.26
AP 00363776	11/10/2015	JOHN BURR CYCLES INC	2,440.39	0.00	2,440.39
AP 00363777	11/10/2015	K K WOODWORKING	129.47	0.00	129.47
AP 00363778	11/10/2015	K. HOVNANIAN HOMES	64,020.36	0.00	64,020.36
AP 00363779	11/10/2015	KURNIADI, HERWI	200.00	0.00	200.00
AP 00363780	11/10/2015	LABONTES FLOOR & WINDOW COVERING	0.00	2,995.00	2,995.00
AP 00363781	11/10/2015	LAWSON PRODUCTS INC	0.00	81.37	81.37

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Check No.		Check Date	Vendor Name	City	Fire	Amount
AP	00363782	11/10/2015	LEAL, RUTH	135.00	0.00	135.00
AP	00363783	11/10/2015	LIFE ASSIST INC	0.00	6,686.80	6,686.80
AP	00363784	11/10/2015	LIGHTHOUSE, THE	73.33	0.00	73.33
AP	00363785	11/10/2015	LIGHTING RESOURCES LLC	1,164.20	0.00	1,164.20
AP	00363786	11/10/2015	LITTLE BEAR PRODUCTIONS	6,085.00	0.00	6,085.00
AP	00363788	11/10/2015	LOWES COMPANIES INC.	3,414.83	1,436.20	4,851.03 ***
AP	00363789	11/10/2015	MARIPOSA LANDSCAPES INC	40,581.10	0.00	40,581.10
AP	00363790	11/10/2015	MARK CHRISTOPHER INC	0.00	845.28	845.28
AP	00363791	11/10/2015	MARTINEZ TOWING	45.00	0.00	45.00
AP	00363792	11/10/2015	MARTUARADJA, OLOAN	500.00	0.00	500.00
AP	00363793	11/10/2015	MATANGA, JULIE EDWARD	178.50	0.00	178.50
AP	00363794	11/10/2015	MATERIAL SALES UNLIMITED	1,003.20	0.00	1,003.20
AP	00363795	11/10/2015	MC TRUCKING	396.27	0.00	396.27
AP	00363796	11/10/2015	MCKINLEY ELEVATOR CORP	250.00	0.00	250.00
AP	00363797	11/10/2015	MCMAHON, TERESA	80.03	0.00	80.03
AP	00363798	11/10/2015	MEDLEY FIRE PROTECTION INC	2,510.50	0.00	2,510.50
AP	00363799	11/10/2015	MIDWEST TAPE	2,488.43	0.00	2,488.43
AP	00363800	11/10/2015	MILLS ENTERTAINMENT LLC	30,253.00	0.00	30,253.00
AP	00363801	11/10/2015	MINUTEMAN PRESS	311.35	0.00	311.35
AP	00363802	11/10/2015	MISSION REPROGRAPHICS	590.22	0.00	590.22
AP	00363803	11/10/2015	MORRIS, DOUG	11,596.00	0.00	11,596.00
AP	00363804	11/10/2015	MORRIS, RICHARD	662.29	0.00	662.29
AP	00363805	11/10/2015	MOTOROLA SOLUTIONS INC	11,702.74	0.00	11,702.74
AP	00363806	11/10/2015	MOUNTAIN VIEW GLASS AND MIRROR INC	352.12	0.00	352.12
AP	00363807	11/10/2015	MOUNTAIN VIEW SMALL ENG REPAIR	52.64	0.00	52.64
AP	00363808	11/10/2015	MUSIC THEATRE INTERNATIONAL	4,665.83	0.00	4,665.83
AP	00363809	11/10/2015	NAPA AUTO PARTS	313.30	135.52	448.82 ***
AP	00363810	11/10/2015	OCCUPATIONAL HEALTH CTRS OF CA	1,297.36	0.00	1,297.36
AP	00363812	11/10/2015	OFFICE DEPOT	4,781.01	228.87	5,009.88 ***
AP	00363813	11/10/2015	PAL CAMPAIGN	10.00	0.00	10.00
AP	00363814	11/10/2015	PAUL AGUAYO/PSYCHO PUNX BAND	350.00	0.00	350.00
AP	00363815	11/10/2015	PEP BOYS	865.27	0.00	865.27
AP	00363816	11/10/2015	PETERSON HYDRAULICS INC	0.00	998.56	998.56
AP	00363817	11/10/2015	PETES ROAD SERVICE INC	2,141.61	0.00	2,141.61
AP	00363818	11/10/2015	PIUTAU, MELENAITE	499.42	0.00	499.42
AP	00363819	11/10/2015	PRE-PAID LEGAL SERVICES INC	96.59	0.00	96.59
AP	00363820	11/10/2015	PRO SALES GROUP INC	5,650.70	0.00	5,650.70
AP	00363821	11/10/2015	PROMOTIONS TEES & MORE	527.50	0.00	527.50
AP	00363822	11/10/2015	QUALLS, ELENA	103.21	0.00	103.21
AP	00363823	11/10/2015	RANCHO CUCAMONGA WOMAN'S CLUB	500.00	0.00	500.00
AP	00363824	11/10/2015	RANCHO REGIONAL VETERINARY HOSPITAL INC	427.53	0.00	427.53
AP	00363825	11/10/2015	RANCHO SMOG CENTER	70.00	0.00	70.00
AP	00363826	11/10/2015	RBM LOCK AND KEY SERVICE	8.91	0.00	8.91
AP	00363827	11/10/2015	RDO EQUIPMENT CO	69.92	0.00	69.92
AP	00363828	11/10/2015	RF WHITE CO INC	2,272.86	0.00	2,272.86
AP	00363829	11/10/2015	RICHARDS WATSON AND GERSHON	2,240.49	0.00	2,240.49
AP	00363830	11/10/2015	RJ NOBLE COMPANY	17,521.80	0.00	17,521.80

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AP 00363831	11/10/2015	ROBLES, RAUL P	235.00	0.00	235.00
AP 00363832	11/10/2015	SAFE-ENTRY TECHNICAL INC	0.00	330.03	330.03
AP 00363833	11/10/2015	SAN BERNARDINO CTY	13,154.91	0.00	13,154.91
AP 00363834	11/10/2015	SBPEA	1,052.79	0.00	1,052.79
AP 00363835	11/10/2015	SC FUELS	2,802.89	7,538.79	10,341.68 ***
AP 00363836	11/10/2015	SEXTON, SHEILA	5.00	0.00	5.00
AP 00363837	11/10/2015	SHERIFFS COURT SERVICES	93.38	0.00	93.38
AP 00363838	11/10/2015	SHERIFFS COURT SERVICES	296.59	0.00	296.59
AP 00363839	11/10/2015	SHERIFFS COURT SERVICES	200.00	0.00	200.00
AP 00363840	11/10/2015	SHRED PROS	0.00	35.00	35.00
AP 00363841	11/10/2015	SIGMANET	8,800.00	0.00	8,800.00
AP 00363842	11/10/2015	SIGN SHOP, THE	2,764.37	0.00	2,764.37
AP 00363843	11/10/2015	SOCIAL VOCATIONAL SERVICES	3,080.00	0.00	3,080.00
AP 00363844	11/10/2015	SOCRATA INC	45,000.00	0.00	45,000.00
AP 00363845	11/10/2015	SONSRAY MACHINERY LLC	462.84	0.00	462.84
AP 00363846	11/10/2015	SOUTHERN CALIFORNIA EDISON	915.90	0.00	915.90
AP 00363851	11/10/2015	SOUTHERN CALIFORNIA EDISON	43,635.51	2,031.43	45,666.94 ***
AP 00363852	11/10/2015	SOUTHERN CALIFORNIA EDISON	1,315.28	0.00	1,315.28
AP 00363853	11/10/2015	SOUTHLAND FARMERS MARKET ASSOC INC	244.00	0.00	244.00
AP 00363854	11/10/2015	SPINDOLA, BEDA	247.20	0.00	247.20
AP 00363855	11/10/2015	STOVER, JEFF	4,000.00	0.00	4,000.00
AP 00363856	11/10/2015	TERRA VISTA ANIMAL HOSPITAL	75.00	0.00	75.00
AP 00363857	11/10/2015	THE CLAUDIA STORM BIRD TRUST	28,450.25	0.00	28,450.25
AP 00363858	11/10/2015	THOMPSON PLUMBING SUPPLY	1,113.15	0.00	1,113.15
AP 00363859	11/10/2015	TOLL BROS INC	75,693.75	0.00	75,693.75
AP 00363860	11/10/2015	TORRENCE, STEVEN	0.00	349.00	349.00
AP 00363861	11/10/2015	TRANS WEST TRUCK CENTER	443.31	0.00	443.31
AP 00363862	11/10/2015	TYRA, BOB	500.00	0.00	500.00
AP 00363863	11/10/2015	UNITED PACIFIC SERVICES INC	17,122.00	0.00	17,122.00
AP 00363864	11/10/2015	UNITED WAY	157.00	0.00	157.00
AP 00363865	11/10/2015	VANDERHAWK CONSULTING LLC	22,473.50	0.00	22,473.50
AP 00363866	11/10/2015	VERIZON CALIFORNIA	4,988.51	357.60	5,346.11 ***
AP 00363867	11/10/2015	VERIZON WIRELESS - LA	340.82	0.00	340.82
AP 00363868	11/10/2015	VIRTUAL PROJECT MANAGER INC	500.00	0.00	500.00
AP 00363869	11/10/2015	VORTEX INDUSTRIES INC	0.00	1,731.24	1,731.24
AP 00363870	11/10/2015	WALTERS WHOLESALE ELECTRIC CO	1,801.29	571.33	2,372.62 ***
AP 00363871	11/10/2015	WAXIE SANITARY SUPPLY	886.49	0.00	886.49
AP 00363872	11/10/2015	XL STORAGE	895.00	0.00	895.00
AP 00363873	11/10/2015	ZEE MEDICAL INC	972.60	0.00	972.60
AP 00363874	11/10/2015	ZHON, JI	57.00	0.00	57.00
AP 00363875	11/12/2015	HODGSON, ROBERT F.	3,400.00	0.00	3,400.00
AP 00363876	11/12/2015	ABC LOCKSMITHS	0.00	137.51	137.51
AP 00363877	11/12/2015	AGILINE LLC	1,600.00	0.00	1,600.00
AP 00363878	11/12/2015	AIRGAS USA LLC	0.00	45.11	45.11
AP 00363879	11/12/2015	C V W D	19,419.22	759.94	20,179.16 ***
AP 00363880	11/12/2015	CALSENSE	3,921.19	0.00	3,921.19
AP 00363881	11/12/2015	CITRUS MOTORS ONTARIO INC	2,031.60	56.45	2,088.05 ***

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AP 00363882	11/12/2015	DUNN EDWARDS CORPORATION	247.69	0.00	247.69
AP 00363883	11/12/2015	EMCOR SERVICE	9,997.00	325.00	10,322.00 ***
AP 00363884	11/12/2015	EWING IRRIGATION PRODUCTS	1,428.09	0.00	1,428.09
AP 00363885	11/12/2015	FASTENAL COMPANY	5.83	0.00	5.83
AP 00363886	11/12/2015	FORD OF UPLAND INC	1,903.68	0.00	1,903.68
AP 00363887	11/12/2015	HOLLIDAY ROCK CO INC	1,625.51	0.00	1,625.51
AP 00363888	11/12/2015	KME FIRE APPARATUS	0.00	356.77	356.77
AP 00363889	11/12/2015	LIMS AUTO INC	858.95	0.00	858.95
AP 00363890	11/12/2015	ORKIN PEST CONTROL	187.20	0.00	187.20
AP 00363891	11/12/2015	PENNY PLUMBING	0.00	3,098.39	3,098.39
AP 00363892	11/12/2015	TOMARK SPORTS INC	431.96	0.00	431.96
AP 00363893	11/18/2015	10-8 RETROFIT INC.	280.80	0.00	280.80
AP 00363894	11/18/2015	1UP GRAPHICS	0.00	922.37	922.37
AP 00363895	11/18/2015	9435 CHARLES SMITH LLC	6,614.83	0.00	6,614.83
AP 00363896	11/18/2015	A AND R TIRE SERVICE	704.70	0.00	704.70
AP 00363897	11/18/2015	ADAMS, SHANE	0.00	529.68	529.68
AP 00363898	11/18/2015	AEF SYSTEMS CONSULTING INC	700.00	0.00	700.00
AP 00363899	11/18/2015	AGENCY FOR THE PERFORMING ARTS INC.	10,000.00	0.00	10,000.00
AP 00363900	11/18/2015	ALL CITIES TOOLS	119.51	0.00	119.51
AP 00363901	11/18/2015	ALL CITY MANAGEMENT SERVICES INC.	22,543.79	0.00	22,543.79
AP 00363902	11/18/2015	ALL STATE POLICE EQUIPMENT CO. INC.	191.10	0.00	191.10
AP 00363903	11/18/2015	ALLIED BARTON SECURITY SERVICES LLC	25,957.09	0.00	25,957.09
AP 00363904	11/18/2015	ALPHAGRAPHICS	24.30	0.00	24.30
AP 00363905	11/18/2015	ALTA LAGUNA MOBILE HOME PARK	1,000.00	0.00	1,000.00
AP 00363906	11/18/2015	ALTA VISTA MOBILE HOME PARK	700.00	0.00	700.00
AP 00363907	11/18/2015	ASCE CONTINUING EDUCATION/MEMBERSHIP	280.00	0.00	280.00
AP 00363908	11/18/2015	ASSI SECURITY	1,482.20	0.00	1,482.20
AP 00363909	11/18/2015	AT&T MOBILITY	0.00	166.00	166.00
AP 00363910	11/18/2015	AUTO AND RV SPECIALISTS INC.	101.01	0.00	101.01
AP 00363911	11/18/2015	BABAKHANI, SARAH SABELLA	200.00	0.00	200.00
AP 00363912	11/18/2015	BARNES AND NOBLE	167.55	0.00	167.55
AP 00363913	11/18/2015	BAUER COMPRESSORS	0.00	2,102.80	2,102.80
AP 00363914	11/18/2015	BISHOP COMPANY	352.40	0.00	352.40
AP 00363915	11/18/2015	CABLE INC.	0.00	1,324.52	1,324.52
AP 00363916	11/18/2015	CAL PERS LONG TERM CARE	268.00	0.00	268.00
AP 00363917	11/18/2015	CAL PERS LONG TERM CARE	268.00	0.00	268.00
AP 00363918	11/18/2015	CALIFORNIA BOARD OF EQUALIZATION, STATE OF	3,150.00	0.00	3,150.00
AP 00363919	11/18/2015	CALIFORNIA MUNICIPAL UTILITIES ASSOC	6,572.00	0.00	6,572.00
AP 00363920	11/18/2015	CALPERS	127,586.67	7,153.66	134,740.33 ***
AP 00363921	11/18/2015	CAPITAL ONE COMMERCIAL	0.00	2,899.83	2,899.83
AP 00363922	11/18/2015	CARQUEST AUTO PARTS	402.20	409.51	811.71 ***
AP 00363923	11/18/2015	CASA VOLANTE MOBILE HOME PARK	1,300.00	0.00	1,300.00
AP 00363924	11/18/2015	CCS ORANGE COUNTY JANITORIAL INC.	0.00	931.85	931.85
AP 00363925	11/18/2015	CCS ORANGE COUNTY JANITORIAL INC.	35,563.17	0.00	35,563.17
AP 00363926	11/18/2015	CDW GOVERNMENT INC.	288.33	0.00	288.33
AP 00363927	11/18/2015	CHAMPION AWARDS AND SPECIALTIES	16.20	0.00	16.20
AP 00363928	11/18/2015	CHAPARRAL HEIGHTS MOBILE HOME PARK	700.00	0.00	700.00

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AP	00363929	11/18/2015	CHARLES SMITH ENTERPRISES LLC	6,542.85	0.00	6,542.85
AP	00363930	11/18/2015	CHARLES SMITH ENTERPRISES LLC	7,262.56	0.00	7,262.56
AP	00363931	11/18/2015	CHARTER COMMUNICATIONS	1,828.84	540.38	2,369.22 ***
AP	00363932	11/18/2015	CINTAS CORP. #150	938.31	0.00	938.31
AP	00363933	11/18/2015	CITRUS COLLEGE	850.00	0.00	850.00
AP	00363934	11/18/2015	CLAYTON, JANICE	43.71	0.00	43.71
AP	00363935	11/18/2015	CLEAR COAST CONSTRUCTION	3,602.51	0.00	3,602.51
AP	00363936	11/18/2015	CLEARWATER GRAPHICS INC	4,458.24	0.00	4,458.24
AP	00363937	11/18/2015	CLIFFORD REAL ESTATE SERVICE INC	31,390.82	0.00	31,390.82
AP	00363938	11/18/2015	CLIMATEC LLC	305.00	0.00	305.00
AP	00363939	11/18/2015	COMPRESSED AIR SPECIALTIES	0.00	2,106.68	2,106.68
AP	00363940	11/18/2015	CONSOLIDATED ELECTRICAL DISTR INC	190.08	0.00	190.08
AP	00363941	11/18/2015	CONVERSE CONSULTANTS	1,053.00	0.00	1,053.00
AP	00363942	11/18/2015	COSTAR REALTY INFORMATION INC	616.50	0.00	616.50
AP	00363943	11/18/2015	CPRS DISTRICT XIII	50.00	0.00	50.00
AP	00363944	11/18/2015	CROP PRODUCTION SERVICES INC	753.84	0.00	753.84
AP	00363945	11/18/2015	CUTTING EDGE VIDEO CONCEPTS	4,995.00	0.00	4,995.00
AP	00363946	11/18/2015	D AND K CONCRETE COMPANY	1,928.89	0.00	1,928.89
AP	00363947	11/18/2015	DAGHDEVIRIAN, KATHY	186.30	0.00	186.30
AP	00363948	11/18/2015	DAN GUERRA AND ASSOCIATES	37,005.00	0.00	37,005.00
AP	00363949	11/18/2015	DAVALOS, FIDENCIO	262.89	0.00	262.89
AP	00363950	11/18/2015	DELTA DENTAL	1,633.20	0.00	1,633.20
AP	00363951	11/18/2015	DELTA DENTAL	39,995.23	0.00	39,995.23
AP	00363952	11/18/2015	DPREP INC.	393.00	0.00	393.00
AP	00363953	11/18/2015	DUMBELL MAN FITNESS EQUIPMENT, THE	150.00	0.00	150.00
AP	00363954	11/18/2015	EIGHTH AVENUE ENTERPRISE LLC	682.81	0.00	682.81
AP	00363955	11/18/2015	ELLISON-SCHNEIDER & HARRIS L.L.P.	1,056.00	0.00	1,056.00
AP	00363956	11/18/2015	EMPLOYMENT DEVELOPMENT DEPT.	16,069.00	0.00	16,069.00
AP	00363957	11/18/2015	ENGELKE, LINDA	10.00	0.00	10.00
AP	00363958	11/18/2015	ENTERSECT CORP	79.00	0.00	79.00
AP	00363959	11/18/2015	ETIWANDA CLASSICS LLC	3,521.00	0.00	3,521.00
AP	00363960	11/18/2015	EXPERIAN	52.00	0.00	52.00
AP	00363961	11/18/2015	FACTORY MOTOR PARTS	0.00	2.52	2.52
AP	00363962	11/18/2015	FEDERAL EXPRESS CORP	61.29	0.00	61.29
AP	00363963	11/18/2015	FLAG SYSTEMS INC.	362.88	0.00	362.88
AP	00363964	11/18/2015	FLEET SERVICES INC.	0.00	1,032.19	1,032.19
AP	00363965	11/18/2015	FMB TRUCK OUTFITTERS	1,068.26	0.00	1,068.26
AP	00363966	11/18/2015	FOOTHILL MOBILE MANOR	600.00	0.00	600.00
AP	00363967	11/18/2015	FOUR POINTS BY SHERATON	118.77	0.00	118.77
AP	00363968	11/18/2015	FREGOSO LEON AND ADRIANA FM TR 5/271	13,713.58	0.00	13,713.58
AP	00363969	11/18/2015	G AND M BUSINESS INTERIORS	156.99	0.00	156.99
AP	00363970	11/18/2015	G.A. TECHNICAL SERVICES	50,103.90	0.00	50,103.90
AP	00363971	11/18/2015	GAELIC STORM LLC	5,000.00	0.00	5,000.00
AP	00363972	11/18/2015	GEOGRAPHICS	362.34	0.00	362.34
AP	00363973	11/18/2015	GIORDANO, MARIANNA	300.00	0.00	300.00
AP	00363974	11/18/2015	GLOBALSTAR	74.49	0.00	74.49
AP	00363975	11/18/2015	GOLDEN STATE RISK MANAGEMENT AUTHORITY	104,206.00	1,150.00	105,356.00 ***

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AP 00363976	11/18/2015	GOOD YEAR TIRE AND RUBBER CO.	2,615.69	2,167.78	4,783.47 ***
AP 00363977	11/18/2015	GRAINGER	448.30	594.19	1,042.49 ***
AP 00363978	11/18/2015	GRAPHICS FACTORY INC.	199.80	0.00	199.80
AP 00363979	11/18/2015	GREEN ROCK POWER EQUIPMENT	743.26	0.00	743.26
AP 00363980	11/18/2015	HARVARD BUSINESS REVIEW	99.00	0.00	99.00
AP 00363981	11/18/2015	HDL COREN AND CONE	4,200.00	0.00	4,200.00
AP 00363982	11/18/2015	HOME DEPOT CREDIT SERVICES 645	237.88	0.00	237.88
AP 00363983	11/18/2015	HOSE MAN INC	79.06	138.80	217.86 ***
AP 00363984	11/18/2015	HOYT LUMBER CO., SM	0.00	63.19	63.19
AP 00363985	11/18/2015	HUB CONSTRUCTION SPECIALITIES INC	2,968.91	0.00	2,968.91
AP 00363986	11/18/2015	I A A P CALIFORNIA DIVISION	0.00	564.00	564.00
AP 00363987	11/18/2015	INLAND PRESORT & MAILING SERVICES	55.46	0.00	55.46
AP 00363988	11/18/2015	INLAND WATER WORKS SUPPLY COMPANY	392.40	0.00	392.40
AP 00363989	11/18/2015	INTERACTIVE DATA CORPORATION	115.52	0.00	115.52
AP 00363990	11/18/2015	JOHNNY ALLEN TENNIS ACADEMY	3,781.80	0.00	3,781.80
AP 00363991	11/18/2015	JRC HOUSING INC	7,855.00	0.00	7,855.00
AP 00363992	11/18/2015	JRC HOUSING INC	2,370.00	0.00	2,370.00
AP 00363993	11/18/2015	LAUNDRYFARM	4,903.75	0.00	4,903.75
AP 00363994	11/18/2015	LEW EDWARDS GROUP, THE	5,750.00	0.00	5,750.00
AP 00363995	11/18/2015	LIVE OAK DOG OBEDIENCE	387.00	0.00	387.00
AP 00363996	11/18/2015	LOBSTER MUSIC INC	12,000.00	0.00	12,000.00
AP 00363997	11/18/2015	MARIPOSA LANDSCAPES INC	1,351.80	0.00	1,351.80
AP 00363998	11/18/2015	MARLINK SA INC	0.00	162.00	162.00
AP 00363999	11/18/2015	MCGINLEY, JO	1,000.00	0.00	1,000.00
AP 00364000	11/18/2015	MCI	32.71	0.00	32.71
AP 00364001	11/18/2015	MEINEKE CAR CARE CENTER	1,053.44	0.00	1,053.44
AP 00364002	11/18/2015	MIDWEST TAPE	944.28	0.00	944.28
AP 00364003	11/18/2015	MK BUILDINGS LLC	4,512.35	0.00	4,512.35
AP 00364004	11/18/2015	MOBILE ROADIE INC	20,000.00	0.00	20,000.00
AP 00364005	11/18/2015	MR TS 24HR TOWING	975.00	0.00	975.00
AP 00364006	11/18/2015	MYERS, RENE	250.00	0.00	250.00
AP 00364007	11/18/2015	NAPA AUTO PARTS	58.75	0.00	58.75
AP 00364008	11/18/2015	NATIONAL DATA & SURVEYING SERVICES	875.00	0.00	875.00
AP 00364009	11/18/2015	NATIONWIDE ENVIRONMENTAL SERVICES	2,184.00	0.00	2,184.00
AP 00364010	11/18/2015	NBS	3,000.00	0.00	3,000.00
AP 00364011	11/18/2015	NEW VISION CONSTRUCTION	2,223.25	0.00	2,223.25
AP 00364012	11/18/2015	NEXTEL	0.00	130.97	130.97
AP 00364013	11/18/2015	NUNEZ, LUCY ALVAREZ-	99.59	0.00	99.59
AP 00364014	11/18/2015	O'CONNOR, DAN	1,000.00	0.00	1,000.00
AP 00364015	11/18/2015	OCCUPATIONAL HEALTH CTRS OF CA	255.22	0.00	255.22
AP 00364016	11/18/2015	OCLC INC	51.97	0.00	51.97
AP 00364018	11/18/2015	OFFICE DEPOT	4,585.70	140.64	4,726.34 ***
AP 00364019	11/18/2015	OLLAR CONSTRUCTION CO INC	5,000.00	0.00	5,000.00
AP 00364020	11/18/2015	ONTRAC	51.91	0.00	51.91
AP 00364021	11/18/2015	PHOENIX GROUP INFORMATION SYSTEMS	1,244.08	0.00	1,244.08
AP 00364022	11/18/2015	PILOTTE, JEFFREY	220.00	0.00	220.00
AP 00364023	11/18/2015	PINES MOBILE HOME PARK, THE	600.00	0.00	600.00

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AP	00364024	11/18/2015	PRECISION GYMNASTICS	1,007.30	0.00	1,007.30
AP	00364025	11/18/2015	PRO SPRAY EQUIPMENT	14.43	0.00	14.43
AP	00364026	11/18/2015	PTM DOCUMENT SYSTEMS INC	339.61	0.00	339.61
AP	00364027	11/18/2015	PUBLIC SURPLUS	1,099.67	0.00	1,099.67
AP	00364028	11/18/2015	R AND R AUTOMOTIVE	2,538.97	0.00	2,538.97
AP	00364029	11/18/2015	RAMONA VILLA MOBILE HOME PARK	1,200.00	0.00	1,200.00
AP	00364030	11/18/2015	RAN. FAMILY HOLDINGS II LLC	4,212.50	0.00	4,212.50
AP	00364031	11/18/2015	REGENCY ENTERPRISES INC	559.71	0.00	559.71
AP	00364032	11/18/2015	REHABWEST INC	471.20	0.00	471.20
AP	00364033	11/18/2015	RICHARDS WATSON AND GERSHON	9,478.31	0.00	9,478.31
AP	00364034	11/18/2015	RIOS, ARNOLD	400.00	0.00	400.00
AP	00364035	11/18/2015	RIPPETOE LAW P C	15,462.83	5,776.10	21,238.93 ***
AP	00364036	11/18/2015	ROBLES, RAUL P	255.00	0.00	255.00
AP	00364037	11/18/2015	ROTARY CORPORATION	376.36	0.00	376.36
AP	00364038	11/18/2015	RSCS LLC	4,224.97	0.00	4,224.97
AP	00364039	11/18/2015	SAFE-ENTRY TECHNICAL INC	0.00	1,152.43	1,152.43
AP	00364040	11/18/2015	SAMS CLUB/SYNCHRONY BANK	2,040.49	0.00	2,040.49
AP	00364041	11/18/2015	SAN BERNARDINO CO AUDITOR CONT	6,660.00	0.00	6,660.00
AP	00364042	11/18/2015	SAN BERNARDINO COUNTY SHERIFFS DEPT	557.60	0.00	557.60
AP	00364043	11/18/2015	SC FUELS	0.00	1,276.34	1,276.34
AP	00364044	11/18/2015	SCCCA	80.00	0.00	80.00
AP	00364045	11/18/2015	SHEAKLEY PENSION ADMINISTRATION	292.40	0.00	292.40
AP	00364046	11/18/2015	SHEAKLEY PENSION ADMINISTRATION	0.00	165.10	165.10
AP	00364047	11/18/2015	SHRED IT USA LLC	236.55	0.00	236.55
AP	00364048	11/18/2015	SIEMENS INDUSTRY INC	4,791.14	0.00	4,791.14
AP	00364049	11/18/2015	SO CALIF GAS COMPANY	9,757.04	0.00	9,757.04
AP	00364050	11/18/2015	SO CALIF GAS COMPANY	1,715.06	0.00	1,715.06
AP	00364051	11/18/2015	SOUTH COAST AQMD	6.07	0.00	6.07
AP	00364056	11/18/2015	SOUTHERN CALIFORNIA EDISON	203,026.83	0.00	203,026.83
AP	00364057	11/18/2015	SOUTHLAND FARMERS MARKET ASSOC INC	702.00	0.00	702.00
AP	00364058	11/18/2015	SOUTHLAND SPORTS OFFICIALS	460.00	0.00	460.00
AP	00364059	11/18/2015	STOTZ EQUIPMENT	149.44	0.00	149.44
AP	00364060	11/18/2015	SUNGARD PUBLIC SECTOR INC	7,434.40	0.00	7,434.40
AP	00364061	11/18/2015	SUPERSOP1 LLC	4,512.35	0.00	4,512.35
AP	00364062	11/18/2015	SWIFTY SIGN	842.40	0.00	842.40
AP	00364063	11/18/2015	SWRCB FEES	28,621.00	0.00	28,621.00
AP	00364064	11/18/2015	SYCAMORE VILLA MOBILE HOME PARK	800.00	0.00	800.00
AP	00364065	11/18/2015	SYSCO LOS ANGELES INC	1,011.86	0.00	1,011.86
AP	00364066	11/18/2015	TASSO, PHILLIP	72.00	0.00	72.00
AP	00364067	11/18/2015	THE COUNSELING TEAM INTERNATIONAL	0.00	300.00	300.00
AP	00364068	11/18/2015	THOMPSON BUILDING MATERIALS	1,241.68	0.00	1,241.68
AP	00364069	11/18/2015	THOMPSON PLUMBING SUPPLY	467.20	0.00	467.20
AP	00364070	11/18/2015	TORO TOWING	1,258.30	0.00	1,258.30
AP	00364071	11/18/2015	U S LEGAL SUPPORT INC	234.39	0.00	234.39
AP	00364072	11/18/2015	U.S. BANK PARS ACCT #6746022500	11,024.10	0.00	11,024.10
AP	00364073	11/18/2015	U.S. BANK PARS ACCT #6746022500	963.91	0.00	963.91
AP	00364074	11/18/2015	U.S. BANK PARS ACCT #6746022500	3,900.00	0.00	3,900.00

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AP 00364075	11/18/2015	U.S. BANK PARS ACCT #6746022500	14,903.93	0.00	14,903.93
AP 00364076	11/18/2015	U.S. BANK PARS ACCT #6746022500	993.61	0.00	993.61
AP 00364077	11/18/2015	UNIQUE MANAGEMENT SERVICES INC	352.70	0.00	352.70
AP 00364078	11/18/2015	UNITED PACIFIC SERVICES INC	20,582.00	0.00	20,582.00
AP 00364079	11/18/2015	UNITED ROTARY BRUSH CORPORATION	260.19	0.00	260.19
AP 00364080	11/18/2015	UNITED SITE SERVICES OF CA INC	216.15	0.00	216.15
AP 00364081	11/18/2015	UPS	14.07	0.00	14.07
AP 00364082	11/18/2015	VECCHIO, TOM	161.83	0.00	161.83
AP 00364083	11/18/2015	Verizon	26.31	0.00	26.31
AP 00364084	11/18/2015	VERIZON BUSINESS SERVICES	398.99	0.00	398.99
AP 00364086	11/18/2015	VERIZON CALIFORNIA	8,497.94	2,497.53	10,995.47 ***
AP 00364087	11/18/2015	VERIZON WIRELESS - LA	570.15	0.00	570.15
AP 00364088	11/18/2015	VERIZON WIRELESS - LA	5,107.45	0.00	5,107.45
AP 00364089	11/18/2015	VERIZON WIRELESS - LA	60.12	0.00	60.12
AP 00364090	11/18/2015	VISION SERVICE PLAN CA	10,773.36	0.00	10,773.36
AP 00364091	11/18/2015	WARREN & CO INC, CARL	269.00	0.00	269.00
AP 00364092	11/18/2015	WEST COAST FIRE	5,000.00	0.00	5,000.00
AP 00364093	11/18/2015	WHITE HOUSE PHOTO INC	1,667.50	0.00	1,667.50
AP 00364094	11/18/2015	WHITE NELSON DIEHL EVANS LLP	325.00	0.00	325.00
AP 00364095	11/18/2015	WILSON AND BELL	388.63	0.00	388.63
AP 00364099	11/19/2015	BRODART BOOKS	6,696.44	0.00	6,696.44
AP 00364103	11/19/2015	C V W D	118,835.63	381.10	119,216.73 ***
AP 00364104	11/19/2015	INLAND VALLEY DAILY BULLETIN	2,817.40	0.00	2,817.40
AP 00364105	11/19/2015	INLAND VALLEY DAILY BULLETIN	1,175.00	0.00	1,175.00
AP 00364106	11/19/2015	INTERSTATE BATTERIES	788.81	0.00	788.81
AP 00364107	11/19/2015	MWI VETERINARY SUPPLY	574.56	0.00	574.56
AP 00364108	11/19/2015	TARGET SPECIALTY PRODUCTS	639.15	0.00	639.15

Total City:	**$2,333,839.81**
Total Fire:	**$77,087.66**
Grand Total:	**$2,410,927.47**

Note:

***** Check Number includes both City and Fire District expenditures**

STAFF REPORT

RANCHO CUCAMONGA POLICE DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Danielle Boldt, Chief of Police

By: Danielle Boldt, Chief of Police

Subject: **APPROVAL TO AMEND CONTRACT FOR LAW ENFORCEMENT SERVICES TO ASSUME COUNTY AREA RESPONSIBILITES AND RECEIVE A CREDIT TO THE SCHEDULE A IN THE AMOUNT OF $39,042 EFFECTIVE JANUARY 9, 2016 THROUGH JUNE 30, 2016.**

RECOMMENDATION

The Police Department recommends that the City Council authorize an amendment to the Schedule A contract for law enforcement services from January 9, 2016 through June 30, 2016. The amendment would reimburse the City $39,042 in exchange for the assumption of law enforcement services rendered to the unincorporated areas immediately north of the City boundary.

BACKGROUND ANALYSIS

As part of the San Bernardino County Sheriff's Department's efforts to enhance service delivery throughout the county, the Office of the Sheriff conducted an analysis of law enforcement services rendered to the unincorporated areas north of the City's boundaries. They found that in the course of one calendar year, the services are equivalent to the workload of ½ of a full time deputy sheriff. Due to the extended arrival times and other staffing related concerns, the areas assessed would be better served by Rancho Cucamonga deputy sheriffs. The City residents who reside adjacent to the unincorporated area would also be better served when they are effected by public safety issues generated in the unincorporated areas.

The statistics and impacts have been reviewed by me, and I recommend City Council approves an amended contract effective January 9, 2016 through June 30, 2016 wherein the City would provide law enforcement services to the affected area and receive compensation equivalent to ½ of a full time deputy sheriff position. At the conclusion of the contract period, we will submit a report to City Council with a review of performance and recommendations for further consideration.

SAN BERNARDINO COUNTY

F A S

STANDARD CONTRACT

FOR COUNTY USE ONLY

☐ New ☒ Change ☐ Cancel	FAS Vendor Code	SC	Dept. SHC	A	Contract Number 94-524 A-33
ePro Vendor Number					ePro Contract Number
County Department: Sheriff/Coroner/Public Administrator		Dept. SHC	Orgn. SHC		Contractor's License No.
County Department Contract Representative: Samuel Fisk, Lieutenant		Telephone (909) 387-0640			Total Contract Amount $31,653,917

Contract Type: ☒ Revenue ☐ Encumbered ☐ Unencumbered ☐ Other:

If not encumbered or revenue contract type, provide reason:

Commodity Code	Contract Start Date	Contract End Date	Original Amount	Amendment Amount
	07/01/15	06/30/16	$31,692,959	($39,042)

Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No	Amount
AAA	SHC	SHC		9565	RANCHO	($39,042)
						$
						$

Project Name: Contract Law Enforcement 2015-16

Estimated Payment Total by Fiscal Year					
FY	Amount	I/D	FY	Amount	I/D

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, hereinafter called the County, and

Name: City of Rancho Cucamonga hereinafter called CITY

Address: 10500 Civic Center Drive

Rancho Cucamonga, CA 91730

Telephone: (909) 477 - 2700

Federal ID No. or Social Security No.:

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

THIRTY-THIRD AMENDMENT

Contract 94-524 to provide law enforcement services to the City of Rancho Cucamonga is amended, effective January 9, 2016 to implement a pilot program related to the delivery of law enforcement service to specific unincorporated areas in the West End of the County, which covers approximately nine (9) square miles. In order to implement the pilot program, this contract is hereby amended as follows: (1) by adding Section XII to address the provision of law enforcement services to the unincorporated area of the West End of the County, commonly referred to as North Rancho/ Etiwanda Preserve, and (2) by replacing Schedule A referred to in Section IV with the Schedule A attached hereto and incorporated herein by reference.

Auditor-Controller/Treasurer/Tax Collector Use Only	
☐ Contract Database	☐ FAS
Input Date	Keyed By

XII. Law Enforcement Service to North Rancho/Etiwanda Preserve

Effective January 9, 2016, the City assumes patrol and investigative responsibility for the unincorporated area of the County commonly referred to as Rancho North/Etiwanda Preserve as a pilot program through June 30, 2016. Rancho North/Etiwanda Preserve is identified as Reporting District Nos. RC900 and RC901 on Exhibit A, attached hereto and incorporated herein by reference. The City agrees to provide patrol and investigative personnel as well as management, supervision, clerical support and appropriate backfill (referred to collectively as "Law Enforcement Service"), utilizing staff paid for by the City through this law enforcement services contract. In consideration of providing Law Enforcement Service to Rancho North/Etiwanda Preserve, County will provide a credit to the City as detailed on Schedule A. This credit provides full compensation to City as it relates to Law Enforcement Service provided by City to Rancho North/Etiwanda Preserve. At the conclusion of the pilot program, the County and City will evaluate the effectiveness of the program to determine whether or not the City will continue to provide of law enforcement service to the Rancho North/Etiwanda Preserve area on an ongoing basis.
The Sheriff-Coroner retains the right to determine law enforcement staffing levels in the unincorporated areas of the County. Any change to the staffing level is at the sole discretion of the Sheriff-Coroner.

Except as amended, all other terms and conditions of this contract remain as stated therein.

COUNTY OF SAN BERNARDINO

►

James Ramos, Chairman, Board of Supervisors

Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Laura H. Welch
Clerk of the Board of Supervisors
of the County of San Bernardino

By _____
Deputy

City of Rancho Cucamonga
(Print or type name of corporation, company, contractor, etc.)

By ►
(Authorized signature - sign in blue ink)

Name JOHN GILLISON
(Print or type name of person signing contract)

Title CITY MANAGER
(Print or Type)

Dated: 112415

Address 10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Approved as to Legal Form	Reviewed by Contract Compliance	Presented to BOS for Signature
►	►	►
Michelle D. Blakemore, Chief Asst County Counsel		Samuel Fisk, Lieutenant
Date 11-23-15	Date	Date 11/23/15

SCHEDULE A
Law Enforcement Services Contract
City of Rancho Cucamonga
2015-16

Effective January 9, 2016 - Prorated Credit for North Rancho/Etiwanda Preserve

LEVEL OF SERVICE			FY 2015-16 COST
1	-	Captain	$ 321,528 [1]
2	-	Lieutenant	494,391 [1]
12	-	Sergeant	2,547,403 [1]
15	-	Detective/Corporal	2,680,267 [1]
94	-	Deputy Sheriff	15,266,926 [1]
9	-	Deputy Sheriff - Motorcycle	1,513,237 [1]
17	-	Sheriff's Service Specialist	1,231,831 [1]
1	-	Supv Office Specialist	81,582 [1]
1	-	Crime Analyst	108,919 [1]
2	-	Secretary	135,707 [1]
19	-	Office Specialist	1,285,362 [1]
1	-	Motor Pool Services Assistant	67,368 [1]
44	-	Marked Unit	577,412 [2]
6	-	Marked Unit - Slick Top	78,450 [2]
2	-	Marked 4X4 - Tahoe (K-9)	30,278 [2]
37	-	Unmarked Unit	236,925 [2]
1	-	Command Post (radio cost only)	629 [2]
1	-	4x4 Explorer (Captain)	8,404 [2]
8	-	Pickup truck	51,600 [2]
1	-	Rapid Incident Response Vehicle (Equip Only)	1,376 [3]
11	-	Motorcycle	83,879 [2]
1	-	Donated Fleet Truck (Ford F-250)	1,376 [3]
3	-	Donated Vehicles (3-Ford Escapes radio cost only)	1,887 [3]
3	-	Citizen Patrol (2-Ford Escapes, 1-Saturn Vue)	4,128 [3]
1	-	Donated MAIT Truck (Chevy Silverado)	1,376 [3]
1	-	Donated Crime Prevention Vehicle (Chevy Tahoe)	1,376 [3]
		Dispatch Services	1,563,571 [1]
209	-	HTs (Amortized over 7-years)	100,738
209	-	HTs (Access & Maint Only)	131,461
10	-	Additional MDCs	10,460
130	-	Taser Replacement (Amortized over 4-years)	42,640
		Administrative Support	126,625
		Office Automation	188,772
		Vehicle Insurance	690,912
		Personnel Liability & Bonding	677,536
		Workers' Comp Experience Modification	40,911
		County Administrative Cost	1,305,716
		TOTAL COST:	**$ 31,692,959** [1]
		Less Prorated Credit January 9, 2016 - June 30, 2016	(39,042)
		NET CONTRACT TOTAL:	**$ 31,653,917**

Monthly Payment Schedule

1st payment due July 15, 2015:	$2,641,090
2nd through 6th payments due the 5th of each month:	$2,641,079
7th through 12th payments due 5th of each month:	$2,634,572

[1] Personnel costs include salary and benefits and are subject to change by Board of Supervisors' action.

[2] Vehicle costs do not include fuel and maintenance. The City is responsible for fuel, repair and maintenance of all contract vehicles, including collision damage . All fuel, repair and maintenance costs incurred by the County will be billed to the City on a quarterly invoice.

[3] No replacement cost is included for grant funded or donated vehicles.

SCHEDULE A
Law Enforcement Services Contract
City of Rancho Cucamonga
2015-16

Detail of Credit for City's Response to Etiwanda Preserve

LEVEL OF SERVICE

-0.5	-	Deputy Sheriff	$	(81,207)
		Annual Credit	**$**	**(81,207)**
		Pro-Rated January 9, 2016 - June 30, 2016 (25 weeks)	**$**	**(39,042)**

Additional Costs Billed Quarterly:

The City will be billed on a quarterly basis for the following items:

- Actual overtime cost.
- Actual on-call cost (on call pay for safety employees for 2015-16 is $185 per week).
- Actual cost of vehicle fuel, repair and maintenance, including the cost of collision repair.
- Professional services from private vendors and other services, supplies and personnel costs above the contract formula.

SAFETY:

Captain	-	1
Lieutenant	-	2
Sergeant	-	12
Detective/Corporal	-	15
Deputy Sheriff	-	94
Deputy Sheriff - Motor	-	9
		133

GENERAL:

Crime Analyst	-	1.00
Sheriff's Service Specialist	-	17.00
Secretary I	-	2.00
Supv Office Specialist	-	1.00
Office Specialist	-	19.00
Motor Pool Services Asst	-	1.00
Dispatchers	-	17.48
		58.48

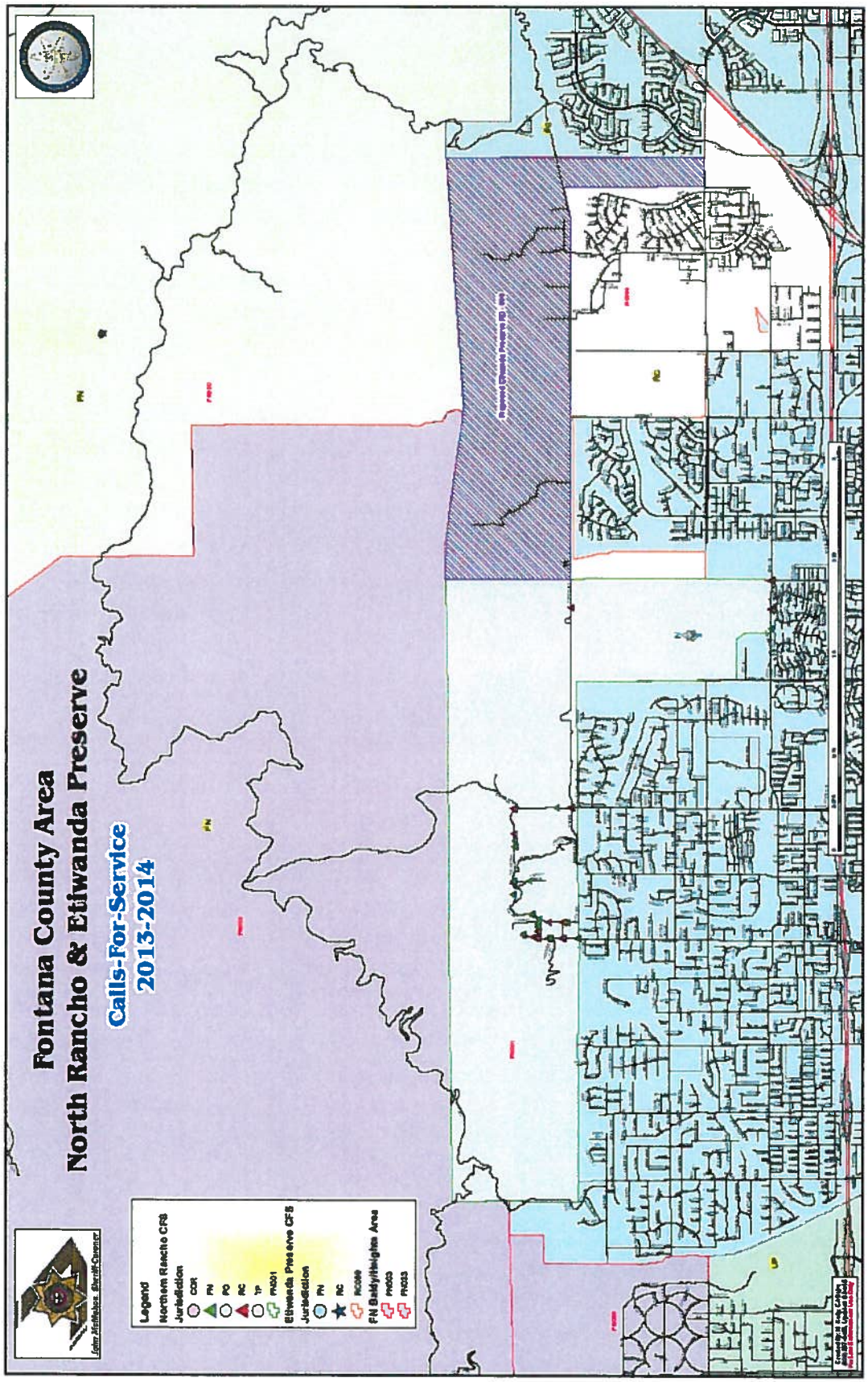
VEHICLES:

Marked Patrol Units	-	52
Unmarked Units Code 3	-	37
Mini Vans	-	3
SUV's & Pickup Trucks	-	14
Motorcycles	-	11
Citizen Patrol	-	3
Donated Vehicles-Ins Only	-	17 *
		137

DONATED VEHICLES:

2011 Ford Edge	-	1 *
2010 Ford Ranger	-	1 *
2011 Honda Accord	-	1 *
2010 Toyota Sienna	-	1 *
2003 Suzuki Motorcycles	-	2 *
American General HMMV	-	1 *
GEM Electric Vehicle	-	3 *
2012 Fireblast Trailer	-	1 *
2012 John Deere Gator	-	2 *
2012 Yamaha Raptor ATV	-	1 *
2012 Wells Cargo Trailer	-	1 *
2013 Ford F-150 Truck	-	1 *
2014 John Deere XUV ATC	-	1 *
		17 *

EXHIBIT A


Fontana County Area
North Rancho & Etiwanda Preserve
Calls-For-Service
2013-2014
Legend
Northern Rancho CFS
Jurisdiction
Etiwanda Preserve CFS
Jurisdiction
FN Baldy/Heights Area

STAFF REPORT

ENGINEERING SERVICES DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Mark A. Steuer, Director of Engineering Services/City Engineer

By: Romeo M. David, Associate Engineer RMD
Shelley Hayes, Assistant Engineer SH

Subject: CONSIDERATION TO RELEASE MAINTENANCE GUARANTEE BOND NO. 09136070/014064936-A IN THE AMOUNT OF $78,855.98, FOR THE RAMONA AVENUE STORM DRAIN AND PAVEMENT REHABILITATION FROM FOOTHILL BOULEVARD TO SOUTH OF PACIFIC ELECTRIC TRAIL PROJECT, CONTRACT NO. 14-120

RECOMMENDATION

It is recommended that the City Council authorize the City Clerk to release Maintenance Guarantee Bond No. 09136070/014064936-A in the amount of $78,855.98, for the Ramona Avenue Storm Drain and Pavement Rehabilitation from Foothill Boulevard to south of Pacific Electric Trail project, Contract No. 14-120.

BACKGROUND/ANALYSIS

The required one-year maintenance period has ended and the improvements remain free from defects in materials and workmanship.

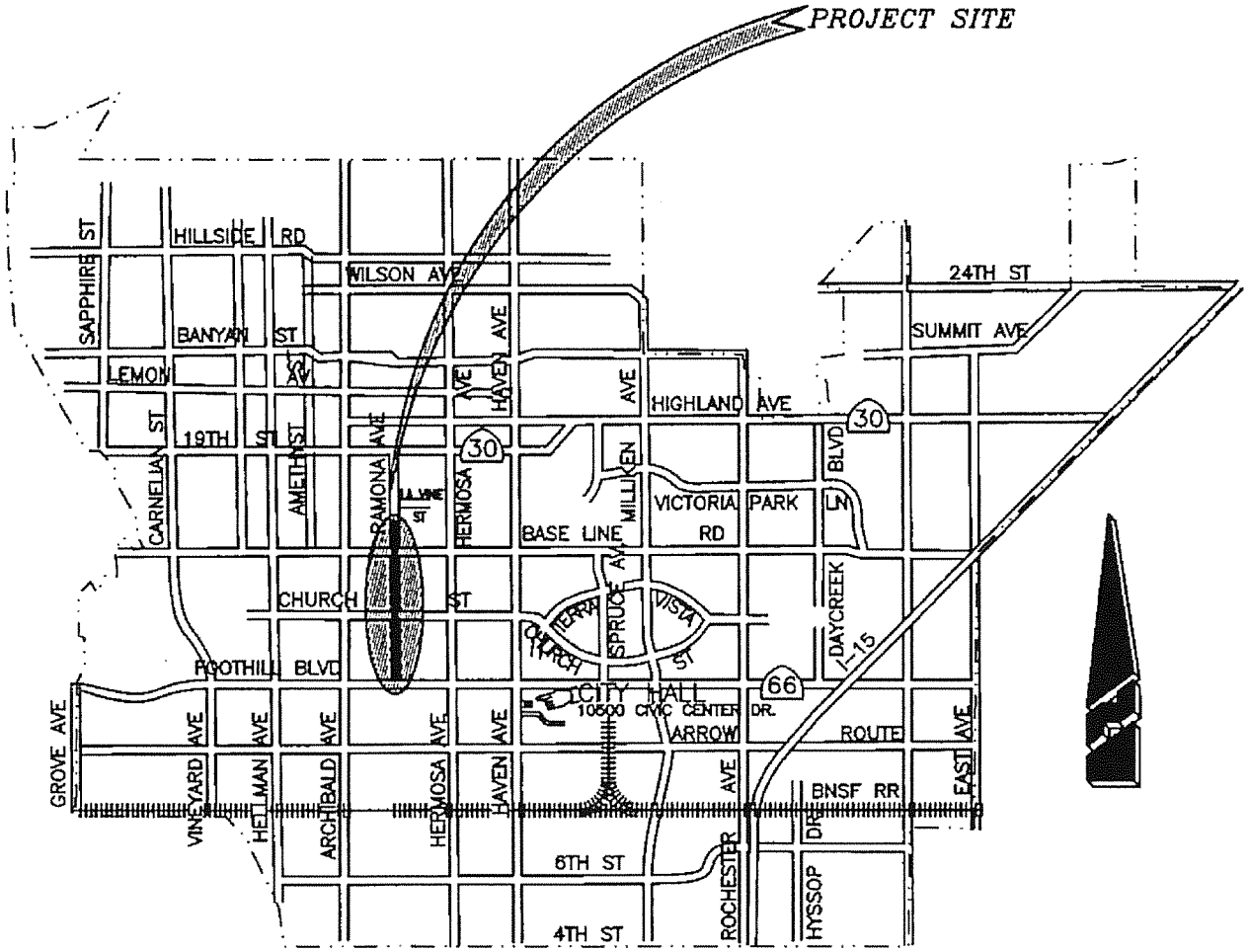
Contractor: Sully-Miller Contracting Co.
135 S. State College Blvd. #400
Brea, CA 92821

Respectfully submitted,

Mark A. Steuer
Director of Engineering Services/City Engineer

MAS/RMD/SH:ls

RAMONA AVENUE STORM DRAIN AND PAVEMENT REHABILITATION



CITY OF RANCHO CUCAMONGA

VICINITY MAP

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STAFF REPORT

PUBLIC WORKS SERVICES DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: William Wittkopf, Public Works Services Director

By: Ernest Ruiz, Streets, Storm Drains, and Fleet Superintendent
Ruth Cain, CPPB, Purchasing Manager

Subject: CONSIDERATION TO AUTHORIZE THE PURCHASE OF TWO (2) TRAFFIC SIGNAL CONTROLLER CABINETS FROM ECONOLITE, OF ANAHEIM, CALIFORNIA, IN THE AMOUNT OF $118,830.24, IN ACCORDANCE WITH REQUEST FOR BID ("RFB") #15/16-009 TO BE FUNDED FROM ACCT. NO. 1712001-5603 (EQUIPMENT/VEHICLE REPLACEMENT FUND)

RECOMMENDATION

It is recommended that the City Council authorize the purchase of two (2) Traffic Signal Controller Cabinets from Econolite, of Anaheim, California, in the amount of $118,830.24, in accordance with Request for Bid ("RFB") #15/19-009 to be funded from account number 1712001-5603 (Equipment/Vehicle Replacement Fund).

BACKGROUND/ANALYSIS

City Council approved the purchase of two (2) Traffic Signal Controller Cabinets in the adopted FY 2015/16 budget as part of the Equipment/Vehicle Replacement fund. These traffic signal controller cabinets will be used by the Public Works Services Traffic Signal and Safety Lighting section to replace any cabinets damaged as a result of traffic collisions or equipment failure. The Public Works Services Department provided specifications to the Purchasing Division for the purchase of the traffic signal controller cabinets. Purchasing prepared and posted a formal Request for Bid (RFB) #15/16-009 to the City's automated procurement system. There were three-hundred twenty-nine (329) vendors notified; ten (10) prospective bidders downloaded the RFB documentation, and only one (1) response was received.

After analysis of the bid response by the Streets, Storm Drains, and Fleet Superintendent and Purchasing staff, it has been determined to be in the City's best interest to recommend an award to Econolite, of Anaheim, California, for two (2) Traffic Signal Controller Cabinets. All applicable solicitation documentation is on file in the City's electronic bidding system and can be accessed through the City's Internet at www.cityofrc.us.

Respectfully submitted,

William Wittkopf
Public Works Services Director

WW/ER:rc

STAFF REPORT

RANCHO CUCAMONGA POLICE DEPARTMENT

RANCHO CUCAMONGA

DATE: Dec 2, 2015

TO: Mayor and Members of the City Council
John Gillison, City Manager

FROM: Danielle Boldt, Police Chief

BY: Jeff Notaro, Sergeant

SUBJECT: CONSIDERATION TO DONATE THREE "EZ GO EXPRESS L6" GASOLINE GOLF CARTS VALUED AT $36,556.48 TO THE COUNTY OF SAN BERNARDINO FOR USE BY OUR LAW ENFORCEMENT STAFF TO PATROL THE VICTORIA GARDENS MALL, PACIFIC ELECTRIC TRAIL, LOCAL PARKS AND OTHER AREAS WITHIN THE CITY.

RECOMMENDATION

Staff recommends the City Council authorize the donation of three "EZ Go Express L6" gasoline golf carts valued at $36,556.48 to the County of San Bernardino for use by the Rancho Cucamonga Police Department to patrol the Victoria Gardens Mall, Pacific Electric Trail, local parks and other areas within the city.

BACKGROUND:

In July 2015, the City of Rancho Cucamonga purchased three EZ-Go Express gasoline powered golf carts from Town and Country Golf Carts in Hemet for use by the Rancho Cucamonga Police Department. In order for the vehicles to be used by county personnel, the vehicles must be transferred to the County of San Bernardino. Responsibility for liability and maintenance will be the same as that provided for other vehicles within the police department's fleet. When the useful life of the vehicle ends, the title will be transferred back to the city of Rancho Cucamonga.

Respectfully submitted,

Danielle Boldt
Chief of Police

STAFF REPORT

ENGINEERING SERVICES DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Mark A. Steuer, Director of Engineering Services/City Engineer

By: Willie Valbuena, Assistant Engineer

Subject: CONSIDERATION OF APPROVAL OF A REQUEST TO SUMMARILY VACATE A 25-FOOT WIDE STORM DRAIN EASEMENT, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND THE SR-210 FREEWAY (V-231) – APN 201-272-23 RELATED FILES: DRC2008-00464, DRC2013-00811

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution summarily ordering the vacation of the 25-foot wide storm drain easement, and the City Clerk shall cause a certified copy of this resolution and exhibits to be recorded in the office of the County Recorder of San Bernardino County, California.

BACKGROUND/ANALYSIS

DRC2008-00464 was approved by the Planning Commission on January 28, 2009, for the development of two multi-tenant retail buildings with a drive-thru, located at the northeast corner of Haven Avenue and the SR-210 Freeway. On November 13, 2013, the Planning Commission approved the time extension of the project under DRC2013-00811. During the course of reviewing the project, it was determined that the existing storm drain easement was granted by the State of California to the City. With the City processing the vacation, the existing storm drain easement will become a private drainage easement which will be maintained by the property owner. The property owner will also have the option to construct a new storm drain within the easement around the proposed building and discharge to Haven Avenue.

Chapter 4, Article 1, Section 8333 of the Streets and Highways Code allows for an easement to be summarily vacated when it has been superseded by relocation and there are no public facilities within the easement.

On November 10, 2015, the Planning Commission found, by minute action, that vacation of the 25-foot wide storm drain easement was consistent with the General Plan.

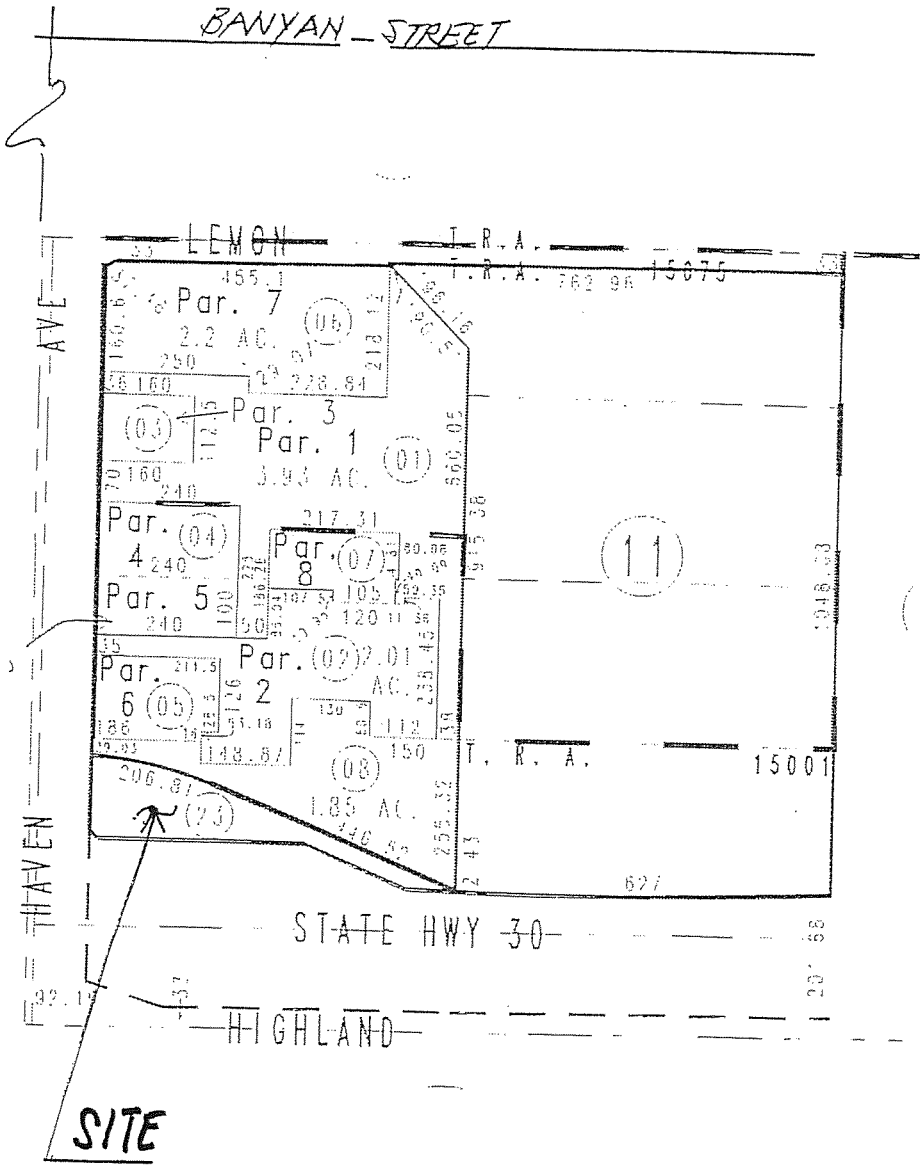
Respectfully submitted,

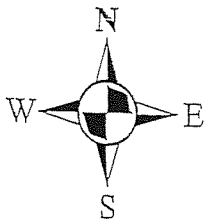
Mark A. Steuer
Director of Engineering Services/City Engineer

MAS/WV:rlf

Attachments: Vicinity Map
Legal Description (Exhibit "A")
Plat (Exhibit "B")

City of Rancho Cucamonga
Engineering Division
Vicinity Map





Item: V-231

Title: VICINITY MAP

RESOLUTION NO. 15-210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, SUMMARILY ORDERING THE VACATION OF A 25-FOOT WIDE STORM DRAIN EASEMENT, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND THE SR 210 FREEWAY

WHEREAS, by Chapter 4, Article 1, Section 8334, of the Streets and Highway Code, the City Council of the City of Rancho Cucamonga is authorized to summarily vacate when it has been superseded by relocation and there are no public facilities within the easement; and

WHEREAS, on November 10, 2015, the Planning Commission determined that the vacation of the existing storm drain easement, located at the northeast corner of Haven Avenue and the SR 210 Freeway, is in conformance with the General Plan and recommended that the vacation occur; and

WHEREAS, the City Council found by all the evidence submitted that the existing storm drain easement, located at the northeast corner of Haven Avenue and the SR 210 Freeway; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rancho Cucamonga as follows:

SECTION 1: That the City Council of the City of Rancho Cucamonga hereby makes its order vacating an existing storm drain easement, located at the northeast corner of Haven Avenue and the SR 210 Freeway, as described in Exhibit "A" and shown on Exhibit "B".

SECTION 2: That the subject vacation shall be subject to the reservation and exception, if any, for existing utilities on record.

SECTION 3: That from and after the date the Resolution is recorded, said existing storm drain easement no longer constitute a public easement.

SECTION 4: That the City Clerk shall cause a certified copy of this resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

SECTION 5: That the City Clerk shall certify to the passage and adoption of this resolution, and it shall thereupon take effect and be in force.

LEGAL DESCRIPTION FOR VACATION OF STORM DRAIN EASEMENT

That portion of Parcel 9 of Parcel Map 9416 in the City of Rancho Cucamonga, County of San Bernardino, State of California, as shown on a map recorded in Parcel Map Book 101, pages 53 through 55 inclusive, in the Office of the County Recorder of said County, lying within the southwest quarter of Section 25, Township 1 North, Range 7 West, San Bernardino Meridian, described as follows:

COMMENCING at the southeast corner of said Parcel 9; thence along the northerly line of that certain property described in a Final Order of Condemnation, Case No. RCV 046430, to the People of the State of California recorded September 24, 1993 as Instrument Number 93-462537 of Official Records of said County, North 67°44'53" West, 129.771 meters (425.76 feet) to the **POINT OF BEGINNING**; thence Course "A", South 74°16'23" West, 69.885 meters (229.28 feet) to the east line of Haven Avenue (90.00 feet half-width) as shown on said Parcel Map; thence along said east line, North 00°05'02" East, 7.920 meters (25.98 feet) to a line parallel with and distant northwesterly 7.620 meters (25.00 feet) measured at right angles from said Course "A"; thence along said parallel line, North 74°16'23" East, 57.787 meters (189.59 feet) to a point on a non-tangent curve on said northerly line, concave southwesterly, having a radius of 173.720 meters (569.95 feet), a radial line to said point bears North 20°12'13" East; thence along said northerly line, southeasterly along said non-tangent curve, 6.210 meters (20.37 feet), through a central angle of 02°02'54"; thence continuing along said northerly line, South 67°44'53" East, 6.316 meters (20.72 feet) to the **POINT OF BEGINNING**.

There shall be no abutter's right of access appurtenant to the above-described real property in and to said Haven Avenue.

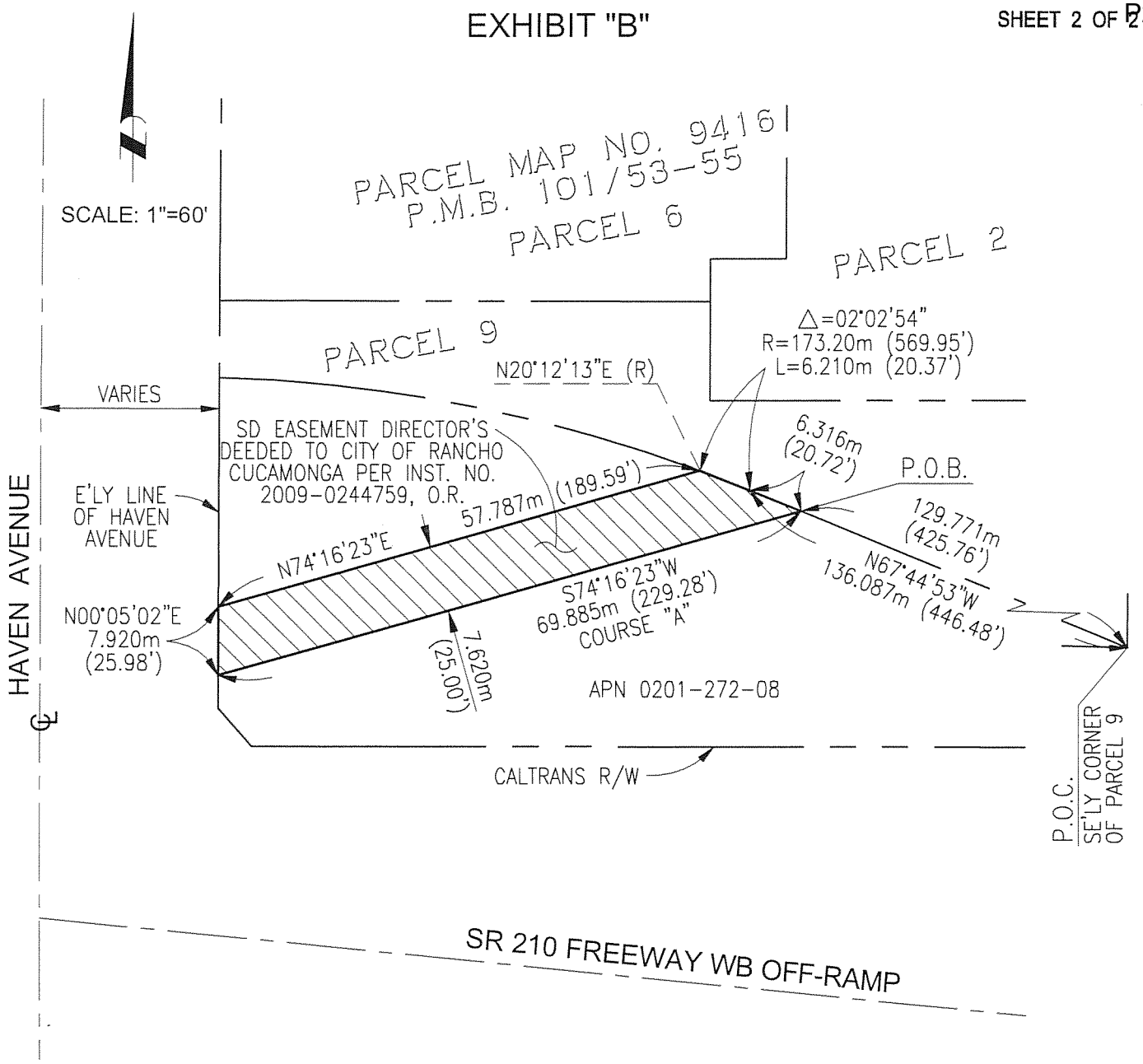
This real property described has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's act.

Signature _____
Jeff D. Meiter, LS #8217
License expires 03/31/2017

Date 10/28/15

PROFESSIONAL LAND SURVEYOR
JEFF D. MEITER
No. 8217
STATE OF CALIFORNIA

EXHIBIT "B"



PROFESSIONAL LAND SURVEYOR
JEFF D. MEITER
No. 8217
STATE OF CALIFORNIA

LEGEND:

PROPERTY LINE	— — — —
INDICATES STORM DRAIN EASEMENT TO BE VACATED	
AREA OF EASEMENT:	484.94 SF
POINT OF COMMENCEMENT	P.O.C.
POINT OF BEGINNING	P.O.B.

VALUED ENGINEERING, INC
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
180 N. BENSON AVE, STE A, UPLAND, CA 91786
PHONE: (909) 982-4601

PLAT FOR
VACATION OF
STORM DRAIN EASEMENT

STAFF REPORT

ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Linda Daniels, Assistant City Manager

By: Jeffrey A. Bloom, Deputy City Manager Economic and Community Development

Subject: CONSIDERATION TO APPROVE A REAL ESTATE PURCHASE CONTRACT WITH THE HOWARD DUERSON CHASTAIN, JR 2004 TRUST FOR THE PURCHASE OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ARROW ROUTE AND ROCHESTER AVENUE; (APN 229-021-97) AND THE APPROPRIATION OF $1,895,000 FOR PURCHASE AND $40,000 FOR CLOSING COSTS AND CONTINGENCY FOR A TOTAL OF $1,935,000 FROM FUND 25 TO ACCOUNT NO. 1025001-5600 CAPITAL OUTLAY LAND.

RECOMMENDATION

It is recommended that the City Council:

1. Approve the attached Real Estate Purchase Contract for the purchase of 2.4 acres of real property generally located at the northeast corner of Arrow Route and Rochester Avenue; APN 229-021-97; and
2. Authorize the City Manager or his designee to execute all agreements and documents necessary to effect the purchase and on-going management of the activities of the parcel; and
3. Approve the appropriation of $1,935,000 including the purchase price of $1,895,000, and a contingency for closing costs of $40,000 from Fund 25 to Account No. 1025001-5600.

BACKGROUND/ANALYSIS

The Rancho Cucamonga Animal Services and Adoption Center was first constructed in 1993 concurrently with the construction occurring at the LoanMart Field and adjacent sports complex. The facility was designed and built to state of the art standards at that time. Over the past 20 years, the services at the facility have grown and the size of the facility is not ideal to meet future needs and has become dated with regard to its design and operational efficiency. The proposed acquisition site is a prominent corner strategically located near the existing sports complex and animal services center where maintenance and operations can be efficiently provided. Additionally, the new site could be developed while continuing use of the existing animal services facility due to the close proximity to these corners. The opportunity to acquire a comparable property at a reasonable market price has not presented itself until now.

In early November 2015 staff became aware that the vacant 2.4 acres on the northeast corner was listed for sale (Exhibit A). Following City Council authorization and direction, staff began negotiations to purchase the property and has reached tentative agreement to acquire the property at its appraised full market value of $1,895,000. This was also the listing price for the property. The tentative terms

of the purchase include a 45 day due diligence period for the purpose of further investigating the title and physical properties of the site. A standard Phase 1 Environmental Evaluation of the property is intended to be completed during this due diligence period to assure that no environmental contamination is likely to exist on the property. While not anticipated to be necessary, the contingency includes an estimated $25,000 to cover the possibility of a Phase 2 evaluation should additional analysis be needed.

Approval of the attached Real Estate Purchase Contract (Exhibit B) will memorialize the negotiated terms and allow staff to proceed with opening escrow and completing the purchase. In order to facilitate the purchase of the property, it is recommended the City Council authorize the City Manager or his designee to execute all related agreements and documents needed to conclude the purchase. Funds for the purchase of this property have been identified in Fund 25 but have not been budgeted. In order to cover the purchase price ($1,895,000), and associated escrow/closing costs, and contingencies (estimated at $40,000), staff recommends that the City Council appropriate funds in the amount of $1,935,000 to Account No. 1025001-5600.

The attached agreements have been reviewed and approved as to form by the City Attorney's office.

Respectfully submitted,

Jeffrey A. Bloom
Deputy City Manager Economic and Community Development

Attachments: Exhibit A – Location Map
Exhibit B – Draft Real Estate Purchase and Sales Contract

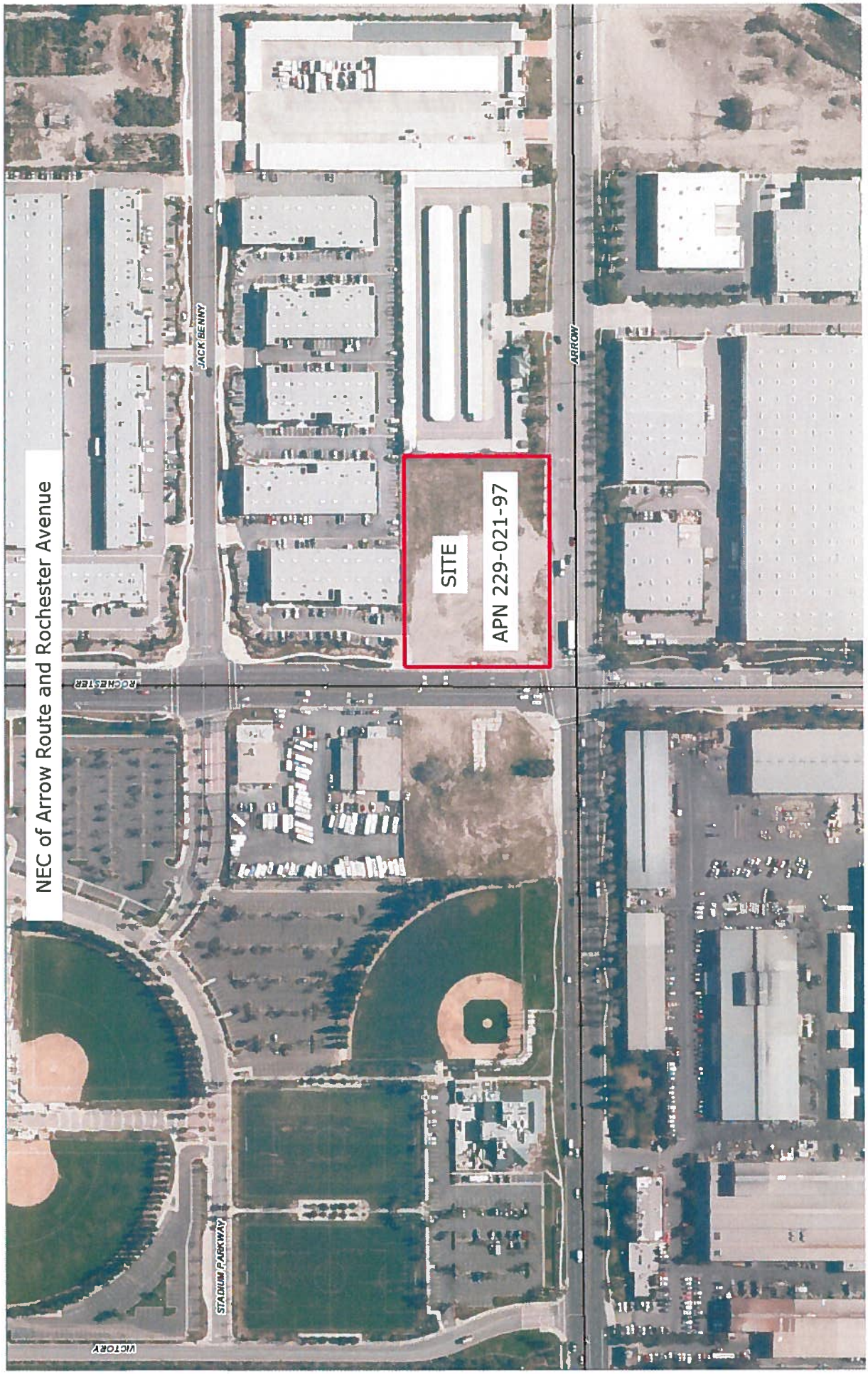

NEC of Arrow Route and Rochester Avenue
JACK BENNY
ARROW
SITE
APN 229-021-97
ROCHESTER
STADIUM PARKWAY
VICTORY

EXHIBIT A

STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF REAL ESTATE

(Non-Residential)

AIR Commercial Real Estate Association

November 18, 2015
(Date for Reference Purposes)

1. Buyer.

1.1 City of Rancho Cucamonga, ("**Buyer**") hereby offers to purchase the real property, hereinafter described, from the owner thereof ("**Seller**") (collectively, the "**Parties**" or individually, a "**Party**"), through an escrow ("**Escrow**") to close 30 ~~or~~ _____ days after the waiver or expiration of the Buyer's Contingencies, ("**Expected Closing Date**") to be held by First American Escrow, ATTN: Matt Pilliter ("**Escrow Holder**") whose address is 3281 E. Guasti Road, Suite 440, Ontario, CA 91761 (mpilliter@firstam.com), Phone No. 909-510-6200, Facsimile No. 877-461-2088 upon the terms and conditions set forth in this agreement ("**Agreement**"). Buyer shall have the right to assign Buyer's rights hereunder, but any such assignment shall not relieve Buyer of Buyer's obligations herein unless Seller expressly releases Buyer.

1.2 The term "**Date of Agreement**" as used herein shall be the date when by execution and delivery (as defined in paragraph 20.2) of this document or a subsequent counteroffer thereto, Buyer and Seller have reached agreement in writing whereby Seller agrees to sell, and Buyer agrees to purchase, the Property upon terms accepted by both Parties.

2. Property.

2.1 The real property ("**Property**") that is the subject of this offer consists of (insert a brief physical description) an approximately 2.433 net acre vacant property, located at the northeast corner of Rochester Avenue and Arrow Route

is located in the City of Rancho Cucamonga, County of San Bernardino, State of California, is commonly known by the street address of To be provided by escrow

and is legally described as: APN# 0229-021-97; as described in Paragraph 28

(APN: 0229-021-97).

~~2.2 If the legal description of the Property is not complete or is inaccurate, this Agreement shall not be invalid and the legal description shall be completed or corrected to meet the requirements of _____ ("Title Company"), which shall issue the title policy hereinafter described.~~

~~2.3 The Property includes, at no additional cost to Buyer, the permanent improvements thereon, including those items which pursuant to applicable law are a part of the property, as well as the following items, if any, owned by Seller and at present located on the Property: electrical distribution systems (power panel, bus ducting, conduits, disconnects, lighting fixtures); telephone distribution systems (lines, jacks and connections only); space heaters; heating, ventilating, air conditioning equipment ("HVAC"); air lines; fire sprinkler systems; security and fire detection systems; carpets; window coverings; wall coverings; and _____ (collectively, the "Improvements").~~

~~2.4 The fire sprinkler monitor: ☐ is owned by Seller and included in the Purchase Price, ☐ is leased by Seller, and Buyer will need to negotiate a new lease with the fire monitoring company, ☐ ownership will be determined during Escrow, or ☐ there is no fire sprinkler monitor.~~

~~2.5 Except as provided in Paragraph 2.3, the Purchase Price does not include Seller's personal property, furniture and furnishings, and _____ all of which shall be removed by Seller prior to Closing.~~

3. Purchase Price.

3.1 The purchase price ("**Purchase Price**") to be paid by Buyer to Seller for the Property shall be $1,895,000.00, payable as follows:

(a) Cash down payment, including the Deposit as defined in paragraph 4.3 (or if an all cash transaction, the Purchase Price): $1,895,000.00

(Strike if not applicable)

~~(b) Amount of "New Loan" as defined in paragraph 5.1, if any: $_____~~

~~(c) Buyer shall take title to the Property subject to and/or assume the following existing deed(s) of trust ("Existing Deed(s) of Trust") securing the existing promissory note(s) ("Existing Note(s)"):~~

~~(i) An Existing Note ("First Note") with an unpaid principal balance as of the Closing of approximately: $_____~~
~~Said First Note is payable at $_____ per month, including interest at the rate of _____% per annum until paid (and/or the entire unpaid balance is due on _____).~~

(Strike if not applicable)

~~(ii) An Existing Note ("Second Note") with an unpaid principal balance as of the Closing of approximately: $_____~~
~~Said Second Note is payable at $_____ per month, including interest at the rate of _____% per annum until paid (and/or the entire unpaid balance is due on _____).~~

(Strike if not applicable)

~~(d) Buyer shall give Seller a deed of trust ("Purchase Money Deed of Trust") on the property, to secure the promissory note of Buyer to Seller described in paragraph 6 ("Purchase Money Note") in the amount of: $_____~~

Total Purchase Price: $1,895,000.00

INITIALS _____ INITIALS _____

EXHIBIT B

~~3.2 If Buyer is taking title to the Property subject to, or assuming, an Existing Deed of Trust and such deed of trust permits the beneficiary to demand payment of fees including, but not limited to, points, processing fees, and appraisal fees as a condition to the transfer of the Property, Buyer agrees to pay such fees up to a maximum of 1.5% of the unpaid principal balance of the applicable Existing Note.~~

4. Deposits.

4.1 ☐ ~~Buyer has delivered to Broker a check in the sum of $ _____, payable to Escrow Holder, to be delivered by Broker to Escrow Holder within 2 or ____ business days after both Parties have executed this Agreement and the executed Agreement has been delivered to Escrow Holder, or~~ ☑ within 2 or ____ business days after both Parties have executed this Agreement and the executed Agreement has been delivered to Escrow Holder Buyer shall deliver to Escrow Holder a check in the sum of $100,000.00. If said check is not received by Escrow Holder within said time period then Seller may elect to unilaterally terminate this transaction by giving written notice of such election to Escrow Holder whereupon neither Party shall have any further liability to the other under this Agreement. Should Buyer and Seller not enter into an agreement for purchase and sale, Buyer's check or funds shall, upon request by Buyer, be promptly returned to Buyer.

~~4.2 Additional deposits:~~

~~(a) Within 5 business days after the Date of Agreement, Buyer shall deposit with Escrow Holder the additional sum of $ _____ to be applied to the Purchase Price at the Closing.~~

~~(b) Within 5 business days after the contingencies discussed in paragraph 9.1 (a) through (m) are approved or waived, Buyer shall deposit with Escrow Holder the additional sum of $ _____ to be applied to the Purchase Price at the Closing.~~

~~(c) If an Additional Deposit is not received by Escrow Holder within the time period provided then Seller may notify Buyer, Escrow Holder, and Brokers, in writing that, unless the Additional Deposit is received by Escrow Holder within 2 business days following said notice, the Escrow shall be deemed terminated without further notice or instructions.~~

4.3 Escrow Holder shall deposit the funds deposited with it by Buyer pursuant to paragraphs 4.1 and 4.2 (collectively the **"Deposit"**), in a State or Federally chartered bank in an interest bearing account whose term is appropriate and consistent with the timing requirements of this transaction. The interest therefrom shall accrue to the benefit of Buyer, who hereby acknowledges that there may be penalties or interest forfeitures if the applicable instrument is redeemed prior to its specified maturity. Buyer's Federal Tax Identification Number is 95-3213002. NOTE: Such interest bearing account cannot be opened until Buyer's Federal Tax Identification Number is provided.

4.4 Notwithstanding the foregoing, within 5 days after Escrow Holder receives the monies described in paragraph 4.1 above, Escrow Holder shall release $100 of said monies to Seller as and for independent consideration for Seller's' execution of this Agreement and the granting of the contingency period to Buyer as herein provided. Such independent consideration is non-refundable to Buyer but shall be credited to the Purchase Price in the event that the purchase of the Property is completed.

4.5 Upon waiver of all of Buyer's contingencies the Deposit shall become non-refundable but applicable to the Purchase Price except in the event of a Seller breach which is not timely cured.

~~**5. Financing Contingency.** *(Strike if not applicable)*~~

~~5.1 This offer is contingent upon Buyer obtaining from an insurance company, financial institution or other lender, a commitment to lend to Buyer a sum equal to at least _____% of the Purchase Price, on terms reasonably acceptable to Buyer. Such loan ("New Loan") shall be secured by a first deed of trust or mortgage on the Property. If this Agreement provides for Seller to carry back junior financing, then Seller shall have the right to approve the terms of the New Loan. Seller shall have 7 days from receipt of the commitment setting forth the proposed terms of the New Loan to approve or disapprove of such proposed terms. If Seller fails to notify Escrow Holder, in writing, of the disapproval within said 7 days it shall be conclusively presumed that Seller has approved the terms of the New Loan.~~

~~5.2 Buyer hereby agrees to diligently pursue obtaining the New Loan. If Buyer shall fail to notify its Broker, Escrow Holder and Seller, in writing within _____ days following the Date of Agreement, that the New Loan has not been obtained, it shall be conclusively presumed that Buyer has either obtained said New Loan or has waived this New Loan contingency.~~

~~5.3 If, after due diligence, Buyer shall notify its Broker, Escrow Holder and Seller, in writing, within the time specified in paragraph 5.2 hereof, that Buyer has not obtained said New Loan, this Agreement shall be terminated, and Buyer shall be entitled to the prompt return of the Deposit, plus any interest earned thereon, less only Escrow Holder and Title Company cancellation fees and costs, which Buyer shall pay.~~

~~**6. Seller Financing** (Purchase Money Note). *(Strike if not applicable)*~~

~~6.1 If Seller approves Buyer's financials (see paragraph 6.5) the Purchase Money Note shall provide for interest on unpaid principal at the rate of _____% per annum, with principal and interest paid as follows: _____.~~

~~The Purchase Money Note and Purchase Money Deed of Trust shall be on the current forms commonly used by Escrow Holder, and be junior and subordinate only to the Existing Note(s) and/or the New Loan expressly called for by this Agreement.~~

~~6.2 The Purchase Money Note and/or the Purchase Money Deed of Trust shall contain provisions regarding the following (see also paragraph 10.3 (b)):~~

~~(a) *Prepayment.* Principal may be prepaid in whole or in part at any time without penalty, at the option of the Buyer.~~

~~(b) *Late Charge.* A late charge of 6% shall be payable with respect to any payment of principal, interest, or other charges, not made within 10 days after it is due.~~

~~(c) *Due On Sale.* In the event the Buyer sells or transfers title to the Property or any portion thereof, then the Seller may, at Seller's option, require the entire unpaid balance of said Note to be paid in full.~~

~~6.3 If the Purchase Money Deed of Trust is to be subordinate to other financing, Escrow Holder shall, at Buyer's expense prepare and record on Seller's behalf a request for notice of default and/or sale with regard to each mortgage or deed of trust to which it will be subordinate.~~

~~6.4 WARNING: CALIFORNIA LAW DOES NOT ALLOW DEFICIENCY JUDGEMENTS ON SELLER FINANCING. IF BUYER ULTIMATELY DEFAULTS ON THE LOAN, SELLER'S SOLE REMEDY IS TO FORECLOSE ON THE PROPERTY.~~

~~6.5 Seller's obligation to provide financing is contingent upon Seller's reasonable approval of Buyer's financial condition. Buyer to provide a current financial statement and copies of its Federal tax returns for the last 3 years to Seller within 10 days following the Date of Agreement. Seller has 10 days following receipt of such documentation to satisfy itself with regard to Buyer's financial condition and to notify Escrow Holder as to whether or not Buyer's financial condition is acceptable. If Seller fails to notify Escrow Holder, in writing, of the disapproval of this contingency within said time period, it shall be conclusively presumed that Seller has approved Buyer's financial condition. If Seller is not satisfied with Buyer's financial condition or if Buyer fails to deliver the required documentation then Seller may notify Escrow Holder in writing that Seller Financing will not be available, and Buyer shall have the option, within 10 days of the receipt of such notice, to either terminate this transaction or to purchase the Property without Seller financing. If Buyer fails to notify Escrow Holder within said time period of its election to terminate this transaction then Buyer shall be conclusively presumed to have elected to purchase the Property without Seller financing. If Buyer elects to terminate, Buyer's Deposit shall be refunded less Title Company and Escrow Holder cancellation fees and costs, all of which shall be Buyer's obligation.~~

7. Real Estate Brokers.

7.1 The following real estate broker(s) (**"Brokers"**) and brokerage relationships exist in this transaction and are consented to by the Parties (check the applicable boxes):

☑ CBRE, Inc. - Leonard Santoro represents Seller exclusively (**"Seller's Broker"**);

☑ Daum Commercial represents Buyer exclusively (**"Buyer's Broker"**); or

☐ _____ represents both Seller and Buyer (**"Dual Agency"**).

The Parties acknowledge that other than the Brokers listed above, there are no other brokers representing the Parties or due any fees and/or commissions under this Agreement See paragraph 24 regarding the nature of a real estate agency relationship. Buyer shall use the services of Buyer's Broker exclusively in connection with any and all negotiations and offers with respect to the Property for a period of 1 year from the date inserted for reference purposes at the top of page 1.

7.2 Buyer and Seller each represent and warrant to the other that he/she/it has had no dealings with any person, firm, broker or finder in connection with the negotiation of this Agreement and/or the consummation of the purchase and sale contemplated herein, other than the Brokers named in paragraph 7.1, and no broker or other person, firm or entity, other than said Brokers is/are entitled to any commission or finder's fee in connection with this transaction as the result of any dealings or acts of such Party. Buyer and Seller do each hereby agree to indemnify, defend, protect and hold the other harmless from and against any costs, expenses or liability for compensation, commission or charges which may be claimed by any

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broker, finder or other similar party, other than said named Brokers by reason of any dealings or act of the indemnifying Party.

8. Escrow and Closing.

8.1 Upon acceptance hereof by Seller, this Agreement, including any counteroffers incorporated herein by the Parties, shall constitute not only the agreement of purchase and sale between Buyer and Seller, but also instructions to Escrow Holder for the consummation of the Agreement through the Escrow. Escrow Holder shall not prepare any further escrow instructions restating or amending the Agreement unless specifically so instructed by the Parties or a Broker herein. Subject to the reasonable approval of the Parties, Escrow Holder may, however, include its standard general escrow provisions. In the event that there is any conflict between the provisions of the Agreement and the provisions of any additional escrow instructions the provisions of the Agreement shall prevail as to the Parties and the Escrow Holder.

8.2 As soon as practical after the receipt of this Agreement and any relevant counteroffers, Escrow Holder shall ascertain the Date of Agreement as defined in paragraphs 1.2 and 20.2 and advise the Parties and Brokers, in writing, of the date ascertained.

8.3 Escrow Holder is hereby authorized and instructed to conduct the Escrow in accordance with this Agreement, applicable law and custom and practice of the community in which Escrow Holder is located, including any reporting requirements of the Internal Revenue Code. In the event of a conflict between the law of the state where the Property is located and the law of the state where the Escrow Holder is located, the law of the state where the Property is located shall prevail.

8.4 Subject to satisfaction of the contingencies herein described, Escrow Holder shall close this escrow (the **"Closing"**) by recording a general warranty deed (a grant deed in California) and the other documents required to be recorded, and by disbursing the funds and documents in accordance with this Agreement.

8.5 Buyer and Seller shall each pay one-half of the Escrow Holder's charges and Seller shall pay the usual recording fees and any required documentary transfer taxes. Seller shall pay the premium for a standard coverage owner's or joint protection policy of title insurance. (See also paragraph 11)

8.6 Escrow Holder shall verify that all of Buyer's contingencies have been satisfied or waived prior to Closing. The matters contained in paragraphs 9.1 subparagraphs (b), (c), (d), (e), (g), (i), (n), and (o), 9.4, 12, 13, 14, 16, 18, 20, 21, 22, and 24 are, however, matters of agreement between the Parties only and are not instructions to Escrow Holder.

8.7 If this transaction is terminated for non-satisfaction and non-waiver of a Buyer's Contingency, as defined in paragraph 9.2, then neither of the Parties shall thereafter have any liability to the other under this Agreement, except to the extent of a breach of any affirmative covenant or warranty in this Agreement. In the event of such termination, Buyer shall, subject to the provisions of paragraph 8.10, be promptly refunded all funds deposited by Buyer with Escrow Holder, less only the $100 provided for in paragraph 4.4 and the Title Company and Escrow Holder cancellation fees and costs, all of which shall be Buyer's obligation. If this transaction is terminated as a result of Seller's breach of this Agreement then Seller shall pay the Title Company and Escrow Holder cancellation fees and costs.

8.8 The Closing shall occur on the Expected Closing Date, or as soon thereafter as the Escrow is in condition for Closing; provided, however, that if the Closing does not occur by the Expected Closing Date and said Date is not extended by mutual instructions of the Parties, a Party not then in default under this Agreement may notify the other Party, Escrow Holder, and Brokers, in writing that, unless the Closing occurs within 5 business days following said notice, the Escrow shall be deemed terminated without further notice or instructions.

8.9 Except as otherwise provided herein, the termination of Escrow shall not relieve or release either Party from any obligation to pay Escrow Holder's fees and costs or constitute a waiver, release or discharge of any breach or default that has occurred in the performance of the obligations, agreements, covenants or warranties contained therein.

8.10 If this sale of the Property is not consummated for any reason other than Seller's breach or default, then at Seller's request, and as a condition to any obligation to return Buyer's deposit (see paragraph 21), Buyer shall within 5 days after written request deliver to Seller, at no charge, copies of all surveys, engineering studies, soil reports, maps, master plans, feasibility studies and other similar items prepared by or for Buyer that pertain to the Property. Provided, however, that Buyer shall not be required to deliver any such report if the written contract which Buyer entered into with the consultant who prepared such report specifically forbids the dissemination of the report to others.

9. Contingencies to Closing.

9.1 The Closing of this transaction is contingent upon the satisfaction or waiver of the following contingencies. **IF BUYER FAILS TO NOTIFY ESCROW HOLDER, IN WRITING, OF THE DISAPPROVAL OF ANY OF SAID CONTINGENCIES WITHIN THE TIME SPECIFIED THEREIN, IT SHALL BE CONCLUSIVELY PRESUMED THAT BUYER HAS APPROVED SUCH ITEM, MATTER OR DOCUMENT.** Buyer's conditional approval shall constitute disapproval, unless provision is made by the Seller within the time specified therefore by the Buyer in such conditional approval or by this Agreement, whichever is later, for the satisfaction of the condition imposed by the Buyer. Escrow Holder shall promptly provide all Parties with copies of any written disapproval or conditional approval which it receives. With regard to subparagraphs (a) through (m) the pre-printed time periods shall control unless a different number of days is inserted in the spaces provided.

(a) *Disclosure*. Seller shall make to Buyer, through Escrow, all of the applicable disclosures required by law (See AIR Commercial Real Estate Association (**"AIR"**) standard form entitled "Seller's Mandatory Disclosure Statement") and provide Buyer with a completed Property Information Sheet (**"Property Information Sheet"**) concerning the Property, duly executed by or on behalf of Seller in the current form or equivalent to that published by the AIR within ~~10 or~~ 45 days following the Date of Agreement. Buyer has 10 days from the receipt of said disclosures to approve or disapprove the matters disclosed.

(b) *Physical Inspection*. Buyer has ~~10 or~~ 45 days from the receipt of the Property Information Sheet or the Date of Agreement, whichever is later, to satisfy itself with regard to the physical aspects and size of the Property.

(c) *Hazardous Substance Conditions Report*. Buyer has ~~30 or~~ 45 days from the receipt of the Property Information Sheet or the Date of Agreement, whichever is later, to satisfy itself with regard to the environmental aspects of the Property. Seller recommends that Buyer obtain a Hazardous Substance Conditions Report concerning the Property and relevant adjoining properties. Any such report shall be paid for by Buyer. A **"Hazardous Substance"** for purposes of this Agreement is defined as any substance whose nature and/or quantity of existence, use, manufacture, disposal or effect, render it subject to Federal, state or local regulation, investigation, remediation or removal as potentially injurious to public health or welfare. A **"Hazardous Substance Condition"** for purposes of this Agreement is defined as the existence on, under or relevantly adjacent to the Property of a Hazardous Substance that would require remediation and/or removal under applicable Federal, state or local law.

(d) *Soil Inspection*. Buyer has ~~30 or~~ 45 days from the receipt of the Property Information Sheet or the Date of Agreement, whichever is later, to satisfy itself with regard to the condition of the soils on the Property. Seller recommends that Buyer obtain a soil test report. Any such report shall be paid for by Buyer. Seller shall provide Buyer copies of any soils report that Seller may have within 10 days of the Date of Agreement.

(e) *Governmental Approvals*. Buyer has ~~30 or~~ 45 days from the Date of Agreement to satisfy itself with regard to approvals and permits from governmental agencies or departments which have or may have jurisdiction over the Property and which Buyer deems necessary or desirable in connection with its intended use of the Property, including, but not limited to, permits and approvals required with respect to zoning, planning, building and safety, fire, police, handicapped and Americans with Disabilities Act requirements, transportation and environmental matters.

(f) *Conditions of Title*. Escrow Holder shall cause a current commitment for title insurance (**"Title Commitment"**) concerning the Property issued by the Title Company, as well as legible copies of all documents referred to in the Title Commitment (**"Underlying Documents"**), and a scaled and dimensioned plot showing the location of any easements to be delivered to Buyer within ~~10 or~~ 45 days following the Date of Agreement. Buyer has 10 days from the receipt of the Title Commitment, the Underlying Documents and the plot plan to satisfy itself with regard to the condition of title. The disapproval by Buyer of any monetary encumbrance, which by the terms of this Agreement is not to remain against the Property after the Closing, shall not be considered a failure of this contingency, as Seller shall have the obligation, at Seller's expense, to satisfy and remove such disapproved monetary encumbrance at or before the Closing.

(g) *Survey*. Buyer has ~~30 or~~ 45 days from the receipt of the Title Commitment and Underlying Documents to satisfy itself with regard to any ALTA title supplement based upon a survey prepared to American Land Title Association ("ALTA") standards for an owner's policy by a licensed surveyor, showing the legal description and boundary lines of the Property, any easements of record, and any improvements, poles, structures and things located within 10 feet of either side of the Property boundary lines. Any such survey shall be prepared at Buyer's direction and expense. If Buyer has obtained a survey and approved the ALTA title supplement, Buyer may elect within the period allowed for Buyer's approval of a survey to have an ALTA extended coverage owner's form of title policy, in which event Buyer shall pay any additional premium attributable thereto.

~~(h) *Existing Leases and Tenancy Statements*. Seller shall within 10 or _____ days of the Date of Agreement provide both Buyer and Escrow Holder with legible copies of all leases, subleases or rental arrangements (collectively, "Existing Leases") affecting the Property, and with a tenancy statement ("Estoppel Certificate") in the latest form or equivalent to that published by the AIR, executed by Seller and/or each tenant and subtenant of the Property. Seller shall use its best efforts to have each tenant complete and execute an Estoppel Certificate. If any tenant fails or refuses to provide an Estoppel Certificate then Seller shall complete and execute an Estoppel Certificate for that tenancy. Buyer has 10 days from the receipt of said Existing Leases and Estoppel Certificates to satisfy itself with regard to the Existing Leases and any other tenancy issues.~~

~~(i) *Owner's Association*. Seller shall within 10 or _____ days of the Date of Agreement provide Buyer with a statement and transfer package from any owner's association servicing the Property. Such transfer package shall at a minimum include: copies of the association's bylaws, articles of incorporation, current budget and financial statement. Buyer has 10 days from the receipt of such documents to satisfy itself with regard to~~

_____ INITIALS

_____ INITIALS

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~~the association.~~ -

(j) *Other Agreements*. Seller shall within 10 or _____ days of the Date of Agreement provide Buyer with legible copies of all other agreements (**"Other Agreements"**) known to Seller that will affect the Property after Closing. Buyer has 10 days from the receipt of said Other Agreements to satisfy itself with regard to such Agreements.

(k) *Financing*. If paragraph 5 hereof dealing with a financing contingency has not been stricken, the satisfaction or waiver of such New Loan contingency.

~~(l) *Existing Notes*. If paragraph 3.1(c) has not been stricken, Seller shall within 10 or _____ days of the Date of Agreement provide Buyer with legible copies of the Existing Notes, Existing Deeds of Trust and related agreements (collectively, **"Loan Documents"**) to which the Property will remain subject after the Closing. Escrow Holder shall promptly request from the holders of the Existing Notes a beneficiary statement (**"Beneficiary Statement"**) confirming: (1) the amount of the unpaid principal balance, the current interest rate, and the date to which interest is paid, and (2) the nature and amount of any impounds held by the beneficiary in connection with such loan. Buyer has 10 or _____ days from the receipt of the Loan Documents and Beneficiary Statements to satisfy itself with regard to such financing. Buyer's obligation to close is conditioned upon Buyer being able to purchase the Property without acceleration or change in the terms of any Existing Notes or charges to Buyer except as otherwise provided in this Agreement or approved by Buyer, provided, however, Buyer shall pay the transfer fee referred to in paragraph 3.2 hereof. Likewise if Seller is to carry back a Purchase Money Note then Seller shall within 10 or _____ days of the Date of Agreement provide Buyer with a copy of the proposed Purchase Money Note and Purchase Money Deed of Trust. Buyer has 10 or _____ days from the receipt of such documents to satisfy itself with regard to the form and content thereof.~~

~~(m) *Personal Property*. In the event that any personal property is included in the Purchase Price, Buyer has 10 or _____ days from the Date of Agreement to satisfy itself with regard to the title condition of such personal property. Seller recommends that Buyer obtain a UCC-1 report. Any such report shall be paid for by Buyer. Seller shall provide Buyer copies of any liens or encumbrances affecting such personal property that it is aware of within 10 or _____ days of the Date of Agreement.~~

(n) *Destruction, Damage or Loss*. Subsequent to the Date of Agreement and prior to Closing there shall not have occurred a destruction, or damage or loss to, the Property or any portion thereof, from any cause whatsoever, which would cost more than $10,000.00 to repair or cure. If the cost of repair or cure is $10,000.00 or less, Seller shall repair or cure the loss prior to the Closing. Buyer shall have the option, within 10 days after receipt of written notice of a loss costing more than $10,000.00 to repair or cure, to either terminate this Agreement or to purchase the Property notwithstanding such loss, but without deduction or offset against the Purchase Price. If the cost to repair or cure is more than $10,000.00, and Buyer does not elect to terminate this Agreement, Buyer shall be entitled to any insurance proceeds applicable to such loss. Unless otherwise notified in writing, Escrow Holder shall assume no such destruction, damage or loss has occurred prior to Closing.

(o) *Material Change*. Buyer shall have 10 days following receipt of written notice of a Material Change within which to satisfy itself with regard to such change. **"Material Change"** shall mean a substantial adverse change in the use, occupancy, tenants, title, or condition of the Property that occurs after the date of this offer and prior to the Closing. Unless otherwise notified in writing, Escrow Holder shall assume that no Material Change has occurred prior to the Closing.

(p) *Seller Performance*. The delivery of all documents and the due performance by Seller of each and every undertaking and agreement to be performed by Seller under this Agreement.

(q) *Brokerage Fee*. Payment at the Closing of such brokerage fee as is specified in this Agreement or later written instructions to Escrow Holder executed by Seller and Brokers (**"Brokerage Fee"**). It is agreed by the Parties and Escrow Holder that Brokers are a third party beneficiary of this Agreement insofar as the Brokerage Fee is concerned, and that no change shall be made with respect to the payment of the Brokerage Fee specified in this Agreement, without the written consent of Brokers.

9.2 All of the contingencies specified in subparagraphs (a) through (m) of paragraph 9.1 are for the benefit of, and may be waived by, Buyer, and may be elsewhere herein referred to as **"Buyer's Contingencies."**

9.3 If any of Buyer's Contingencies or any other matter subject to Buyer's approval is disapproved as provided for herein in a timely manner (**"Disapproved Item"**), Seller shall have the right within 10 days following the receipt of notice of Buyer's disapproval to elect to cure such Disapproved Item prior to the Expected Closing Date (**"Seller's Election"**). Seller's failure to give to Buyer within such period, written notice of Seller's commitment to cure such Disapproved Item on or before the Expected Closing Date shall be conclusively presumed to be Seller's Election not to cure such Disapproved Item. If Seller elects, either by written notice or failure to give written notice, not to cure a Disapproved Item, Buyer shall have the right, within 10 days after Seller's Election to either accept title to the Property subject to such Disapproved Item, or to terminate this Agreement. Buyer's failure to notify Seller in writing of Buyer's election to accept title to the Property subject to the Disapproved Item without deduction or offset shall constitute Buyer's election to terminate this Agreement. The above time periods only apply once for each Disapproved Item. Unless expressly provided otherwise herein, Seller's right to cure shall not apply to the remediation of Hazardous Substance Conditions or to the Financing Contingency. Unless the Parties mutually instruct otherwise, if the time periods for the satisfaction of contingencies or for Seller's and Buyer's elections would expire on a date after the Expected Closing Date, the Expected Closing Date shall be deemed extended for 3 business days following the expiration of: (a) the applicable contingency period(s), (b) the period within which the Seller may elect to cure the Disapproved Item, or (c) if Seller elects not to cure, the period within which Buyer may elect to proceed with this transaction, whichever is later.

9.4 The Parties acknowledge that extensive local, state and Federal legislation establish broad liability upon owners and/or users of real property for the investigation and remediation of Hazardous Substances. The determination of the existence of a Hazardous Substance Condition and the evaluation of the impact of such a condition are highly technical and beyond the expertise of Brokers. The Parties acknowledge that they have been advised by Brokers to consult their own technical and legal experts with respect to the possible presence of Hazardous Substances on the Property or adjoining properties, and Buyer and Seller are not relying upon any investigation by or statement of Brokers with respect thereto. The Parties hereby assume all responsibility for the impact of such Hazardous Substances upon their respective interests herein.

10. Documents Required at or Before Closing:

10.1 Five days prior to the Closing date Escrow Holder shall obtain an updated Title Commitment concerning the Property from the Title Company and provide copies thereof to each of the Parties.

10.2 Seller shall deliver to Escrow Holder in time for delivery to Buyer at the Closing:

(a) Grant or general warranty deed, duly executed and in recordable form, conveying fee title to the Property to Buyer.

(b) If applicable, the Beneficiary Statements concerning Existing Note(s).

(c) If applicable, the Existing Leases and Other Agreements together with duly executed assignments thereof by Seller and Buyer. The assignment of Existing Leases shall be on the most recent Assignment and Assumption of Lessor's Interest in Lease form published by the AIR or its equivalent.

(d) If applicable, Estoppel Certificates executed by Seller and/or the tenant(s) of the Property.

(e) An affidavit executed by Seller to the effect that Seller is not a "foreign person" within the meaning of Internal Revenue Code Section 1445 or successor statutes. If Seller does not provide such affidavit in form reasonably satisfactory to Buyer at least 3 business days prior to the Closing, Escrow Holder shall at the Closing deduct from Seller's proceeds and remit to the Internal Revenue Service such sum as is required by applicable Federal law with respect to purchases from foreign sellers.

(f) If the Property is located in California, an affidavit executed by Seller to the effect that Seller is not a "nonresident" within the meaning of California Revenue and Tax Code Section 18662 or successor statutes. If Seller does not provide such affidavit in form reasonably satisfactory to Buyer at least 3 business days prior to the Closing, Escrow Holder shall at the Closing deduct from Seller's proceeds and remit to the Franchise Tax Board such sum as is required by such statute.

(g) If applicable, a bill of sale, duly executed, conveying title to any included personal property to Buyer.

(h) If the Seller is a corporation, a duly executed corporate resolution authorizing the execution of this Agreement and the sale of the Property.

10.3 Buyer shall deliver to Seller through Escrow:

(a) The cash portion of the Purchase Price and such additional sums as are required of Buyer under this Agreement shall be deposited by Buyer with Escrow Holder, by federal funds wire transfer, or any other method acceptable to Escrow Holder in immediately collectable funds, no later than 2:00 P.M. on the business day prior to the Expected Closing Date provided, however, that Buyer shall not be required to deposit such monies into Escrow if at the time set for the deposit of such monies Seller is in default or has indicated that it will not perform any of its obligations hereunder. Instead, in such circumstances in order to reserve its rights to proceed Buyer need only provide Escrow with evidence establishing that the required monies were available.

(b) If a Purchase Money Note and Purchase Money Deed of Trust are called for by this Agreement, the duly executed originals of those documents, the Purchase Money Deed of Trust being in recordable form, together with evidence of fire insurance on the improvements in the amount of the full replacement cost naming Seller as a mortgage loss payee, and a real estate tax service contract (at Buyer's expense), assuring Seller of notice of the status of payment of real property taxes during the life of the Purchase Money Note.

~~(c) The Assignment and Assumption of Lessor's Interest in Lease form specified in paragraph 10.2(c) above, duly executed by Buyer.~~

_____ ~~(d) Assumptions duly executed by Buyer of the obligations of Seller that accrue after Closing under any Other Agreements.~~

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~~(e) If applicable, a written assumption duly executed by Buyer of the loan documents with respect to Existing Notes.~~

(f) If the Buyer is a corporation, a duly executed corporate resolution authorizing the execution of this Agreement and the purchase of the Property.

10.4 At Closing, Escrow Holder shall cause to be issued to Buyer a standard coverage (or ALTA extended, if elected pursuant to 9.1(g)) owner's form policy of title insurance effective as of the Closing, issued by the Title Company in the full amount of the Purchase Price, insuring title to the Property vested in Buyer, subject only to the exceptions approved by Buyer. In the event there is a Purchase Money Deed of Trust in this transaction, the policy of title insurance shall be a joint protection policy insuring both Buyer and Seller.

IMPORTANT: IN A PURCHASE OR EXCHANGE OF REAL PROPERTY, IT MAY BE ADVISABLE TO OBTAIN TITLE INSURANCE IN CONNECTION WITH THE CLOSE OF ESCROW SINCE THERE MAY BE PRIOR RECORDED LIENS AND ENCUMBRANCES WHICH AFFECT YOUR INTEREST IN THE PROPERTY BEING ACQUIRED. A NEW POLICY OF TITLE INSURANCE SHOULD BE OBTAINED IN ORDER TO ENSURE YOUR INTEREST IN THE PROPERTY THAT YOU ARE ACQUIRING.

11. Prorations and Adjustments.

11.1 *Taxes.* Applicable real property taxes and special assessment bonds shall be prorated through Escrow as of the date of the Closing, based upon the latest tax bill available. The Parties agree to prorate as of the Closing any taxes assessed against the Property by supplemental bill levied by reason of events occurring prior to the Closing. Payment of the prorated amount shall be made promptly in cash upon receipt of a copy of any supplemental bill.

11.2 *Insurance.* **WARNING:** Any insurance which Seller may have maintained will terminate on the Closing. Buyer is advised to obtain appropriate insurance to cover the Property.

~~11.3 *Rentals, Interest and Expenses.* Scheduled rentals, interest on Existing Notes, utilities, and operating expenses shall be prorated as of the date of Closing. The Parties agree to promptly adjust between themselves outside of Escrow any rents received after the Closing.~~

~~11.4 *Security Deposit.* Security Deposits held by Seller shall be given to Buyer as a credit to the cash required of Buyer at the Closing.~~

11.5 *Post Closing Matters.* Any item to be prorated that is not determined or determinable at the Closing shall be promptly adjusted by the Parties by appropriate cash payment outside of the Escrow when the amount due is determined.

11.6 *Variations in Existing Note Balances.* In the event that Buyer is purchasing the Property subject to an Existing Deed of Trust(s), and in the event that a Beneficiary Statement as to the applicable Existing Note(s) discloses that the unpaid principal balance of such Existing Note(s) at the closing will be more or less than the amount set forth in paragraph 3.1(c) hereof (**"Existing Note Variation"**), then the Purchase Money Note(s) shall be reduced or increased by an amount equal to such Existing Note Variation. If there is to be no Purchase Money Note, the cash required at the Closing per paragraph 3.1(a) shall be reduced or increased by the amount of such Existing Note Variation.

11.7 *Variations in New Loan Balance.* In the event Buyer is obtaining a New Loan and the amount ultimately obtained exceeds the amount set forth in paragraph 5.1, then the amount of the Purchase Money Note, if any, shall be reduced by the amount of such excess.

~~11.8 *Owner's Association Fees.* Escrow Holder shall: (i) bring Seller's account with the association current and pay any delinquencies or transfer fees from Seller's proceeds, and (ii) pay any up front fees required by the association from Buyer's funds.~~

12. Representations and Warranties of Seller and Disclaimers.

12.1 Seller's warranties and representations shall survive the Closing and delivery of the deed for a period of *one* (1) ~~3~~ years, and any lawsuit or action based upon them must be commenced within such time period. Seller's warranties and representations are true, material and relied upon by Buyer and Brokers in all respects. Seller hereby makes the following warranties and representations to Buyer and Brokers:

(a) *Authority of Seller.* Seller is the owner of the Property and/or has the full right, power and authority to sell, convey and transfer the Property to Buyer as provided herein, and to perform Seller's obligations hereunder.

(b) *Maintenance During Escrow and Equipment Condition At Closing.* Except as otherwise provided in paragraph 9.1(n) hereof, Seller shall maintain the Property until the Closing in its present condition, ordinary wear and tear excepted.

(c) *Hazardous Substances/Storage Tanks.* Seller has no knowledge, except as otherwise disclosed to Buyer in writing, of the existence or prior existence on the Property of any Hazardous Substance, nor of the existence or prior existence of any above or below ground storage tank.

(d) *Compliance.* Seller has no knowledge of any aspect or condition of the Property which violates applicable laws, rules, regulations, codes or covenants, conditions or restrictions, or of improvements or alterations made to the Property without a permit where one was required, or of any unfulfilled order or directive of any applicable governmental agency or casualty insurance company requiring any investigation, remediation, repair, maintenance or improvement be performed on the Property.

(e) *Changes in Agreements.* Prior to the Closing, Seller will not violate or modify any Existing Lease or Other Agreement, or create any new leases or other agreements affecting the Property, without Buyer's written approval, which approval will not be unreasonably withheld.

(f) *Possessory Rights.* Seller has no knowledge that anyone will, at the Closing, have any right to possession of the Property, except as disclosed by this Agreement or otherwise in writing to Buyer.

(g) *Mechanics' Liens.* There are no unsatisfied mechanics' or materialmens' lien rights concerning the Property.

(h) *Actions, Suits or Proceedings.* Seller has no knowledge of any actions, suits or proceedings pending or threatened before any commission, board, bureau, agency, arbitrator, court or tribunal that would affect the Property or the right to occupy or utilize same.

(i) *Notice of Changes.* Seller will promptly notify Buyer and Brokers in writing of any Material Change (see paragraph 9.1(o)) affecting the Property that becomes known to Seller prior to the Closing.

(j) *No Tenant Bankruptcy Proceedings.* Seller has no notice or knowledge that any tenant of the Property is the subject of a bankruptcy or insolvency proceeding.

(k) *No Seller Bankruptcy Proceedings.* Seller is not the subject of a bankruptcy, insolvency or probate proceeding.

~~(l) *Personal Property.* Seller has no knowledge that anyone will, at the Closing, have any right to possession of any personal property included in the Purchase Price nor knowledge of any liens or encumbrances affecting such personal property, except as disclosed by this Agreement or otherwise in writing to Buyer.~~

12.2 Buyer hereby acknowledges that, except as otherwise stated in this Agreement, Buyer is purchasing the Property in its existing condition and will, by the time called for herein, make or have waived all inspections of the Property Buyer believes are necessary to protect its own interest in, and its contemplated use of, the Property. The Parties acknowledge that, except as otherwise stated in this Agreement, no representations, inducements, promises, agreements, assurances, oral or written, concerning the Property, or any aspect of the occupational safety and health laws, Hazardous Substance laws, or any other act, ordinance or law, have been made by either Party or Brokers, or relied upon by either Party hereto.

12.3 In the event that Buyer learns that a Seller representation or warranty might be untrue prior to the Closing, and Buyer elects to purchase the Property anyway then, and in that event, Buyer waives any right that it may have to bring an action or proceeding against Seller or Brokers regarding said representation or warranty.

12.4 Any environmental reports, soils reports, surveys, and other similar documents which were prepared by third party consultants and provided to Buyer by Seller or Seller's representatives, have been delivered as an accommodation to Buyer and without any representation or warranty as to the sufficiency, accuracy, completeness, and/or validity of said documents, all of which Buyer relies on at its own risk. Seller believes said documents to be accurate, but Buyer is advised to retain appropriate consultants to review said documents and investigate the Property.

13. Possession.

Possession of the Property shall be given to Buyer at the Closing ~~subject to the rights of tenants under Existing Leases~~.

14. Buyer's Entry.

At any time during the Escrow period, Buyer, and its agents and representatives, shall have the right at reasonable times ~~and subject to rights of tenants,~~ to enter upon the Property for the purpose of making inspections and tests specified in this Agreement. No destructive testing shall be conducted, however, without Seller's prior approval which shall not be unreasonably withheld. Following any such entry or work, unless otherwise directed in writing by Seller, Buyer shall return the Property to the condition it was in prior to such entry or work, including the recompaction or removal of any disrupted soil or material as Seller may reasonably direct. All such inspections and tests and any other work conducted or materials furnished with respect to the Property by or for Buyer shall be paid for by Buyer as and when due and Buyer shall indemnify, defend, protect and hold harmless Seller and the Property of and from any and all claims, liabilities, losses, expenses (including reasonable attorneys' fees), damages, including those for injury to person or property, arising out of or relating to any such work or materials or the acts or omissions of Buyer, its agents or employees in connection therewith.

15. Further Documents and Assurances.

The Parties shall each, diligently and in good faith, undertake all actions and procedures reasonably required to place the Escrow in condition for Closing as and when required by this Agreement. The Parties agree to provide all further information, and to execute and deliver all further documents, reasonably required by Escrow Holder or the Title Company.

16. Attorneys' Fees.

If any Party or Broker brings an action or proceeding (including arbitration) involving the Property whether founded in tort, contract or equity, or to declare rights hereunder, the Prevailing Party (as hereafter defined) in any such proceeding, action, or appeal thereon, shall be entitled to reasonable attorneys' fees. Such fees may be awarded in the same suit or recovered in a separate suit, whether or not such action or proceeding is pursued to

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decision or judgment. The term "**Prevailing Party**" shall include, without limitation, a Party or Broker who substantially obtains or defeats the relief sought, as the case may be, whether by compromise, settlement, judgment, or the abandonment by the other Party or Broker of its claim or defense. The attorneys' fees award shall not be computed in accordance with any court fee schedule, but shall be such as to fully reimburse all attorneys' fees reasonably incurred.

17. Prior Agreements/Amendments.

17.1 This Agreement supersedes any and all prior agreements between Seller and Buyer regarding the Property.

17.2 Amendments to this Agreement are effective only if made in writing and executed by Buyer and Seller.

18. Broker's Rights.

~~18.1 If this sale is not consummated due to the default of either the Buyer or Seller, the defaulting Party shall be liable to and shall pay to Brokers the Brokerage Fee that Brokers would have received had the sale been consummated. If Buyer is the defaulting party, payment of said Brokerage Fee is in addition to any obligation with respect to liquidated or other damages.~~

18.2 Upon the Closing, Brokers are authorized to publicize the facts of this transaction.

19. Notices.

19.1 Whenever any Party, Escrow Holder or Brokers herein shall desire to give or serve any notice, demand, request, approval, disapproval or other communication, each such communication shall be in writing and shall be delivered personally, by messenger, or by mail, postage prepaid, to the address set forth in this agreement or by facsimile transmission, electronic signature, digital signature, or email.

19.2 Service of any such communication shall be deemed made on the date of actual receipt if personally delivered, or transmitted by facsimile transmission, electronic signature, digital signature, or email. Any such communication sent by regular mail shall be deemed given 48 hours after the same is mailed. Communications sent by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed delivered 24 hours after delivery of the same to the Postal Service or courier. If such communication is received on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

19.3 Any Party or Broker hereto may from time to time, by notice in writing, designate a different address to which, or a different person or additional persons to whom, all communications are thereafter to be made.

20. Duration of Offer.

20.1 If this offer is not accepted by Seller on or before 5:00 P.M. according to the time standard applicable to the city of Rancho Cucamonga on the date of December 4, 2015, it shall be deemed automatically revoked.

20.2 The acceptance of this offer, or of any subsequent counteroffer hereto, that creates an agreement between the Parties as described in paragraph 1.2, shall be deemed made upon delivery to the other Party or either Broker herein of a duly executed writing unconditionally accepting the last outstanding offer or counteroffer.

21. LIQUIDATED DAMAGES. (This Liquidated Damages paragraph is applicable only if initialed by both Parties).

THE PARTIES AGREE THAT IT WOULD BE IMPRACTICABLE OR EXTREMELY DIFFICULT TO FIX, PRIOR TO SIGNING THIS AGREEMENT, THE ACTUAL DAMAGES WHICH WOULD BE SUFFERED BY SELLER IF BUYER FAILS TO PERFORM ITS OBLIGATIONS UNDER THIS AGREEMENT. THEREFORE, IF, AFTER THE SATISFACTION OR WAIVER OF ALL CONTINGENCIES PROVIDED FOR THE BUYER'S BENEFIT, BUYER BREACHES THIS AGREEMENT, SELLER SHALL BE ENTITLED TO LIQUIDATED DAMAGES IN THE AMOUNT OF $200,000.00. UPON PAYMENT OF SAID SUM TO SELLER, BUYER SHALL BE RELEASED FROM ANY FURTHER LIABILITY TO SELLER, AND ANY ESCROW CANCELLATION FEES AND TITLE COMPANY CHARGES SHALL BE PAID BY SELLER.

_____ *Buyer Initials* _____ *Seller Initials*

22. ARBITRATION OF DISPUTES. *(This Arbitration of Disputes paragraph is applicable only if initialed by both Parties.)*

22.1 ANY CONTROVERSY AS TO WHETHER SELLER IS ENTITLED TO THE LIQUIDATED DAMAGES AND/OR BUYER IS ENTITLED TO THE RETURN OF DEPOSIT MONEY, SHALL BE DETERMINED BY BINDING ARBITRATION BY, AND UNDER THE COMMERCIAL RULES OF THE AMERICAN ARBITRATION ASSOCIATION ("**COMMERCIAL RULES**"). ARBITRATION HEARINGS SHALL BE HELD IN THE COUNTY WHERE THE PROPERTY IS LOCATED. ANY SUCH CONTROVERSY SHALL BE ARBITRATED BY 3 ARBITRATORS WHO SHALL BE IMPARTIAL REAL ESTATE BROKERS WITH AT LEAST 5 YEARS OF FULL TIME EXPERIENCE IN BOTH THE AREA WHERE THE PROPERTY IS LOCATED AND THE TYPE OF REAL ESTATE THAT IS THE SUBJECT OF THIS AGREEMENT. THEY SHALL BE APPOINTED UNDER THE COMMERCIAL RULES. THE ARBITRATORS SHALL HEAR AND DETERMINE SAID CONTROVERSY IN ACCORDANCE WITH APPLICABLE LAW, THE INTENTION OF THE PARTIES AS EXPRESSED IN THIS AGREEMENT AND ANY AMENDMENTS THERETO, AND UPON THE EVIDENCE PRODUCED AT AN ARBITRATION HEARING. PRE-ARBITRATION DISCOVERY SHALL BE PERMITTED IN ACCORDANCE WITH THE COMMERCIAL RULES OR STATE LAW APPLICABLE TO ARBITRATION PROCEEDINGS. THE AWARD SHALL BE EXECUTED BY AT LEAST 2 OF THE 3 ARBITRATORS, BE RENDERED WITHIN 30 DAYS AFTER THE CONCLUSION OF THE HEARING, AND MAY INCLUDE ATTORNEYS' FEES AND COSTS TO THE PREVAILING PARTY PER PARAGRAPH 16 HEREOF. JUDGMENT MAY BE ENTERED ON THE AWARD IN ANY COURT OF COMPETENT JURISDICTION NOTWITHSTANDING THE FAILURE OF A PARTY DULY NOTIFIED OF THE ARBITRATION HEARING TO APPEAR THEREAT.

22.2 BUYER'S RESORT TO OR PARTICIPATION IN SUCH ARBITRATION PROCEEDINGS SHALL NOT BAR SUIT IN A COURT OF COMPETENT JURISDICTION BY THE BUYER FOR DAMAGES AND/OR SPECIFIC PERFORMANCE UNLESS AND UNTIL THE ARBITRATION RESULTS IN AN AWARD TO THE SELLER OF LIQUIDATED DAMAGES, IN WHICH EVENT SUCH AWARD SHALL ACT AS A BAR AGAINST ANY ACTION BY BUYER FOR DAMAGES AND/OR SPECIFIC PERFORMANCE.

22.3 NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS SUCH RIGHTS ARE SPECIFICALLY INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION TO NEUTRAL ARBITRATION.

_____ *Buyer Initials* _____ *Seller Initials*

23. Miscellaneous.

23.1 **Binding Effect.** This Agreement shall be binding on the Parties without regard to whether or not paragraphs 21 and 22 are initialed by both of the Parties. Paragraphs 21 and 22 are each incorporated into this Agreement only if initialed by both Parties at the time that the Agreement is executed.

23.2 **Applicable Law.** This Agreement shall be governed by, and paragraph 22.3 is amended to refer to, the laws of the state in which the Property is located. Any litigation or arbitration between the Parties hereto concerning this Agreement shall be initiated in the county in which the

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Property is located.

23.3 **Time of Essence.** Time is of the essence of this Agreement.

23.4 **Counterparts.** This Agreement may be executed by Buyer and Seller in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Escrow Holder, after verifying that the counterparts are identical except for the signatures, is authorized and instructed to combine the signed signature pages on one of the counterparts, which shall then constitute the Agreement.

23.5 **Waiver of Jury Trial. THE PARTIES HEREBY WAIVE THEIR RESPECTIVE RIGHTS TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING INVOLVING THE PROPERTY OR ARISING OUT OF THIS AGREEMENT.**

23.6 **Conflict.** Any conflict between the printed provisions of this Agreement and the typewritten or handwritten provisions shall be controlled by the typewritten or handwritten provisions. **Seller and Buyer must initial any and all handwritten provisions.**

23.7 **1031 Exchange.** Both Seller and Buyer agree to cooperate with each other in the event that either or both wish to participate in a 1031 exchange. Any party initiating an exchange shall bear all costs of such exchange. The cooperating Party shall not have any liability (special or otherwise) for damages to the exchanging Party in the event that the sale is delayed and/or that the sale otherwise fails to qualify as a 1031 exchange.

23.8 **Days.** Unless otherwise specifically indicated to the contrary, the word "days" as used in this Agreement shall mean and refer to calendar days.

24. Disclosures Regarding The Nature of a Real Estate Agency Relationship.

24.1 The Parties and Brokers agree that their relationship(s) shall be governed by the principles set forth in the applicable sections of the California Civil Code, as summarized in paragraph 24.2.

24.2 When entering into a discussion with a real estate agent regarding a real estate transaction, a Buyer or Seller should from the outset understand what type of agency relationship or representation it has with the agent or agents in the transaction. Buyer and Seller acknowledge being advised by the Brokers in this transaction, as follows:

(a) *Seller's Agent.* A Seller's agent under a listing agreement with the Seller acts as the agent for the Seller only. A Seller's agent or subagent has the following affirmative obligations: (1) *To the Seller:* A fiduciary duty of utmost care, integrity, honesty, and loyalty in dealings with the Seller. (2) *To the Buyer and the Seller:* a. Diligent exercise of reasonable skills and care in performance of the agent's duties. b. A duty of honest and fair dealing and good faith. c. A duty to disclose all facts known to the agent materially affecting the value or desirability of the property that are not known to, or within the diligent attention and observation of, the Parties. An agent is not obligated to reveal to either Party any confidential information obtained from the other Party which does not involve the affirmative duties set forth above.

(b) *Buyer's Agent.* A selling agent can, with a Buyer's consent, agree to act as agent for the Buyer only. In these situations, the agent is not the Seller's agent, even if by agreement the agent may receive compensation for services rendered, either in full or in part from the Seller. An agent acting only for a Buyer has the following affirmative obligations. (1) *To the Buyer:* A fiduciary duty of utmost care, integrity, honesty, and loyalty in dealings with the Buyer. (2) *To the Buyer and the Seller:* a. Diligent exercise of reasonable skills and care in performance of the agent's duties. b. A duty of honest and fair dealing and good faith. c. A duty to disclose all facts known to the agent materially affecting the value or desirability of the property that are not known to, or within the diligent attention and observation of, the Parties. An agent is not obligated to reveal to either Party any confidential information obtained from the other Party which does not involve the affirmative duties set forth above.

(c) *Agent Representing Both Seller and Buyer.* A real estate agent, either acting directly or through one or more associate licenses, can legally be the agent of both the Seller and the Buyer in a transaction, but only with the knowledge and consent of both the Seller and the Buyer. (1) In a dual agency situation, the agent has the following affirmative obligations to both the Seller and the Buyer: a. A fiduciary duty of utmost care, integrity, honesty and loyalty in the dealings with either Seller or the Buyer. b. Other duties to the Seller and the Buyer as stated above in their respective sections (a) or (b) of this paragraph 24.2. (2) In representing both Seller and Buyer, the agent may not without the express permission of the respective Party, disclose to the other Party that the Seller will accept a price less than the listing price or that the Buyer will pay a price greater than the price offered. (3) The above duties of the agent in a real estate transaction do not relieve a Seller or Buyer from the responsibility to protect their own interests. Buyer and Seller should carefully read all agreements to assure that they adequately express their understanding of the transaction. A real estate agent is a person qualified to advise about real estate. If legal or tax advice is desired, consult a competent professional.

(d) *Further Disclosures.* Throughout this transaction Buyer and Seller may receive more than one disclosure, depending upon the number of agents assisting in the transaction. Buyer and Seller should each read its contents each time it is presented, considering the relationship between them and the real estate agent in this transaction and that disclosure. Buyer and Seller each acknowledge receipt of a disclosure of the possibility of multiple representation by the Broker representing that principal. This disclosure may be part of a listing agreement, buyer representation agreement or separate document. Buyer understands that Broker representing Buyer may also represent other potential buyers, who may consider, make offers on or ultimately acquire the Property. Seller understands that Broker representing Seller may also represent other sellers with competing properties that may be of interest to this Buyer. Brokers have no responsibility with respect to any default or breach hereof by either Party. The Parties agree that no lawsuit or other legal proceeding involving any breach of duty, error or omission relating to this transaction may be brought against Broker more than one year after the Date of Agreement and that the liability (including court costs and attorneys' fees), of any Broker with respect to any breach of duty, error or omission relating to this Agreement shall not exceed the fee received by such Broker pursuant to this Agreement; provided, however, that the foregoing limitation on each Broker's liability shall not be applicable to any gross negligence or willful misconduct of such Broker.

24.3 *Confidential Information:* Buyer and Seller agree to identify to Brokers as "Confidential" any communication or information given Brokers that is considered by such Party to be confidential.

25. Construction of Agreement. In construing this Agreement, all headings and titles are for the convenience of the Parties only and shall not be considered a part of this Agreement. Whenever required by the context, the singular shall include the plural and vice versa. This Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

26 Additional Provisions: Additional provisions of this offer, if any, are as follows or are attached hereto by an addendum or addenda consisting of paragraphs 28 through 41. (If there are no additional provisions write "NONE".)

☑ a energy disclosure addendum is attached;

ATTENTION: NO REPRESENTATION OR RECOMMENDATION IS MADE BY THE AIR COMMERCIAL REAL ESTATE ASSOCIATION OR BY ANY BROKER AS TO THE LEGAL SUFFICIENCY, LEGAL EFFECT, OR TAX CONSEQUENCES OF THIS AGREEMENT OR THE TRANSACTION TO WHICH IT RELATES. THE PARTIES ARE URGED TO:

1. SEEK ADVICE OF COUNSEL AS TO THE LEGAL AND TAX CONSEQUENCES OF THIS AGREEMENT.

2. RETAIN APPROPRIATE CONSULTANTS TO REVIEW AND INVESTIGATE THE CONDITION OF THE PROPERTY. SAID INVESTIGATION SHOULD INCLUDE BUT NOT BE LIMITED TO: THE POSSIBLE PRESENCE OF HAZARDOUS SUBSTANCES, THE ZONING OF

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THE PROPERTY, THE INTEGRITY AND CONDITION OF ANY STRUCTURES AND OPERATING SYSTEMS, AND THE SUITABILITY OF THE PROPERTY FOR BUYER'S INTENDED USE.

WARNING: IF THE PROPERTY IS LOCATED IN A STATE OTHER THAN CALIFORNIA, CERTAIN PROVISIONS OF THIS AGREEMENT MAY NEED TO BE REVISED TO COMPLY WITH THE LAWS OF THE STATE IN WHICH THE PROPERTY IS LOCATED.

NOTE:

1. THIS FORM IS NOT FOR USE IN CONNECTION WITH THE SALE OF RESIDENTIAL PROPERTY.
2. IF EITHER PARTY IS A CORPORATION, IT IS RECOMMENDED THAT THIS AGREEMENT BE SIGNED BY TWO CORPORATE OFFICERS.

The undersigned Buyer offers and agrees to buy the Property on the terms and conditions stated and acknowledges receipt of a copy hereof.

BROKER:

CBRE, Inc., a Delaware corporation

Attn: Leonard Santoro
Title: Senior Vice President
Address: 4141 Inland Empire Blvd., Suite 100
Ontario, CA 91764
Telephone:(909) 418-2158
Facsimile:(909) 418-2100
Email:len.santoro@cbre.com
Federal ID No. 95-2743174

Broker/Agent BRE License #: Santoro/Lic. 00758706

BUYER:

City of Rancho Cucamonga

By:
Date:
Name Printed: John R. Gillison
Title: City Manager
Telephone:(909) 477-2700
Facsimile:( )
Email: john.gillison@cityofrc.us

By:
Date:
Name Printed:
Title:
Address: 10500 Civic Center Dr.
Rancho Cucamonga, CA 91730
Telephone:( )
Facsimile:( )
Email:
Federal ID No.

27. Acceptance.

27.1 Seller accepts the foregoing offer to purchase the Property and hereby agrees to sell the Property to Buyer on the terms and conditions therein specified.

27.2 Seller acknowledges that Brokers have been retained to locate a Buyer and are the procuring cause of the purchase and sale of the Property set forth in this Agreement. In consideration of real estate brokerage service rendered by Brokers, Seller agrees to pay Brokers a real estate Brokerage Fee in a sum equal to 5 % of the Purchase Price to be divided between the Brokers as follows: Seller's Broker 2.5 % and Buyer's Broker 2.5 %. This Agreement shall serve as an irrevocable instruction to Escrow Holder to pay such Brokerage Fee to Brokers out of the proceeds accruing to the account of Seller at the Closing.

27.3 Seller acknowledges receipt of a copy hereof and authorizes Brokers to deliver a signed copy to Buyer.

NOTE: A PROPERTY INFORMATION SHEET IS REQUIRED TO BE DELIVERED TO BUYER BY SELLER UNDER THIS AGREEMENT.

BROKER:

Daum Commercial Real Estate Services

Attn: Richard C. John / Dan Foye
Title: Exec. Vice President/Vice President
Address: 3595 Inland Empire Blvd., Bldg 5
Ontario, CA 91764
Telephone:(909) 912-0009
Facsimile:(909) 912-0019
Email:dan.foye@daumcommercial.com
Federal ID No.:

Broker/Agent BRE License #: John/Lic. 00800783
Foye/Lic. 01292002

SELLER:

HOWARD DUERSON CHASTAIN, JR. 2004 TRUST, executed on August 7, 2013 and amended on August 18, 2015

By:
Date:
Name Printed: Christopher Ward Mace
Title: Successor Trustee
Telephone:( )
Facsimile:( )
Email:

By:
Date:
Name Printed:
Title:
Address:
Telephone:( )
Facsimile:( )
Email:
Federal ID No.:

NOTICE: These forms are often modified to meet changing requirements of law and industry needs. Always write or call to make sure you are utilizing the most current form: AIR Commercial Real Estate Association, 500 N Brand Blvd, Suite 900, Glendale, CA 91203. Telephone No. (213) 687-8777. Fax No.: (213) 687-8616.

L. Santoro\2.43 Ac R Cucamonga - City of RC - SOAE /se

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INITIALS INITIALS

ADDENDUM TO THE STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF REAL ESTATE

Dated: November 18, 2015

By and Between (Buyer) City of Rancho Cucamonga

(Seller) HOWARD DUERSON CHASTAIN, JR. 2004 TRUST executed on August 7, 2013 and amended on August 18, 2015

Regarding: NEC of Rochester Ave. & Arrow Route (APN# 0229-021-97) Rancho Cucamonga, CA

This Addendum is attached and made part of the above-referenced Agreement (said Agreement and the Addendum are hereinafter collectively referred to as the "Agreement"). In the event of any conflict between the provisions of this Addendum and the printed provisions of the Agreement, this Addendum shall control.

28. **Legal Description.** THE WEST 350.05 FEET OF LOT 105 OF MAP OF ROCHESTER, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 9 OF MAPS, PAGE 20, RECORDS OF SAID COUNTY. TOGETHER WITH THE EAST 60 FEET OF ORANGE AVENUE ADJOINING SAID LOT ON THE WEST, VACATED AND ABANDONED BY ORDER OF BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, A CERTIFIED COPY OF WHICH WAS RECORDED DECEMBER 18, 1936, IN BOOK 1177, PAGE 320 OF OFFICIAL RECORDS EXCEPTING THEREFROM THAT PORTION OF PROPERTY CONVEYED TO THE COUNTY OF SAN BERNARDINO BY DEED RECORDED SEPTEMBER 28, 1925 IN BOOK 17, PAGE 414 OF OFFICIAL RECORD.

29. The opening deposit shall be placed into escrow for the account of Purchaser. The remainder of the purchase price shall be deposited in escrow by Purchaser as All cash at the close of escrow.

30. Promptly after mutual execution of this Contract, Purchaser and Seller shall open an escrow with First American Escrow, Rancho Cucamonga ("Escrow Holder"), and execute such instructions as Escrow Holder may request which are not inconsistent with the provisions of this Contract. Escrow shall be deemed open upon receipt by Escrow Holder of signed escrow instructions from Purchaser and Seller.

31. As soon as reasonably possible following opening of escrow, Seller shall pay for and furnish to Purchaser a Preliminary Title Report issued by First American Escrow on the Property (the "Report"), together with full copies of all exceptions in the Report. Purchaser shall have forty-five (45) days after receipt of the Report and said exceptions and verification of legal description, within which to notify Seller and Escrow Holder in writing of Purchaser's disapproval of any such exceptions. Failure of Purchaser to disapprove any such exceptions within the aforementioned time limit shall be deemed to be an approval of the Report. In the event Purchaser disapproves any exception(s) in the Report, Seller shall have until the date of closing to eliminate any disapproved exceptions from the policy of title insurance to be issued in favor of Purchaser, and if such exceptions are not eliminated then the escrow shall be cancelled and the deposit returned to Purchaser unless Purchaser then elects to waive its prior disapproval. Seller shall pay for and furnish to Purchaser a California Land Title Association standard policy of title insurance in the amount of the purchase price, showing title vested in Purchaser. Title to be conveyed by grant deed.

32. Seller warrants that Seller has not received, nor is aware of any notification from the Department of Building and Safety, Health Department, or other such City, County or State authority having jurisdiction, requiring any work to be done on or affecting the Property or indicating an intent to condemn the Property or any portion thereof. Seller further warrants that in the event any such notice or notices are received by Seller prior to the close of escrow and Seller is unable to or does not elect to perform the work required in said notice at Seller's sole cost and expense on or before the close of escrow, said notices shall be submitted to Purchaser for its examination and written approval. In the event Purchaser does not notify Seller and Escrow Holder of its approval of any such notice within forty-five (45) days after receipt thereof, then this Contract shall be deemed null and void, the deposit shall be returned to Purchaser and the escrow shall be cancelled.

33. Neither this Contract nor any interest therein shall be assignable by Purchaser without Seller's prior written consent. Notwithstanding the foregoing, Purchaser shall have the right to assign this Contract and Purchaser's rights under it to an entity in which the Purchaser has an ownership interest and a right of management, subject to the terms and provisions of this agreement, provided that the assignee assumes all obligations of Purchaser and agrees to execute all documents and to perform all obligations imposed on Purchaser as if the assignee were the original Purchaser in this Contract. In no event shall such an assignment relieve Purchaser of its obligations under this Contract.

BUYER: _____ SELLER: _____

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34. Any addendum attached hereto and either signed or initialed by Purchaser and Seller shall be deemed to be a part hereof.

35. Unless Seller accepts this offer to purchase the Property by signing and delivering a copy to Purchaser or Purchaser's agent on or before December 4, 2015 this offer shall become null and void, and the deposit made herewith shall be returned to Purchaser.

36. In the event the deposit provided for herein is to be held in Broker's trust account, Purchaser and Seller understand and agree that due to the large number of Broker's clients and the resulting aggregate cash balances in Broker's accounts, Broker will derive direct benefits which shall be deemed permissible compensation to Broker in addition to any other amount provided for by this Contract.

37. The Foreign Investment in Real Property Tax Act (FIRPTA), IRC 1445, requires that every purchaser of U.S. real property must, unless an exemption applies, deduct and withhold from Seller's proceeds ten percent (10%) of the gross sales price. The primary exemptions which might be applicable are: (a) Seller provides Purchaser with an affidavit under penalty of perjury that Seller is not a "foreign person" as defined in FIRPTA, or (b) Seller provides Purchaser with a "qualifying statement," as defined in FIRPTA, issued by the Internal Revenue Service. Seller and Purchaser agree to execute and deliver as appropriate, any instrument, affidavit and statement, and to perform any acts reasonably necessary to carry out the provisions of FIRPTA and regulations promulgated thereunder.

38. Seller, Purchaser and their Agents each warrant that they have dealt with no other real estate brokers in connection with this transaction except CBRE, Inc., who represents the City of Rancho Cucamonga, and Dan Foye and Rick John, who represents Howard Duerson Chastain Jr Trust, Dated 9/08/2004.

39. The parties hereto agree to comply with all applicable federal, state and local laws, regulations, codes, ordinances and administrative orders having jurisdiction over the parties, property or the subject matter of this Agreement. Including, but not limited to, the 1964 Civil Rights Act and all amendments thereto, the Foreign Investment in Real Property Tax Act, the Comprehensive Environmental Response Compensation and Liability Act, and The Americans With Disabilities Act.

40. Seller hereby stipulates and acknowledges that Purchaser is not acquiring the Property by threat of condemnation, and that this transaction is an arm's length purchase by Purchaser of property that was advertised and offered for sale by Seller prior to Purchaser's first contacting Seller.

41. Although Purchaser may be buying the Property for a future public project, that project has not been sufficiently determined in order to analyze it under the California Environmental Quality Act ("CEQA"), and Purchaser has not made any commitments with respect to such project, but the project shall not be undertaken or approved without compliance with CEQA.

The parties agree to add this sentence to Paragraph 12.2, after the first sentence: Notwithstanding anything to the contrary stated herein and to the extent not otherwise warranted or represented to the Seller in this Agreement or in its Addendum, the Buyer agrees and acknowledges that the Seller is selling the Property to Buyer "AS-IS", with all faults.

Buyer reserves the right to disapprove the legal description and terminate the escrow as part of its due diligence.

L. Santoro\2.43 Ac R Cucamonga - City of RC - ADD /sc

BUYER: _____ SELLER: _____

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STAFF REPORT

PLANNING DEPARTMENT

RANCHO CUCAMONGA

DATE: December 2, 2015

TO: Mayor and Members of the City Council

John R. Gillison, City Manager

FROM: Candyce Burnett, Planning Director

BY: Tabe van der Zwaag, Associate Planner

ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT DRC2015-00388 - LEWIS RETAIL CENTERS – A request to change the General Plan Land Use Designation for 10.94 acres of land from Low Medium (LM) Residential to Neighborhood Commercial (NC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, Victoria Community Plan Amendment DRC2015-00390, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

ENVIRONMENTAL ASSESSMENT AND VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390 - LEWIS RETAIL CENTERS – A request to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Medium (M) Residential (4-8 dwelling units per acre) to Village Commercial (VC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center at the northwest corner of Day Creek Boulevard and Base Line Road. The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling units per acre) and a text amendment clarifying development standards – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2015-00388, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

RECOMMENDATION: Staff recommends that the City Council 1) adopt the Mitigated Negative Declaration of environmental impacts for the project and 2) approve the General Plan Amendment DRC2015-00388 through adoption of the attached Resolution and approve the Victoria Community Plan Amendment DRC2015-00390 through adoption of the attached Ordinance.

PROJECT AND SITE DESCRIPTION:

North - Rancho Cucamonga Fire Protection District (RCFPD) Station 173 and Vacant Land; Community Facilities (CF) and Medium (M) Residential (8-14 dwelling units per acre) Victoria Community Plan

South - Vacant Land; Regionally Related Office/Commercial (RR) Victoria Community Plan

East - Single-Family Residences; Low Medium Residential (LM) (4-8 dwelling units per acre) Victoria Community Plan

West - San Bernardino County Flood Control District Maintenance Facility; Very Low (VL) Residential and Medium (M) Residential (8-14 dwelling units per acre) Victoria Community Plan

A. General Plan Designations:
Project Site - Low Medium (LM) Residential (4-8 dwelling units per acre) (Existing Zoning)
North - Low Medium (LM) Residential (4-8 dwelling units per acre)
South - Mixed Use (MU)
East - Low Medium (LM) Residential (4-8 dwelling units per acre)
West - Low Medium (LM) Residential (4-8 dwelling units per acre)

PLANNING COMMISION ACTION

A. Planning Commission Meeting Summary: The Planning Commission reviewed and approved the related Design Review (DRC2015-00386), Conditional Use Permit (DRC2015-00387) and Tentative Parcel Map (SUBTPM19637) at the Planning Commission meeting on November 10, 2015. The Planning Commission recommended that the City Council approve General Plan Amendment DRC2015-00388 and Victoria Community Plan Amendment DRC2015-00390. At the Planning Commission meeting, one speaker spoke during the public comment period raising concerns related to the loss of native habitat on the project site. The speaker asked that native plant species be integrated into the final Landscape Plan. The landscape architect for the project agreed to include additional native plant species into the final project. The Planning Commission commented that the project was well designed and complimented Fire Station 173, which is located adjacent to the project site on the north side of Firehouse Court. They were pleased to hear that the 4 acre parcel to the north of the project site would be developed with affordable senior housing and that a pedestrian connection was being provided between the two projects.

ANALYSIS:

A. Project Proposal: The applicant proposes constructing a 100,135 square foot multi-tenant retail center on 10.94 acres of land located on the northwest corner of Day Creek Boulevard and Base Line Road. The project site is made up of 10.08 acres of land that is part of a larger 14.08 acre parcel of land being purchased from the Successor Agency of the Rancho Cucamonga Redevelopment Agency and .86 acre of land being purchased from the San Bernardino County Flood Control District. The remaining 4 acres of land that are part of the larger 14.08 acres of land purchased from the Successor Agency, is being set aside for the future development of an affordable senior housing project. The .86 acre of land being purchased from the San Bernardino County Flood Control District will be used for the development of Pad B and to provide access to the project site from Base Line Road. The future building on the .86 acre parcel of land being purchased from the San Bernardino County Flood Control District will be reviewed at a later date with the Design Review Committee when that purchase is complete. This piece of land is being included in the project layout and is calculated into the total project size for purposes of the environmental review, total required parking and the related Conditional Use Permit.

The project is oriented with the 44,998 square foot major tenant building angled towards the intersection of Day Creek Boulevard and Base Line Road. Three inline tenant buildings are plotted adjacent to the major tenant building. Additionally, two (2) pad buildings are plotted adjacent to Day

Creek Boulevard and three (3) pad buildings are plotted adjacent to Base Line Road. The main pedestrian entrance will be at the Day Creek Boulevard and Base Line Road intersection and will include a large outdoor seating area with decorative arbors. Pedestrian access to the major tenant building will be provided along a tree-lined walkway from the Day Creek Boulevard and the Base Line Road intersection. Pedestrian access points will also be provided on Base Line Road, Day Creek Boulevard and Firehouse Court. The Firehouse Court pedestrian access point will serve as the main pedestrian connection to the proposed senior housing development to the north. A second pedestrian-orientated focal point is proposed at the southwest corner of Day Creek Boulevard and Firehouse Court and will include picnic benches, a drinking fountain and a bike rack/repair station and is designed to serve users of the Pacific Electric Trail to the north. Multiple outdoor eating areas are provided throughout the project.

The project will take vehicular access from Day Creek Boulevard, Firehouse Court and Base Line Road. A new signalized intersection is proposed as part of the project on Base Line Road, approximately 600 feet west of the Day Creek Boulevard intersection. A secondary emergency vehicle access (EVA) point will be provided through the project site to the future senior housing development to the north. The San Bernardino County Flood Control maintenance yard will take access from Base Line Road through the project site and through an existing secondary driveway.

The project has a Craftsman architectural theme that includes wood siding, stone veneer, exposed rafter tails and wood support structures. Each building incorporates multiple tower elements including a clock tower adjacent to the major tenant building. Decorative arbors and green screens with climbing vines are used to accent each building and tie the buildings together. Decorative paving is provided at each vehicle entrance and pedestrian crossings as well as at the outdoor eating areas. The drive through lanes will be screened by low walls and landscaping and will include concrete paving. A decorative bus shelter will be provided on Base Line Road and will carry over the design theme of the center. Trash enclosures will be constructed of split face block, decorative stone veneer columns, a decorative overhead trellis and a roll-up door.

The project complies with all related Victoria Community Plan and Development Code requirements with the reduced setbacks permitted by the proposed Victoria Community Plan Amendment. The Victoria Community Plan is currently silent on building and parking setbacks. In the absence of specific setbacks, the standards in the Development Code would apply, which is a 45-foot setback along major boulevards, as measured from the curb face; however, as discussed below, the applicant is requesting consideration of a Victoria Community Plan Amendment to permit setbacks to be determined through the development review process. For the proposed project, the setbacks along the Base Line Road and Day Creek Boulevard range from 24 feet to 55 feet, as measured from curb face. A total of 506 parking spaces are provided on the project site, 5 parking spaces over the minimum requirement based on 1 parking space per 200 square feet of gross floor area. Landscape coverage is 18 percent, in excess of the 10 percent landscape coverage required by the Development Code.

Parking Calculation			
Parking Ratio	Tenant Area	Required Parking	Provided Parking
5 per 1,000 square feet	100,135 square feet	501 spaces	506 aces

B. General Plan and Victoria Community Plan Amendments: The General Plan Land Use Designation for the 10.94 project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan Land Use Designation to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation to Village Commercial (VC), which is the Victoria Community Plan equivalent to the Neighborhood Commercial (NC) designation. The Victoria Community Plan Amendment also includes a text amendment which states that "building setbacks to be determined through the development approval process." The General Plan Land Use Designation for the 4 acre parcel to the north of the project site will remain Low Medium (LM) Residential. The Victoria Community Plan zoning designation for 4 acres will be changed from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan.

C. Conditional Use Permit: The Victoria Community Plan requires that shopping centers be approved by a Conditional Use Permit (CUP). The CUP covers the layout and operation of the proposed commercial center. Future individual uses within the commercial center, including tenants with drive-thru lanes and land uses which require a CUP, will be approved on a case-by-case basis when they are submitted for review.

D. Sign Program: The project includes a Uniform Sign Program (DRC2015-00391) which complies with signage standards for multi-tenant commercial centers as outlined in Table 17.74.080-1 of the Development Code. The Uniform Sign Program is included as an exhibit and will be approved by the Planning Director upon project approval.

E. Design Review Committee: The project was reviewed by the Design Review Committee on October 6, 2015. The main issue raised by staff was whether the design of Pad A drive-thru lane would conflict with the adjacent drive aisles when the maximum capacity of the drive-thru lane was exceeded. The Design Review Committee agreed with the applicant that the proposed stacking of 12 vehicles should be adequate. The Development Code requires that a traffic study be performed to review the adequacy of the drive-thru lane stacking when the Conditional Use Permit is submitted for review. The Committee also recommended that additional embellishments be added to the project to emphasize the City's wine making heritage. The applicant agreed to add winery-themed elements and have a concept plan ready for presentation at the Planning Commission hearing. The Committee recommended that the project move forward to the Planning Commission for their review.

F. Technical Review Committee: The project was reviewed and approved by the Committee on October 6, 2015.

G. SB18 Tribal Consultation: California State Bill 18 (SB18) requires that the City send project notification to California tribal communities when a project proposes a General Plan or Specific Plan Amendment. California Assembly Bill 52 (AB52) requires that the City send project notification to interested California tribal communities when a project requires an Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration. Notification was sent for both SB18 and AB52 on May 12, 2015. Staff also requested a Historical Resources Review from the South Central Coastal Information Center. That review (June 23, 2015) recommended that a Cultural Resources Assessment be performed on the project site. The applicant submitted a Cultural Resources

Assessment (LSA; July 2015) which concluded that no previously documented resources were identified within the project area and no other cultural resources were identified during the field survey. Staff has not received comments from the tribal communities contacted as of the date of this report. A standard mitigation measure is included in the Mitigation Monitoring Program requiring that grading activities cease and an archeologist be consulted if historic resources are found on the project site.

H. Environmental Assessment: Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures related to aesthetics, cultural resources, hydrology and water quality, noise, air quality, greenhouse gas emissions and geology and soils, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration. A Mitigation Monitoring Program has also been prepared to ensure implementation of, and compliance with, the mitigation measures for the project. A letter was received on October 27, 2015 from the California Department of Fish and Wildlife (CDFW) related to the Biological Resources section of the Initial Study. A copy of the CDFW letter was forwarded to the applicant's consultant (LSA) for their review. A response letter from LSA was received on October 30, 2015, which addressed the issues raised by CDFW. Staff has reviewed the comments from CDFW and the applicant response and has modified an existing mitigation measure related to the timing of performing a nesting bird survey. The Planning Commission reviewed the Mitigated Negative Declaration along with the modified mitigation measure at the Planning Commission hearing on November 10, 2015 and recommended the City Council adopt the Mitigated Negative Declaration with the added mitigation measure.

CORRESPONDENCE: This item was advertised with a 1/8th page ad as a public hearing in the Inland Valley Daily Bulletin newspaper. No correspondence has been received in response to these notices.

Respectfully submitted,

Candyce Burnett
Planning Director

CB:TV/jp

Attachments: Exhibit A - Planning Commission Staff Report dated November 10, 2015 (with all Exhibits and Resolutions)
Exhibit B – Draft Planning Commission Minutes, November 10, 2015
Resolution of Approval for General Plan Amendment DRC2015-00388
Draft Ordinance Approving Victoria Community Plan Amendment DRC2015-00390

STAFF REPORT

PLANNING DEPARTMENT

RANCHO CUCAMONGA

DATE: November 10, 2015

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Tabe van der Zwaag, Associate Planner

ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT DRC2015-00388 - LEWIS RETAIL CENTERS – A request to change the General Plan Land Use Designation for 10.94 acres of land from Low Medium (LM) Residential to Neighborhood Commercial (NC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, Victoria Community Plan Amendment DRC2015-00390, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

ENVIRONMENTAL ASSESSMENT AND VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390 - LEWIS RETAIL CENTERS – A request to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Medium (M) Residential (4-8 dwelling units per acre) to Village Commercial (VC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center at the northwest corner of Day Creek Boulevard and Base Line Road. The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling units per acre) and a text amendment clarifying development standards – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2015-00388, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP SUBTPM19637 - LEWIS RETAIL CENTERS – A request to subdivide 14.08 acres of land into 6 parcels including 10.08 acres of land for the purposes of developing a retail center and a 4-acre remainder parcel for residential purposes for a site located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15 and 16. Related cases: Victoria Community Plan Amendment DRC2015-00390, Design Review DRC2015-00386, General Plan Amendment DRC2014-00388, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00386 - LEWIS RETAIL CENTERS – A request for site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center that includes a 44,988 square foot major tenant building, a 15,207 square foot pad building, a 9,160 inline tenant building, two 7,560 square foot inline tenant buildings, a 4,500 square foot inline tenant building, two 3,780 inline tenant buildings and a future 3,600 square foot inline tenant building on 10.94 acres

EXHIBIT A

of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan - APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: General Plan Amendment DRC2015-00388, Victoria Community Plan Amendment DRC2015-00390, Tentative Parcel Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT DRC2015-00387 - LEWIS RETAIL CENTERS – A request to operate a 100,135 square foot multi-tenant retail center on 10.94 acres of land for a site located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15 and 16. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2015-00388, Victoria Community Plan Amendment DRC2015-00390, Tentative Parcel Map SUBTPM19637 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) approve Design Review DRC2015-00386, Tentative Parcel Map SUBTPM19637 and Conditional Use Permit DRC2015-00387 through adoption of the attached Resolutions; and 2) recommend that the City Council approve General Plan Amendment DRC2015-00388 and Victoria Community Plan Amendment DRC2015-00390 through adoption of the attached Resolutions and adopt the Mitigated Negative Declaration of environmental impacts for the project.

PROJECT AND SITE DESCRIPTION:

North - RCFPD Station 173 and Vacant Land; Community Facilities (CF) & Medium (M) Residential (8-14 dwelling units per acre) Victoria Community Plan
South - Vacant Land; Regionally Related Office/Commercial (RR) (Victoria Community Plan
East - Single-Family Residences; Low Medium Residential (LM) (4-8 dwelling units per acre) Victoria Community Plan
West - San Bernardino County Flood Control District Maintenance Facility; Very Low (VL) Residential Medium (M) Residential (8-14 dwelling units per acre) Victoria Community Plan

A. General Plan Designations:
Project Site - Low Medium (LM) Residential (4-8 dwelling units per acre) (Existing Zoning)
North - Low Medium (LM) Residential (4-8 dwelling units per acre)
South - Mixed Use (MU)
East - Low Medium (LM) Residential (4-8 dwelling units per acre)
West - Low Medium (LM) Residential (4-8 dwelling units per acre)

ANALYSIS:

A. Project Proposal: The applicant proposes constructing a 100,135 square foot multi-tenant retail center on 10.94 acres of land located on the northwest corner of Day Creek Boulevard and Base Line Road. The project site is made up of 10.08 acres of land that is part of a larger 14.08 acre

parcel of land being purchased from the Successor Agency of the Rancho Cucamonga Redevelopment Agency and .86 acre of land being purchased from San Bernardino County Flood Control District. The remaining 4 acres of land that are part of the 14.08 acres of land purchased from the Successor Agency is being set aside for the future development of an affordable senior housing project. The .86 acre of land being purchased from the San Bernardino County Flood Control District will be used for the development of Pad B and to provide access to the project site from Base Line Road. The future building on the .86 acre parcel of land being purchased from the San Bernardino County Flood Control District will be reviewed at a later date when that purchase is complete, though this piece of land is being included in the project layout and is calculated into the total project size for purposes of the environmental review, total required parking and the related Conditional Use Permit.

The project is oriented with the 44,998 square foot major tenant building angled towards the intersection of Day Creek Boulevard and Base Line Road. Three inline tenant buildings are plotted adjacent to the major tenant building. Additionally, two (2) pad buildings are plotted adjacent to Day Creek Boulevard and three (3) pad buildings are plotted adjacent to Base Line Road. The main pedestrian entrance will be at the Day Creek Boulevard and Base Line Road intersection and will include a large outdoor seating area with decorative arbors. Pedestrian access to the major tenant building will be provided along a tree lined walkway from the Day Creek Boulevard and Base Line Road intersection. Pedestrian access points will also be provided on Base Line Road, Day Creek Boulevard and Firehouse Court. The Firehouse Court pedestrian access point will serve as the main pedestrian connection to the proposed senior housing development to the north. A second pedestrian-orientated focal point is proposed at the southwest corner of Day Creek Boulevard and Firehouse Court and will include picnic benches, a drinking fountain and a bike rack/repair station and is designed to serve users of the Pacific Electric Trail to the north. Multiple outdoor eating areas are provided throughout the project.

The project will take vehicular access from Day Creek Boulevard, Firehouse Court and Base Line Road. A new signalized intersection is proposed as part of the project on Base Line Road, approximately 600 feet west of the Day Creek Boulevard intersection. A secondary emergency vehicle access (EVA) point will be provided through the project site to the future senior housing development to the north. The San Bernardino County Flood Control maintenance yard will take access from Base Line Road through the project site and through an existing secondary driveway.

The project has a Craftsman architectural theme that includes wood siding, stone veneer, exposed rafter tails and wood support structures. Each building incorporates multiple tower elements including a clock tower adjacent to the major tenant building. Decorative arbors and green screens with climbing vines are used to accent each building and tie the buildings together. Decorative paving is provided at each vehicle entrance and pedestrian crossings as well as at the outdoor eating areas. The drive through lanes will be screened by low walls and landscaping and will include concrete paving. A decorative bus shelter will be provided on Base Line Road and will carry over the design theme of the center. Trash enclosures will be constructed of split face block, decorative stone veneer columns, a decorative overhead trellis and a roll-up door.

The project complies with all related Victoria Community Plan and Development Code requirements with the reduced setbacks permitted by the proposed Victoria Community Plan Amendment. The Victoria Community Plan is currently silent on building and parking setbacks. In the absence of specific setbacks, the standards in the Development Code would apply, which is a 45-foot setback along major boulevards, as measured from the curb face; however, as discussed below, the applicant is requesting consideration of a Victoria Community Plan Amendment to permit setbacks to be determined through the development review process. For the proposed project, the setbacks along the Base Line Road and Day Creek Boulevard range from 24 feet to 55 feet, as measured from curb face. A total of 506 parking spaces are provided on the project site, 5 parking spaces over the minimum requirement based on 1 parking space per 200 square feet of gross floor area. Landscape coverage is 18 percent, in excess of the 10 percent landscape coverage required by the Development Code.

Parking Calculation			
Parking Ratio	Tenant Area	Required Parking	Provided Parking
5 per 1,000 square feet	100,135 square feet	501 spaces	506 spaces

B. General Plan and Victoria Community Plan Amendments: The General Plan Land Use designation of the 10.94 project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan land use designation to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation to Village Commercial (VC), which is the Victoria Community Plan equivalent to the Neighborhood Commercial (NC) designation. The Victoria Community Plan Amendment also includes a text amendment which states that "building setbacks to be determined through the development approval process." The General Plan land use designation for the 4 acre parcel to the north of the project site will remain Low Medium (LM) residential. The Victoria Community Plan zoning designation for 4 acres will be changed from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan.

C. Conditional Use Permit: The Victoria Community Plan requires that shopping centers be approved by a Conditional Use permit (CUP). The CUP covers the layout and operation of the proposed commercial center. Future individual uses within the commercial center, including tenants with drive-thru lanes and land uses which require a CUP, will be approved on a case-by-case basis when they are submitted for review.

D. Sign Program: The project includes a Uniform Sign Program (DRC2015-00391) which complies with signage standards for multi-tenant commercial centers as outlined in Table 17.74.080-1 of the Development Code. The Uniform Sign Program is included as an exhibit and will be approved by the Planning Director upon project approval.

E. Design Review Committee: The project was reviewed by the Design Review Committee on October 6, 2015 at 7:00 p.m. The main issue raised by staff was whether the design of the Pad A drive-thru lane would conflict with the adjacent drive aisles when the maximum capacity of the drive-thru lane was exceeded. The Design Review Committee agreed with the applicant that the proposed stacking of 12 vehicles should be adequate. The Development Code requires that a

traffic engineer study the adequacy of the drive-thru lane stacking when the required Conditional Use Permit is submitted for review. The Committee also recommended that additional embellishments be added to the project which emphasize the City's wine making heritage. The applicant agreed to add winery themed elements and have a concept plan ready for presentation at the Planning Commission hearing. The Committee recommended that the project move forward to the Planning Commission for their review.

F. Technical Review Committee: The project was reviewed and approved by the Committee on October 6, 2015.

G. SB18 Tribal Consultation: California State Bill 18 (SB18) requires that the City send project notification to California tribal communities when a project proposes a General Plan or Specific Plan Amendment. California Assembly Bill 52 (AB52) requires that the City send project notification to interested California tribal communities when a project requires an Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration. Notification was sent for both SB18 and AB52 on May 12, 2015. Staff also requested a Historical Resources Review from the South Central Coastal Information Center. That review (June 23, 2015) recommended that a Cultural Resources Assessment be performed on the project site. The applicant submitted a Cultural Resources Assessment (LSA; July 2015) which concluded that no previously documented resources were identified within the project area and no other cultural resources were identified during the field survey. Staff has not received comment from the tribal communities contacted as of the date of this report. A standard mitigation measure is included in the Mitigation Monitoring Program requiring that grading activities cease and an archeologist be consulted if historic resources are found on the project site.

H. Environmental Assessment: Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures related to aesthetics, cultural resources, hydrology and water quality, noise, air quality, greenhouse gas emissions and geology and soils, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration. A Mitigation Monitoring Program has also been prepared to ensure implementation of, and compliance with, the mitigation measures for the project. A letter was received On October 27, 2015 from the California Department of Fish and Wildlife (CDFW) related to the Biological Resources section of the Initial Study. CDFW raised 5 issues related to the Biological Resources Assessment Survey submitted for the project (LSA - February 26, 2015). The issues raised were related to the San Bernardino Kangaroo Rat, Sensitive Species, Sensitive Natural Communities, Streambed Habitat and Nesting Birds. A copy of the CDFW letter was forwarded to the applicant's consultant (LSA) for their review. A response letter from LSA was received on October 30, 2015, which addressed each of the issues raised by CDFW. Staff has reviewed the CDFW comments and the response to these comments from LSA and modified an existing mitigation measure under Biological Resources shortening the period of performing a nesting bird survey prior to grading from 10 days to 3 days.

CORRESPONDENCE: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper with a large, 1/8th page legal notice, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site.

Respectfully submitted,

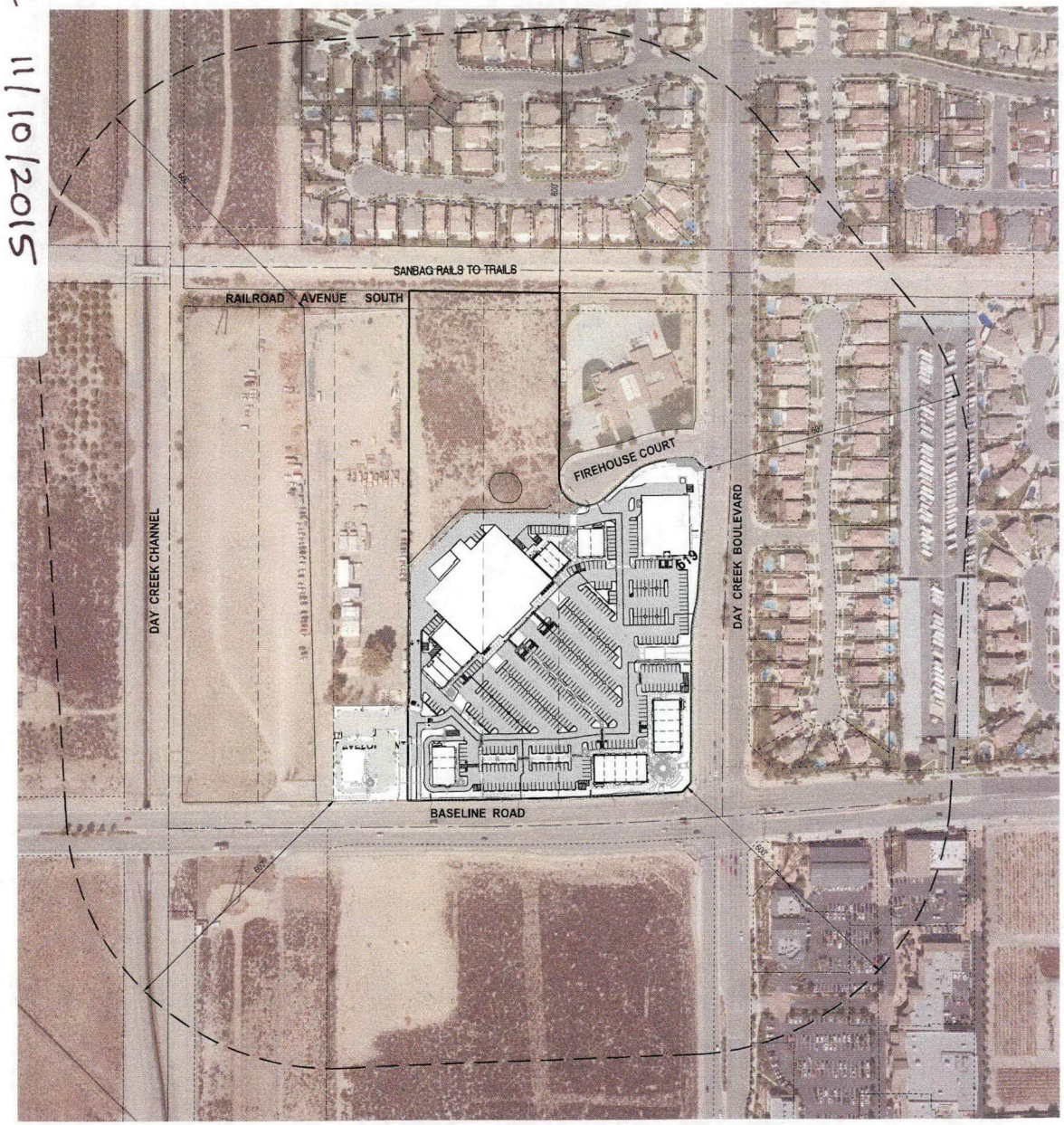
Candyce Burnett
Planning Director

CB:TV/ls

Attachments: Exhibit A - Site Utilization Plan
Exhibit B - Site Plan
Exhibit C - Photometric Plan
Exhibit D - Floor and Roof Plans
Exhibit E - Elevations
Exhibit F - Tentative Parcel Map, Grading Plan and WQMP
Exhibit G - Landscape Plan
Exhibit H - Design Review Committee Action Agenda for October 6, 2015
Exhibit I - Existing and Proposed General Plan Land Use Map
Exhibit J - Existing and Proposed Victoria Community Plan Map
Exhibit K - Victoria Community Plan text change
Exhibit L - Initial Study Parts I, II, and III
Exhibit M - CDFW Response Letter
Exhibit N -Consultant Response Letter
Resolution Recommending Approval of General Plan Amendment DRC2015-00388
Resolution Recommending Approval of Victoria Community Plan Amendment DRC2015-00390
Resolution of Approval for Tentative Parcel Map SUBTPM19637
Resolution of Approval for Design Review DRC2015-00386
Resolution of Approval for Conditional Use Permit DRC2015-00387

EXHIBIT A

PC 11/10/2015



VICINITY MAP
NOT TO SCALE

NOTE:
1. PRESENT LM - LOW MEDIUM - RESIDENTIAL
2. LAND USE PROPOSED VC - VILLAGE COMMERCIAL
3. THIS PARCEL MAP CONTAINS 14.08 GROSS ACRES.
4. THIS PARCEL MAP CONTAINS 6 NUMBERED PARCELS.
5. THIS PARCEL MAP CONTAINS A REMAINDER PARCEL.
6. CONTOURS FROM DON REAU CORPORATION DATED 9-29-2014
7. SEWAGE DISPOSAL CUCAMONGA VALLEY WATER DISTRICT

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

UTILITIES COMPANIES:

WATER / SEWER:
CUCAMONGA VALLEY WATER DISTRICT
10440 ASHFORD STREET
P.O. BOX 638
RANCHO CUCAMONGA, CA. 91729
PHONE: (909) 987-2591

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
16231 VALLEY BLVD.
CHINO, CA. 91719
PHONE: (909) 335-7965

ELECTRIC:
RANCHO CUCAMONGA MUNICIPAL UTILITIES DISTRICT
10500 CIVIC CENTER DRIVE
RANCHO CUCAMONGA, CA 91729
PHONE: (909) 919-2812

TELEPHONE:
GENERAL TELEPHONE COMPANY
820 MOUNTAIN AVENUE
UPLAND, CA. 91786
PHONE: (909) 608-1204

FIBER OPTICS:
SPRINT - TRANSMISSION DEPARTMENT
202 SYCAMORE AVENUE
PALO, CA. 92376
PHONE: (909) 873-8022

CABLE:
CHARTER CABLEVISION
6680 VIEW PARK COURT
RIVERSIDE, CA. 92503
PHONE: (909) 343-5165

CIVIL ENGINEER
MADOLE & ASSOCIATES, INC.
9302 PITTSBURGH AVENUE, SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: (909)481-6322
ATTN: MARK BERTONE

PROPERTY DEVELOPER
LEWIS OPERATING CORPORATION
1156 N MOUNTAIN AVENUE UPLAND, CA 91786
PHONE: (909) 949-6718
ATTN: WALT MITCHELL

SCALE 1" = 100'

SCALE IN FEET
0 100 200 300 400

SITE UTILIZATION MAP
TENTATIVE PARCEL MAP 19637

IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
BEING A PORTION OF THE SW 1/4, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED PARCELS, 2 LETTER PARCELS, A REMAINDER PARCEL

WDID#:

DRC NUMBER
SUBTT

SU-01

APN: 1089-031-15, 1089-031-16, 1089-031-35

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

MADOLE & ASSOCIATES, INC.
Engineering Communities for Life
9302 PITTSBURGH AVE., SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: 909.481.6322
FAX: 909.481.6320

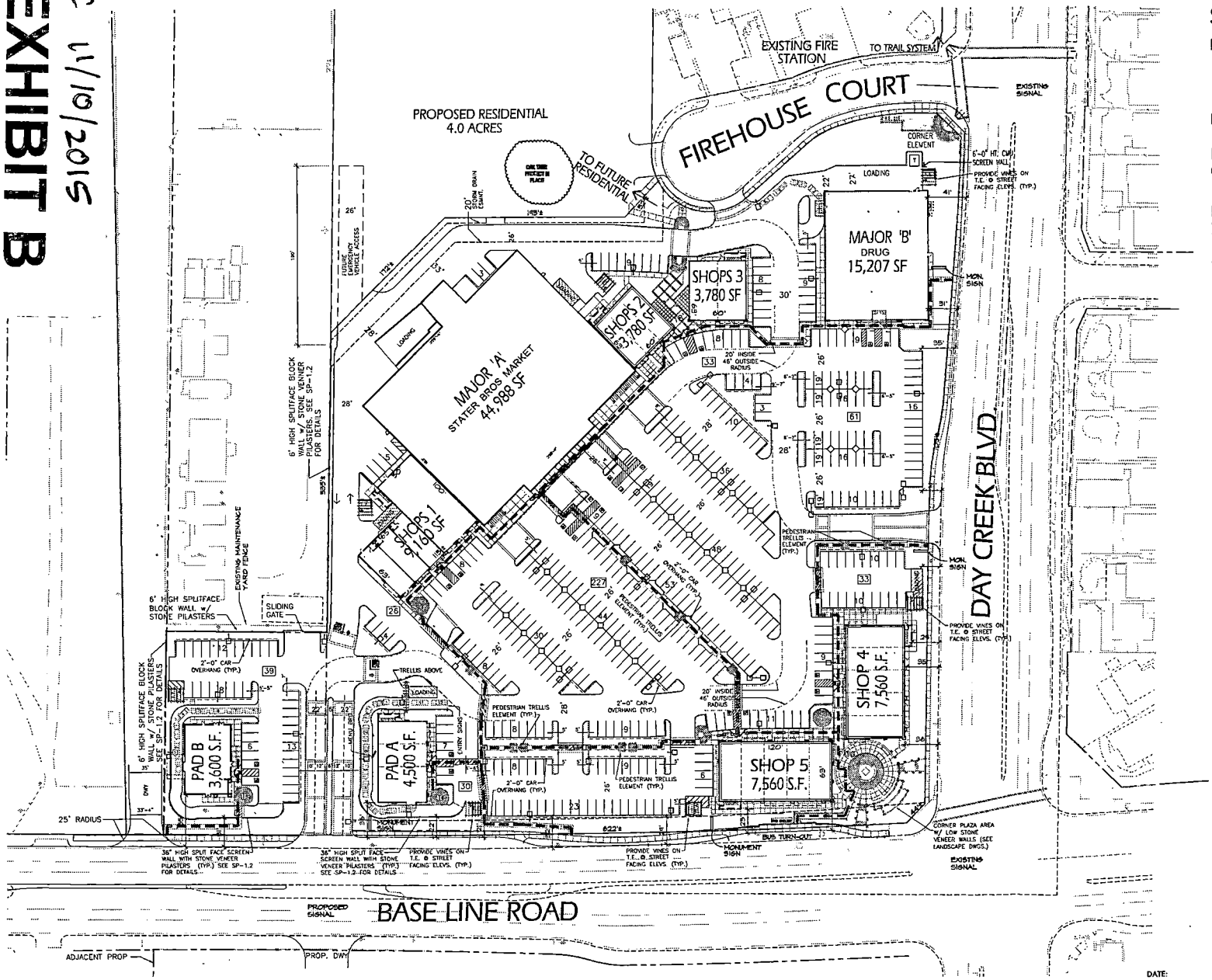
NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., FOURTH FLOOR
LOS ANGELES, CA 90025
T.310.826.0182 F. 310.826.0182
WWW.NADELARC.COM

NADEL

125-2640; SITE UTILIZATION MAP

PC 11/10/2015

EXHIBIT B



Summary

Land	±10.94	AC	±476,474	SF
Main parcel	±10.08	AC	±439,013	SF
Pad B	±0.69	AC	±29,823	SF
Ex. Esmnt.	±0.17	AC	±7,211	SF
Building			100,135	SF
Land-to-Bldg Ratio			4.13	
Coverage			21 %	
Parking Provided			506	stalls
Parking Ratio (provided)			5.0 /1000	
Parking Required			500	
Parking Ratio (required)			5.0 /1000	

NADEL RETAIL CALCULATION FOR MAXIMUM ALLOWABLE BUILDING AREA

LEGEND:

FIRE ACCESS RADIUS

PEDESTRIAN ADA ACCESS

40'

north

ALL BUILDINGS, IMPROVEMENTS, THEIR OCCUPANTS AND THE USES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNERS DISCRETION WITHOUT NOTICE.

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SP-1

DATE: AUGUST 25, 2015
NADEL JOB#: 10-288

NADEL

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RANCHO CUCAMONGA, CA.

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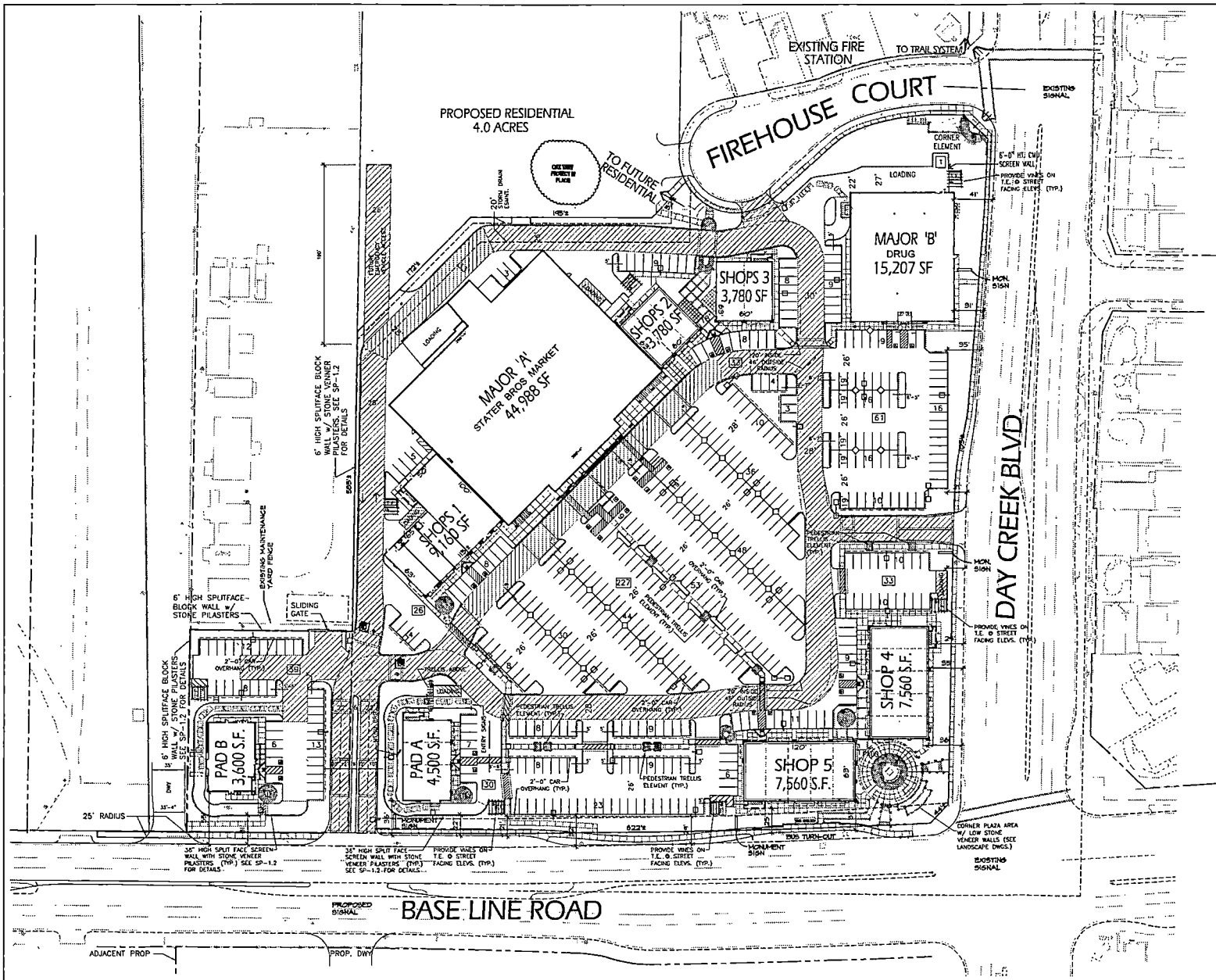

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DATE: AUGUST 25, 2015
NADEL JOB#: 10-288

DAY CREEK MARKETPLACE FIRE ACCESS PLAN
RANCHO CUCAMONGA, CA.

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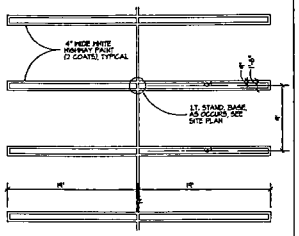
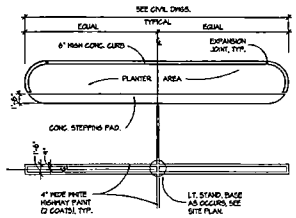
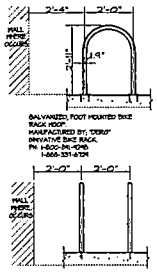


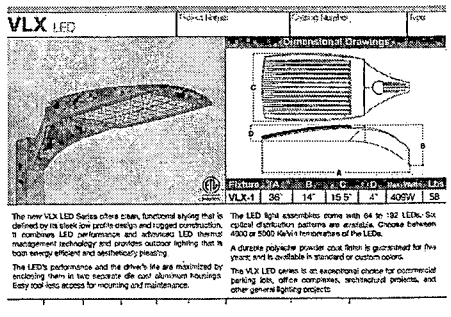
90° Typ. Parking Bay (Dbl Striping)

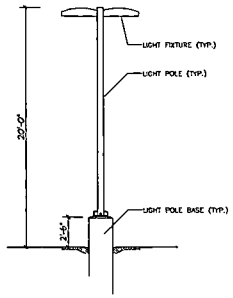


90° Parking @ End Planter (Dbl Striping)

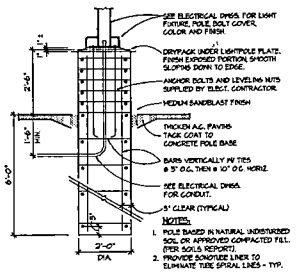


Typical Bike Rack

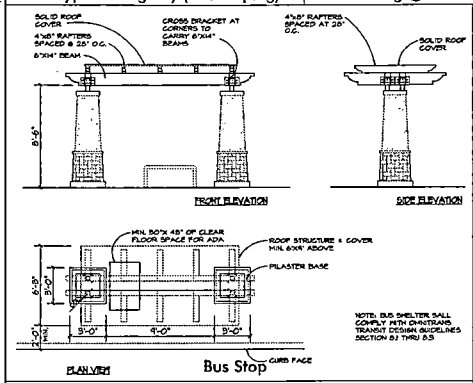




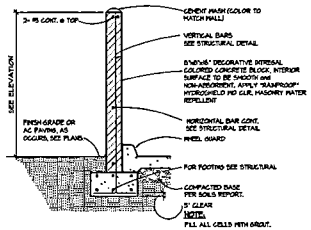
Typical Site Light Fixture



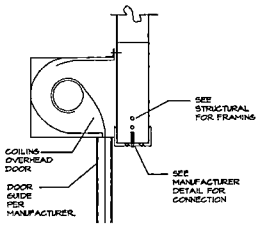
Typical Site Light Foundation



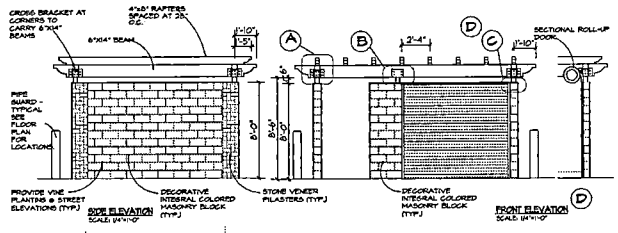
Bus Stop

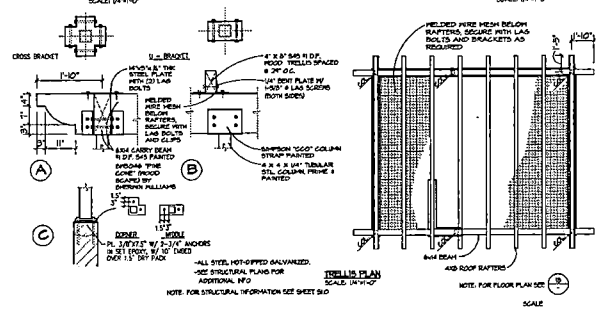


Trash Enclosure Screen Wall

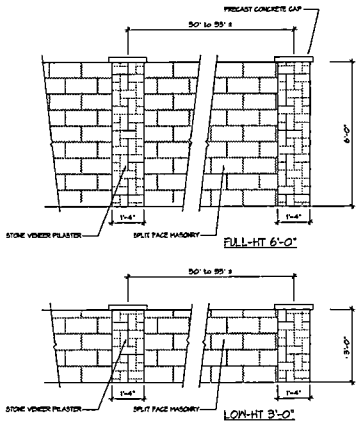


Trash Enclosure Door & Jamb Dtls.

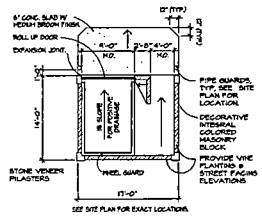




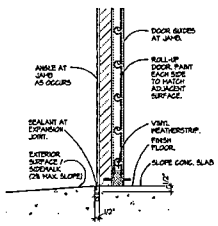
Trash Enclosure Elevations



3'-0" & 6'-0" Ht. Screen Wall



Trash Enclosure Plan



Trash Enclosure Door & Sill Dtls.

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DATE: AUGUST 25, 2015
NADEL JOB#: 10-288

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RANCHO CUCAMONGA, CA.

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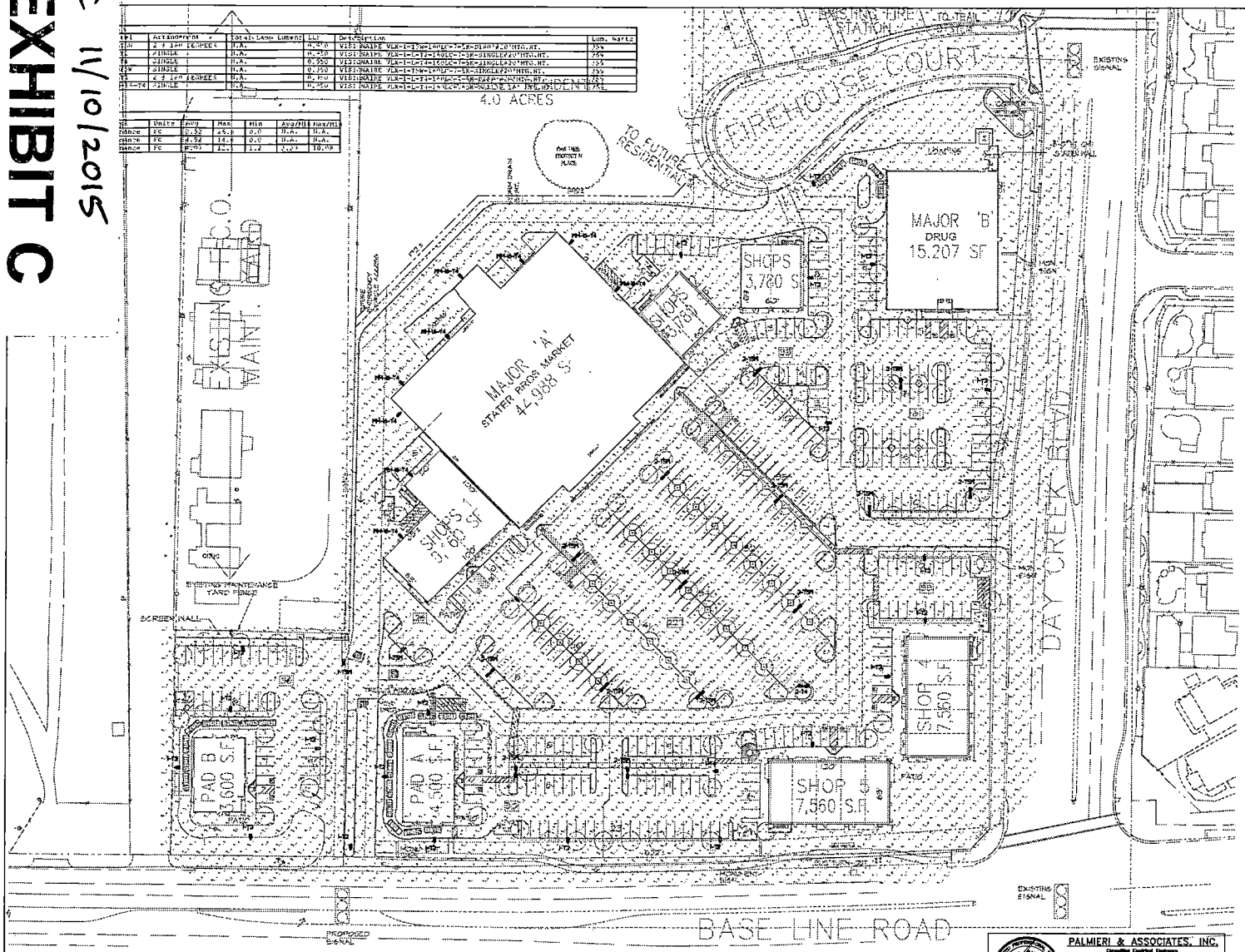
PC 11/10/2015

EXHIBIT C

Arrangement	Catalog Number	LLD	Description	Lum. Watts
2 @ 180 DEGREES	N.A.	0.90	VISIONAIRE VLX-1-T5W-1MQW-T-SR-DIAMOND MTG.HT.	254
SINGLE	N.A.	0.90	VISIONAIRE VLX-1-T2-1MQUC-T-SR-SINGLE20"MTG.HT.	254
SINGLE	N.A.	0.90	VISIONAIRE VLX-1-T2-1MQUC-T-SR-SINGLE20"MTG.HT.	254
SINGLE	N.A.	0.90	VISIONAIRE VLX-1-T5W-1MQW-T-SR-SINGLE20"MTG.HT.	254
2 @ 180 DEGREES	N.A.	0.90	VISIONAIRE VLX-1-L-T4-1MQW-T-SR-DIAMOND MTG.HT.	254
SINGLE	N.A.	0.90	VISIONAIRE VLX-1-L-T4-1MQW-T-SR-SINGLE 14' MTG.HT.	254

4.0 ACRES

	Units	Avg	Max	Min	Avg/Min	Max/Min
nance	FC	2.32	25.8	0.0	N.A.	N.A.
nance	FC	4.92	14.6	0.0	N.A.	N.A.
nance	FC	2.01	12.	1.2	1.71	10.00



40'

north

NOT FOR CONSTRUCTION

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PALMIERI & ASSOCIATES, INC.
Consulting Civil/Civil Engineers
CALIFORNIA REGISTRATION #CE 8965
EXP. DATE 3/31/16
232 N. LAKE AVENUE SUITE #110
PASADENA, CALIFORNIA 91101
TELE (626) 440-1313
FAX (626) 440-1779
PROJ. NO. N-15-07

PH-1

DATE: MARCH 16, 2015
NADEL JOB#: 10-288

SITE PHOTOMETRIC PLAN

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA. SCHEME T

Lewis Retail Centers
A Member of the Lewis Group of Companies

NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., FOURTH FLOOR
LOS ANGELES, CA. 90025
T.310.826.2100 F.310.826.0182
WWW.NADELARC.COM

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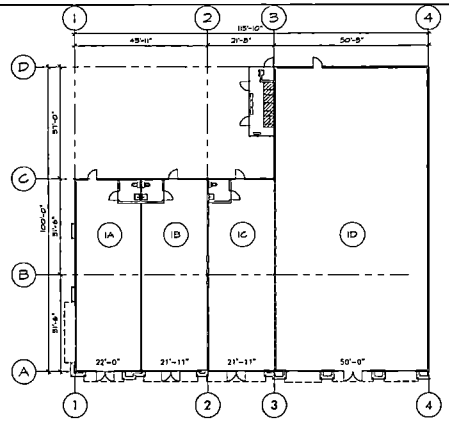
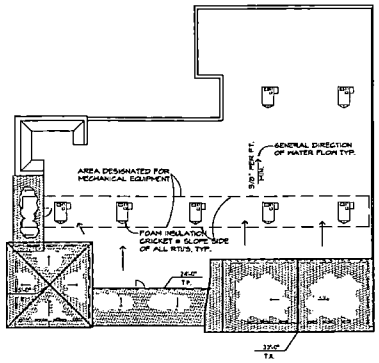
PC 11/10/2015

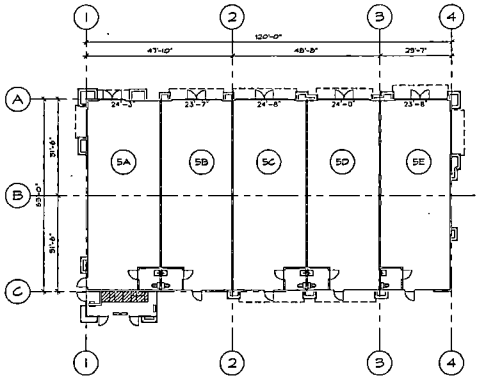
EXHIBIT D



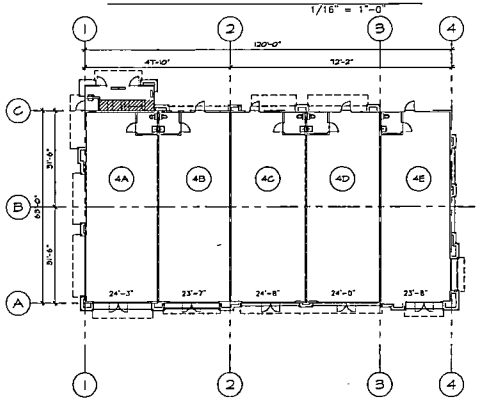
SHOPS 1 - FLOOR PLAN
1/16" = 1'-0"



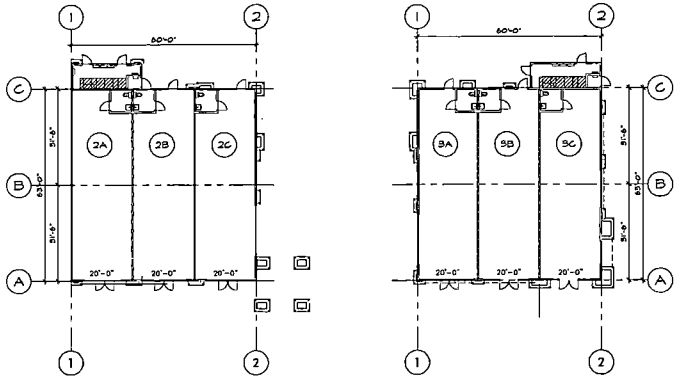
SHOPS 1 - ROOF PLAN



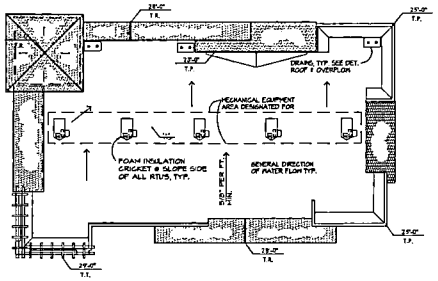
SHOPS 5 - FLOOR PLAN
1/16" = 1'-0"



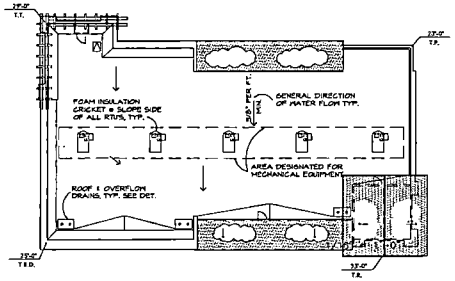
SHOPS 4 - FLOOR PLAN
1/16" = 1'-0"



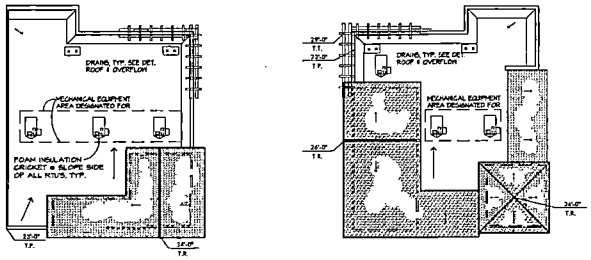
SHOPS 2 & 3 - FLOOR PLAN
1/16" = 1'-0"



SHOPS 5 - ROOF PLAN
1/16" = 1'-0"



SHOPS 4 - ROOF PLAN
1/16" = 1'-0"



SHOPS 2 & 3 - ROOF PLAN
1/16" = 1'-0"

PRELIMINARY FLOOR & ROOF PLANS- SHOPS 1, 2, 3, 4 & 5

A-01

SCALE: 1/16"=1'-0"

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., SUITE 400
LOS ANGELES, CA. 90025
T.310.826.2100 F.310.826.0182
WWW.NADELARC.COM

DATE: AUGUST 25, 2015
NADEL JOB#: 10288

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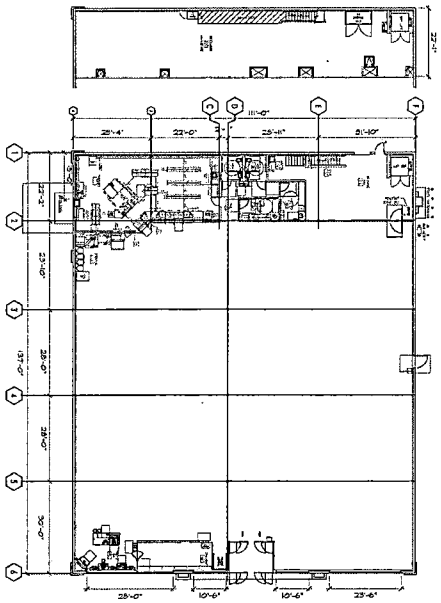
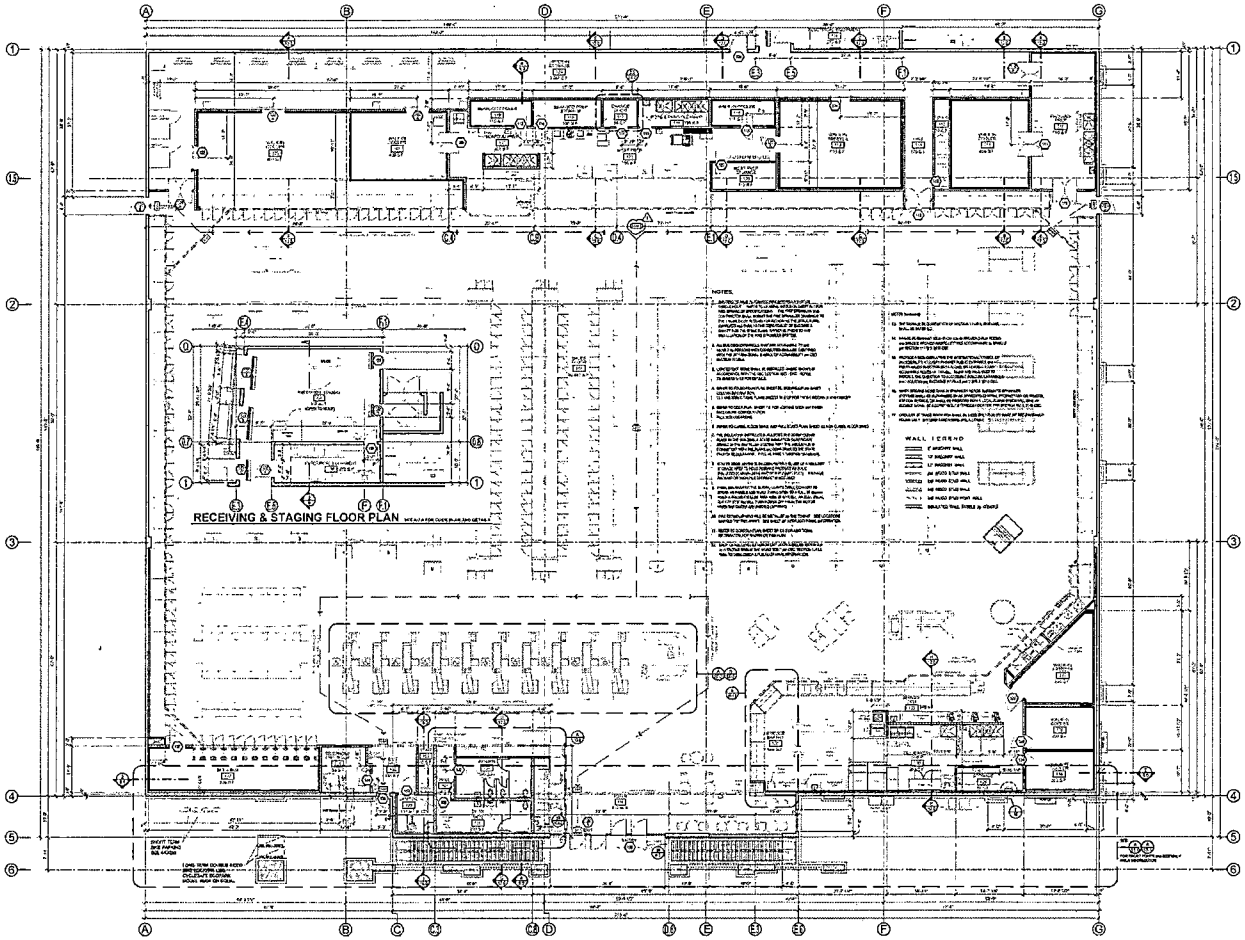


CVS - FLOOR PLAN

1/16" = 1'-0"



STATER BROS - FLOOR PLAN

1/16" = 1'-0"

SCALE: 1/16"=1'-0"

A-02

PRELIMINARY FLOOR & ROOF PLANS- STATER BROS. & CVS

DAY CREEK MARKETPLACE

RANCHO CUCAMONGA, CA

BOOS DEVELOPMENT WEST

701 N. PARKCENTER DR., SUITE 100
SANTA ANA, CA 92705
TEL 714.953.0624

NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., SUITE 400
LOS ANGELES, CA. 90025
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EXHIBIT E

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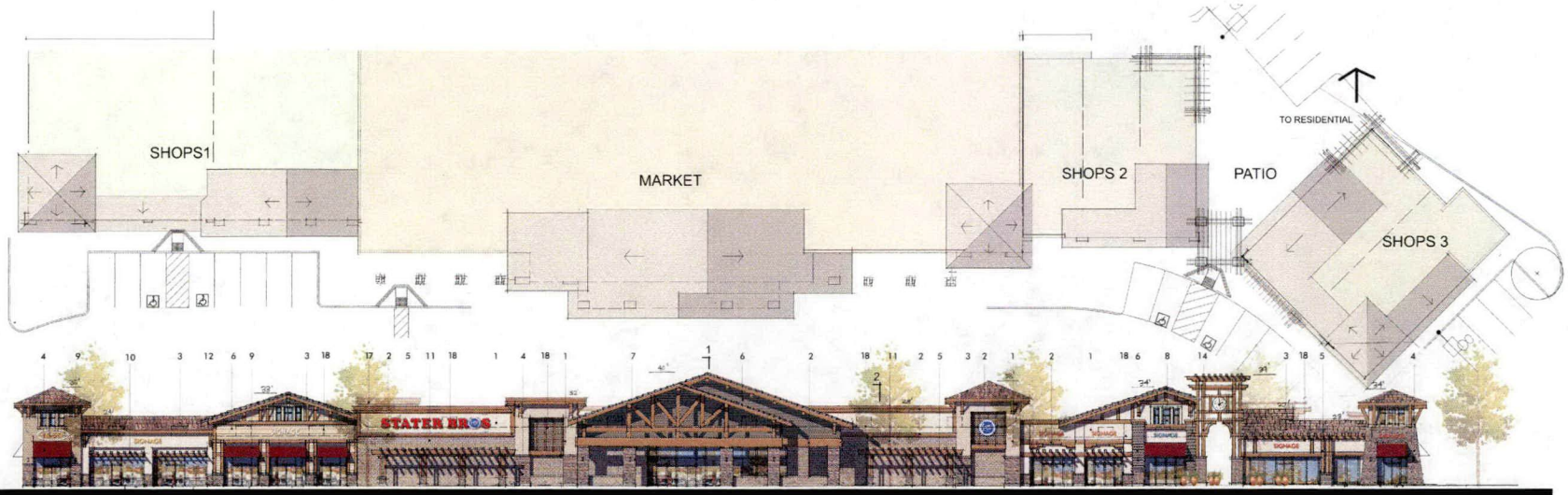
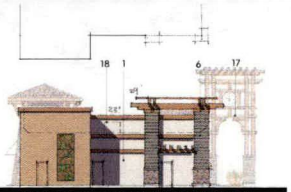
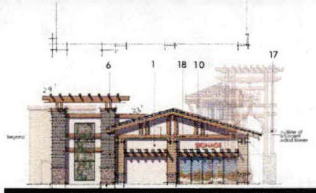


SHOPS 1 SOUTH ELEVATION SHOPS 2 SHOPS 3

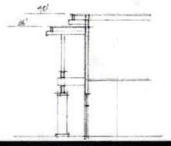


SHOPS 3 - NORTH ELEVATION

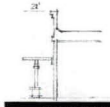
SHOPS 3 - EAST ELEVATION



SHOPS 3 - WEST ELEVATION



SECTION 1



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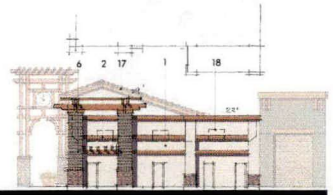
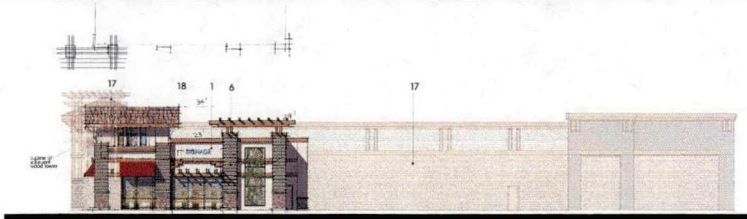


SHOPS 2 - NORTH ELEVATION



SHOPS 2 - EAST ELEVATION

LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Plaster finish over precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.

0 5 10 20 30 40 50

E1

MAJOR A, SHOPS 1,2 &3 - EXTERIOR ELEVATIONS

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

Lewis Retail Centers
A Member of the Lewis Group of Companies

DATE: AUGUST 25, 2015
NADEL JOB#: 10-288

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1990 S. BUNDY DR., FOURTH FLOOR
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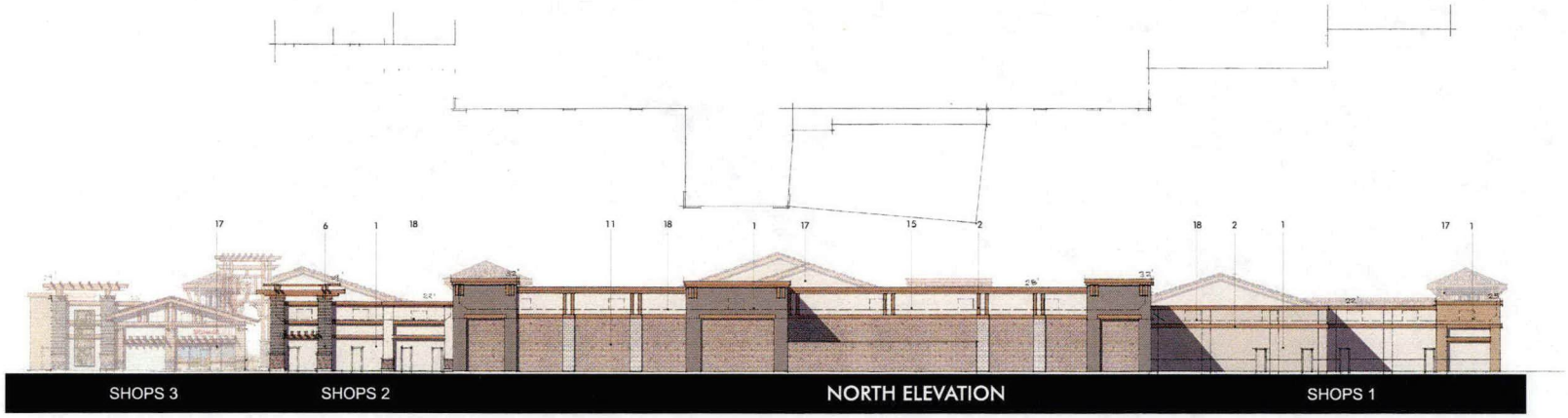
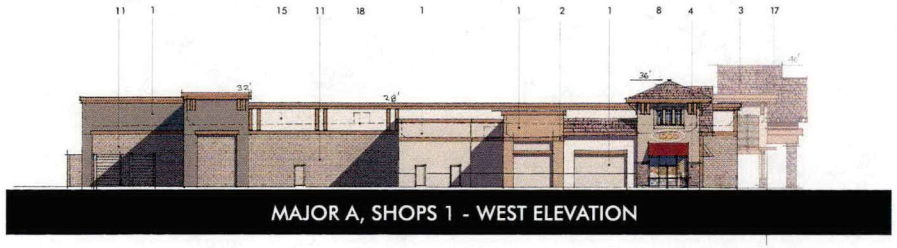
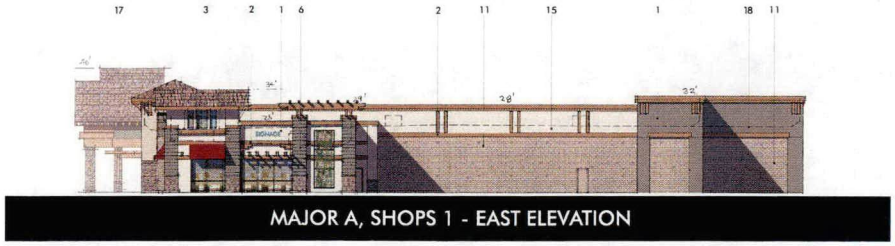




LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Plaster finish over precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.



0 5 10 20 30 40 50

E2

MAJOR A, SHOPS 1- EXTERIOR ELEVATIONS

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RANCHO CUCAMONGA, CA.

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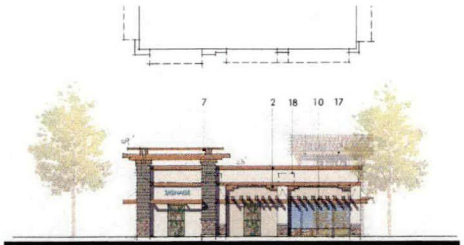
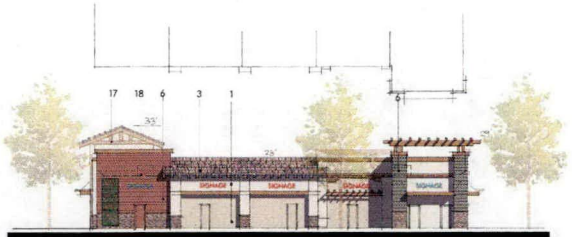
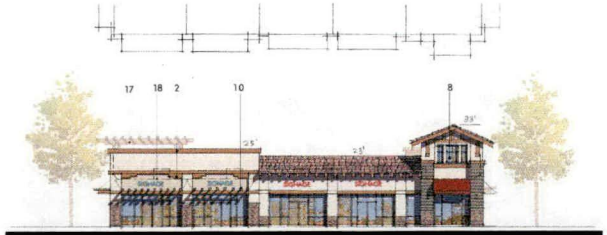


SHOPS 4 - NORTH ELEVATION

SHOPS 4 - SOUTH ELEVATION



SHOPS 4 - EAST ELEVATION



SHOPS 4 - WEST ELEVATION

LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Painted precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.

0 5 10 20 30 40 50

E3

SHOPS 4 - EXTERIOR ELEVATIONS

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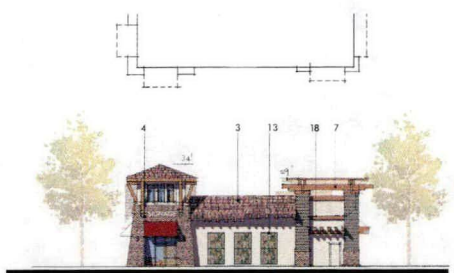
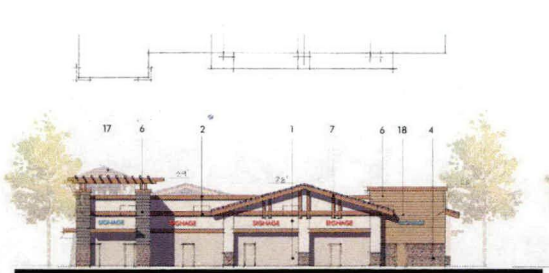
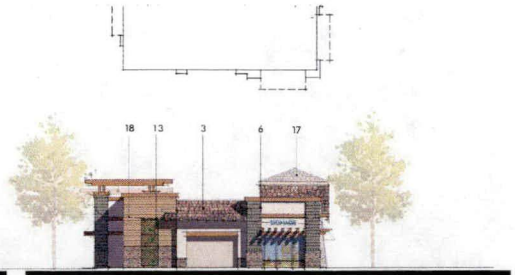


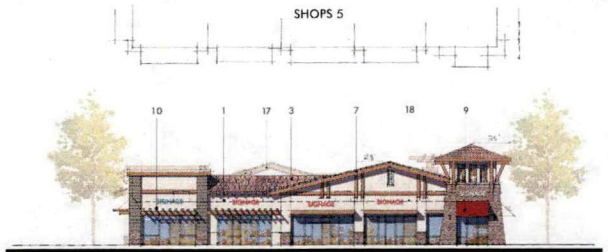
SHOPS 5 - WEST ELEVATION



SHOPS 5 - SOUTH ELEVATION



SHOPS 5 - EAST ELEVATION



SHOPS 5 - NORTH ELEVATION

LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Painted precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.

0 5 10 20 30 40 50

E4

SHOPS 5 - EXTERIOR ELEVATIONS

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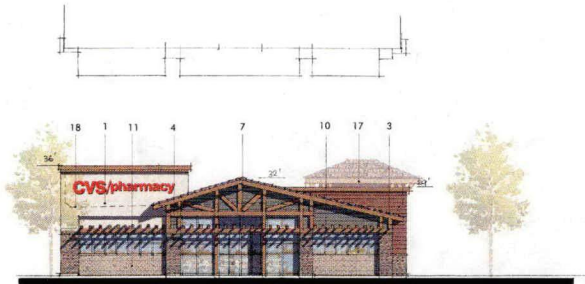
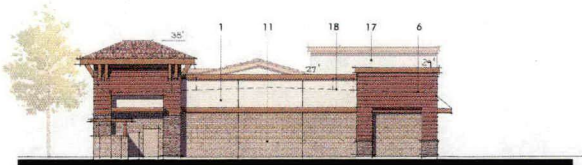
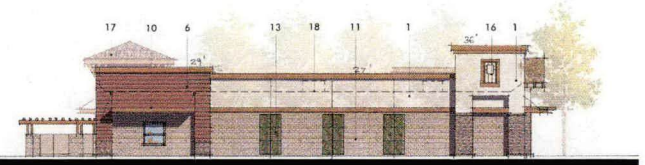


MAJOR B - SOUTH ELEVATION

MAJOR B - EAST ELEVATION



MAJOR B - NORTH ELEVATION



MAJOR B - WEST ELEVATION

LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Painted precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.

0 5 10 20 30 40 50

E5

MAJOR B - EXTERIOR ELEVATIONS

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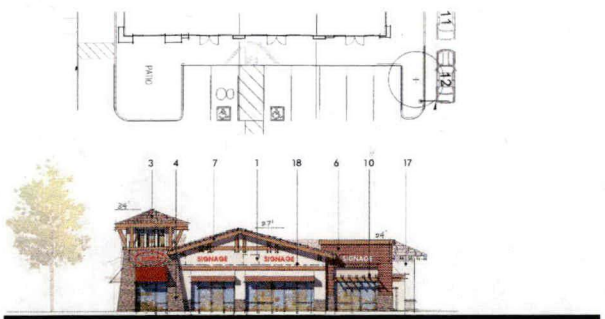
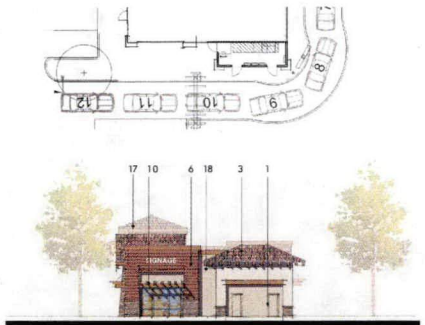
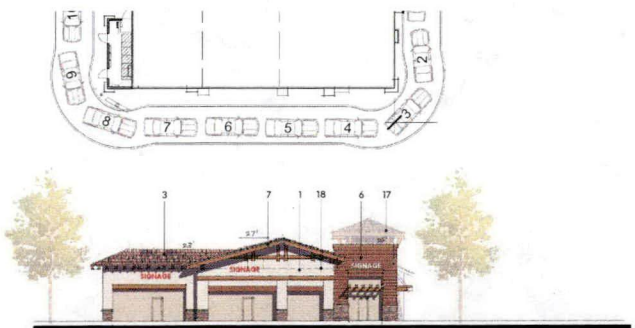
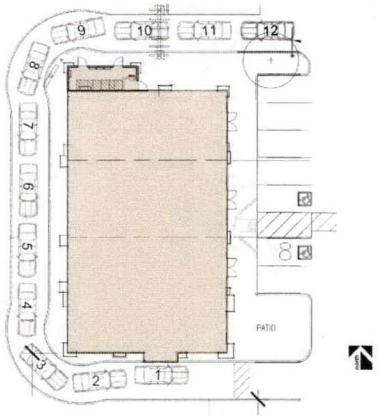






LEGEND:
1. Plaster finish
2. Wood/lumber veneer
3. Simulated roof shake
4. Stone veneer
5. Wood trellis
6. Composite sidings
7. Wood brace/beams/ truss
8. Frosted or tinted glass
9. Fabric awning
10. wood awning/ trellis
11. Integrally colored split face cmu
12. Wood fascia
13. Green screen
14. Wood framed tower
15. Painted precision cmu
16. Decorative metal frame
17. Building beyond
18. Outline of roof and mech. equipt.



0 5 10 20 30 40 50

E6

TYPICAL PAD - EXTERIOR ELEVATIONS

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

Lewis Retail Centers
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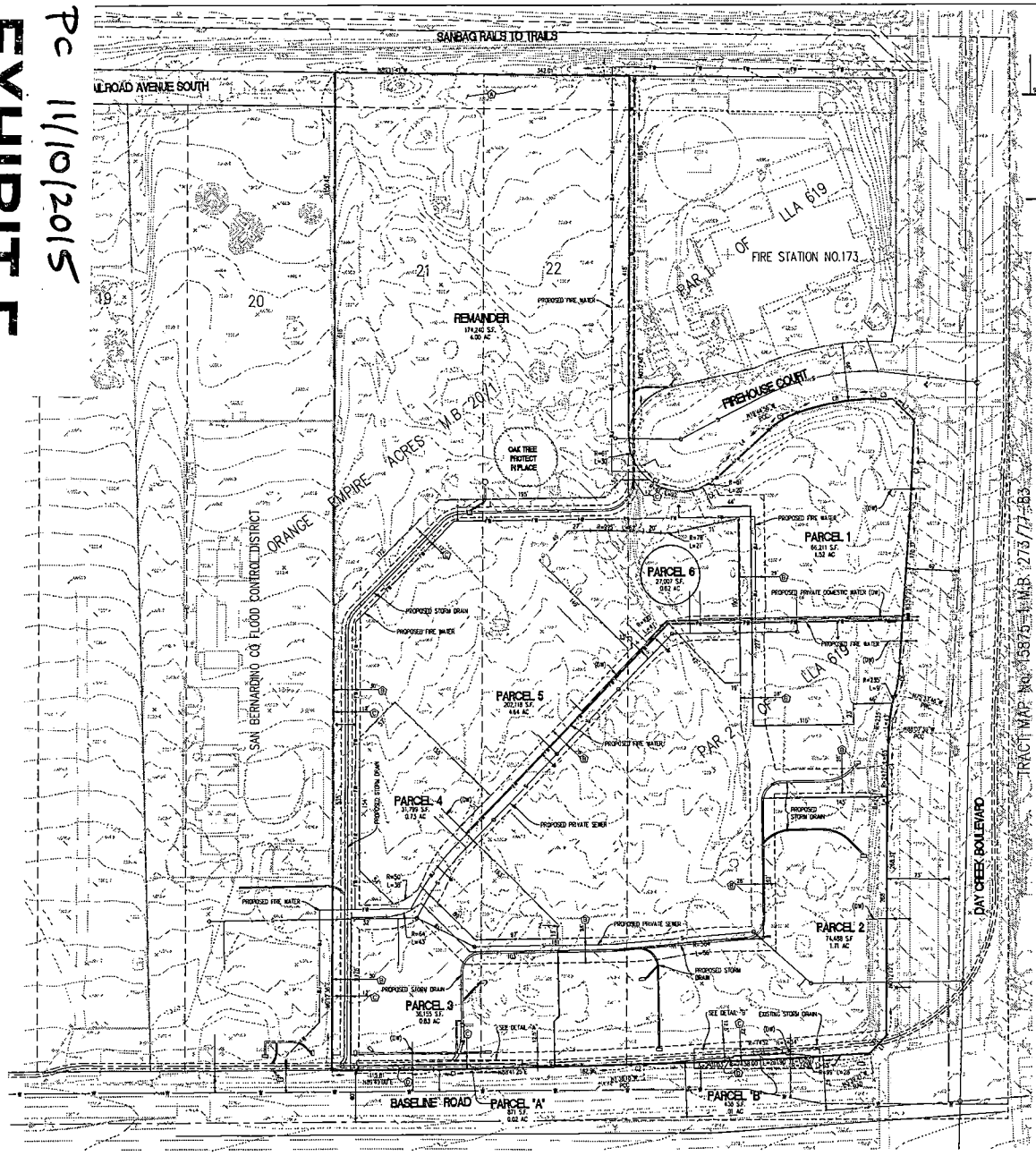
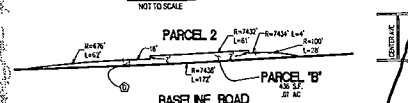
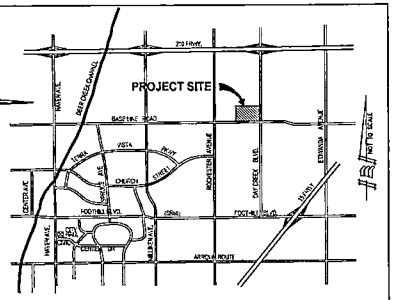
NADEL

EXHIBIT F

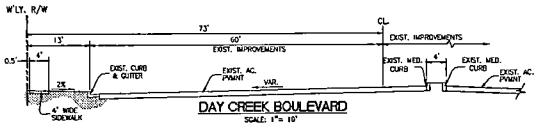
PC 11/10/2015



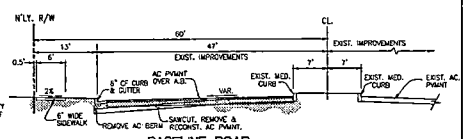




VICINITY MAP
NOT TO SCALE



DAY CREEK BOULEVARD
SCALE: 1" = 10'



BASELINE ROAD
SCALE: 1" = 10'

NOTE:

1. PRESENT LM-LOW MEDIUM – RESIDENTIAL.
2. LAND USE PROPOSED VC– VILLAGE COMMERCIAL.
3. THIS PARCEL MAP CONTAINS 14.08 GROSS ACRES.
4. THIS PARCEL MAP CONTAINS 6 NUMBERED PARCELS.
5. THIS PARCEL MAP CONTAINS A REMAINDER PARCEL.
6. CONTOURS FROM DON READ CORPORATION DATED 9-29-2014.
7. SEWAGE DISPOSAL CUCAMONGA VALLEY WATER DISTRICT.

LEGAL DESCRIPTION:

APN: 1089-031-15, 1089-031-16:
LOTS 21 AND 22 OF ORANGE EMPIRE ACRES, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 20 PAGE 1, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF RAILROAD AVENUE SOUTH ADJACENT TO SAID LOTS 21 AND 22, THAT WOULD ATTACH TO SAID LAND BY OPERATION OF LAW, AS VACATED BY RESOLUTION NO. 92-261, RECORDED OCTOBER 28, 1992 AS INSTRUMENT NO. 92-447926, OFFICIAL RECORDS.

APN: 1089-031-35:
A PORTION OF LOTS 23 AND 24 OF ORANGE EMPIRE ACRES, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 20, PAGE 1 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING PARCEL 2 OF THAT CERTIFICATE OF COMPLIANCE NO. U19, FOR LOT LINE ADJUSTMENT, RECORDED JUNE 16, 2006 AS INSTRUMENT NO. 2006-0406608, OFFICIAL RECORDS.

UTILITES COMPANIES:

WATER / SEWER:
CUCAMONGA VALLEY WATER DISTRICT
10440 ASHFORD STREET
P.O. BOX 638
RANCHO CUCAMONGA, CA 91729
PHONE: (909) 987-2591

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
16331 VALLEY BLVD.
CHINO, CA 91719
PHONE: (909) 335-7965

ELECTRIC:
RANCHO CUCAMONGA MUNICIPAL UTILITIES DISTRICT
10500 CIVIC CENTER DRIVE
RANCHO CUCAMONGA, CA 91729
PHONE: (909) 919-2612

TELEPHONE:
GENERAL TELEPHONE COMPANY
870 MOUNTAIN AVENUE
UPLAND, CA. 91786
PHONE: (909) 608-1204

FIBER OPTICS:
SPRINT – TRANSMISSION DEPARTMENT
202 SYCAMORE AVENUE
RIALTO, CA. 92376
PHONE: (909) 873-4022

CABLE:
CHARTER CABLEVISION
6680 VIEW PARK COURT
RIVERSIDE, CA. 92503
PHONE: (909) 343-5165

CIVIL ENGINEER
MADOLE & ASSOCIATES, INC.
9302 PITTSBURGH AVENUE, SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: (909)481-6322
ATTN: MARK BERTONE

PROPERTY DEVELOPER
LEWIS OPERATING CORPORATION
1156 N MOUNTAIN AVENUE UPLAND, CA 91786
PHONE: (909) 949-6716
ATTN: WALT MITCHELL

LINE TABLE		
LINE	BEARING	LENGTH
L1	N43°15'28"E	26.09'
L2	N46°28'00"W	35.60'
L3	N89°50'50"W	18.51'
L4	N47°33'50"E	81.58'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	110°31'35"	2,487.00'	48.89'	24.43
C2	01°16'44"	2,487.00'	14.27'	7.14
C3	133°13'39"	61.00'	141.92'	141.18
C4	1°40'08"	2,470.00'	71.97'	35.99
C5	12°33'53"	234.55'	51.58'	25.87
C6	10°28'52"	208.70'	38.18'	19.14
C7	2°44'07"	2,337.55'	111.67'	55.84
C8	19°54'06"	267.00'	92.74'	46.84
C9	22°41'14"	96.00'	38.01'	19.26

PARCEL AREA		
PARCEL NAME	S.F.	AC
PAR. 1	66,214	1.52
PAR. 2	74,488	1.71
PAR. 3	36,155	0.83
PAR. 4	31,799	0.73
PAR. 5	202,118	4.64
PAR. 6	27,007	0.62
PAR. "A"	811	0.02
PAR. "B"	430	0.01
REMAINDER	174,240	4.00
PM 19637	613,325	14.08

NOTE TABLE	
LTR.	DESCRIPTION
A	RAILROAD AVENUE SOUTH AS VACATED BY CITY OF RANCHO CUCAMONGA PER RESOLUTION NO. 92-261, AND RECORDED 10/28/1992 AS INSTRUMENT No. 92-447926 O.R.
B	A PRIVATE EASEMENT FOR EGRESS AND INGRESS
C	AN EASEMENT TO THE CITY OF RANCHO CUCAMONGA FOR STORM DRAIN RELATED PURPOSES
D	DEDICATION TO THE CITY OF RANCHO CUCAMONGA FOR ROAD AND PUBLIC PURPOSES

APN: 1089-031-15, 1089-031-16, 1089-031-35

TENTATIVE PARCEL MAP 19637

IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

BEING A PORTION OF THE SW 1/4, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED PARCELS, 2 LETTER PARCELS, A REMAINDER PARCEL

WDID#:

DRC NUMBER
SUBTT

T-01

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

MADOLE & ASSOCIATES, INC.
9302 PITTSBURGH AVE., SUITE 230
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FAX: 909.481.6320

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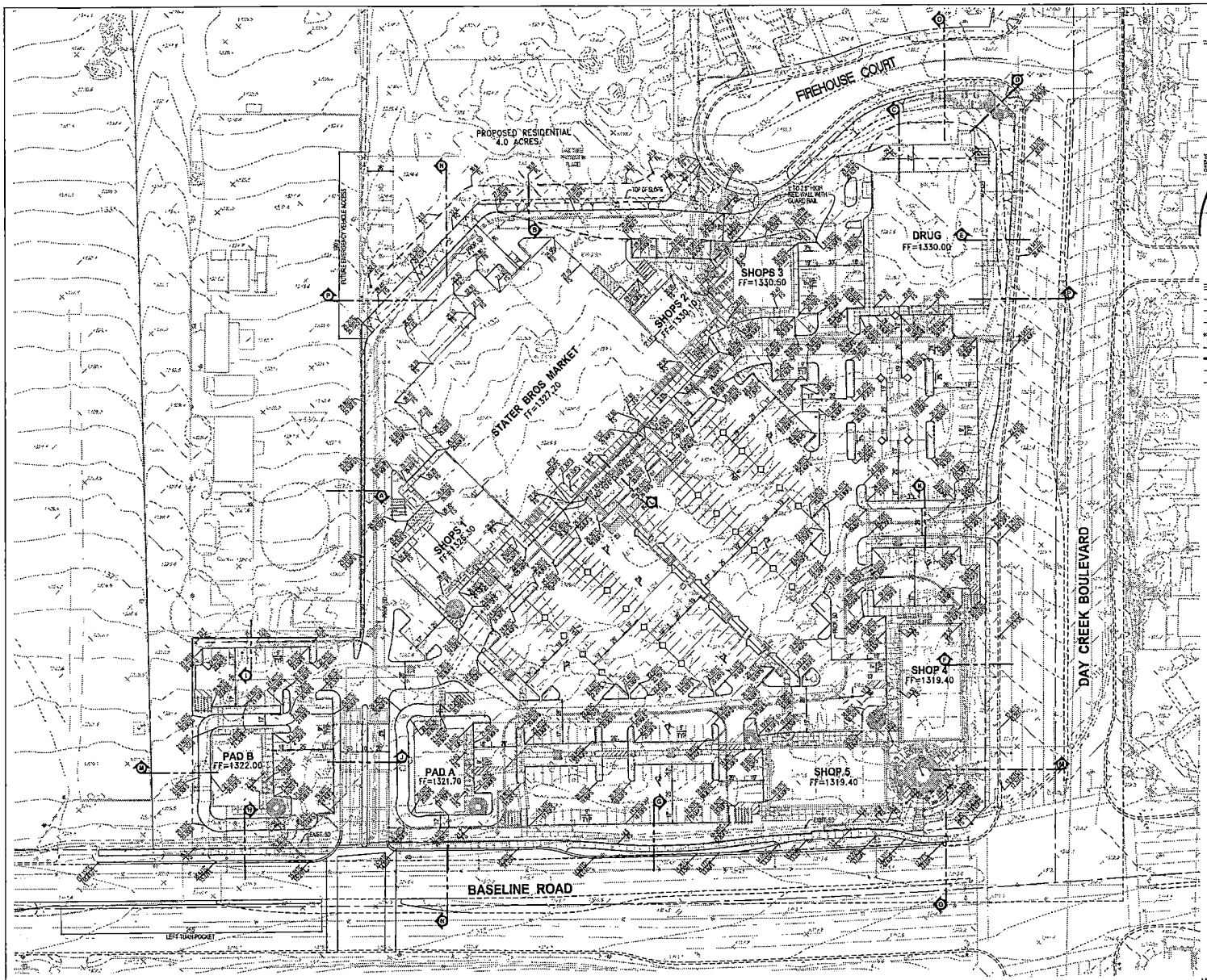
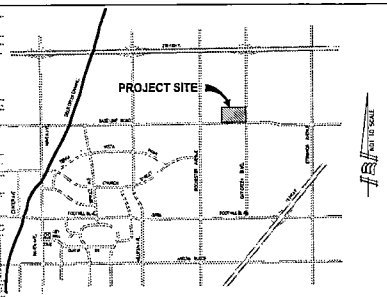
J.N. 126-2640: TENTATIVE PARCEL MAP 19637





VICINITY MAP
NOT TO SCALE

LEGEND:

	PROP. STORM DRAIN	R	RIDGE LINE
S	PROP. SEWER LINE	R/W	RIGHT OF WAY
W	PROP. WATER LINE	SD	STORM DRAIN
	EXISTING RIGHT OF WAY	S/W	SIDE WALK
	RETAINING WALL	T.C.	TOP OF CURB
	PROPERTY LINE	TG	TOP OF GRATE
	TRACT BOUNDARY		FLOW LINE
	EASEMENT LINE	DWY	DRIVE WAY
	SECTION LINE	(590.77)	INDICATES EXISTING ELEVATION
A.C.	ASPHALTIC CONCRETE	88.89	INDICATES PROPOSED ELEVATION
B.C.	BEGIN CURVE	[590.77]	INDICATES FUTURE ELEVATION
B.V.C.	BEG. VERTICAL CURVE		EDGE OF PAVEMENT
B.W.	BACK SIDEWALK		FIRE HYDRANT
C.B.	CATCH BASIN	PP	POWER POLE
C.L.	CENTERLINE	MH	MANHOLE
C.F.	CURB FACE		
E.D.F.	EXTRA DEPTH FOOTING	EP	EDGE OF PAVEMENT
E.P.	EDGE PAVEMENT	WV	WATER VALVE
E.G.	EDGE OF GUTTER	S	SEWER MANHOLE
E.V.C.	END VERTICAL CURVE	D	STORM DRAIN MANHOLE
F.F.	FINISH FLOOR		CUT / FILL DAYLIGHT LINE
F.L.	FLOW LINE		2:1 MAX. SLOPE
F.S.	FINISH SURFACE		
G.B.	GRADE BREAK		DECORATIVE PAVEMENT
H.P.	HIGH POINT		
INV.	INVERT		

NOTE:

1. PRESENT LM-LOW MEDIUM - RESIDENTIAL
2. LAND USE PROPOSED VC - VILLAGE COMMERCIAL.
3. THIS PARCEL MAP CONTAINS 14.08 GROSS ACRES.
4. THIS PARCEL MAP CONTAINS 6 NUMBERED PARCELS.
5. THIS PARCEL MAP CONTAINS A REMAINDER PARCEL.
6. CONTOURS FROM DON READ CORPORATION DATED 9-29-2014.
7. SEWAGE DISPOSAL CUCAMONGA VALLEY WATER DISTRICT.

DRC NUMBER 2015-_____
SUBTT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

SCALE 1" = 40'

SCALE IN FEET
0 40 80 120 160

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT A REMAINDER PARCEL

APN: 1089-031-15, 1089-031-16, 1089-031-35

CG-01

WDID#: _____

UTILITIES COMPANIES:

WATER / SEWER:
CUCAMONGA VALLEY WATER DISTRICT
10440 ASH (3RD) STREET
P.O. BOX 638
RANCHO CUCAMONGA, CA. 91729
PHONE: (909) 987-2591

GAS:
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16231 VALLEY BLVD.
CHINO, CA. 91710
PHONE: (909) 335-7563

CABLE:
CHARTER CABLEVISION
6580 VIEW PARK COURT
RIVERSIDE, CA. 92503
PHONE: (909) 343-6165

TELEPHONE:
GENERAL TELEPHONE COMPANY
870 MOUNTAIN AVENUE
UPLAND, CA. 91786
PHONE: (909) 628-1204

FIBER OPTICS:
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RIALTO, CA. 92376
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ELECTRIC:
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PROPERTY OWNER / DEVELOPER
LEWIS OPERATING CORPORATION
1156 N MOUNTAIN AVENUE UPLAND, CA 91786
PHONE: (909) 949-8718
ATTN: WALT MITCHELL

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

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WWW.NADELARC.COM

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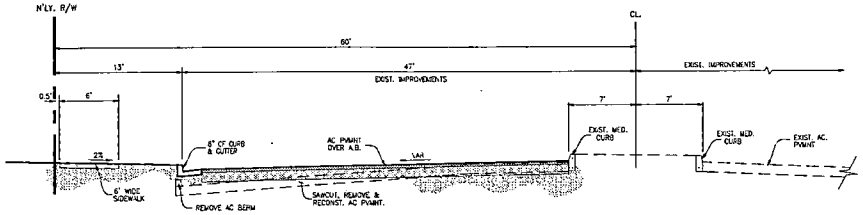
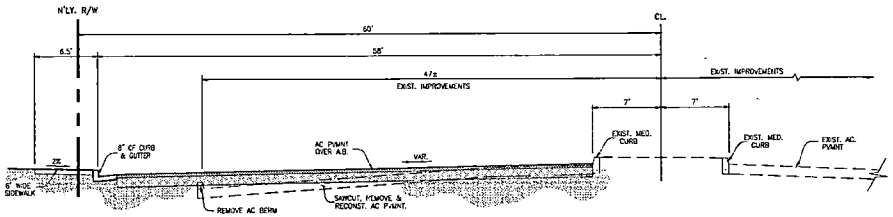
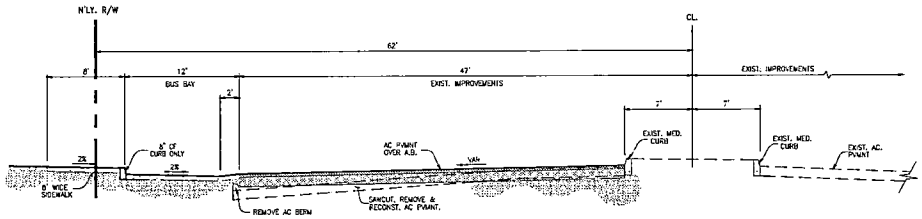
JOB NO. 126-2010, CONCEPTUAL GRADING PLAN



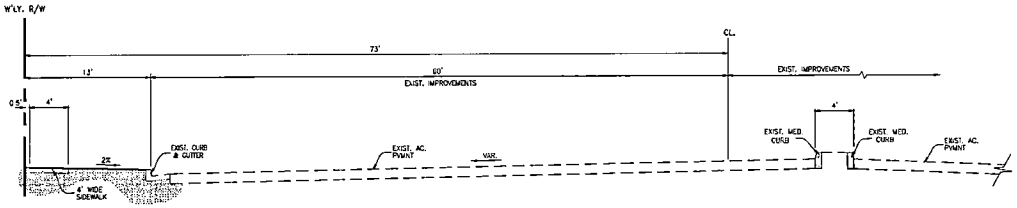
BASELINE ROAD
SCALE: 1"= 5'



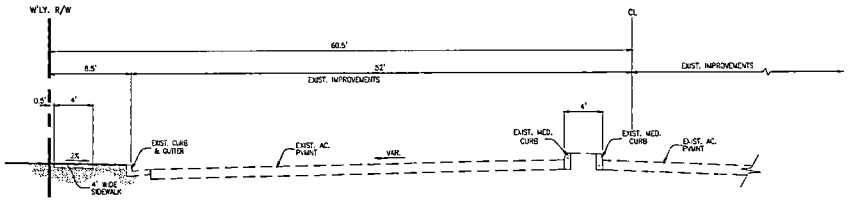
BASELINE ROAD
SCALE: 1"= 5'



BASELINE ROAD
SCALE: 1"= 5'



DAY CREEK BOULEVARD
SCALE: 1"= 5'



DAY CREEK BOULEVARD
SCALE: 1"= 5'

DRC NUMBER 2015-_____
SUBTT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

CG-02

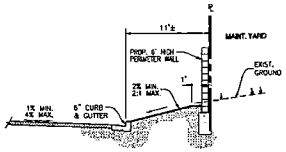
DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

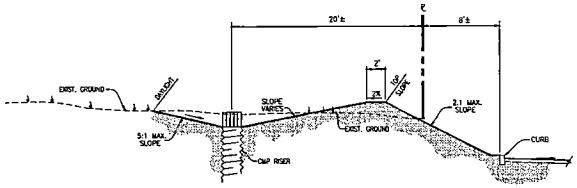
MADOLE & ASSOCIATES INC.
9302 FUTSBURGH AVE., SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: 909.481.6322
FAX: 909.481.6320

NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., FOURTH FLOOR
LOS ANGELES, CA 90025
T.310.826.0182 F. 310.826.0182
WWW.NADELARC.COM

NADEL



SECTION A-A
SCALE: 1"=5'



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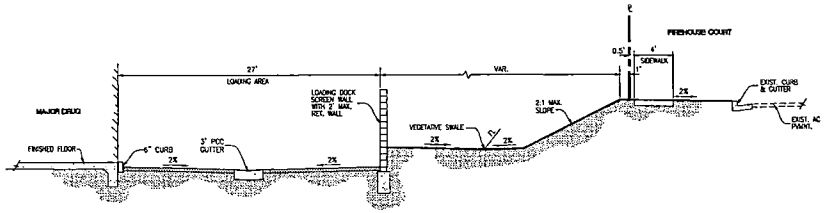

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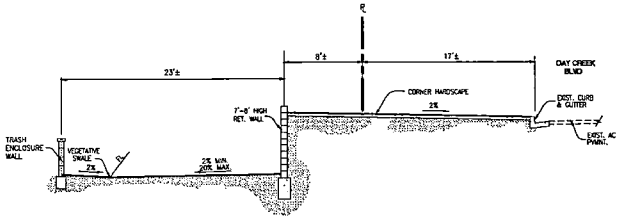
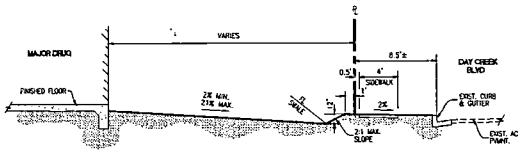
SCALE: 1"=5'



SECTION D-D
SCALE: 1"=5'



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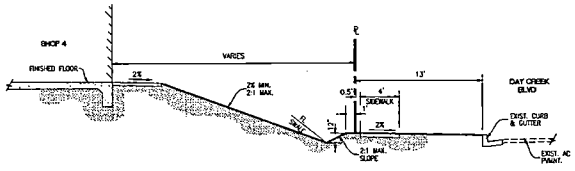

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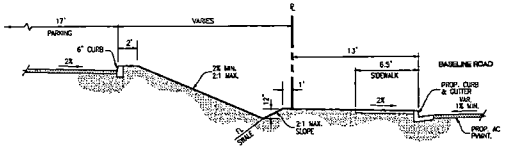

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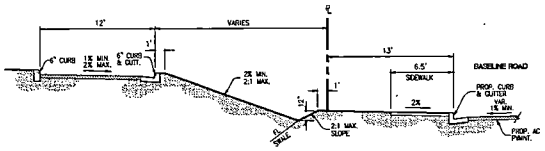
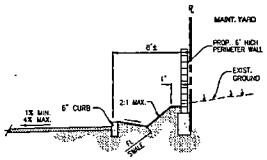


SECTION H-H
SCALE: 1"=5'



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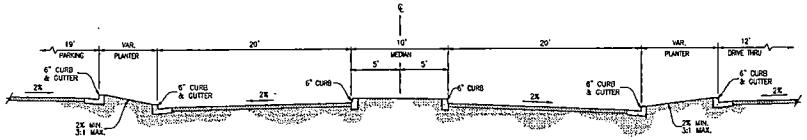

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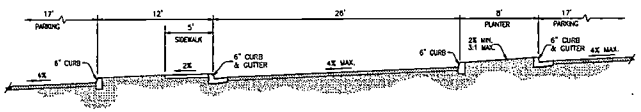

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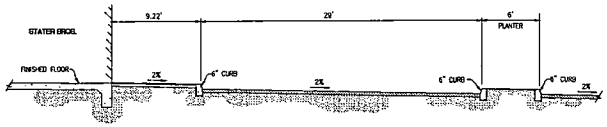

SECTION L-L
SCALE: 1"=5'

DRC NUMBER 2015-_____
SUBTT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

CG-03

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

MADOLE & ASSOCIATES, INC.
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FAX: 909.481.6320

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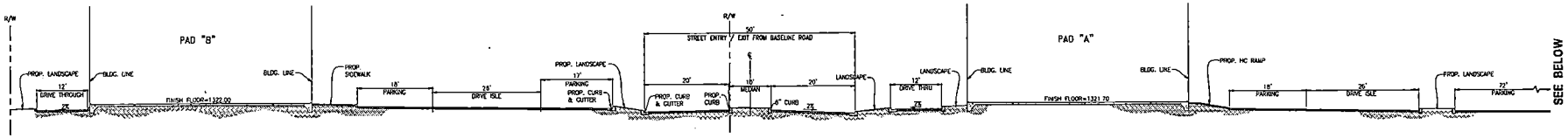
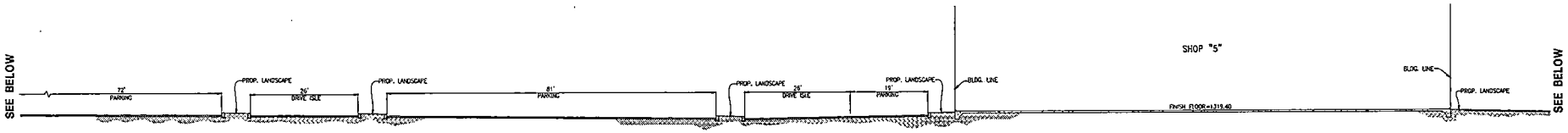
NADEL



SECTION "M"
SCALE 1"=10'



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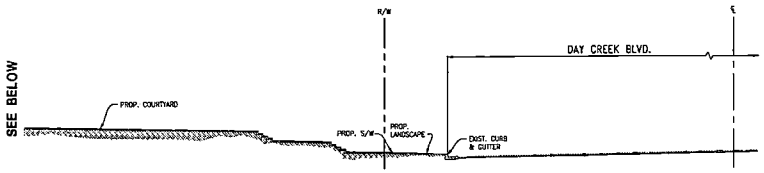

SECTION "M"
SCALE 1"=10'

DRC NUMBER 2015-_____
SUBTT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

CG-04

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

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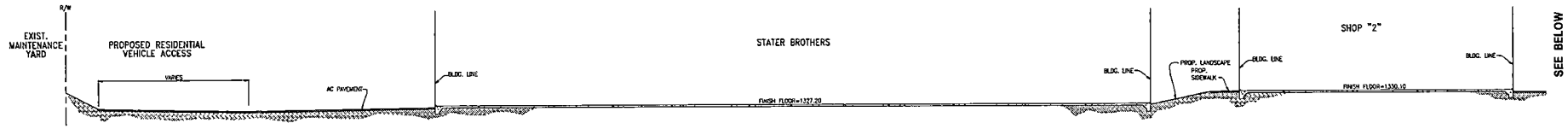
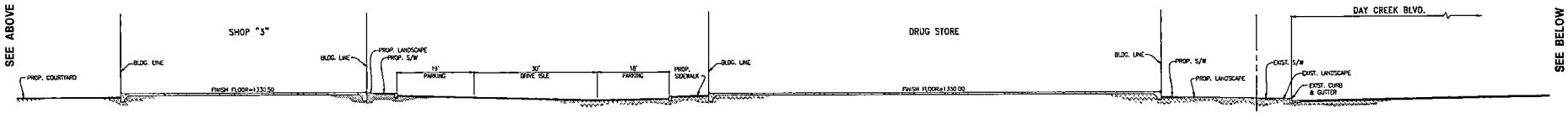
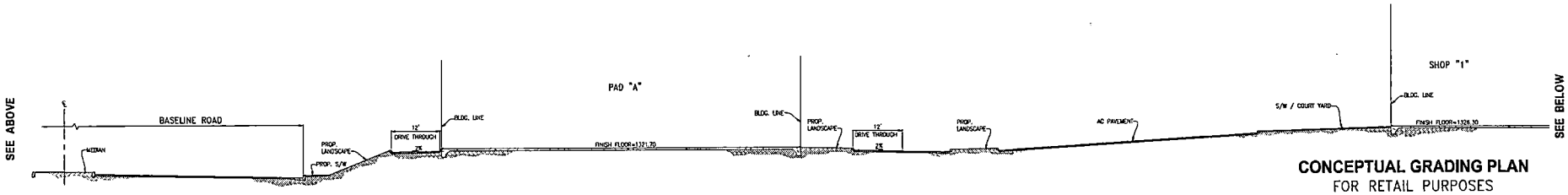
NADEL



SECTION "P"
SCALE 1"=10'



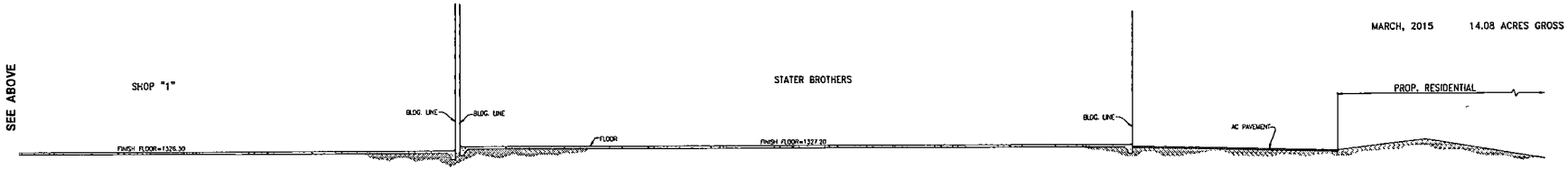
SECTION "P"
SCALE 1"=10'



SECTION "N"
SCALE 1"=10'

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 14.08 ACRES GROSS 6 NUMBERED LOT
A REMAINDER PARCEL



SECTION "N"
SCALE 1"=10'

DRC NUMBER 2015-_____
SUBIT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

CG-05

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

MADOLE & ASSOCIATES INC.
Engineering Communities for Life
9302 PITTSBURGH AVE., SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: 909.481.6322
FAX: 909.481.6320

NADEL STUDIO ONE, INC.
1990 S. BUNDY DR., FOURTH FLOOR
LOS ANGELES, CA 90025
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WWW.NADELARC.COM

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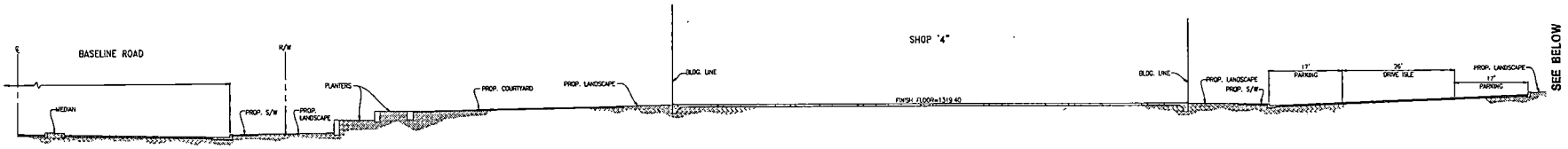
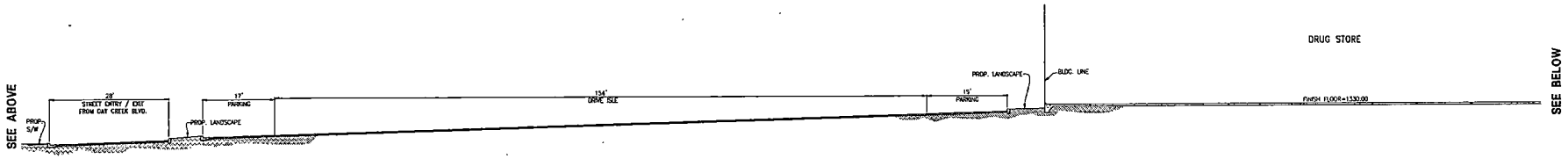
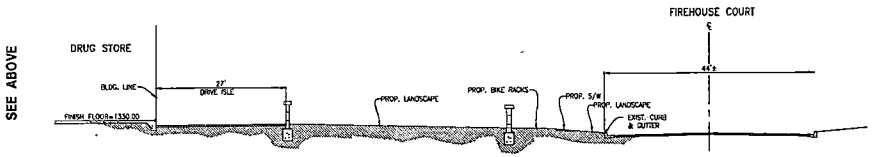


SECTION "O"
SCALE 1"=10'



SECTION "O"
SCALE 1"=10'



SECTION "O"
SCALE 1"=10'

DRC NUMBER 2015-_____
SUBITT _____

NOTE:
SEE ARCH SITE PLAN FOR SITE DIMENSIONS AND SETBACKS.

CONCEPTUAL GRADING PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 14.08 ACRES GROSS 6 NUMBERED LOT
A REMAINDER PARCEL

CG-06

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

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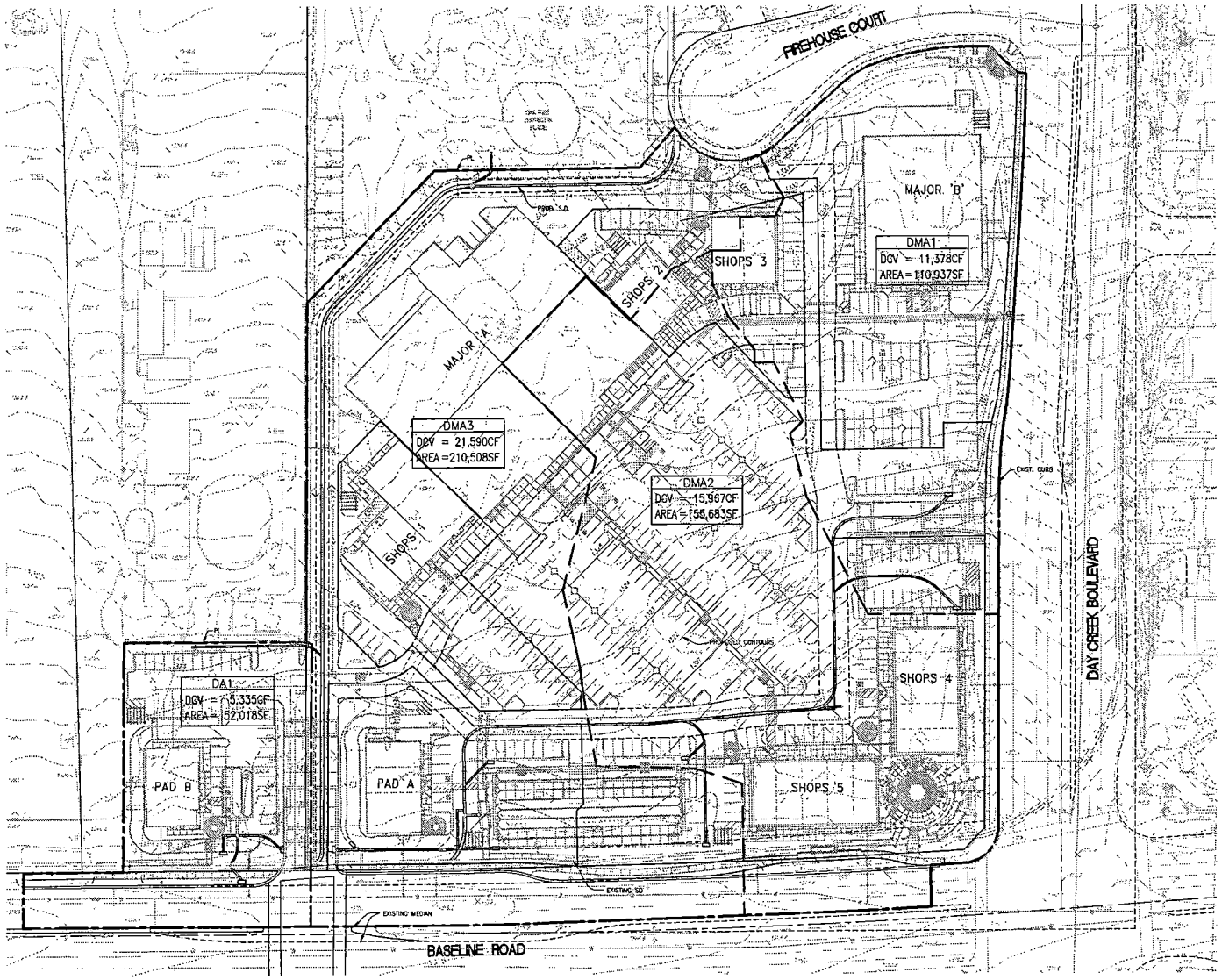
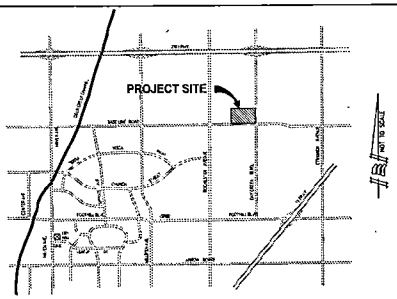
SITE PLAN AND DRAINAGE AREA MAP





VICINITY MAP
NOT TO SCALE

LEGEND:

DRAINAGE AREA BOUNDARY

DRAINAGE SUB-AREA BOUNDARY

DRAINAGE AREA	DRAINAGE SUBAREA	AREA (ft^2)	IMPERVIOUSNESS (%)	RUNOFF COEFFICIENT R_c	P_6	DESIGN CAPTURE VOLUME (ft^3)	IMPERVIOUS AREA DISPERSION, V_{ian} (ft^3)	DESIGN CAPTURE VOLUME (ft^3)	TOTAL DESIGN CAPTURE VOLUME (ft^3)
DA1		52,018	0.90	0.73	0.890	5,530	195	5,335	5,335
DA2	DMA1	110,937	0.90	0.73	0.890	11,794	416	11,378	48,934
	DMA2	155,683	0.90	0.73	0.890	16,551	584	15,967	
	DMA3	210,508	0.90	0.73	0.890	22,379	789	21,590	
							TOTAL DCV (ft^3)		54,269

SHEET INDEX

WQMP-01	DRAINAGE AREA MAP AND DESIGN CAPTURE VOLUME
WQMP-02	WATER QUALITY BMP LOCATIONS
WQMP-03	STORMTECH CHAMBERS MC-4500 TECHNICAL SPECIFICATIONS
WQMP-04	VORTSENTRY CLARIFIER SPECIFICATIONS
	INSPECTION AND MAINTENANCE SCHEDULES

SCALE: 1" = 40'

SCALE IN FEET
0 40 80 120 160

PRELIMINARY WATER QUALITY MANAGEMENT PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 14.08 ACRES GROSS 6 NUMBERED LOT
A REMAINDER PARCEL

APN: 1089-031-15, 1089-031-16, 1089-031-35

WQMP-01

DRC NUMBER 2015-_____
SUBTT _____

RESPONSIBLE PARTY FOR MAINTENANCE AND INSPECTION
LEWIS RETAIL CENTER
1156 NORTH MOUNTAIN AVE.
UPLAND, CA. 91786
CONTACT: WALT MITCHELL
PHONE: (909) 949-6718

WQMP BMP AS-BUILT CERTIFICATE

I HEREBY CERTIFY THAT THE NECESSARY WATER QUALITY MANAGEMENT PLAN BEST MANAGEMENT PRACTICE DEVICES HAVE BEEN CONSTRUCTED UNDER MY SUPERVISION AND ARE FUNCTIONAL TO THE BEST OF MY KNOWLEDGE AS OF THE DATE BELOW.

SIGNATURE _____ DATE _____

WET SEAL

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

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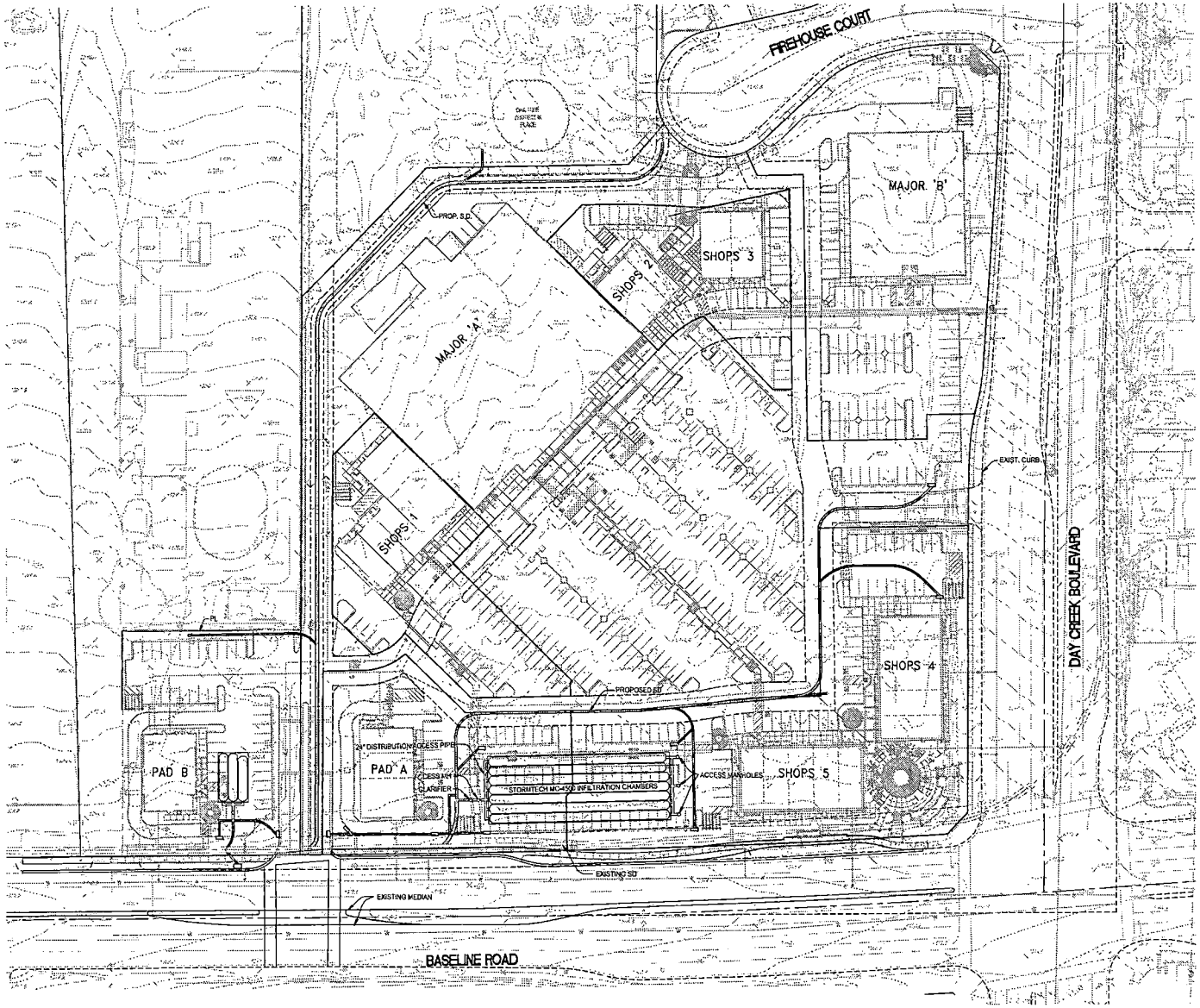
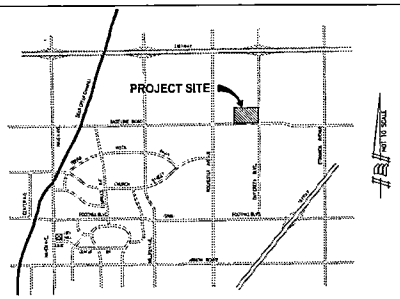
J.N. 126-2640; PRELIMINARY WATER QUALITY MANAGEMENT PLAN

WATER QUALITY BMP LOCATIONS





VICINITY MAP
NOT TO SCALE

LEGEND

STORMTECH MC-4500 INFILTRATION CHAMBERS

RESPONSIBLE PARTY FOR MAINTENANCE AND INSPECTION
LEWIS RETAIL CENTER
1156 NORTH MOUNTAIN AVE.
UPLAND, CA. 91786
CONTACT: WALT MITCHELL
PHONE: (909) 949-6718

SCALE: 1" = 40'

SCALE IN FEET
0 40 80 120 160

PRELIMINARY WATER QUALITY MANAGEMENT PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
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MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

APN: 1089-031-15, 1089-031-16, 1089-031-35 **WQMP-02**

DRC NUMBER 2015-_____
SUBITT _____

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

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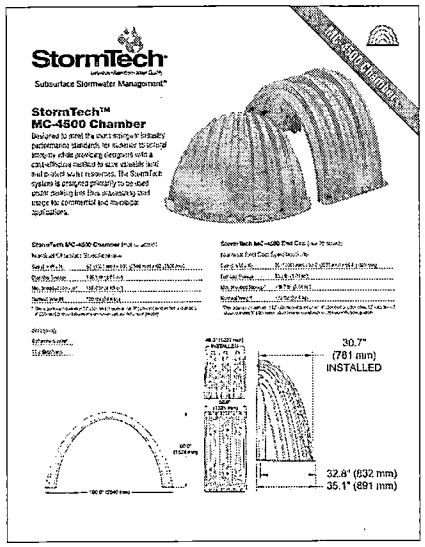
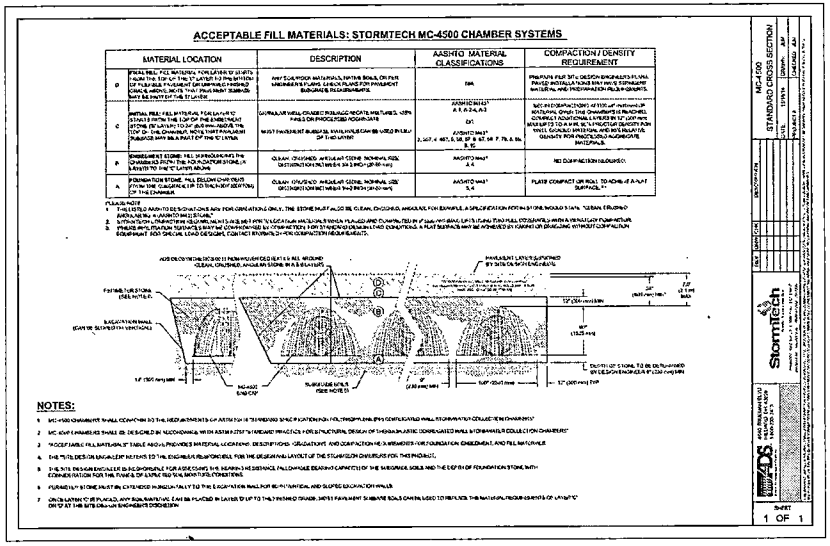
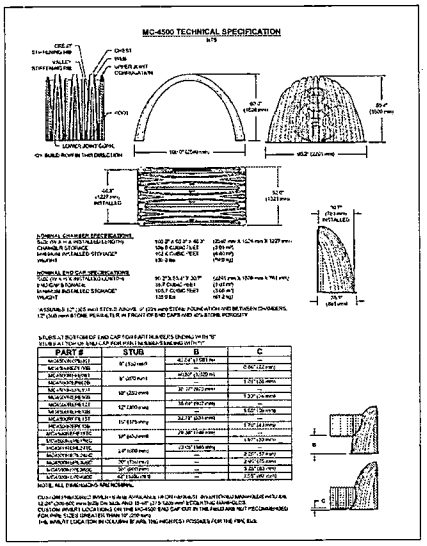
J.N. 126-2640, PRELIMINARY WATER QUALITY MANAGEMENT PLAN

TECHNICAL SPECIFICATIONS

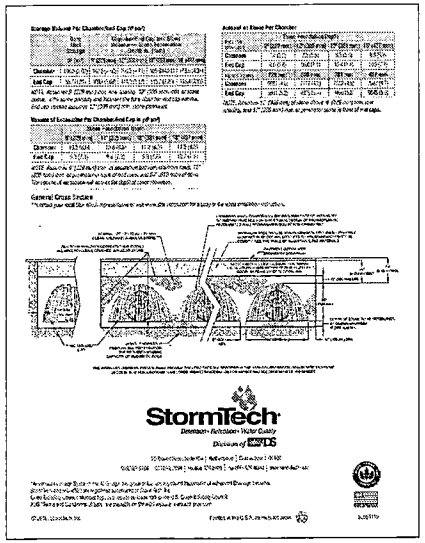


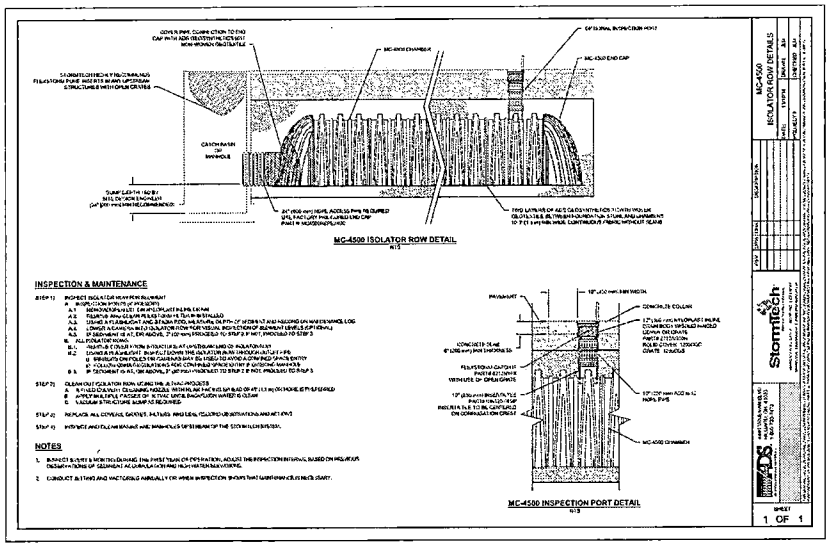


MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER IN ZONE D FROM THE TOP OF THE CHAMBER TO THE BOTTOM OF THE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE: THIN PAVEMENT SUBBASE MAY BE PART OF THE STORMTECH SYSTEM	ANY SOIL/ROCK MATERIAL NATIVE SOILS, ON SITE UNCONSERVED FILL, OR IMPORTED	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE SUBGRADE SUBBASE, AND PAVEMENT PER SITE DESIGN
C	INITIAL FILL: FILL MATERIAL FOR LAYER C STARTS FROM THE TOP OF THE EMBEDMENT STONE (EXCLUDING TOP SOIL) UP TO 24" (610 mm) ABOVE THE TOP OF THE CHAMBER. NOTE: THIN PAVEMENT SUBBASE MAY BE A PART OF THE STORMTECH SYSTEM	GRANULAR WELL GRADED SOILS/SOIL MIXTURES, 35% FINES OR PROCESSED AGGREGATE OR AASHTO M43: 3, 357, 4, 467, 5, 56, 57 & 67, 68, 7, 78, & 8, 89, & 9	MUST INCORPORATE SUBBASE, WHEN PAVEMENT IS USED IN LIEU OF THIS LAYER MC-4500 INCORPORATES AT LEAST 24" (610 mm) OF MATERIAL ONLY THE CHAMBERS IS RAISED. ONLY THE CHAMBERS IS RAISED, COMPACT ADDITIONAL LAYERS IN 12" (305 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS STARTS FROM THE FOUNDATION STONE LAYER TO THE "C" LAYER ABOVE	CLEAN, CRUSHED, ANGULAR STONE NOMINAL SIZE DISTRIBUTION ON LINE 6 OR 3 INCH (50 mm)	AASHTO M43: 4, 4	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE BOTTOM OF BOTTOM OF THE CHAMBER	CLEAN, CRUSHED, ANGULAR STONE NOMINAL SIZE DISTRIBUTION ON LINE 6 OR 3 INCH (50 mm)	AASHTO M43: 5, 6	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. *



NOTE:
PROPOSED STORMTECH MC-4500
INFILTRATION CHAMBERS OR APPROVED
EQUAL





RESPONSIBLE PARTY FOR MAINTENANCE AND INSPECTION
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1156 NORTH MOUNTAIN AVE.
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PRELIMINARY WATER QUALITY MANAGEMENT PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
IN THE CITY OF RANCHO CUCAMONGA,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A PORTION OF THE SW ¼, SEC. 32, T.1N., R.6W, SBM

MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

APN: 1089-031-15, 1089-031-16, 1089-031-35 **WQMP-03**

DRC NUMBER 2015-_____
SUBTT _____

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

LEWIS RETAIL CENTERS
A MEMBER OF THE LEWIS GROUP OF COMPANIES

MADOLE & ASSOCIATES INC.
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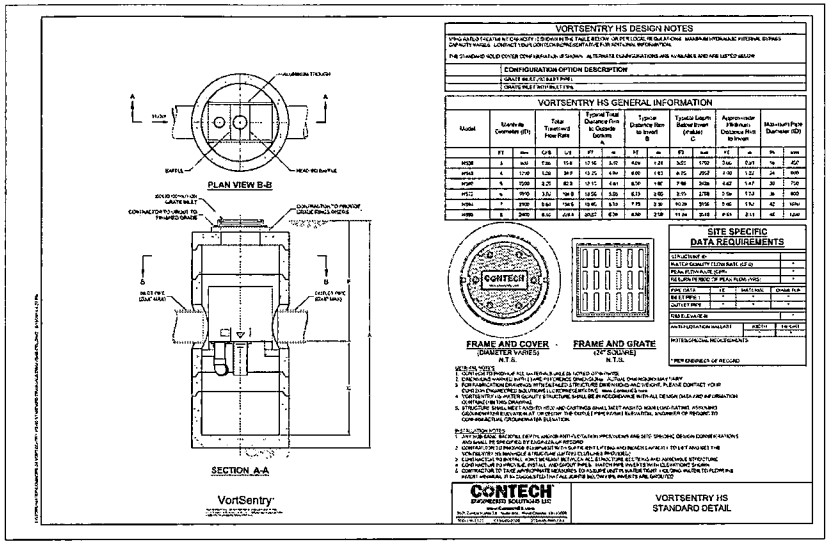
TECHNICAL SPECIFICATIONS
INSPECTION AND MAINTENANCE SCHEDULES



NOTE: PROPOSED PRETREATMENT: VORTSENTRY OR APPROVED EQUAL

VORTSENTRY INSPECTION AND MAINTENANCE GUIDE

INSPECTION & MAINTENANCE SCHEDULES
(REFER TO SECTION 4.1.1 & 4.1.2 OF THE WQMP)
VORTSENTRY CLARIFIER

INSPECTION	QUARTERLY	ADDITIONAL ONCE PRIOR AND ONCE AFTER RAINY SEASON
SERVICED	MIN. 1-TIME/YR	ADDITIONAL ONCE PRIOR AND ONCE AFTER RAINY SEASON
RECOMMENDED SERVICE	SUMMARY OF RECOMMENDED PROCEDURE AND MANUFACTURE'S RECOMMEND PROCEDURE SHOWN	

VORTSENTRY HS SERVICE PROCEDURES:

1) ALL INSPECTIONS AND CORRECTIVE MAINTENANCE SHALL BE NOTED AND LOGGED IN THE MAINTENANCE RECORD.
2) OWNER SHALL BE NOTIFIED OF ALL WORK PERFORMED.
3) CLEANING SHOULD BE PERFORMED DURING DRY WEATHER CONDITIONS WITHOUT FLOWS ENTERING THE SYSTEM.
4) REMOVE MANHOLE COVER.
   a) INSPECT SYSTEM FOR DEFECTS AND ILLEGAL DUMPING.
   b) NOTIFY PROPER AUTHORITY AND OWNER IF ILLEGAL DUMPING OCCURRED.
5) REMOVE MOTOR OILS AND OTHER HYDROCARBONS PRIOR TO VACCUMING. (ADSORBENT PADS MAY BE USED).
6) FLOATING DEBRIS MAY BE REMOVED BY THE USE OF A NET.
7) VACCUM / REMOVE COLLECTED MATERIALS AND FLUID FROM THE SYSTEM.
   a) SEDIMENT SHOULD NOT BE ALLOWED TO ACCUMULATE TO A DEPTH OF 2-FEET.
8) INSPECT SYSTEM
   a) INSPECT
      i. MOUNTING FRAMES, GASKETS, BAFFLES, INLET & OUTLET PIPING, PARTITIONS, ETC.
      ii. CORRECT MINOR DAMAGE / DEFECTS.
      iii. CORRECT MORE EXTENSIVE DEFICIENCIES THAT EFFECT EFFICIENCY SYSTEM.
   b) DEFECTS / SERVICEABILITY.
   c) REPLACE AS NECESSARY.
9) REPLACE MANHOLE COVER.

CHAMBER INSPECTION AND MAINTENANCE GUIDE

INSPECTION & MAINTENANCE SCHEDULES
(REFER TO SECTION 4.1.1 & 4.1.2 OF THE WQMP)
UNDERGROUND DETENTION PIPES

INSPECTION	QUARTERLY	
SERVICED	MIN. 2-TIMES/YR	ADDITIONAL PRIOR TO RAINY SEASON
RECOMMENDED SERVICE	SUMMARY OF RECOMMENDED PROCEDURE AND MANUFACTURE'S RECOMMEND PROCEDURE SHOWN	

UNDERGROUND DETENTION SYTEM SERVICE PROCEDURES:

1) ALL INSPECTIONS AND CORRECTIVE MAINTENANCE SHALL BE NOTED AND LOGGED IN THE MAINTENANCE RECORD.
2) OWNER SHALL BE NOTIFIED OF ALL WORK PERFORMED.
3) CLEANING SHOULD BE PERFORMED DURING DRY WEATHER CONDITIONS WITHOUT FLOWS ENTERING THE SYSTEM.
4) REMOVE MANHOLE COVER.
   a) INSPECT SYSTEM FOR DEFECTS AND ILLEGAL DUMPING.
   b) NOTIFY PROPER AUTHORITY AND OWNER IF ILLEGAL DUMPING OCCURRED.
5) REMOVE MOTOR OILS AND OTHER HYDROCARBONS PRIOR TO VACCUMING. (ADSORBENT PADS MAY BE USED).
6) FLOATING DEBRIS MAY BE REMOVED BY THE USE OF A NET.
7) VACCUM / REMOVE COLLECTED MATERIALS AND FLUID FROM THE SYSTEM.
   a) SILT, SEDIMENT AND OTHER DEBRIS SHOULD NOT BE ALLOWED TO ACCUMULATE.
   b) IF DEBRIS OR APPRECIABLE AMOUNT OF THE SILT OR SEDIMENT IS FOUND, DETERMINE THE SOURCE OF ENTRY INTO THE UNDERGOUND STRUCTURE AND CORRECT.
8) INSPECT SYSTEM
   a) INSPECT
      i. INLET AND OUTLET PIPING, JOINTS, THE MAIN DETENTION PIPE STRUCTURE, ETC.
      ii. ORIFICES / PERFORATIONS.
      iii. CORRECT MINOR DAMAGE / DEFECTS.
      iv. CORRECT MORE EXTENSIVE DEFICIENCIES THAT EFFECT EFFICIENCY SYSTEM.
   b) DEFECTS / SERVICEABILITY.
   c) REPLACE AS NECESSARY.
9) REPLACE MANHOLE COVER.

CATCH BASIN INSERT INSPECTION AND MAINTENANCE GUIDE

INSPECTION & MAINTENANCE SCHEDULES
(REFER TO SECTION 4.1.1 & 4.1.2 OF THE WQMP)
CATCH BASIN INSERTS

INSPECTION	MONTHLY	
SERVICED	MIN. 3-TIMES/YR	ADDITIONAL PRIOR TO RAINY SEASON
RECOMMENDED SERVICE	SUMMARY OF RECOMMENDED PROCEDURE AND MANUFACTURE'S RECOMMEND PROCEDURE SHOWN	

CATCH BASIN INSERT SERVICE PROCEDURES:

1) ALL INSPECTIONS AND CORRECTIVE MAINTENANCE SHALL BE NOTED AND LOGGED IN THE MAINTENANCE RECORD.
2) OWNER SHALL BE NOTIFIED OF ALL WORK PERFORMED.
3) REMOVE CATCH BASIN GRATE.
   a) INSPECT CATCH BASIN FOR DEFECTS AND ILLEGAL DUMPING.
   b) NOTIFY PROPER AUTHORITY AND OWNER IF ILLEGAL DUMPING OCCURRED.
4) VACCUM / REMOVE COLLECTED MATERIALS FROM LINER.
5) REMOVE FILTER MEDIUM POUCHES.
   a) UNSNAP TETHER FROM D-RING.
   b) INSPECT
      i. FILTER LINER, GASKETS, FRAME & MOUNTING BRACKETS.
      ii. CORRECT MINOR DAMAGE / DEFECTS.
      iii. CORRECT MORE EXTENSIVE DEFICIENCIES THAT EFFECT EFFICIENCY OF THE FILTER (DAMAGED LINER THAT REQUIRES REPLACEMENT, ETC).
6) INSPECT FILTER MEDIUM POUCHES
   a) DEFECTS / SERVICEABILITY.
   b) REPLACE AS NECESSARY.
   c) RE-ATTACH POUCH TETHERS TO THE LINER'S D-RING.
7) REPLACE GRATE.

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PRELIMINARY WATER QUALITY MANAGEMENT PLAN
FOR RETAIL PURPOSES
TENTATIVE PARCEL MAP 19637
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MARCH, 2015 | 14.08 ACRES GROSS | 6 NUMBERED LOT, A REMAINDER PARCEL

APN: 1089-031-15, 1089-031-16, 1089-031-35

WQMP-04

DRC NUMBER 2015-_____
SUBITT _____

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA

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J.N. 124-26-03, PRELIMINARY WATER QUALITY MANAGEMENT PLAN

EXHIBIT G

PC 11/10/2015

476,474 SF
84,254 SF (18%)
11,075 SF
95,311 SF (20%)

506
168 (1 PER 3 STALLS)
168

182,652 SF
18,263 SF (10% OF TOTAL AREA)
28,540 SF

515
85 (24%)

FOR THIS SITE WERE APPROPRIATE
AND LOCAL CLIMATE, THEIR
FROM HUCOLS III HAS BEEN USED
FACTOR FOR THE WATER USE

REQUIREMENTS WERE GROUPED

AREAS ARE PLANTED WITH LOW
WITH MODERATE USE PLANTS. NO

ARE SEPARATED BY CONSIDERING
DENSITY AND MICROCLIMATES. IF LOW
WITH MODERATE WATER USE PLANTS
MODERATE WATER USE FACTOR IS
SEE HYDROZONE EXHIBIT TABLE

LOW VOLUME DISTRIBUTION SYSTEM
SENSOR, CHECK VALVES, ET BASED
CYCLE-SOAK AND WATER BUDGETING
RAIN SHUT-OFF.

ALL TREE AND GROUNDCOVER
LAYER OF MULCH MOISTURE
WEEDS.

PLANS WILL COMPLY WITH THE
SECTION 17.56 OF THE CITY OF RANCHO
CUCAMONGA'S ZONING ORDINANCE

Attachment #2

Maximum Applied Water Allowance

The following calculations will help you determine your site specific water budget and establish a planting list that will allow you to meet your water budget. You Estimated Total Water Use must be less than your Maximum Applied Water Allowance.

1.) Landscape Applied Water Allowance (ETAWA)

ETAWA = (ETo)(0.62)[(0.55)(LA) + (0.45)(SLA)]

Where:
ETo = Annual Net Reference Evapotranspiration (inches)
0.62 = ET Adjustment Factor
LA = Landscape Area (square feet)
0.55 = Conversion factor (to gallons per square foot)
SLA = Portion of the landscape area dedicated to Special Landscape Area (square feet)
0.45 = the additional ET adjustment factor for Special Landscape Areas

A.) Net Evapotranspiration Calculation

42.50 (Amount of ETo)				
(Amount from step 1)	x .55 =	0.62 (Effective Factor)		
Net Evapotranspiration Calculation	x Annual ET =	Effective Factor(s)		42.50

B.) Adjusted Landscape Area Calculation

84,254 (Conventional Area)	x 1.0 (Adjustment Factor)		84,254.00
0 (Special Conservation Area)	x 0.8 (Adjustment Factor)		0
		Sum of Adjusted Landscape Area	84,254.00
ETAWA = 42.50	x 0.62	x 84,254.00	2,219,948 gallons

2.) Estimated Total Water Use (ETWU)

A.) Net Evapotranspiration Calculation

Net Evapotranspiration Calculation	x Annual ET =	Effective Factor(s)	42.50

B.) Adjusted Landscape Area Calculation

47,540 (Low water use plant sqft)	x 0.3		14,262.00
36,714 (Moderate water use plant sqft)	x 0.6		22,028.4
0 (High water use plant sqft)	x 0.9		0
		Sum of Adjusted Landscape Area	36,290.4
ETWU = 42.50	x 0.62	x 36,290.4	1,019,883 gallons

Irrigation Efficiency Factor		
Percent of the landscape irrigated with Drip or Microspray		
0-25%		0.75
26-50%		0.80
51-75%		0.85
76-100%		0.90

PLANT PALETTE

Symbol	Botanical Name	Common Name	Size	HUCOLS	QTY.
TREES					
	Arbutus unedo	Strawberry Tree	24" Box	Low	22
	Geijera parviflora	Australian Willow	15 Gal.	Low	69
	Magnolia g. 'Majestic Beauty'	Magnolia	24" Box	Mod	20
	Lagerstroemia i. 'Natchez'	Crape Myrtle	24" Box	Mod	18
	Pyrus c. 'Aristocrat'	Callery Pear	15 Gal.	Mod	22
	Pistacia chinensis	Chinese Pistache	15 Gal.	Mod	75
	Pinus canariensis	Canary Island Pine	15 Gal.	Low	27
	Platanus racemosa	California Sycamore	36" Box	Mod	4
	Robinia x a. 'Purple Robe'	Purple Robe Locust	24" Box	Low	21
	Zelkova serrata	Sawleaf Zelkova	15 Gal.	Mod	23
	Washingtonia robusta	Mexican Fan Palm	16' B.T.H.	Low	14

Symbol	Botanical Name	Common Name	Size	HUCOLS
SHRUBS/ GROUNDCOVERS				
	Aloe species	Aloe	5 gal.	Low
	Anigozanthos flavidus	Kangaroo Paw	5 gal.	Low
	Callistemon v. 'Little John'	Dwarf Bottlebrush	5 gal.	Low
	Cissus rhombifolia	Grape Ivy	5 gal.	Mod
	Cordyline 'Electric Pink'	Festival Grass Cordyline	5 gal.	Mod
	Dianella t. 'Variegata'	Variegated Flax Lily	5 gal.	Mod
	Echeveria 'Afterglow'	Afterglow Echeveria	Flats	Low
	Festuca g. 'Elijah Blue'	Blue Fescue	5 gal.	Mod
	Grevillea l. 'Coastal Gem'	Woolly Grevillea	5 gal.	Low
	Hesperaloe parviflora	Red Yucca	5 gal.	Low
	Leucophyllum f. 'Compacta'	Texas Ranger	15 gal.	Low
	Muhlenbergia c. 'Regal Mist'	Pink Muhly	5 gal.	Low
	Myoporum parvifolium	Myoporum	Flats	Low
	Myrtus c. 'Compacta'	Dwarf Myrtle	5 gal.	Mod
	Pennisetum s. 'Fireworks'	Fireworks Fountain Grass	5 gal.	Low
	Penstemon 'Margarita Bop'	Blue Bedder Penstemon	5 gal.	Low
	Phormium tenax	Hybrid New Zealand Flax	5 gal.	Mod
	Pittosporum t. 'Silver Sheen'	Upright Mock Orange	5 gal.	Mod
	Rhamnus c. 'Eve Case'	India Hawthorn	15 gal.	Low
	Rosa 'Flower Carpet'	Groundcover Rose	5 gal.	Mod
	Rosmarinus officinalis	Rosemary	5 gal.	Low
	Salvia clevelandii	Cleveland Sage	5 gal.	Low
	Salvia leucantha	Mexican Bush Sage	5 gal.	Low
	Sedum 'Copperlone'	Copperlone Stonecrop	Flats	Low
	Westringia 'Morning Light'	Coast Rosemary	5 gal.	Low

Symbol	Botanical Name	Common Name	Size	HUCOLS
BASE LINE ROAD MEDIAN SHRUBS/ GROUNDCOVERS				
	Dietes bicolor	Fortnight Lily	5 gal	Mod
	Nandina domestica 'Nana'	Heavenly Bamboo	5 gal	Mod
	Phormium t. 'Tom Thumb'	New Zealand Flax	5 gal	Mod
	Rhaphiolepis indica 'Ballerina'	India Hawthorne	5 gal.	Mod
	Trachelospermum jasminoides	Star Jasmine	Flats	Mod

NOTES:

PLANT MATERIAL NOT LISTED MAY BE USED, SUBJECT TO APPROVAL BY THE CITY.

ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL ADHERE TO CITY DESIGN GUIDELINES, CODES AND REGULATIONS.

ALL LANDSCAPE AREAS SHALL RECEIVE AUTOMATIC IRRIGATION SYSTEM

ALL LANDSCAPE INSTALLATION SHALL BE PERMANENTLY MAINTAINED.

THE MINIMUM PLANTING SIZE FOR TREES SHALL BE 15 GALLON, WITH AT LEAST 25% OF ALL TREES BEING 24" BOX OR LARGER. SHRUBS SHALL BE A MINIMUM 5 GALLON SIZE. GROUNDCOVER SHALL BE FROM FLATS OF UP TO 64 PLANTS OR FROM 1 GALLON CONTAINERS.

0' 40' 80' 120'
SCALE: 1"=40'-0"

CONCEPTUAL LANDSCAPE PLAN

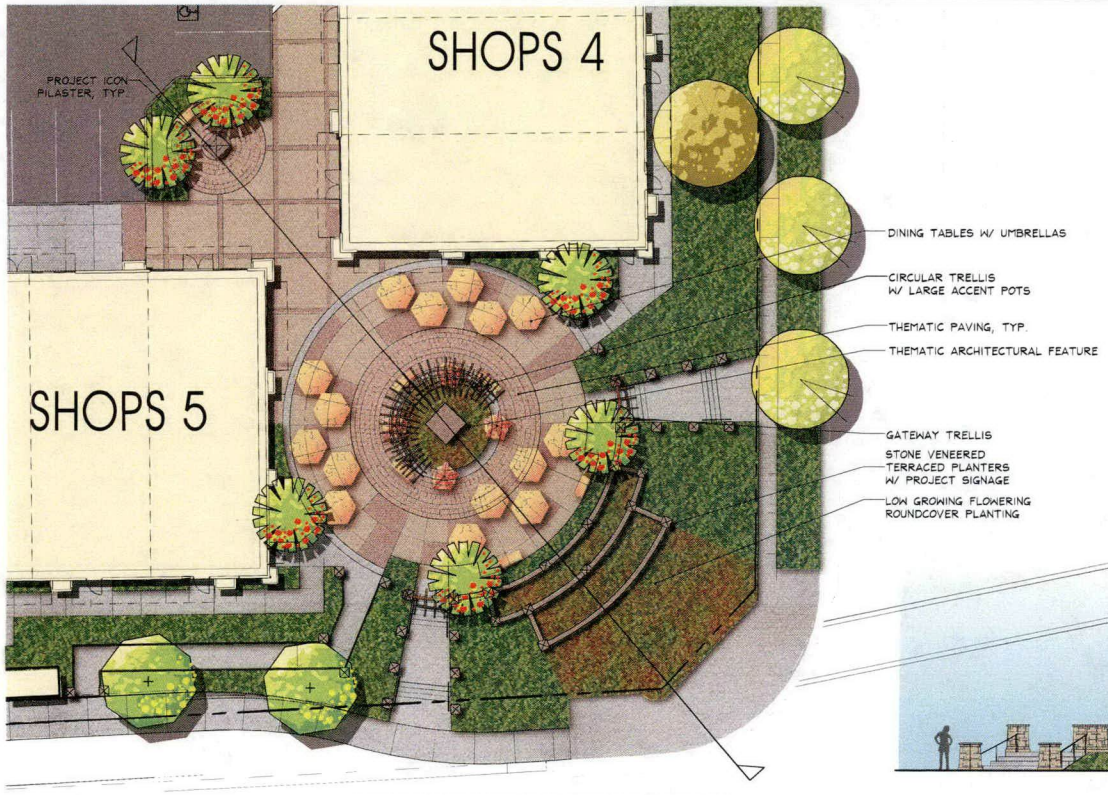
DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

DATE: SEPTEMBER 16, 2015
CDPC JOB#: 14054

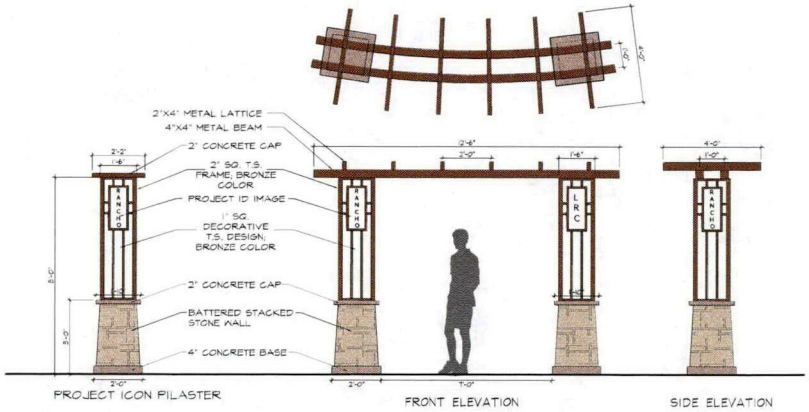
Lewis Retail Centers
A Member of the Lewis Group of Companies

conceptual design & planning company
3195-C Airport Loop Dr, Studio One, Costa Mesa, CA 92626
T: 949.399.0870 F: 949.399.0882 www.cdpcinc.com
6659 Mario Road, Atascadero, CA 93422
T: 805.466.3385 F: 805.466.9204

CLP-01

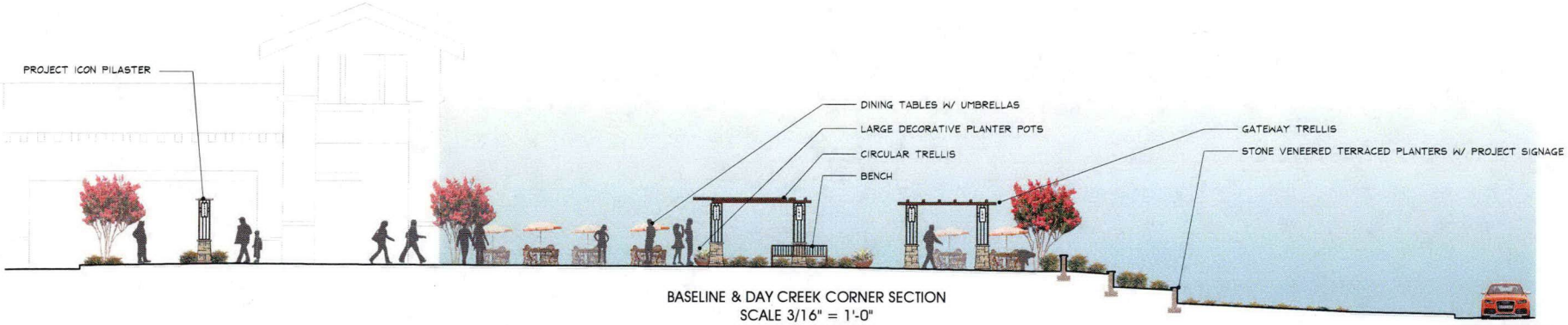


BASELINE & DAY CREEK CORNER ENLARGEMENT



GATEWAY TRELLIS & ICON PILASTER ENLARGEMENT
SCALE 1/2" = 1'-0"

BASELINE & DAY CREEK CORNER ELEVATION
SCALE 3/16"= 1'-0"



BASELINE & DAY CREEK CORNER SECTION
SCALE 3/16" = 1'-0"

0' 5' 10' 20' 30'
SCALE: 1"=10'-0"

CONCEPTUAL LANDSCAPE PLAN ENLARGEMENTS

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

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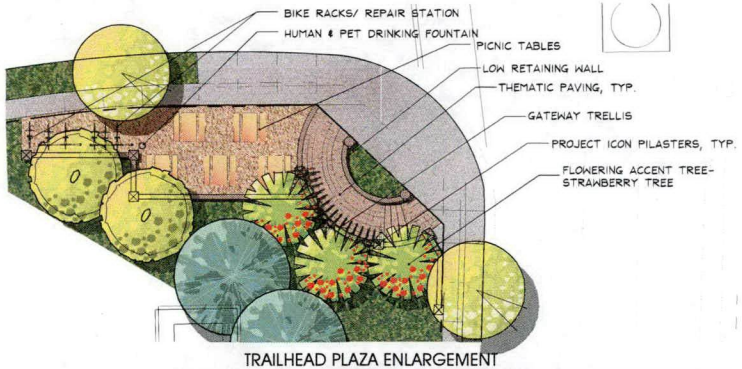
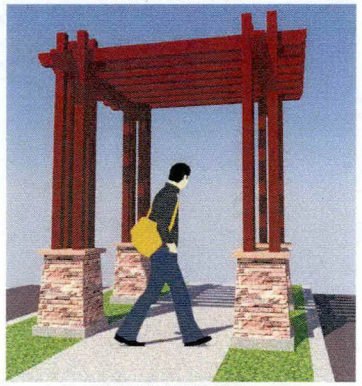
DINING PATIO & PEDESTRIAN CONNECTION ENLARGEMENT



TRAILHEAD PLAZA ENLARGEMENT

TRAILHEAD PLAZA RENDERING



DECORATIVE ARBOR

THEMATIC PATIO ENLARGEMENT

0' 5' 10' 20' 30'
SCALE: 1"=10'-0"

CONCEPTUAL LANDSCAPE PLAN ENLARGEMENTS

DATE: SEPTEMBER 16, 2015
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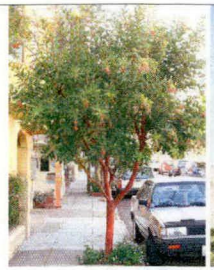
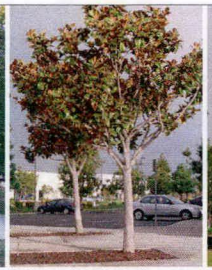
CLP-03

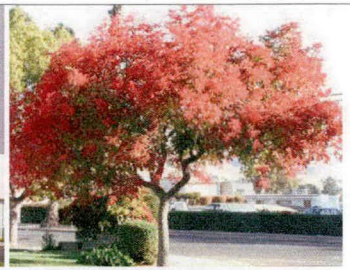

STRAWBERRY TREE

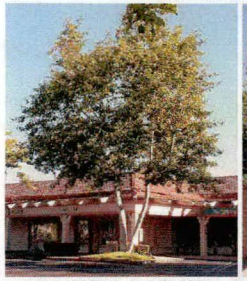
AUSTRALIAN WILLOW

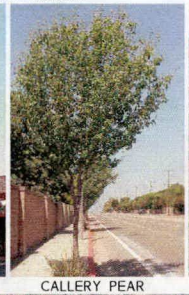
CRAPE MYRTLE

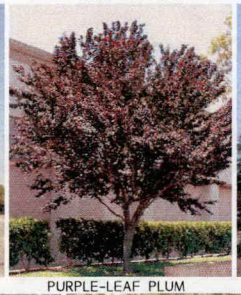

MAGNOLIA

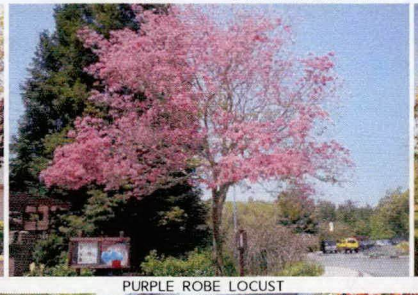
CANARY ISLAND PINE

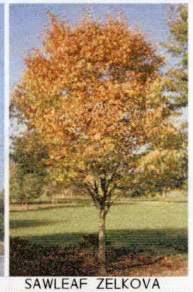

CHINESE PISTACHE

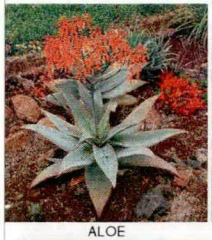

CALIFORNIA SYCAMORE


CALLERY PEAR

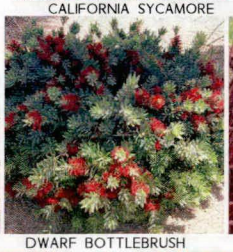

PURPLE-LEAF PLUM

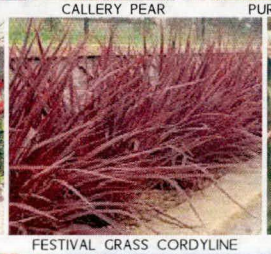

PURPLE ROBE LOCUST


SAWLEAF ZELKOVA


ALOE

KANGAROO PAW


DWARF BOTTLEBRUSH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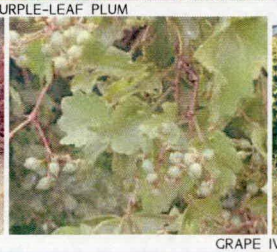
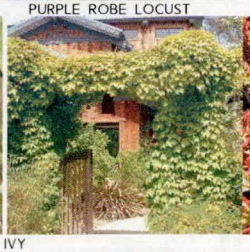
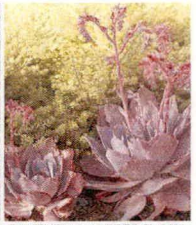
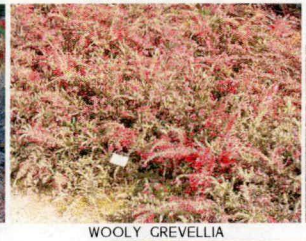

GRAPE IVY


CRASSULA 'CAMPFIRE'

VARIEGATED FLAX LILY


ECHEVERIA 'AFTERGLOW'

BLUE FESCUE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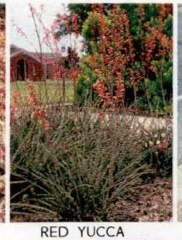
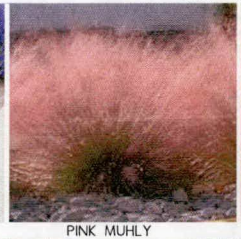

RED YUCCA

DWARF TEXAS RANGER

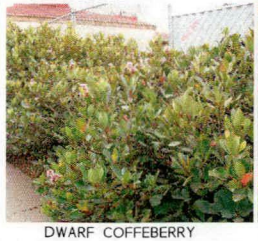

PINK MUHLY

'FIREWORKS' FOUNTAIN GRASS

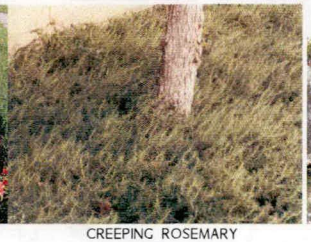
BLUE BEDDER PENSTEMON

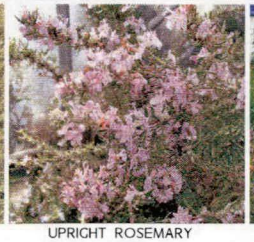
NEW ZEALAND FLAX

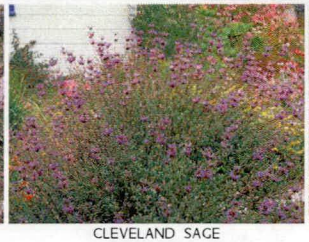
UPRIGHT MOCK ORANGE


DWARF COFFEBERRY

CARPET ROSE


CREEPING ROSEMARY


UPRIGHT ROSEMARY


CLEVELAND SAGE

MEXICAN BUSH SAGE

BLUE FINGER

COAST ROSEMARY

PLANT MATERIAL IMAGE BOARD

DATE: AUGUST 25, 2015
CDPC JOB#: 14054

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

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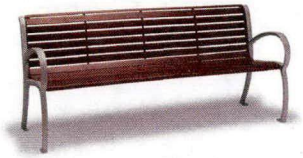
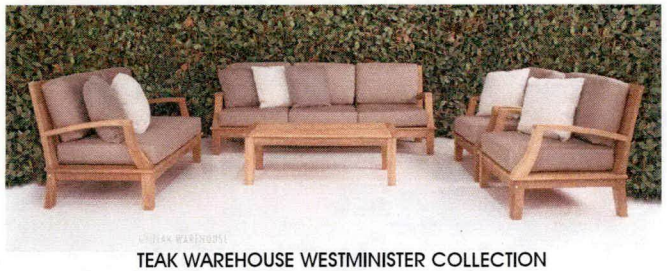
SITE FURNISHINGS

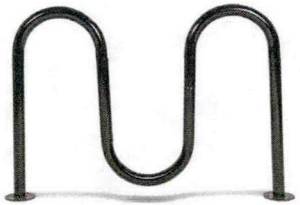


WABASH VALLEY
WINCHESTER BENCH

WABASH VALLEY 'FG'
TRASH RECEPTACLE



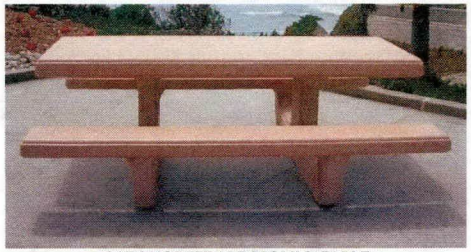
TEAK WAREHOUSE WESTMINISTER COLLECTION



WABASH VALLEY
SERPENTINE BIKE LOOP

WABASH VALLEY WINCHESTER
DINING TABLE

WABASH VALLEY 'FG' PLANTER



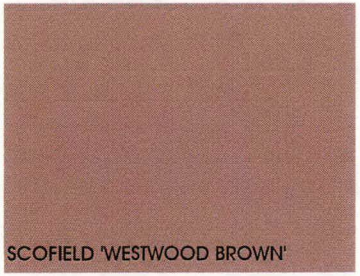
QUICKCRETE LBT PICNIC TABLE

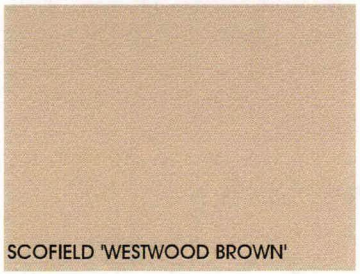
MOST DEPENDABLE
DRINKING FOUNTAIN

DERO FIXIT REPAIR STATION

PAVING

CIRCULAR THEMATIC PAVING

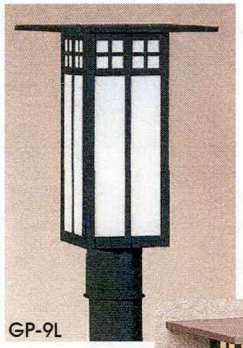




INTEGRAL COLOR CONCRETE

STAMPED ASPHALT PAVING

SITE LIGHTING



ARROYO CRAFTSMAN 'GLASGOW'

SITE MATERIALS IMAGE BOARD

DATE: AUGUST 25, 2015
CDPC JOB#: 14054

DAY CREEK MARKETPLACE
RANCHO CUCAMONGA, CA.

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THE CITY OF RANCHO CUCAMONGA

DESIGN REVIEW COMMITTEE
ACTION AGENDA

October 6, 2015 - 7:00 P.M.

Rancho Cucamonga Civic Center
Rains Room
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Roll Call

7:00 p.m.

Regular Members: Richard Fletcher _X_ Francisco Oaxaca _X_
Candyce Burnett ___ Donald Granger _X_

Alternates: Ray Wimberly ___ Lou Munoz___
Rich Macias___

Additional Staff Present: Tabe Van de Zwaag, Assistant Planner

II. PROJECT REVIEW ITEMS

The following items will be presented by the applicant and/or their representatives. Each presentation and resulting period of Committee comment is limited to 20 minutes. Following each presentation, the Committee will address major issues and make recommendations with respect to the project proposal. The Design Review Committee acts as an advisory Committee to the Planning Commission. Their recommendations will be forwarded to the Planning Commission as applicable. The following items do not legally require any public testimony, although the Committee may open the meeting for public input.

A. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00386 - LEWIS RETAIL CENTERS – A request for site plan and architectural review of a 100,135-square-foot 9 building multi-tenant retail center that includes a 44,988-square-foot major tenant building, a 15,207-square-foot pad building, a 9,160 inline tenant building, a 7,560-square-foot inline tenant building, a 4,500-square-foot inline tenant building, two 3,780 inline tenant buildings and a future 3,600-square-foot pad building on 10.93 acres of land located at the northwest corner of Day Creek

A. DRC2015-00386 Committee recommended approval and forwarded project to PC with the requirement that the applicant add historical/design

PC 11/10/2015

EXHIBIT H

DESIGN REVIEW COMMITTEE AGENDA

October 6, 2015

Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan - APN: 1089-031-15, 16, 35 and a portion of 1089-031-14. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration. Related cases: General Plan Amendment DRC2015-00388, Victoria Community Plan Amendment DRC2014-00390, Tentative Tract Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

elements reflecting the City's wine growing history.

III. PUBLIC COMMENTS

This is the time and place for the general public to address the Committee. State law prohibits the Committee from addressing any issue not previously included on the Agenda. The Committee may receive testimony and set the matter for a subsequent meeting. Comments are limited to five minutes per individual.

IV. ADJOURNMENT

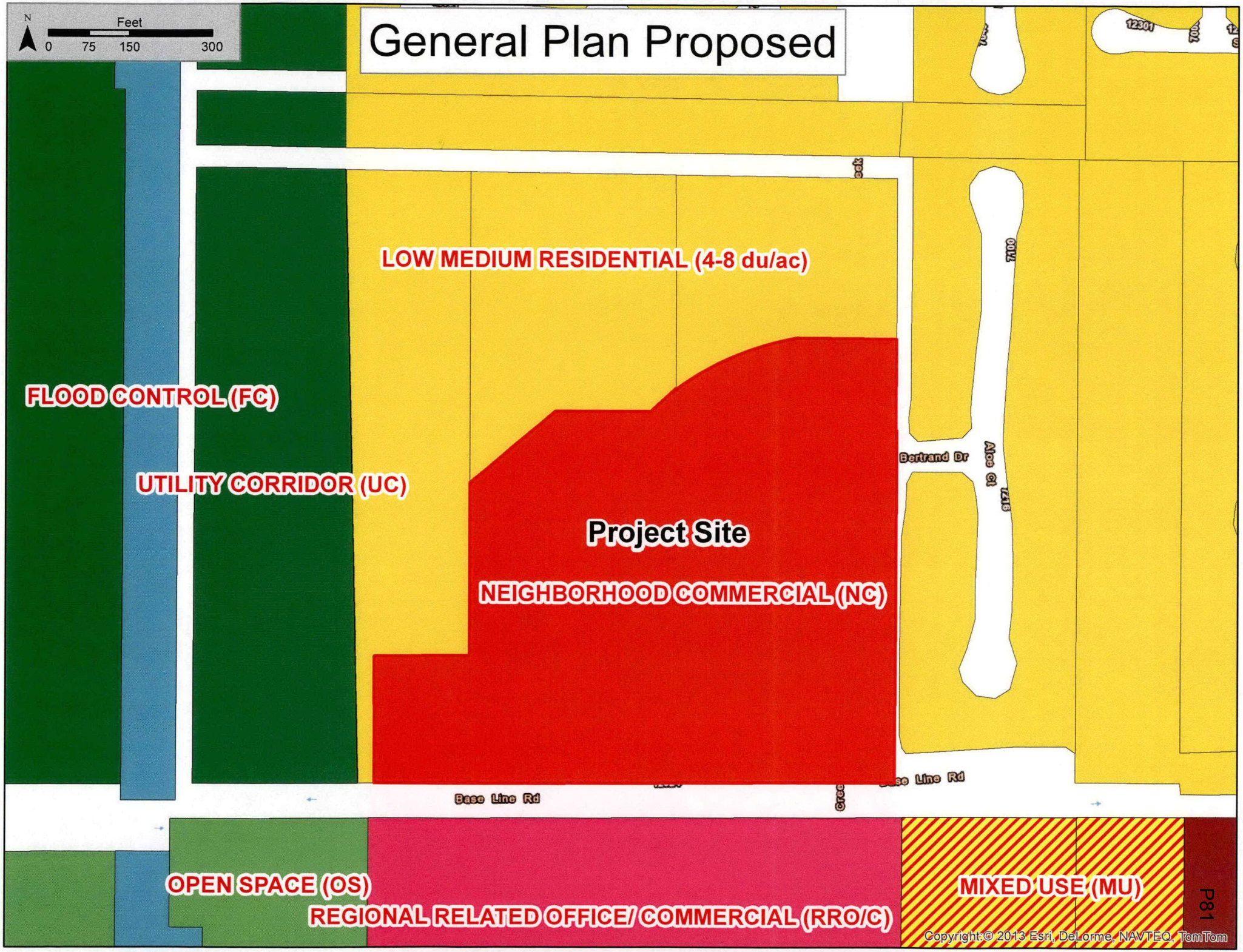
7:32 p.m.

The Design Review Committee has adopted Administrative Regulations that set an 11:00 p.m. adjournment time. If items go beyond that time, they shall be heard only with the consent of the Committee.

I, Jennifer Palacios, Office Specialist II with the Planning Department for the City of Rancho Cucamonga, hereby certify that a true, accurate copy of the foregoing agenda was posted on September 23, 2015, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 10500 Civic Center Drive, Rancho Cucamonga.

EXHIBIT I

PC 11/10/2015


General Plan Proposed
N
Feet
0 75 150 300
LOW MEDIUM RESIDENTIAL (4-8 du/ac)
FLOOD CONTROL (FC)
UTILITY CORRIDOR (UC)
Project Site
NEIGHBORHOOD COMMERCIAL (NC)
Bertrand Dr
Aloe Ct
7100
7216
12301
Base Line Rd
OPEN SPACE (OS)
REGIONAL RELATED OFFICE/ COMMERCIAL (RRO/C)
MIXED USE (MU)
Copyright:© 2013 Esri, DeLorme, NAVTEQ, TomTom

Victoria Community Plan Existing

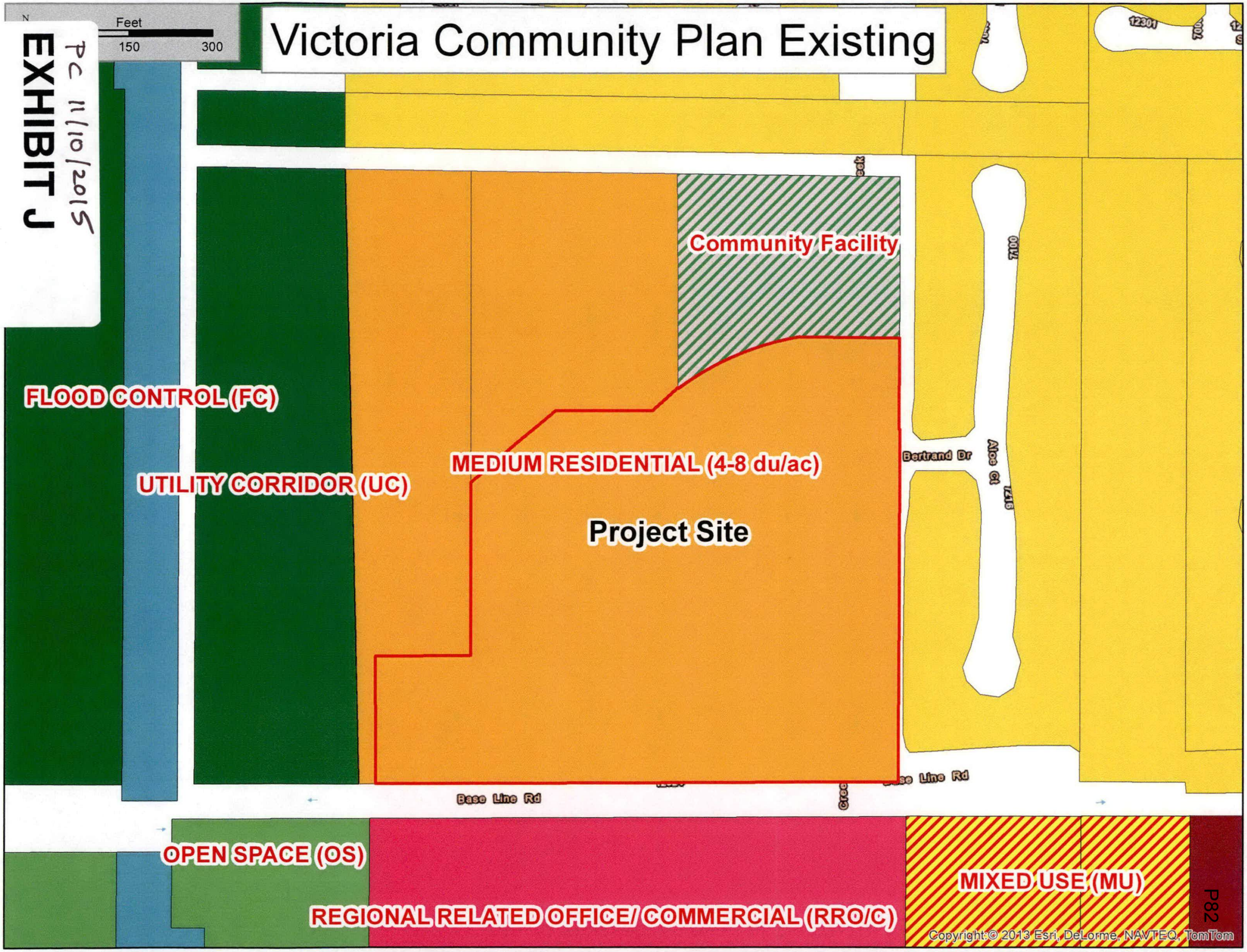


EXHIBIT J

PC 11/10/2015

Victoria Community Plan Proposed
N
Feet
0 75 150 300
Community Facility
LOW MEDIUM RESIDENTIAL (4-8 du/ac)
FLOOD CONTROL (FC)
UTILITY CORRIDOR (UC)
Project Site
VILLAGE COMMERCIAL (VC)
Bertrand Dr
Alice Ct
Base Line Rd
OPEN SPACE (OS)
REGIONAL RELATED OFFICE/ COMMERCIAL (RRO/C)
MIXED USE (MU)
Copyright:© 2013 Esri, DeLorme, NAVTEQ, TomTom

COMMERCIAL STANDARDS

General provisions for land uses designated as Regional Center, Regional-related Commercial and Village Commercial.

Site Development Standards:

(1) Building site coverage: No maximum subject to Development Approval Process

(2) Building setbacks: To be determined through the Development Approval Process.

(3) Building site width: 150-foot minimum

(4) Building height: 65 feet typical maximum; buildings over 65 feet subject to a Conditional Use Permit

Uses not permitted within the Planned Community:

- Massage Parlors, <u>except as conditionally permitted within the Victoria Arbors Master Plan</u>.
- "Adult" Entertainment Establishments

<u>Shopping Centers</u>. To ensure that the goals and policies of the General Plan and Community Plan are implemented, a Conditional Use Permit shall be required for shopping centers. In such a review, the following criteria shall be considered:

(1) The transition from more sensitive land uses and buffering methods to mitigate commercial activities such as loading, lighting, and trash collection;

(2) The Center has been planned as a group of organized uses and structures;

(3) The Center is designed with one theme, with buildings and landscaping consistent in design (similar architectural style, similar exterior building materials, and a coordinated landscaping theme);

(4) The Center makes provisions for consistent maintenance, reciprocal access, and reciprocal parking:

(5) Vehicle and pedestrian access is coordinated and logically linked to provide a comprehensive circulation system; and

(6) The development or approval of any portion of a center shall require the development of a conceptual development plan, which shall consider such things as, but not limited to, circulation, uniform architectural design, drainage/grading, buffers, phased improvements, and landscaping.

Regional Center

a. The following general categories of uses shall be permitted:

(1) Retail businesses, including, but not limited to:

- ~~Discount stores~~
- Department stores
- Drug stores

PC 11/10/2015

EXHIBIT K

Print Form

RANCHO CUCAMONGA
Planning Department
(909) 477-2750

ENVIRONMENTAL INFORMATION FORM (Part I - Initial Study)

(Please type or print clearly using ink. Use the tab key to move from one line to the next line.)

The purpose of this form is to inform the City of the basic components of the proposed project so that the City may review the project pursuant to City Policies, Ordinances, and Guidelines; the California Environmental Quality Act; and the City's Rules and Procedures to Implement CEQA. It is important that the information requested in this application be provided in full.

Upon review of the completed Initial Study Part I and the development application, additional information such as, but not limited to, traffic, noise, biological, drainage, and geological reports may be required. The project application will not be deemed complete unless the identified special studies/reports are submitted for review and accepted as complete and adequate. The project application will not be scheduled for Committees' review unless all required reports are submitted and deemed complete for staff to prepare the Initial Study Part II as required by CEQA. In addition to the filing fee, the applicant will be responsible to pay or reimburse the City, its agents, officers, and/or consultants for all costs for the preparation, review, analysis, recommendations, mitigations, etc., of any special studies or reports.

GENERAL INFORMATION:

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. Please note that it is the responsibility of the applicant to ensure that the application is complete at the time of submittal; City staff will not be available to perform work required to provide missing information.

Application Number for the project to which this form pertains: _____

Project Title: Day Creek Marketplace and Residential Project

Name & Address of project owner(s): Lewis Retail Centers, 1156 N. Mountain Avenue, Upland CA 91786

Name & Address of developer or project sponsor: Lewis Retail Centers, 1156 N. Mountain Avenue, Upland CA 91786

PC 11/10/2015

EXHIBIT L

Contact Person & Address: Walt Mitchell VP Retail Project Development Lewis Retail Centers

1156 N. Mountain Avenue Upland, CA 9178

Walt.Mitchell@lewisop.com (909) 949-6718 Direct

Name & Address of person preparing this form (if different from above):

Carl Winter, Associate/LSA Associates, Inc.

1500 Iowa Avenue, Suite 200

Riverside, CA 92507

Telephone Number: (951) 781-9310

PROJECT INFORMATION & DESCRIPTION:

Information indicated by an asterisk (*) is not required of non-construction CUP's unless otherwise requested by staff.

**1) Provide a full scale (8-1/2 x 11) copy of the USGS Quadrant Sheet(s) which includes the project site, and indicate the site boundaries.*

2) Provide a set of color photographs that show representative views into the site from the north, south, east, and west; views into and from the site from the primary access points that serve the site; and representative views of significant features from the site. Include a map showing location of each photograph.

3) Project Location (describe): Project site is located at the northwest corner of the intersection of Baseline Road and Day Creek Boulevard.

4) Assessor's Parcel Numbers (attach additional sheet if necessary): 1089-031-15, -16, -35, and a portion of 1089-031-14.

**5) Gross Site Area (ac/sq. ft.):* 14.94 acre/637,771 sf

**6) Net Site Area (total site size minus area of public streets & proposed dedications):* 14.08

7) Describe any proposed general plan amendment or zone change which would affect the project site (attach additional sheet if necessary):

GPA from Low-Medium Residential to Neighborhood Commercial and Medium Density Residential

Victoria Community Plan Amendment from Village Commercial and Medium-High Density Residential

8) *Include a description of all permits which will be necessary from the City of Rancho Cucamonga and other governmental agencies in order to fully implement the project:*

General Plan Amendment; Victoria Community Amendment(s); Conditional Use Permit; Design Review; Tentative Parcel Map

9) *Describe the physical setting of the site as it exists before the project including information on topography, soil stability, plants and animals, mature trees, trails and roads, drainage courses, and scenic aspects. Describe any existing structures on site (including age and condition) and the use of the structures. Attach photographs of significant features described. In addition, cite all sources of information (i.e., geological and/or hydrologic studies, biotic and archeological surveys, traffic studies):*

The site is generally flat and level with an elevation of approximately 1,320 feet above mean sea level (amsl.) A drainage feature, originating from an on-site 24" diameter culvert near Firehouse Court, is present on the southeastern portion of the site. The site historically located on an alluvial fan and the on-site soils are a remnant of this condition. The site is moderately to heavily disturbed. The approximately 70% of the site that is vegetated consists of Riversidian alluvial fan sage scrub and ruderal vegetation. Ruderal species are dominant along the site perimeter, which are the areas most disturbed. A mature canyon live oak is located on-site, just west of Firehouse Court. A biological resources assessment has been prepared for the project and a focused California gnatcatcher survey is in process. The site does not provide suitable habitat for the San Bernardino kangaroo rat. No structures are located within the site boundaries.

10) *Describe the known cultural and/or historical aspects of the site. Cite all sources of information (books, published reports and oral history):*

Based on Figure 4.6-1 of the City's General Plan EIR, Baseline Road is identified as a "California Point of Historic Interest." This same reference identifies a "Rancho Cucamonga Local Landmark" in the general area west of Firehouse Court. Further investigation of the site's potential historic significance may be required.

11) *Describe any noise sources and their levels that now affect the site (aircraft, roadway noise, etc.) and how they will affect proposed uses:*

Currently, the site is exposed to noise from traffic on the adjacent Day Creek Boulevard and Base Line Road. An exiting fire station is located north of the project, and the project would be exposed to siren noise and noise from firehouse operations.

12) *Describe the proposed project in detail. This should provide an adequate description of the site in terms of ultimate use that will result from the proposed project. Indicate if there are proposed phases for development, the extent of development to occur with each phase, and the anticipated completion of each increment. Attach additional sheet(s) if necessary:*

The commercial center includes a 44,988 sf grocery store, 15,207 drug store, 31,840 sf of retail/shop/restaurant uses, and two restaurant buildings (8,100 sf total.) Access to the commercial development is proposed on the southern portion of the site at the corner of Day Creek Boulevard and Baseline Road with one driveway access on each road. A third access point will be be provided from Firehouse Court. The residential component of the site will be located north of the shopping center and west of the existing fire station on approximately 4.0 acres. The maximum density under the proposed Medium-High Density Residential designation is 24 units per acre (96 units); however, since the community plan allows for one dwelling for one affordable housing unit, the project could be potentially approved for 36 to 48 dwelling units per acre (from 144 to 192 total units.) Access to the residential portion of the site would be through one driveway from Firehouse Court.

13) *Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.) and scale of development (height, frontage, setback, rear yard, etc.):*

The Day Creek Station (Firehouse 173) and undeveloped property is located north of the project site (across Fire House Court.) A maintenance yard is located west of the site. Undeveloped property (across Base Line Road) is located to the south. Single-family residences are located to the east (across Day Creek Boulevard.) A commercial/retail center is located at the southeastern corner of the intersection of Day Creek Boulevard and Baseline Road.

14) *Will the proposed project change the pattern, scale, or character of the surrounding general area of the project?*

While the current General Plan designation for the site is "Low-Medium" residential which is consistent with other uses within the project area, the proposed on-site retail uses would be consistent with the other retail uses located at an opposing quadrant of the intersection. Medium-High residential uses are not currently developed in the immediate project area.

15) *Indicate the type of short-term and long-term noise to be generated, including source and amount. How will these noise levels affect adjacent properties and on-site uses? What methods of soundproofing are proposed?*

Development of the site would generate short-term construction-related noise that may be perceptible at adjacent uses. Increases in ambient noise levels may result from stationary (HVAC, compactor, parking lot noise) and mobile (traffic) sources.) A noise study will be prepared to identify project-related noise and required mitigation.

*16) *Indicate proposed removals and/or replacements of mature or scenic trees:*

The single mature canyon live oak located just west of Firehouse Court would be retained on-site. No other City-designated heritage trees are located within the project limits.

17) *Indicate any bodies of water (including domestic water supplies) into which the site drains:*

The project site is bound by Day Creek Boulevard and Baseline Road, which are improved with curb and gutters. Catch basins are located at the northwest corner of the intersection. Day Creek Channel is located approximately 1,150 feet west of the project site.

18) *Indicate expected amount of water usage. (See Attachment A for usage estimates). For further clarification, please contact the Cucamonga Valley Water District at (909) 987-2591.*

a. *Residential (gal/day)* 49,512 *Peak use (gal/Day)* 49,512

b. *Commercial/Ind. (gal/day/ac)* 10,000 *Peak use (gal/min/ac)* 10,000

19) *Indicate proposed method of sewage disposal.* ☐ *Septic Tank* ☒ *Sewer.*

If septic tanks are proposed, attach percolation tests. If discharge to a sanitary sewage system is proposed indicate expected daily sewage generation: (See Attachment A for usage estimates). For further clarification, please contact the Cucamonga Valley Water District at (909) 987-2591.

a. *Residential (gal/day)* 36480

b. *Commercial/Industrial (gal/day/ac)* 27816

RESIDENTIAL PROJECTS:

20) *Number of residential units:* 192

Detached (indicate range of parcel sizes, minimum lot size and maximum lot size:

Attached (indicate whether units are rental or for sale units): unknown at this time

21) *Anticipated range of sale prices and/or rents:*

Sale Price(s) $_____ *to* $_____

Rent (per month) $unknown *to* $unknown

22) *Specify number of bedrooms by unit type:* unknown at this time

23) *Indicate anticipated household size by unit type:* unknown at this time

24) *Indicate the expected number of school children who will be residing within the project: Contact the appropriate School Districts as shown in Attachment B:*

a. *Elementary:* _____

b. *Junior High:* _____

c. *Senior High* _____

COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PROJECTS

25) *Describe type of use(s) and major function(s) of commercial, industrial or institutional uses:*

Development of a neighborhood and community serving commercial center anchored by a 44,998 sf grocery and a 15,207 full-service pharmacy with drive though uses. The center would be supported by an additional 31,840 sf of speciality retail/shop/restaurant uses, and 8,100 sf of other restaurant uses. The project provides parking, access, landscaping, lighting, and other public amenities

26) *Total floor area of commercial, industrial, or institutional uses by type:* Grocery: 44,988 sf; Pharmacy, 15,207 sf; retail/shops/restaurant, 31,840 sf; other restaurant, 8,100 sf

27) *Indicate hours of operation:* Grocery store: 6:00 am - 10:00 pm; pharmacy 7:00 am - 11:00 pm (with option 24 hour operation), other retail/restaurant uses would generally operate within similar time frames.

28) *Number of employees:*

Total: 105-120

Maximum Shift: unknown at this time

Time of Maximum Shift: unknown at this time

29) *Provide breakdown of anticipated job classifications, including wage and salary ranges, as well as an indication of the rate of hire for each classification (attach additional sheet if necessary):*

25-30 full- and part-time employees at the proposed pharmacy, 150 full-time equivalent employees at the grocery, unknown as to the remaining Shops and Restaurants

30) *Estimation of the number of workers to be hired that currently reside in the City:* 75% (estimated 75-90workers)

*31) *For commercial and industrial uses only, indicate the source, type, and amount of air pollution emissions. (Data should be verified through the South Coast Air Quality Management District, at (818) 572-6283):*

A detailed air quality impact analysis will be completed for the proposed project. The air quality impact analysis will identify short-term construction-related and longer-term operational-related emissions. As necessary, the air quality impact analysis will identify appropriate measures to mitigate project-related emissions of any criteria pollutant.

ALL PROJECTS

32) *Have the water, sewer, fire, and flood control agencies serving the project been contacted to determine their ability to provide adequate service to the proposed project? If so, please indicate their response.*

Contact with these agencies will follow

33) *In the known history of this property, has there been any use, storage, or discharge of hazardous and/or toxic materials? Examples of hazardous and/or toxic materials include, but are not limited to PCB's; radioactive substances; pesticides and herbicides; fuels, oils, solvents, and other flammable liquids and gases. Also note underground storage of any of the above. Please list the materials and describe their use, storage, and/or discharge on the property, as well as the dates of use, if known.*

There is no known history of hazardous material discharge, disposal or use on site. No evidence of hazardous material use, disposal or discharge was evident during visits to the site. No known USTs are located within the project limits. A detailed Phase 1 Environmental Site Assessment may be required.

34) *Will the proposed project involve the temporary or long-term use, storage, or discharge of hazardous and/or toxic materials, including but not limited to those examples listed above? If yes, provide an inventory of all such materials to be used and proposed method of disposal. The location of such uses, along with the storage and shipment areas, shall be shown and labeled on the application plans.*

The project will include commercial and residential uses. These uses routinely involve the transport, storage, sale and use of common household hazardous materials. The transport, storage, sale and use of any such materials is subject to applicable local, State and federal handling guidelines.

35) *The applicant shall be required to pay any applicable Fish and Game fee. The project planner will confirm which fees apply to this project. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission/Planning Director hearing:*

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for adequate evaluation of this project to the best of my ability, that the facts, statements, and information presented are true and correct tot he best of my knowledge and belief. I further understand that additional information may be required to be submitted before an adequate evaluation can be made by the City of Rancho Cucamonga.

Date: _____ *Signature:* _____

Title: VP RETAIL PROJECT DEVELOPMENT
LEWIS RETAIL CENTERS

ATTACHMENT "A"

CITY OF RANCHO CUCAMONGA

ESTIMATED WATER USE AND SEWER FLOWS FOR NEW DEVELOPMENT
(Data Provided by Cucamonga Valley Water District February 2003)

Water Usage

Single-Family	705 gallons per EDU per day
Multi-Family	256 gallons per EDU per day
Neighborhood Commercial	1000 gal/day/unit (tenant)
General Commercial	4082 gal/day/unit (tenant)
Office Professional	973 gal/day/unit (tenant)
Institutional/Government	6412 gal/day/unit (tenant)
Industrial Park	1750 gal/day/unit (tenant)
Large General Industrial	2020 gal/day/unit (tenant)
Heavy Industrial (distribution)	1863 gal/day/unit (tenant)

Sewer Flows

Single-Family	270 gallons per EDU per day
Multi-Family	190 gallons per EDU per day
General Commercial	1900 gal/day/acre
Office Professional	1900 gal/day/acre Institutional/Government
Industrial Park	3000 gal/day/acre
Large General Industrial	2020 gal/day/acre
Heavy Industrial (distribution)	1863 gal/day/acre

Source: Cucamonga Valley Water District
Engineering & Water Resources Departments,
Urban Water Management Plan 2000

ATTACHMENT B

Contact the school district for your area for amount and payment of school fees:

Elementary School Districts

Alta Loma
9350 Base Line Road, Suite F
Rancho Cucamonga, CA 91730
(909) 987-0766

Central
10601 Church Street, Suite 112
Rancho Cucamonga, CA 91730
(909) 989-8541

Cucamonga
8776 Archibald Avenue
Rancho Cucamonga, CA 91730
(909) 987-8942

Etiwanda
6061 East Avenue
P.O. Box 248
Rancho Cucamonga, CA 91739
(909) 899-2451

High School

Chaffey High School
211 West 5th Street
Ontario, CA 91762
(909) 988-8511

City of Rancho Cucamonga
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY PART II

BACKGROUND

1. **Project File:** General Plan Amendment DRC2015-00388, Victoria Community Plan Amendment DRC2015-00390, Design Review DRC2015-00386, Conditional Use Permit DRC2015-00387 and Tentative Parcel Map SUBTPM19637.

2. **Related Files:** N/A

3. **Description of Project:** The overall project area is made up of 4 parcels totaling 14.94 acres of land. Of this total area, 10.94 acres of land will be used for the proposed commercial center with the 4 remaining acres designated for the future development of multi-family housing. The project is for the site plan and architectural review of a 100,135 square foot, 9-building multi-tenant retail center that includes a 44,988 square foot major tenant building, a 15,207 square foot pad building, a 9,160 square foot inline tenant building, two 7,560 square foot inline tenant buildings, a 4,500 square foot inline tenant building, two 3,780 square foot inline tenant buildings and a future 3,600 square foot inline tenant building on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan. The project includes the subdivision of 10.08 acres of the project site into 6 parcels, with the remaining .86 acre area to be developed with a commercial building in a later phase of the overall project. The project includes a General Plan Amendment to change the land use designation of the 10.94 acre project site from Low Medium (LM) Residential to Neighborhood Commercial and a Victoria Community Plan Amendment changing the zoning designation of the 10.94 acre project site from Medium (M) Residential to Village Commercial (VC). The four acre remainder parcel will retain the current General Plan land use designation of Low Medium (LM) Residential. The Victoria Community Plan zoning designation for this 4 acre parcel of land will be changed from Medium (M) Residential to Low Medium (LM) Residential. The environmental (CEQA) review of the land use change of the 4 acre remainder parcel is included in this Initial Study Part II. The environmental impacts for the future project development of the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14.

4. **Project Sponsor Name and Address:**

   Lewis Retail Centers
   1156 North Mountain Avenue
   Upland, CA 91786

5. **General Plan Designation:** Low Medium (LM) Residential

6. **Zoning:** Medium (M) Residential

7. **Surrounding Land Uses and Setting:** The vacant project site is located on the northwest corner of Day Creek Boulevard and Base Line Road. Total vegetation cover on the project is approximately 70 percent and is moderately to highly disturbed. On-site vegetation consists of Riversidean Alluvial Fan Sage Scrub and ruderal vegetation. The project site is bounded by Firehouse Court, Day Creek Fire Station Number 173 and vacant land to the north, with a Rails to trails multi-use trail and single-family residences beyond; by Base Line Road to the south, with a vacant land beyond; by Day Creek Boulevard to the east, with residential development beyond; and, by a San Bernardino County Flood Control District maintenance yard to the west.

8. Lead Agency Name and Address:
City of Rancho Cucamonga
Planning Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

9. Contact Person and Phone Number:
Tabe van der Zwaag
(909) 477-2750, ext. 4316

10. Other agencies whose approval is required:

GLOSSARY – The following abbreviations are used in this report:

CALEEMOD – California Emissions Estimator Model
CVWD – Cucamonga Valley Water District
EIR – Environmental Impact Report
FEIR – Final Environmental Impact Report
FPEIR - Final Program Environmental Impact Report
NPDES – National Pollutant Discharge Elimination System
NOx – Nitrogen Oxides
ROG – Reactive Organic Gases
PM_{10} – Fine Particulate Matter
RWQCB – Regional Water Quality Control Board
SCAQMD – South Coast Air Quality Management District
SWPPP – Storm Water Pollution Prevention Plan

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," "Potentially Significant Impact Unless Mitigation Incorporated," or "Less Than-Significant-Impact" as indicated by the checklist on the following pages.

(✓) Aesthetics	(✓) Agricultural Resources	(✓) Air Quality
(✓) Biological Resources	(✓) Cultural Resources	(✓) Geology & Soils
(✓) Greenhouse Gas Emissions	( ) Hazards & Waste Materials	(✓) Hydrology & Water Quality
( ) Land Use & Planning	( ) Mineral Resources	(✓) Noise
( ) Population & Housing	( ) Public Services	( ) Recreation
(✓) Transportation/Traffic	( ) Utilities & Service Systems	( ) Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

( ) I find that the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.

(✓) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

( ) I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

( ) I find that the proposed project MAY have a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standard and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

( ) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared By: _____ Date: 11/5/15

Reviewed By: _____ Date: 10.1.15

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS. *Would the project:*				
a) Have a substantial adverse effect on a scenic vista?	( )	( )	( )	(✓)
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?	( )	( )	( )	(✓)
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	( )	( )	( )	(✓)
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	( )	( )	(✓)	( )

Comments:

a) There are no significant vistas within or adjacent to the project site. Day Creek Boulevard, which runs adjacent to the project site, is a special boulevard and a designated view corridor according to General Plan Figure LU-6. The development of the project site will not negatively impact the Day Creek Boulevard view corridor. Therefore, no adverse impacts are anticipated.

b) The project site contains no scenic resources and no historic buildings within a State Scenic Highway. There are no State Scenic Highways within the City of Rancho Cucamonga.

c) The vacant site is located at the northwest corner of Day Creek Boulevard and Base Line Road and is characterized by residential development to the north and west, vacant land to the south and by a San Bernardino County Flood Control District maintenance yard to the west. On-site vegetation consists of Riversidean Alluvial Fan Sage Scrub and ruderal vegetation. The visual quality of the area will not degrade as a result of the project as the proposed retail center is designed with a similar architectural theme to the adjacent City fire station and will become a larger part of the community. There is a commercial center of similar size and configuration located at the southeast corner of the same intersection. The project was reviewed by City's Design Review Committee and is consistent with the Development Code and Victoria Community Plan design guidelines. City standards require the developer to underground existing and new utility lines and facilities to minimize unsightly appearance of overhead utility lines and utility enclosures in accordance with Planning Commission Resolution No. 87-96, unless exempted by said Resolution.

d) The project would increase the number of streetlights and security lighting used in the immediate vicinity. The design and placement of light fixtures will be shown on site plans which require review for consistency with City standards that require shielding, diffusing, or indirect lighting to avoid glare. Lighting will be selected and located to confine the area of illumination to within the project site. The impact is not considered significant.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL RESOURCES. *Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	( )	( )	(✓)	( )
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	( )	( )	( )	(✓)
c) Conflict with existing zoning for, or cause re-zoning of, forest land (as defined in Public Resources Code section 12220 (g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g))?	( )	( )	( )	(✓)
d) Result in the loss of forest land or conversion of forest land to non-forest use?	( )	( )	( )	(✓)
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	( )	( )	( )	(✓)

Comments:

a) The vacant project site is located at the northwest corner of Day Creek Boulevard and Base Line Road and is characterized by residential development to the north and west, vacant land to the south and by a San Bernardino County Flood Control District maintenance yard to the west. There are approximately 209 acres of Farmland of Local Importance, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the City of Rancho Cucamonga according to the General Plan and the California Department of Conservation Farmland Map 2010. Concentrations of Important Farmland are sparsely located in the southern and eastern parts of the City that is characterized by existing and planned development. Farmland in the southern portion of the City is characterized by industrial, residential, and commercial land uses and Farmland in the eastern portion of the City is within the Etiwanda area and planned for development. Further, a large number of the designated farmland parcels are small, ranging from 3 acres to 30 acres, and their economic viability is doubtful; therefore, they are not intended to be retained as farmland in the General Plan Land Use Plan. The General Plan FPEIR identified the conversion of farmlands to urban uses as a significant unavoidable adverse impact for which a Statement of Overriding Considerations was ultimately adopted by the City Council. The proposed project is consistent with the General Plan for which the FPEIR was prepared and impacts evaluated.

b) There is no agriculturally zoned land within the City of Rancho Cucamonga. There are no Williamson Act contracts within the City.

c) There are no lands within the City of Rancho Cucamonga that is zoned as forest land or timberland. Therefore no impacts would occur related to the conversion of forest land to non-forest use. Further, there are no areas within the City of Rancho Cucamonga that are zoned as forest land, timberland, or Timberland Production. No mitigation is required.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

d) There are no lands within the City of Rancho Cucamonga that qualify as forest land or timberland. Therefore no impacts would occur related of the loss or conversion of forest land to non-forest use. Further, there are no areas within the City of Rancho Cucamonga that are zoned as forest land, timberland, or Timberland Production.

e) The vacant project site is located at the northwest corner of Day Creek Boulevard and Base Line Road and is characterized by residential development to the north and west, vacant land to the south and by a San Bernardino County Flood Control District maintenance yard to the west. The nearest agricultural use, Joseph Filippi Winery, and Vineyards, is less than .5 miles to the east of the project site. The project site does not border this agricultural use and the proposed commercial center will not negatively impact the operation of this agricultural use. Furthermore, there are no lands within the City of Rancho Cucamonga that qualify as forest land. Therefore, there is no potential for conversion of forest land to a non-forest use. Therefore, no adverse impacts are anticipated.

3. AIR QUALITY. *Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	( )	( )	( )	(✓)
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	( )	(✓)	( )	( )
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors?	( )	(✓)	( )	( )
d) Expose sensitive receptors to substantial pollutant concentrations?	( )	(✓)	( )	( )
e) Create objectionable odors affecting a substantial number of people?	( )	( )	( )	(✓)

Comments:

a) As discussed in subsection b, the project would not exceed any air quality standards and would not interfere with the region's ability to comply with Federal and State air quality standards for Criterion 1 (increase in the frequency or severity of violations of local air quality) or Criterion 2 (exceed assumptions in the AQMP consistency with the 2003 AQMP). Therefore the project is consistent with the 2003 AQMP.

b) Both the State of California and the Federal government have established health-based ambient air quality standards (AAQS) for seven air pollutants. These pollutants include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), coarse particulate matter with a diameter or 10 microns or less (PM_{10}), fine particulate matter less than 2.5 ($PM_{2.5}$) microns in diameter and lead. Among these pollutants, ozone and particulate matter (PM_{10} and $PM_{2.5}$) are considered regional pollutants while the others have more localized effects. In addition, the State of California has set standards for

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

sulfates, hydrogen sulfide (H_2S), vinyl chloride and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

The City of Rancho Cucamonga area is within the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The California Clean Air Act (CCAA) provides the SCAQMD with the authority to manage transportation activities at indirect sources. Indirect sources of pollution are generated when minor sources collectively emit a substantial amount of pollution. Examples of this include motor vehicles at an intersection, a mall and on highways. SCAQMD also regulates stationary sources of pollution within a jurisdictional area. Direct emissions from motor vehicles are regulated by the Air Resources Board (ARB).

The combination of topography, low mixing height, abundant sunshine, and emissions from the second largest urban area in the United States gives the Basin the worst air pollution problem in the nation. The Basin experiences a persistent temperature inversion (increasing temperature with increasing altitude); this inversion (coupled with low wind speeds) limits the vertical dispersion of air contaminants, holding them relatively near the ground.

Pursuant to the Federal Clean Air Act (FCAA) of 1970, the EPA established national ambient air quality standards (NAAQS) for six major pollutants, termed criteria pollutants: ozone (O_3), coarse particulate matter with a diameter or 10 microns or less (PM_{10}), fine particulate matter less than 2.5 ($PM_{2.5}$) microns in diameter, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead.

Criteria pollutants are defined as those pollutants for which the Federal and State governments have established AAQS, or criteria, for outdoor concentrations in order to protect public health. Data collected at permanent monitoring stations are used by the EPA to classify regions as "attainment" or "non-attainment" depending on whether the regions met the requirements stated in the primary NAAQS. Nonattainment areas have additional restrictions as required by the EPA. The EPA has designated the Southern California Association of Governments (SCAG) as the Metropolitan Planning Organization (MPO) responsible for ensuring the Basin's compliance with the FCAA. The South Coast Air Basin is in Non-Attainment Status for Ozone, PM_{10} and $PM_{2.5}$.

Specific criteria for determining whether the potential air quality impacts of a project are significant are set forth in the SCAQMD's CEQA Air Quality Handbook. The criteria include daily emissions thresholds, compliance with State and national air quality standards, and consistency with the current AQMP. As prescribed by SCAQMD, an Air Quality Impact Analysis was prepared by Urban Crossroads (April 7, 2015) that utilizes CalEEMod (Version 2013.2.2) to evaluate short-term construction emissions and short-term construction emissions for localized significant thresholds, long-term operational emissions, operation emissions for localized significant thresholds, and Greenhouse Gas Emissions.

Short Term (Construction): Project Emissions and Impacts

The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation of a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The air quality impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site.

The project site is currently vacant. The potential emissions associated with construction of the project are described in the following sections.

Summary of Peak Construction Emissions (Emissions Summary of Overall Construction with Best Available Control Measures)

Year	Emissions (pounds per day)					
	VOC	NOx	CO	SOx	PM10	PM2.5
2016	13.94	54.95	40.00	0.06	9.26	6.09
2017	13.51	34.48	34.25	0.06	3.96	2.48
Maximum Daily Emissions	**13.94**	**54.95**	**40.00**	**0.06**	**9.26**	**6.09**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Construction activities associated with the project will result in emissions of CO, VOCs, NO_x, SO_x, PM_{10} and $PM_{2.5}$ and are expected from the following construction activities: demolition, grading (including soil import), building construction, painting (architectural coatings) paving (curb, gutter, flatwork, and parking lot), and construction worker commuting.

Localized Significance Summary (Construction Emissions with Best Available Control Measures)

On-Site Site Preparation Emissions	Emissions (pounds per day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**54.84**	**38.63**	**9.04**	**6.03**
SCAQMD Localized Threshold	270	2,193	16	9
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

On-Site Grading Emissions	Emissions (pounds per day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**52.44**	**30.62**	**5.67**	**4.01**
SCAQMD Localized Threshold	**270**	**2,193**	**16**	**9**
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

Equipment Exhausts and Related Construction Activities

Construction activities produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, asphalt paving, and motor vehicles transporting the construction crew. Exhaust emissions from construction activities envisioned on site would vary daily as construction activity levels change. The use of construction equipment on site would result in localized exhaust emissions; however, as shown in the tables above, the amount will not exceed any threshold of significance.

Fugitive Dust

Fugitive dust emissions are generally emissions associated with land clearing and exposure of soils to the air and wind, and cut-and-fill grading operations. Dust generated during construction varies substantially on a project-by project basis, depending on the level of activity, the specific operation and weather conditions at the time of construction. Construction emissions can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions and other factors. The proposed project will be required to comply with SCAQMD Rules 402 and 403 to control fugitive dust.

Architectural Coatings

Architectural coatings contain VOCs that are similar to ROCs and are part of the O_3 precursors. Based on the proposed project, it is estimated that the proposed project will result in a maximum of approximately 13.94 lbs of VOC per day (combined for all construction sources) during construction. Therefore, this VOC emission is the principal air emission and is less than the SCAQMD VOC threshold of 75 lbs/day.

Odors

Heavy-duty equipment in the project area during construction would emit odors. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the proposed project, and no mitigation measures are required. In compliance with SCAQMD Rule 402 the proposed uses are not anticipated to emit any objectionable odors. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed project.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Naturally Occurring Asbestos

The proposed project is located in San Bernardino County and it is not among the counties that are found to have serpentine and ultramafic rock in their soils. In addition, there has been no serpentine or ultramafic rock found in the project area. Therefore, the potential risk for naturally occurring asbestos (NOA) during project construction is small and less than significant.

Based on the discussion above and with implementation of the following Best Available Control Measures (BACM) identified in the Air Quality Impact Analysis prepared by Urban Crossroads (April 7, 2015) as mitigation measures, short-term, construction impacts will be less-than-significant:

1) **All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25mph per SCAQMD guidelines in order to limit fugitive dust emissions.**

2) **The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.**

3) **The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.**

Cumulative Impacts: Short-Term Construction Emissions

Continued development will contribute to the pollutant levels in the Rancho Cucamonga area, which already exceed Federal and State standards. During the construction phases of development, on-site stationary sources, heavy-duty construction vehicles, construction worker vehicles, and energy use will generate emissions. In addition, fugitive dust would also be generated during grading and construction activities. While most of the dust would settle on or near the project site, smaller particles would remain in the atmosphere, increasing particle levels within the surrounding area. Construction is an on-going industry in the Rancho Cucamonga area. Construction workers and equipment work and operate at one development site until their tasks are complete. Nevertheless, fugitive dust and equipment emissions are required to be assessed. The General Plan Final Program Environmental Impact Report (FPEIR) analyzed the impacts of Air Quality based on the future build out of the City. Based upon on the Urban Emissions Model (URBEMIS7G) estimates in Table 4.3-3 of the General Plan (FPEIR), Nitrogen Dioxide (NO_2), Ozone (O_3), and Particulate Matter ($PM_{2.5}$ and PM_{10}) would exceed SCAQMD thresholds for significance; therefore, they would all be cumulatively considerable if they cannot be mitigated on a project basis to a level less-than-significant. This city-wide increase in emissions was identified as a significant unavoidable adverse impact for which a Statement of Overriding Considerations was ultimately adopted by the City Council as noted in the Section 4.3 of the General Plan FPEIR.

The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation of a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The air quality impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site

Based on the Air Quality Impact Analysis by Urban Crossroads (April 7, 2015), no short-term, construction impacts would occur as a result of the project. Because the project would result in minimal emissions that do not exceed any thresholds of significance, the project's contribution to cumulative impacts is also considered minimal.

With implementation of the following best practices and mitigation measures from the City's 2010 General Plan FPEIR that are designed to minimize short-term air quality impacts, the project's contribution to cumulative impacts will be less-than-significant:

4) **All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.**

5) **Prior to the issuance of any grading permits, the developer shall submit construction plans to the City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning Staff.**

6) **The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.**

7) **The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.**

8) **All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.**

9) **All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high-volume, low-pressure spray.**

10) **All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

- **Reestablish ground cover on the construction site through seeding and watering.**
- **Pave or apply gravel to any on-site haul roads.**
- **Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.**
- **Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.**
- **Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.**
- **Sweep streets according to a schedule established by the City if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. Timing may vary depending upon the time of year of construction.**
- **Suspend grading operations during high winds (i.e., wind speeds exceeding 25mph) in accordance with Rule 403 requirements.**
- **Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.**

11) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board (RWQCB)) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

12) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Project Long Term (Operational) Emissions and Impacts

Long-term air pollutant emissions are those associated with stationary sources and mobile sources involving any project-related changes. The proposed project would result in a net increase in the amount of development in the area; therefore, the proposed project would result in net increases in both stationary and mobile source emissions. The stationary source emissions would come from additional natural gas consumption for on-site buildings and electricity for the lighting in the buildings and at the parking area. As shown in the following tables, project implementation will not exceed any significance thresholds. No long-term, operational impacts will occur as a result of the project.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Summary of Peak Operational Emissions

Operational Activities – Summer Scenario	Emissions (pounds per day)					
	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area Source	6.49	5.80e-4	0.06	--	2.20e-4	2.20e-4
Energy Source	0.22	2.02	1.69	0.01	0.15	0.15
Mobile	43.20	51.05	244.17	0.30	17.65	5.04
Maximum Daily Emissions	**49.92**	**53.07**	**245.92**	**0.31**	**17.80**	**5.19**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Operational Activities – Winter Scenario	Emissions (pounds per day)					
	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area Source	6.49	5.80e-4	0.06	--	2.20e-4	2.20e-4
Energy Source	0.22	2.02	1.69	0.01	0.15	0.15
Mobile	42.18	52.33	267.76	0.28	17.66	5.05
Maximum Daily Emissions	**48.90**	**54.34**	**269.52**	**0.29**	**17.81**	**5.20**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Operation	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
	1-Hour	8-Hour	1-Hour	24-Hours (Operations)	
Peak Day Localized Emissions	0.215	0.156	0.0009	0.73	0.71
Background Concentration [A]	3.0	1.3	0.069		
Total Concentration	**3.22**	**1.46**	**0.07**	**0.73**	**0.71**
SCAQMD Localized Significance Threshold	20	9	0.18	2.50	2.50
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Cumulative Impacts (Long Term/Operational Emissions)

The General Plan Final Program Environmental Impact Report (FPEIR) analyzed the potential impacts to air quality based on the future build out of the City. In the long-term, continued development would result in significant operational vehicle emissions based upon on the URBEMIS7G model estimates in Table 4.3-3 of the General Plan FPEIR; therefore, all developments would be cumulatively significant if they cannot be mitigated on a project basis to a less-than-significant level. This City-wide increase in emissions was identified as a significant unavoidable adverse impact for which a Statement of Overriding Considerations was ultimately adopted by the City Council as noted in the Section 4.3 of the General Plan FPEIR.

The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation of a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The air quality impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site

Based on the Air Quality Impact Analysis (April 7, 2015), no long-term, operational impacts would occur as a result of the project. Because the project would result in minimal emissions that do not exceed any thresholds of significance, the project's contribution to cumulative impacts is also considered minimal.

With implementation of the following mitigation measures from the City's 2010 General Plan FPEIR that are designed to minimize long-term, operational air quality impacts, the project's contribution to cumulative impacts will be less-than-significant:

13) **Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides.**

14) **Provide preferential parking to high occupancy vehicles and shuttle services.**

15) **Schedule truck deliveries and pickups during off-peak hours.**

16) **Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors.**

17) **Landscape with native and/or drought-resistant species to reduce water consumption and to provide passive solar benefits.**

18) **Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure.**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

19) Comply with the AQMP Miscellaneous Sources PRC-03, and Stationary Sources Operations Enhanced Inspection and Maintenance and ADV-MISC to reduce emissions of restaurant operations.

20) All commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 10 minutes).

21) All commercial facilities shall designate preferential parking for vanpools.

22) All commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.

23) All commercial site tenants with 50 or more employees shall be required to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.

24) All commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.

25) All commercial structures shall be required to incorporate thermal pane windows and weather-stripping.

c) As noted in the General Plan FEIR (Section 4.3), continued development would contribute to the pollutant levels in the Rancho Cucamonga area, which already exceed Federal and State standards. The General Plan FPEIR identified the citywide increase in emissions as a significant and adverse impact for which a Statement of Overriding Considerations was ultimately adopted by the City Council.

The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation of a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The air quality impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site

Based on the Air Quality Impact Analysis by Urban Crossroads (April 7, 2015), no short-term construction or long-term operational impacts to air quality would occur as a result of the project. Because the project would result in minimal emissions that do not exceed any thresholds of significance, the project's contribution to cumulative impacts is also considered minimal.

With implementation of mitigation measures listed in subsection b) above from the City's 2010 General Plan FPEIR, which are designed to minimize long-term, operational air quality impacts, cumulative impacts will be less-than-significant.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

d) Sensitive receptors are defined as populations that are more susceptible to the effects of pollution than the population at large. The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. According to the SCAQMD, projects have the potential to create significant impacts if they are located within 1/4 mile of sensitive receptors and would emit toxic air contaminants identified in SCAQMD Rule 1401. The project site is not located within ¼ mile of a sensitive receptor.

During construction, there is the possibility of fugitive dust to be generated from grading the site. The mitigation measures listed under subsection b above and the following mitigation measure will reduce any potential impact to less-than-significant levels.

26) All new development in the City of Rancho Cucamonga shall comply with South Coast Air Quality Management District's Rule 445, Wood Burning Devices. Rule 445 was adopted in March 2008 to reduce emissions of $PM_{2.5}$ and precludes the installation of indoor or outdoor wood burning devices (i.e. fireplaces/hearths) in new development on or after March 9, 2009.

e) Construction odors (Short-term) may include odors associated with equipment use including diesel exhaust or roofing, painting and paving. These odors are temporary and would dissipate rapidly. Operational odors (Long-term) are not typically associated with the type of use. Odors from the proposed commercial use would most likely be from activities such as the preparation of food and the storage of waste materials, however, these odors would be minimal and not considered to be significant. No adverse impacts are anticipated.

4. BIOLOGICAL RESOURCES. *Would the project:*				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	( )	(✓)	( )	( )
b) Have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	( )	( )	( )	(✓)
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	( )	( )	( )	(✓)
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	( )	( )	( )	(✓)

Issues and Supporting Information Sources:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	( )	( )	( )	(✓)
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or State habitat conservation plan?	( )	( )	( )	(✓)

Comments:

a) The project site is located in an area developed with residential and commercial uses. The site has been previously disrupted during the construction of infrastructure and annual discing for weed abatement. According to the General Plan Figure RC-4, and Section 4.4 of the General Plan FPEIR, the project site is not within an area of sensitive biological resources. A Biological Resources Assessment Survey was conducted on the project site by LSA (February 26, 2015). The assessment found that the onsite vegetation, which includes Riversidean Alluvial Fan Sage Scrub, is potential habitat for the Coastal California gnatcatcher and recommends that nonbreeding season surveys be conducted for the Coastal California gnatcatcher. The assessment concluded that the onsite plant communities, including the Riversidean Alluvial Fan Sage (RSS) Scrub, was disturbed and isolated from a larger block of habitat and that the loss of 10 acres of RSS is not considered substantial and does not require mitigation. The assessment did recommend that if vegetation clearing is planned during the avian nesting season (approximately February 1 through August 31) that nesting bird surveys be conducted 30 days prior to vegetation clearing to ensure the protection of birds covered by the California Fish and Game Code. Focused surveys for the Coastal California gnatcatcher were conducted by LSA from March 25, 2015 through May 7, 2015 (Report date May 19, 2015). The study concluded that no Coastal California gnatcatchers were detected during the survey. A follow-up study was also submitted by LSA (July 29, 2015) that discussed whether the project site was suitable habitat for the burrowing owl. The study concluded that the vegetation on the project site was not suitable habitat for the burrowing owl and that no burrowing owls were observed on the project site. A burrowing owl survey is being required prior to ground clearing activities to assure that burrowing owls have not occupied the project site during the intervening time between the submitted study and ground clearing activities. With the following the mitigation measures, any impacts to sensitive species will be less than significant:

1) **Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young.**

   If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

2) **Perform a Burrowing Owl Survey that is in conformance with the Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and submit the written report outlining the findings to the California Department of Fish and Wildlife (CDFW) and the Planning Department within 30 days of groundbreaking activity. The survey shall include a habitat assessment, survey and impact analysis. The Burrowing Owl Survey shall follow the following protocol:**

- **Burrowing Owl Survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report. Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the project site, then no further mitigation is required. If burrowing owls are found to be utilizing the project site during the pre-construction survey, measures shall be developed by the qualified biologist in coordination with CDFW to avoid impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and will at minimum include establishment of buffer setbacks from occupied burrows and owl monitoring. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls.**
- **During the non-breeding season from September 1 through January 31, if burrows are occupied by migratory or non-migratory resident burrowing owls during a pre-construction survey, burrow exclusion and/or closure may be used to exclude owls from those burrows. Burrow exclusion and/or closure should only be conducted by a qualified wildlife biologist in coordination with CDFW using the most current CDFW guidelines.**
- **During the avian nesting season from February 1 through August 31, if nests are discovered, they shall be avoided through establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area would have to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.**

b) The project site is located in an urban area with no natural communities. No riparian habitat exists on-site, meaning the project will not have any impacts. The Biological Resources Assessment Survey (LSA: February 26, 2015) concluded that the project site did not include riparian habitat. Therefore no adverse impacts are anticipated.

c) No wetland habitat is present on-site. The Biological Resources Assessment Survey (LSA: February 26, 2015) concluded that the project site did not include any water features that would be considered jurisdictional waters or streambeds by the U.S. Army

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Corps of Engineers under Section 404 of the Federal Clean Water Act. Therefore no adverse impacts are anticipated.

d) The City is primarily located in an urban area that does not contain large, contiguous natural open space areas. Wildlife potentially may move through the north/south trending tributaries in the northern portion of the City and within the Sphere of Influence. The Biological Resources Assessment Survey (LSA: February 26, 2015) did not observe any migrating fish or wildlife. Therefore, no adverse impacts are anticipated.

e) There are no heritage trees on the project site; therefore, the proposed project is not in conflict with any local ordinance. Therefore, no adverse impacts are anticipated.

f) Neither the City nor the SOI are within an adopted HCP, NCCP, or other approved State Habitat Conservation Plan area. The project site is not located within a local conservation area according to the General Plan, Open Space and Conservation Plan, Figure RC-1. No conflicts with habitat conservation plans will occur.

5. CULTURAL RESOURCES. *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	( )	( )	( )	(✓)
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5?	( )	(✓)	( )	( )
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	( )	(✓)	( )	( )
d) Disturb any human remains, including those interred outside of formal cemeteries?	( )	( )	( )	(✓)

Comments:

a) The project site has not been identified as a "Historic Resource" per the standards of Rancho Cucamonga Municipal Code Section 2.24 (Historic Preservation). A Cultural Resources Assessment was performed on the project site by LSA (July 2015). The study reviewed the cultural resources records and literature, aerial photographs and historic maps for a 1-mile radius surrounding the project site. The study also included an intensive field survey of the project site. The study concluded that no previously undocumented resources were identified within the project area and no other cultural resources were identified during the field survey. No monitoring or future cultural resource studies are recommended. The study does recommend that in the event that previously undocumented archaeological resources are identified during earthmoving activities, further work in the area should be halted until a professional archaeologist can assess the nature and significance of the finding can be determined. In conformance with both California State Bill (SB) 18 and California Assembly Bill (AB) 52, staff sent a Tribal Consultation Request (May 12, 2015) of the proposed project to a list of tribal communities provided by the Native American Heritage Commission. As of the date of this study, staff has not received a consultation request. With the mitigation measure included under b) below, any impacts on historic resources will be less than significant.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

b) There are no known archaeological sites or resources recorded on the project site; however, the Rancho Cucamonga area is known to have been inhabited by Native Americans according to the General Plan FPEIR (Section 4.6). Construction activity, particularly grading, soil excavation, and compaction, could adversely affect or eliminate existing and potential archaeological resources. The General Plan Final Program Environmental Impact Report (FPEIR) analyzed the impacts of Cultural Resources based on the future build out of the City. The following mitigation measures as identified in the FPEIR shall be implemented:

1) **If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Rancho Cucamonga will:**

- **Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.**
- **Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.**
- **Pursue educating the public about the archaeological heritage of the area.**
- **Prepare a mitigation plan consistent with Section 21083.2 Archaeological resources of CEQA to eliminate adverse project effects on significant, important, and unique prehistoric resources, including but not limited to, avoiding archaeological sites, capping or covering sites with soil, planning the site as a park or green space or paying an in-kind mitigation fee.**
- **Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.**

c) The General Plan FPEIR (Section 4.6) indicates that the Rancho Cucamonga area is on an alluvial fan. According to the research performed at the Natural History Museum of Los Angeles County and the San Bernardino County database, no paleontological sites or resources have been recorded within the City of Rancho Cucamonga or the Sphere-of-Influence, including the project site; however, the area has a high sensitivity rating for paleontological resources. The older alluvium, which would have been deposited during the wetter climate that prevailed 10,000-100,000 years ago during the Late Pleistocene epoch of the Quaternary period, when the last "Ice Age" and the appearance of modern man occurred, may contain significant vertebrate fossils. The project site is underlain by Quaternary alluvium per the Public Safety Element of the General Plan; therefore, the following mitigation measures shall be implemented:

2) **If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:

- **Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.**
- **Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.**
- **Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).**
- **Submit summary report to City of Rancho Cucamonga. Transfer collected specimens with a copy of the report to San Bernardino County Museum.**

d) The proposed project is in an area that has already been disturbed by development. The project site has already been disrupted by construction of infrastructure and surrounding development and by annual discing for weed abatement. No known religious or sacred sites exist within the project area. No evidence is in place to suggest the project site has been used for human burials. The California Health and Safety Code (Section 7050.5) states that if human remains are discovered on-site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. No adverse impacts are anticipated.

6. GEOLOGY AND SOILS. *Would the project*: a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	( )	( )	( )	(✓)
ii) Strong seismic ground shaking?	( )	( )	( )	(✓)
iii) Seismic-related ground failure, including liquefaction?	( )	( )	( )	(✓)
iv) Landslides?	( )	( )	( )	(✓)

Issues and Supporting Information Sources:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Result in substantial soil erosion or the loss of topsoil?	( )	(✓)	( )	( )
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	( )	( )	( )	(✓)
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	( )	( )	( )	(✓)
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	( )	( )	( )	(✓)

Comments:

a) No known faults pass through the site and it is not in an Earthquake Fault Zone, nor is it in the Rancho Cucamonga City Special Study Zone along the Red Hill Fault, according to the General Plan Figure PS-2, and Section 4.7 of the General Plan FPEIR. The Red Hill Fault, passes within 2 miles north of the site, and the Cucamonga Fault Zone lies approximately 3.5 miles north of the site. These faults are both capable of producing M_w 6.0-7.0 earthquakes. Also, the San Jacinto fault, capable of producing up to M_w 7.5 earthquakes is 14 miles northeasterly of the site and the San Andreas, capable of up to M_w 8.2 earthquakes, is 16 miles northeasterly of the site. Each of these faults can produce strong ground shaking. Adhering to the Uniform Building Code and Standard Conditions will ensure that geologic impacts are less-than-significant.

b) The City of Rancho Cucamonga is within a designated Soil Erosion Control Area Exhibit 4.7-4 of the General Plan FPEIR. The proposed project will require the excavation, stockpiling, and/or movement of on-site soils. The Rancho Cucamonga area is subject to strong Santa Ana wind conditions during September to April, which generates blowing sand and dust, and creates erosion problems. Construction activities may temporarily exacerbate the impacts of windblown sand, resulting in temporary problems of dust control; however, development of this project under the General Plan would help to reduce windblown sand impacts in the area as pavement, roads, buildings, and landscaping are established. Therefore, the following fugitive dust mitigation measures shall be implemented to reduce impacts to less-than-significant levels:

1) **The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403 or re-planted with drought resistant landscaping as soon as possible.**

2) **Frontage public streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon the time of year of construction.**

3) **Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

4) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

c) The General Plan FPEIR (Section 4.7) indicates that there is a potential for the hillside areas at the northern end of the City and in the SOI for slope failure, landslides, and/or erosion. Areas subject to slope instability contain slopes of 30 percent or greater. Landslides may be induced by seismic activity, rain, or construction. The City Hillside Development Regulations prohibits the development within slopes of 30 percent or greater and limit the number of units that could be constructed within the Hillside Residential and Very Low Density Residential designations in the Hillside areas. The site is not within an Earthquake hazard zone or other unstable geologic unit or soil type according to General Plan FPEIR Exhibit 4.7-2. Soil types on-site consist of Tujunga loamy soil association according to General Plan FPEIR Exhibit 4.7-3. No adverse impacts are anticipated.

d) The majority of Rancho Cucamonga, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive. Soil types on-site consist of Tujunga loamy soil association according to General Plan FPEIR Exhibit 4.7-3. These soils typically have slow to very slow runoff and have a slight hazard of water erosion. No adverse impacts are anticipated.

e) The project will connect to, and be served by, the existing local sewer system for wastewater disposal. No septic tanks or alternative wastewater disposal is proposed. No adverse impacts are anticipated.

7. GREENHOUSE GAS EMISSIONS. *Would the project:*				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	( )	(✓)	( )	( )
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	( )	( )	(✓)	( )

Comments:

a) Regulations and Significance – The Federal government began studying the phenomenon of global warming as early as 1979 with the National Climate Protection Act (92 Stat. 601). In June of 2005, Governor Schwarzenegger established California's Green House Gas (GHG) emissions reduction target in Executive Order (EO) S-3-05. The EO created goals to reduce GHG emissions for the State of California to 2000 levels by 2010; GHG emissions reduced to 1990 levels by 2020; and GHG emissions reduced to 80 percent below 1990 levels by 2050. Additionally, on December 7, 2009 the U.S. Environmental Protection Agency (USEPA) issued findings regarding GHGs under rule 202(a) of the Clean Air Act: (1) that GHGs endanger human health; and (2) that this will be the first steps to regulating GHGs through the Federal Clean Air Act. The USEPA defines 6 key GHGs (carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)). The combined emissions of these well-mixed greenhouse gases from new motor vehicles and engines contribute to GHG pollution.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

The western states, including Arizona, California, New Mexico, Oregon, Utah, and Washington, already experience hotter, drier climates. California is a substantial contributor of GHGs and is expected to see an increase of 3 to 4 degrees Fahrenheit (°F) over the next century.

Assembly Bill (AB) 32 requires that the California Air Resources Board (ARB), the lead agency for implementing AB 32, determine what the statewide GHG emission level was in 1990 and approved a statewide GHG emissions limit (427 million metric tons of CO_2 equivalent) to be achieved by 2020 and prepare a Scoping Plan to outline the main strategies for meeting the 2020 deadline. Significant progress can be made toward the 2020 goal through existing technologies and improving the efficiency of energy use. Other solutions would include improving the State's infrastructure, and transitioning to cleaner and more efficient sources of energy.

The ARB estimates that 38 percent of the State's GHG emissions in 2004 was from transportation sources followed by electricity generation (both in-State and out-of-State) at 28 percent and industrial at 20 percent. Residential and commercial activities account for 9 percent, agricultural uses at 6 percent, high global warming potential gases at 3 percent, and recycling and waste at 1 percent.

It is not anticipated that any single development project would have a substantial effect on global climate change but that GHG emissions from the project would combine with emissions across California, the United States, and the world to cumulatively contribute to global climate change. Therefore, consistent with the ARB's Climate Change Scoping Plan, the proposed project was evaluated for consistency with the Early Action Measures (Scoping Plan is a recommendation until adopted through normal rulemaking). The proposed project is assessed by determining its consistency with the 37 Recommended Actions identified by ARB. In compliance with Senate Bill (SB) 97 and CEQA, the project has been analyzed based on a qualitative analysis (CEQA 15064.4). Additionally, the ARB was directed through SB 375 to develop regional GHG emission reduction targets to be achieved within the automobile and light truck sectors for 2020 and 2035.

SCAQMD and ARB maintain ambient air quality monitoring stations in the Basin. The stations closest to the project site are the Upland station and the Fontana-Arrow Highway station. The Upland station monitors all criteria pollutants except PM_{10}, $PM_{2.5}$, and SO_2 which are monitored at the Fontana-Arrow Highway station. The ambient air quality in the project area for CO, NO_2, and SO_2 are consistently below the relevant State and Federal standards (based on ARB and EPA from 2007, 2008, and 2009 readings). Ozone, PM_{10}, and $PM_{2.5}$ levels all exceed State and Federal standards regularly.

<u>Project Related Sources of GHG's</u> – Based on the *Guidelines for the Implementation of California Environmental Quality Act*, Appendix G, a project would normally be considered to have a significant effect on air quality if the project would violate any ambient air quality standards, contribute substantially to an existing air quality violation, expose sensitive receptors to substantial pollutant concentrations, or conflict with adopted environmental plans and goals of the community. However, neither the CEQA statutes, Office of Planning and Research (OPR) guidelines, nor the draft proposed changes to the CEQA Guidelines prescribe thresholds of significance or a particular methodology for performing an impact analysis. Significance criteria are left to the judgment and discretion of the Lead Agency.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

The City of Rancho Cucamonga has not adopted a threshold of significance for GHG emissions. However, a screening threshold of 3,000 MTCO2e per year is based upon South Coast Air Quality Management District staff's proposed GHG screening threshold for stationary sources emissions for non-industrial projects, as described in the SCAQMD's Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans.

Project related GHG's would include emissions from direct and indirect sources. Based on the Greenhouse Gas Analysis by Urban Crossroad dated April 7, 2015, total project related emissions would be 4,373 $MTCO_2eq$/year, as shown in the following table:

"Business as Usual Greenhouse" Gas Emissions

Emission Source	Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	Total CO_2E
Annual construction-related emissions amortized over 30 years	27.37	0.005	--	27.47
Area	0.01	7.00e-5	--	0.02
Energy	1,473.41	0.06	0.02	1,480.05
Mobile Sources	4,379.19	0.56	--	4,390.94
Waste	124.42	7.35	--	278.83
Water Usage	68.43	0.50	0.01	82.86
Total CO_2E (All Sources)	**6,260.17**			

Source: CalEEMod™ model output, See Appendix 3.1 for detailed model outputs.
Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Greenhouse Gas Emissions with Applicable Regulatory Development, Mitigation Measures and Design Features

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Emission Source	Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	Total CO_2E
Annual construction-related emissions amortized over 30 years	27.37	0.005	--	27.47
Area	0.01	4.00e-5	--	0.02
Energy	1,101.36	0.05	0.02	1,107.49
Mobile Sources	2,903.16	0.12	--	2,905.76
Waste	124.42	7.35	--	278.83
Water Usage	42.18	0.40	9.93e-3	53.71
Total CO_2E (All Sources)	**4,373.28**			

Source: CalEEMod™ model output, See Appendix 3.1 for detailed model outputs.
Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

The analysis demonstrates that the project is consistent with, or is otherwise not in conflict with, recommended measures and actions in the CARB Scoping Plan. The Scoping Plan establishes strategies and measures that would achieve GHG reductions goals set forth in the Global warming Solutions Act of 2006 (AB 32). More specifically, the CARB Scoping Plan calls for an approximate 30 percent reduction in GHG emissions when compared to Business as Usual (BAU) conditions.

As shown in the table below, the total amount of project related GHG emissions for BAU without accounting for any project design features or regulatory developments that would reduce GHG emissions from direct and indirect sources combined would total 6,260 MTCO2e. The total amount of project related GHG emissions when accounting for applicable regulatory development, project design features and mitigation measures that would reduce GHG emissions from direct and indirect sources combined would total 4,373 MTCO2e. This results in a 30.14 percent reduction from BAU, thus with implementation of the project's GHG reduction would exceed the CARB's reduction target of 30 percent in conformance with AB 32.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Summary of Greenhouse Gas Emissions for Business as Usual and Project

Category	CO2e Emissions	
	BAU	Project
	Metric Tons per Year	
Construction	27.47	27.47
Area	0.02	0.02
Energy Use	1,480.05	1,107.49
Mobile Sources (Traffic)	4,390.94	2,905.76
Waste Disposed	278.83	278.83
Water Use	82.86	53.71
Total	**6,260.17**	**4,373.28**
Project Improvement over BAU	**30.14%**	

<u>Cumulative Short Term (Construction) GHG Emissions</u> – The General Plan FPEIR (Section 4.5) indicates that GHG emissions result from construction activities associated with diesel-powered construction equipment and other combustion sources (i.e. Generators, workers vehicles, material delivery, etc.). The GHG emitted by construction equipment is primarily carbon dioxide (CO_2). The highest levels of construction related GHG's occur during site preparation including demolition, grading and excavation. Construction related GHG's are also emitted from off-site haul trucks and construction workers traveling to the job site. Exhaust emissions from construction activities would vary each day with the changes in construction activity on site. The combustion of fossil-based fuels creates GHG's such as CO_2, Ch_4, and N_2O. CH_4 is emitted during the fueling of heavy equipment.

Based on the Greenhouse Gas Analysis by Urban Crossroads dated April 7, 2015, no significant impacts to GHGs from short-term construction impacts would occur as a result of the project as shown in the table above. Because the project related GHG emissions would be reduced 30.14 percent from Business as Usual, the project will exceed CARB's reduction target of 30 percent in conformance with AB 32. The proposed project would have less than a significant short-term cumulative impact with implementation of the following enforceable actions, which are included as mitigation measures in accordance with Mitigation Measure 4.5-1 of the 2010 General Plan Update FPEIR:

1) **The project must comply with all rules that assist in reducing short-term air pollutant emission in compliance with SCAQMD Rule 403 regarding fugitive dust including treating the site with water or other soil-stabilizing agent twice daily or replanting disturbed areas as quickly as possible.**

2) **The construction contractor shall select construction equipment based on low-emission factors and high energy efficiency and submit a statement on**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

the grading plan that ensures all construction equipment will be tuned and maintained in accordance with the manufactures' specification.

3) **Trucks shall not idle continuously for more than 5 minutes.**

4) **Alternative fuel powered equipment shall be utilized in lieu of gasoline- or diesel-powered engines where feasible.**

5) **Construction should be timed so as not to interfere with peak-hour traffic.**

6) **Ridesharing and transit incentives shall be supported and encouraged for the construction crew.**

Cumulative Long Term (Operational) GHG's Emissions – The primary source of GHG emissions generated by the proposed project would be from motor vehicles, combustion of natural gas for space and water heating, as well as off-site GHG emissions from generation of electricity consumed by the proposed land use development over a long term. CEQA requires the Lead Agency to review the project for "adequacy, completeness, and a good faith effort at full disclosure," to determine potential impacts of GHG's. Therefore the project has been analyzed based on methodologies and information available to the City at the time this document was prepared. Estimates are based on past performance and represent a scenario that is a worst case with the understanding that technology changes may reduce GHG emissions in the future. To date, there is no established quantified GHG emission threshold.

The project involves the construction of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land and therefore would result in an increase in the net increases of both stationary and mobile source emissions. The majority of energy consumption typically occurs during project operation (more than 80 percent and less than 20 percent during construction activities). The proposed project will incorporate several design features that are consistent with the California Office of the Attorney General's recommended measures to reduce GHG emission including: water efficient landscaping, shade trees, and walkways that provide accessibility to public sidewalks.

The project is consistent with the California Environmental Protection Agency Climate Action Team that proposed early action measures to mitigate climate change included in the CARB Scoping Plan mandated under AB 32. The proposed project will incorporate several design features including: water efficient landscaping, shade trees, and walkways that provide accessibility to public sidewalks. Additionally, the City is participating in the development of a Sustainable Communities Strategy (SCS) with SANBAG for the San Bernardino County area pursuant to Senate Bill (SB) 375.

Based on the Greenhouse Gas Analysis by Urban Crossroads dated April 7, 2015, no significant impacts to GHGs from long-term, operational impacts would occur as a result of the project as shown in the tables above. Because the project related GHG emissions would be reduced 30.14 percent from Business as Usual, the project will exceed CARB's reduction target of 30 percent in support of AB 32.The proposed project, thus would have less than a significant long-term operational impact with implementation of the following enforceable actions, which are included as mitigation measures in accordance with Mitigation Measure 4.5-1 of the 2010 General Plan Update FPEIR:

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

7) Construction and Building materials shall be produced and/or manufactured locally. Use "Green Building Materials" such as materials that are resource efficient, recycled and manufactured in an environmentally friendly way including low-volatile-organic-compound (VOC) materials.

8) Design all buildings to exceed California Building Code Title 24 energy standard by 10 percent including but not limited to any combination of;

- **Increased insulation such that heat transfer and thermal bridging is minimized.**
- **Limit air leakage through the structure and/or within the heating and cooling distribution system.**
- **Incorporate Energy Star or better rated windows, space heating and cooling equipment, light fixtures, and appliances.**
- **Landscape and develop site utilizing shade, prevailing winds and landscaping.**
- **Install efficient lighting and lighting control systems.**
- **Install light colored "cool" roofs and cool pavements.**
- **Install solar or light emitting diodes (LED's) for outdoor lighting.**
- **Design buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems.**
- **Install electrical hook-ups at the loading dock areas.**
- **Install dual paned windows or other energy efficient windows.**
- **Install automatic devices to turn off lights where they are not needed.**

9) Prepare a comprehensive water conservation strategy appropriate for the project and include the following;

- **Install water efficient landscapes and irrigation systems and devices in compliance with the City of Rancho Cucamonga Water Efficient Landscape Ordinance.**
- **Use reclaimed water for landscaping within the project if available and/or install the infrastructure to deliver and use reclaimed water.**
- **Design building to be water efficient by installing water efficient fixtures and appliances including low flow faucets, dual flush toilets and waterless urinals/water heaters.**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

- **Design irrigation to control runoff and to remove water to non-vegetated surfaces.**

10) Reuse and recycle construction and demolition waste. Provide interior and exterior storage areas for recyclables and green waste in public areas. Educate employees about reducing waste and about recycling.

b) The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation of a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The GHG impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site.

No other applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions apply to the project. The 2010 General Plan Update includes adopted policies and Standard Conditions that respond to the Attorney General and the California Air Pollution Control Officers Association (CAPCOA). The General Plan policies and Standard Conditions guide infill and sustainable development reliant on pedestrian connections, re-use and rehabilitation of existing structures, link transportation opportunities, promote development that is sensitive to natural resources and incentivizes denser mixed use projects that maximizes diverse opportunities. The proposed project includes water efficient landscaping, shade trees, and walkways that provide accessibility to public sidewalks and therefore is consistent with the sustainability and climate change policies of the General Plan. The General Plan Final Program Environmental Impact Report (FPEIR) analyzed the impacts of GHG's and determined that GHG emissions would be cumulatively considerable, which would be a significant, unavoidable adverse cumulative impact. A Statement of Overriding Considerations was ultimately adopted by the City Council. Based on the Greenhouse Gas Analysis by Urban Crossroads dated April 7, 2015, no significant impacts to GHGs from short-term, construction impacts or long-term, operational impacts would occur as a result of the project. Because the project related GHG emissions would be reduced 30.14 percent from Business as Usual, the project will exceed CARB's reduction target of 30 percent in support of AB 32. The project's contribution to GHGs from short-term construction and long-term operational cumulative impacts is also considered minimal. With implementation of the mitigation measures listed in subsection a), less than significant impacts would occur as a result of the project. In addition, the proposed project would not hinder the State's GHG reduction goals established by AB 32 and therefore would be less than a significant impact.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND WASTE MATERIALS. *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	( )	( )	( )	(✓)
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	( )	( )	( )	(✓)
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	( )	( )	( )	(✓)
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	( )	( )	( )	(✓)
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	( )	( )	( )	(✓)
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	( )	( )	( )	(✓)
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	( )	( )	( )	(✓)
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	( )	( )	( )	(✓)

Comments:

a) Development within the City may utilize or generate hazardous materials or wastes. This is usually associated with individual households, small business operations, and maintenance activities like paints, cleaning solvents, fertilizers, and motor oil or through construction activities that would use paints, solvents, acids, curing compounds, grease, and oils. These materials would be stored and used at individual sites. The City participates in a countywide interagency coalition, which is considered a full service Hazardous Materials Division that is more comprehensive that any other in the State. The City has an Emergency Operations Plan that meets State and Federal requirements and is in the process of updating the approved 2005 Local Hazard Mitigation Plan. Compliance with Federal, State, and local regulations concerning the storage and handling of hazardous materials and/or waste will reduce the potential for significant impacts to a level less-than-significant. No adverse impacts are expected.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

b) The proposed project does not include the use of hazardous materials or volatile fuels. The City participates in a countywide interagency coalition, which is considered a full service Hazardous Materials Division that is more comprehensive than any other in the State. The City has an Emergency Operations Plan that meets State and Federal requirements and is in the process of updating the approved 2005 Local Hazard Mitigation Plan. Compliance with Federal, State, and local regulations concerning the storage and handling of hazardous materials or volatile fuels will reduce the potential for significant impacts to a level less-than-significant. No adverse impacts are anticipated.

c) There are no schools located within 1/4 mile of the project site. The project site is located approximately 1.3 miles from the nearest existing or proposed school, Carleton P. Lightfoot Elementary School. No impacts are anticipated.

d) The proposed project is not listed as a hazardous waste or substance materials site. Recent site inspections did not reveal the presence of discarded drums or illegal dumping of hazardous materials. No impact is anticipated.

e) The site is not located within an airport land use plan according to the General Plan Figure PS-7 and General Plan FPEIR Exhibit 4.8-1 and is not within 2 miles of a public airport. The project site is located approximately 8.5 miles northerly of the Ontario Airport and is offset north of the flight path and is not within the Airspace Protection Area according to the General Plan Figure PS-7 and General Plan FPEIR Exhibit 4.8-1. Development. No impact is anticipated.

f) There are no private airstrips within the City. The nearest private airstrip, Cable Airport, is located approximately 2 and 1/2 miles to the west of the City's westerly limits. No impact is anticipated.

g) The City has a developed roadway network that provides emergency access and evacuation routes to existing development. New development will be located on a site that has access to existing roadways. The City's Emergency Operation Plan, which is updated every three years, includes policies and procedures to be administered by the City of Rancho Cucamonga in the event of a disaster. Because the project includes at least two points of public street access and is required to comply with all applicable City codes, including local fire ordinances, no adverse impacts are anticipated.

h) Rancho Cucamonga faces the greatest ongoing threat from wind-driven fires in the Very High Fire Hazard Severity Zone found in the northern part of the City; however, the proposed project site is not located within a Very High Fire Hazard Severity Zone according to General Plan Figure PS-1, no adverse impacts are anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. *Would the project:*				
a) Violate any water quality standards or waste discharge requirements?	( )	(✓)	( )	( )
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	( )	( )	( )	(✓)
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	( )	( )	( )	(✓)
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	( )	( )	( )	(✓)
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	( )	( )	( )	(✓)
f) Otherwise substantially degrade water quality?	( )	(✓)	( )	( )
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	( )	( )	( )	(✓)
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	( )	( )	( )	(✓)
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	( )	( )	( )	(✓)
j) Inundation by seiche, tsunami, or mudflow?	( )	( )	( )	(✓)

Comments:

a) Water and sewer service is provided by the Cucamonga Valley Water District (CVWD). The project is designed to connect to existing water and sewer systems. The State of California is authorized to administer various aspects of the National Pollution Discharge Elimination System (NPDES) permit under Section 402 of the Clean Water Act. The General Construction Permit treats any construction activity over 1 acre as an industrial activity, requiring a permit under the State's General NPDES permit. The State Water Resource Control Board (SWRCB), through the Regional Water Quality Control Board (RWQCB), Santa Ana Region, administers these permits.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity for new development or significant redevelopment. Prior to commencement of construction of a project, a discharger must submit a Notice of Intent (NOI) to obtain coverage under the General Permit. The General Permit requires all dischargers to comply with the following during construction activities, including site clearance and grading:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that would specify Best Management Practices (BMPs) to prevent construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off-site into receiving waters.

- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation.

- Perform inspections of all BMPs.

Waste discharges include discharges of storm water and construction project discharges. A construction project for new development or significant redevelopment requires an NPDES permit. Construction project proponents are required to prepare an SWPPP. To comply with the NPDES, the project's construction contractor will be required to prepare an SWPPP during construction activities, and a Water Quality Management Plan (WQMP) for post-construction operational management of storm water runoff. The applicant has submitted a WQMP exhibit, prepared by Madole and Associates, Inc., which identifies BMPs to minimize the amount of pollutants, such as eroded soils, entering the drainage system after construction. Runoff from driveways, roads and other impermeable surfaces must be controlled through an on-site drainage system. BMPs include both structural and non-structural control methods. Structural controls used to manage storm water pollutant levels include detention basins, oil/grit separators, and porous pavement. Non-structural controls focus on controlling pollutants at the source, generally through implementing erosion and sediment control plans, and various Business Plans that must be developed by any businesses that store and use hazardous materials. Practices such as periodic parking lot sweeping can substantially reduce the amount of pollutants entering the storm drain system. The following mitigation measures are required to control additional storm water effluent:

Construction Activities:

1) **Prior to issuance of grading permits, the permit applicant shall submit to the Building Official for approval, a Storm Water Pollution Prevention Plan (SWPPP) specifically identifying Best Management Practices (BMPs) that shall be used on-site to reduce pollutants during construction activities entering the storm drain system to the maximum extent practical.**

2) **An Erosion Control Plan shall be prepared, included in the Grading Plan, and implemented for the proposed project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. This Erosion Control Plan shall include the following measures at a minimum: a) Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California, and b) An inspection and maintenance**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this project will be corrected through a remediation or restoration program within a specified time frame.

3) **During construction, temporary berms such as sandbags or gravel dikes must be used to prevent discharge of debris or sediment from the site when there is rainfall or other runoff.**

4) **During construction, to remove pollutants, street cleaning will be performed prior to storm events and after the use of water trucks to control dust in order to prevent discharge of debris or sediment from the site.**

5) **Prior to issuance of grading or paving permits, the applicant shall obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City Building Official for coverage under the NPDES General Construction Permit.**

Post- Construction Operational:

6) **Prior to issuance of building permits, the applicant shall submit to the City Building Official for approval of a Water Quality Management Plan (WQMP), including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The WQMP shall identify the structural and non-structural measures consistent with the Guidelines for New Development and Redevelopment adopted by the City of Rancho Cucamonga in June 2004.**

7) **Landscaping plans shall include provisions for controlling and minimizing the use of fertilizers/pesticides/herbicides. Landscaped areas shall be monitored and maintained for at least two years to ensure adequate coverage and stable growth. Plans for these areas, including monitoring provisions for a minimum of two years, shall be submitted to the City for review and approval prior to the issuance of grading permits.**

b) According to CVWD, approximately 35 percent of the City's water is currently provided from water supplies coming from the underlying Chino and Cucamonga Groundwater Basins. CVWD complies with its prescriptive water rights as managed by the Chino Basin Watermaster and will not deplete the local groundwater resource. The proposed project will not deplete groundwater supplies, nor will it interfere with recharge because it is not within an area designated as a recharge basin or spreading ground according to General Plan Figure RC-3. Development of the site will require the grading and excavation, but would not affect the existing aquifer, estimated to be about 300 to 470 feet below the ground surface. As noted in the General Plan FPEIR (Section 4.9), continued development citywide will increase water needs but will not be a significant impact. CVWD has plans to meet this increased need to the year 2030. No impacts are anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

c) The project will cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because of the amount of new building and hardscape proposed on the site; however, the project will not alter the course of any stream or river. All runoff will be conveyed to existing storm drain facilities, which have been designed to handle the flows. The project design includes landscaping of all non-hardscape areas to prevent erosion. A Grading and Drainage Plan must be approved by the Building Official and City Engineer prior to issuance of grading permits. Therefore, the project will not result in substantial erosion or siltation on- or off-site. The impact is not considered significant.

d) The project will cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because of the amount of new building and hardscape proposed on a site; however, the project will not alter the course of any stream or river. All runoff will be conveyed to existing storm drain facilities, which have been designed to handle the flows. A Grading and Drainage Plan must be approved by the Building Official and City Engineer prior to issuance of grading permits. Therefore, increase in runoff from the site will not result in flooding on- or off-site. No impacts are anticipated.

e) The project will cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because of the amount of new building and hardscape proposed on a site; however, all runoff will be conveyed to existing storm drain facilities, which have been designed to handle the flows. The project will not result in substantial additional sources of polluted runoff. A Grading and Drainage Plan must be approved by the Building Official and City Engineer prior to issuance of grading permits. Therefore, increase in runoff from the site will not result in flooding on- or off-site. No impacts are anticipated.

f) Grading activities associated with the construction period could result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is for new development therefore, is required to comply with the National Pollutant Discharge Elimination System (NPDES) to minimize water pollution. With implementation of the mitigation measures specified under subsection a), less than significant impacts are anticipated.

8) The developer shall implement the BMPs identified in the Water Quality Management Exhibit prepared by Madole and Associates, Inc. to reduce construction pollutants from entering the storm drain system to the maximum extent practical.

g) No housing units are proposed with this project. The project site is not located within a 100-year flood hazard area according to General Plan Figure PS-5. No adverse impacts are expected.

h) The project site is not located within a 100-year flood hazard area according to General Plan Figure PS-5. No adverse impacts are expected.

i) The Rancho Cucamonga area is flood protected by an extensive storm drain system designed to adequately convey floodwaters from a 100-year storm event. The system is substantially improved and provides an integrated approach for regional and local drainage flows. This existing system includes several debris dams and levees north of the

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

City, spreading grounds, concrete-lined channels, and underground storm drains as shown in General Plan Figure PS-6. The project site is not located within a 100-year flood hazard area according to General Plan Figure PS-5. No adverse impacts are expected.

j) There are no oceans, lakes, or reservoirs near the project site; therefore impacts from seiche and tsunami are not anticipated. The Rancho Cucamonga area sits at the base of the steep eastern San Gabriel Mountains whose deep canyons were cut by mountain streams. Numerous man-made controls have been constructed to reduce the mudflow impacts to the level of non-significance within the City. This existing system includes several debris dams and levees north of the City, and spreading grounds both within and north of the City.

10. LAND USE AND PLANNING. *Would the project:*				
a) Physically divide an established community?	( )	( )	( )	(✓)
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	( )	( )	( )	(✓)
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	( )	( )	( )	(✓)

Comments:

a) The vacant project site is located at the northwest corner of Day Creek Boulevard and Base Line Road and is characterized by residential development to the north and west, vacant land to the south and by a San Bernardino County Flood Control District maintenance yard to the west. The project will be of similar design and size to the commercial development at the southwest corner of Day Creek Boulevard and Base Line Road and will be accessed by three existing public streets. As such, no adverse impacts are anticipated.

b) The project site land use designation is Low Medium (LM) Residential. A General Plan Amendment was submitted as part of the project that proposes changing the land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC) for the 10.94 acre project site. With the proposed General Plan Amendment, the project will be consistent with the General Plan and will not interfere with any policies for environmental protection, or SCAG's Regional Comprehensive Plan. The project will be of similar design and size to the commercial development at the southwest corner of Day Creek Boulevard and Base Line Road and will provide both emergency vehicle and pedestrian access to the adjacent 4 acre parcel of land, which is designated for the future development of multi-family housing. The project will also not negatively impact the operation of the San Bernardino County Flood Control maintenance yard to the west, Rancho Cucamonga Fire Station Number 173 to the north or the single-family residences to the east. The project will become a part of the larger community and will fulfill General Plan Goal ED-2.1, which encourages projects which enhance the City's major corridors as generators of both jobs and revenue and ED-2.2, which encourages the diversification of the City's retail base. As such, no impacts are anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

c) The project site is not located within any habitat conservation or natural community plan area. According to General Plan Figure RC-4 and Section 4.10 of the General Plan FPEIR, the project site is not within an area of sensitive biological resources; therefore, development will not adversely affect rare or endangered species of plants or animals because of the fact that the project is surrounded by urbanized land uses and is consistent with the General Plan Land Use Plan.

11. MINERAL RESOURCES. *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	( )	( )	( )	(✓)
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	( )	( )	( )	(✓)

Comments:

a) The site is not designated as a State Aggregate Resources Area according to the City General Plan, Figure RC-2 and Table RC-1; therefore, there is no impact.

b) The site is not designated by the General Plan, Figure RC-2 and Table RC-1, as a valuable mineral resource recovery site; therefore, there is no impact.

12. NOISE. *Would the project result in:*				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	( )	(✓)	( )	( )
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	( )	( )	( )	(✓)
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	( )	( )	( )	(✓)
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	( )	(✓)	( )	( )
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	( )	( )	( )	(✓)
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	( )	( )	( )	(✓)

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a) The project site is within an area of noise levels exceeding City standards according to General Plan Figure PS-9 at build-out. A noise Impact Analysis was prepared for the project by Urban Crossroads (April 10, 2015). The report reviewed the construction and operational noise impacts related to the project. The report finds that the increase in noise levels related to the project required the implementation of mitigation measures to reduce construction noises levels. Due to the existing ambient noise levels of the adjacent roadways and the separation between the project and the nearest residential uses, the operational noise levels do not require mitigation to be in compliance with the City's noise standards. With the following mitigation measures to reduce the short term construction noise levels the project will have a less than significant impact.

Exterior:

1) **Install temporary noise control barriers that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the nose source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or opening between the barrier and the ground shall be promptly repaired.**

2) **During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with property operation and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise sensitive receptors nearest to the project site.**

3) **The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.**

4) **The construction contractor shall limit haul truck deliveries to the same hours specified for construction activities (8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday). The contractor shall prepare a haul route exhibit and shall design delivery routes to minimize the exposure of sensitive land used or residential dwellings to delivery truck related noise.**

5) **Business operations shall maintain a noise level at 60dB or less during the hours of 10:00 p.m. until 7:00 a.m. No loading and unloading activities including opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to residential areas.**

b) A noise Impact Analysis was prepared for the project by Urban Crossroads (April 10, 2015). Construction activities related to the project will create ground-borne vibration levels. Grading related activities will increase the largest increase in ground-borne

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

vibration levels. Due to the distance of the nearest sensitive receptor or residential dwellings, the project construction will not exceed City vibration standards. Additionally, construction at the project site will be restricted to daytime hours consistent with City requirements thereby eliminating potential vibrations impacts during sensitive nighttime hours. As such, no impacts are anticipated.

c) The primary source of ambient noise levels in Rancho Cucamonga is traffic. Because the project will not significantly increase traffic as analyzed in Section 16 Transportation/Traffic; it will likely not increase ambient noise levels within the vicinity of the project.

d) The General Plan FPEIR (Section 4.12) indicates that during a construction phase, on-site stationary sources, heavy-duty construction vehicles, and construction equipment, will generate noise exceeding City standards. The following measures are provided to mitigate the short-term noise impacts:

1) **Construction or grading shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday.**

2) **Construction or grading noise levels shall not exceed the standards specified in Development Code Section 17.66.050, as measured at the property line. Developer shall hire a consultant to perform weekly noise level monitoring as specified in Development Code Section 17.66.050. Monitoring at other times may be required by the Building Official. Said consultant shall report their findings to the Building Official within 24 hours; however, if noise levels exceed the above standards, then the consultant shall immediately notify the Building Official. If noise levels exceed the above standards, then construction activities shall be reduced in intensity to a level of compliance with above noise standards or halted.**

3) **The perimeter block wall shall be constructed as early as possible in first phase.**

The preceding mitigation measures will reduce the disturbance created by on-site construction equipment but do not address the potential impacts because of the transport of construction materials and debris. The following mitigation measures shall then be required:

4) **Haul truck deliveries shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Additionally, if heavy trucks used for hauling would exceed 100 daily trips (counting both to and from the construction site), then the developer shall prepare a noise mitigation plan denoting any construction traffic haul routes and include appropriate noise mitigation measures. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.**

e) The site is not located within an airport land use plan and is not within 2 miles of a public airport. The Project is located approximately 8.5 miles northerly of the Ontario Airport and is offset north of the flight path. No impact is anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

f) The nearest private airstrip, Cable Airport, is located approximately 2 1/2 miles to the west of the City's westerly limits. No impact is anticipated.

13. POPULATION AND HOUSING. *Would the project:*				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	( )	( )	( )	(✓)
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	( )	( )	( )	(✓)
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	( )	( )	( )	(✓)

Comments:

a) The project proposes the construction of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road. The project area also includes a 4 acre parcel of land that is designated for the future development of multi-family residences. The project site presently has a General Plan land use designation of Low Medium (LM) Residential and a Victoria Community Plan zoning designation of Medium (M) Residential. The applicant proposes changing the General Plan land use designation to Neighborhood Commercial (NC) and the Victoria Community Plan zoning designation to Village Commercial (VC). The 4 acre portion of the project area will retain the current General Plan land use designation of Low Medium (LM) Residential and the Victoria Community Plan zoning designation will be amended form Medium (M) Residential to Low Medium (LM) Residential, in accord with the General Plan land use designation. The project site is located in a predominantly developed area and will not induce population growth. Once constructed, the proposed project will have a limited number of employees; hence, will not create a demand for additional housing as a majority of the employees will likely be hired from within the City or surrounding communities. No significant impacts are anticipated.

b) The property is vacant there will be no displacement of housing or people. Therefore, no adverse impact is expected.

c) The property is vacant there will be no displacement of housing or people. Therefore, no adverse impact is expected.

14. PUBLIC SERVICES. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a) Fire protection?	( )	( )	( )	(✓)
b) Police protection?	( )	( )	( )	(✓)

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?	( )	( )	( )	(✓)
d) Parks?	( )	( )	( )	(✓)
e) Other public facilities?	( )	( )	( )	(✓)

Comments:

a) The site, located at the north west corner of Day Creek Boulevard and Base Line Road, would be served by Day Creek Fire Station Number 173, which is located directly adjacent to the project site at 12270 Firehouse Court. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Standard conditions of approval from the Uniform Building and Fire Codes will be placed on the project to lessen the future demand and impacts to fire services. No impacts are anticipated.

b) Additional police protection is not required as the addition of the project will not change the pattern of uses within the surrounding area and will not have a substantial increase in property to be patrolled as the project site is within an area that is regularly patrolled. No impacts are anticipated.

c) The site is in a developed area currently served by the Etiwanda School District and the Chaffey Joint Union High School District. The project will be required to pay School Fees as prescribed by State law prior to the issuance of building permits. No impacts are anticipated.

d) The site is in a developed area, currently served by the City of Rancho Cucamonga. The nearest park, Ellena Park, is located 1.2 miles from the project site at 7139 Kenyon Way. The project includes the development of a commercial center on land that currently has a General Plan land use designation of Low Medium (LM) Residential and a Victoria Community Plan zoning designation of Medium (M) Residential. As part of the project the applicant is requesting to change the General Plan land use designation to Neighborhood Commercial (NC) and the Victoria Community Plan zoning designation to Village Commercial. A 4 acre remnant portion of the project area will retain the existing Low Medium (LM) General Plan land use designation and the Victoria Community Plan zoning designation will be changed from Medium (M) Residential to Low Medium (LM) Residential. The proposed commercial project will not increase the number of housing units or require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. The 4 acre remainder portion of the project area is zoned residential and will increase use of park services and will be required to pay Park Development fees at the time it is developed. No impacts are anticipated.

e) The proposed project will utilize existing public facilities. The site is in a developed area, currently served by the City of Rancho Cucamonga. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Cumulative development within Rancho Cucamonga will increase demand for library services. According to the General Plan FPEIR (Section 4.14), there will be a projected increase in library space demand but with the implementation of development impact fees the increase in Library Services would be mitigated to less-than-significant impact. Additionally, the Paul A. Biane Library has an additional 14,000 square foot shell of vacant library space which is in the process of being developed for future Library use. The

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

proposed project includes a General Plan Amendment to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the zoning designation from Medium (M) Residential to Village Commercial. The 4 acre portion of the project area will retain the current General Plan land use designation of Low Medium (LM) Residential and the Victoria Community Plan zoning designation will be amended form Medium (M) Residential to Low Medium (LM) Residential, in accord with the General Plan land use designation. The commercial project will not increase the number of housing units or demand on library services. The 4 acre remainder portion of the project area is zoned residential and will increase use of library services and will be required to pay Library Impact fees at the time it is developed. No impacts are anticipated.

15. RECREATION. *Would the project:*				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	( )	( )	( )	(✓)
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	( )	( )	( )	(✓)

Comments:

a) The site is in a developed area, currently served by the City of Rancho Cucamonga. The nearest park, Ellena Park, is located 1.2 miles from the project site at 7139 Kenyon Way. The project includes the development of a commercial center on land that currently has a General Plan land use designation of Low Medium (LM) Residential and a Victoria Community Plan zoning designation of Medium (M) Residential. As part of the project the applicant is requesting to change the General Plan land use designation to Neighborhood Commercial (NC) and the Victoria Community Plan zoning designation to Village Commercial. A 4 acre remnant portion of the project area will retain the existing Low Medium (LM) General Plan land use designation and the Victoria Community Plan zoning designation will be changed from Medium (M) Residential to Low Medium (LM) Residential. The commercial project will not increase the number of housing units or require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. .The 4 acre remainder portion of the project area is zoned residential and will increase use of park services and will be required to pay Park Development fees at the time it is developed. No impacts are anticipated.

b) See a) response above.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. *Would the project:*				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	( )	( )	( )	(✓)
b) Conflict with an applicable congestion management program, including, but not limited to a level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	( )	( )	( )	(✓)
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	( )	( )	( )	(✓)
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	( )	( )	( )	(✓)
e) Result in inadequate emergency access?	( )	( )	( )	(✓)
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	( )	( )	( )	(✓)

Comments:

a) The project is for the site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center on 10.93 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan. As part of the project, the applicant has submitted a General Plan Amendment requesting to change the General Plan land use designation from Low Medium (LM) Residential to Neighborhood Commercial (NC); the applicant has also submitted a Victoria Community Plan Amendment requesting to change the Victoria Community Plan zoning designation from Medium (M) Residential to Village Commercial (VC). The Victoria Community Plan Amendment also includes changing the zoning designation for a 4 acre remnant piece of land adjacent to the project site from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan land use designation. The traffic impacts for the 4 acre remnant parcel will be reviewed at a later date when a project is submitted on that site.

A traffic study was prepared for the 10.93 project site by Urban Crossroads (April 10, 2015). The study reviewed the cumulative impacts on the study area intersections and recommends mitigation measures to address cumulatively significant impacts. The study concludes that the study area intersections are anticipated to operate at an acceptable Level of Service (LOS) under both Opening Year Cumulative with Project (2017) and

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Horizon Year with Project conditions (2035) and that no cumulative impacts are anticipated.

The traffic study based the project trip generation on the Institute of Traffic Engineers (ITE) trip generation model for the individual land uses proposed within the project area. As shown on the table below, the project is anticipated to generate a net total of approximately 6,576 net trips per day on a typical weekday with 618 net vehicles per hour (VPH) during the weekday AM peak hour and 542 net VPH during the weekday PM peak hour.

Project Trip Generation Summary

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Supermarket	44.988	TSF	95	58	153	217	209	426	4,600
Internal Capture Reduction	10%	[2]	--	--	--	-22	-21	-43	-460
Pass-By Reduction	36%	[3]	--	--	--	-70	-68	-138	-1,490
Net Trips (Supermarket)			95	58	153	125	120	246	2,649
Pharmacy with Drive-Thru	15.207	TSF	27	25	52	75	75	151	1,474
Internal Capture Reduction	10%	[2]	--	--	--	-8	-8	-15	-147
Pass-By Reduction	49%	[3]	--	--	--	-33	-33	-66	-650
Net Trips (Pharmacy with Drive-Thru)			27	25	52	35	35	69	676
Fast-Food with Drive-Thru	3.600	TSF	83	80	164	61	56	118	1,786
Internal Capture Reduction	10%	[2]	--	--	--	-6	-6	-12	-179
Pass-By Reduction	49/50%	[3]	-41	-39	-80	-28	-25	-53	-804
Net Trips (Fast-Food with Drive-Thru)			43	41	83	28	25	53	804
Restaurant Use[4]	19.620	TSF	117	95	212	116	77	193	2,495
Internal Capture Reduction	10%	[2]	--	--	--	-12	-8	-19	-249
Pass-By Reduction	43%	[3]	--	--	--	-45	-30	-75	-965
Net Trips (Restaurant Use)			117	95	212	59	40	99	1,280
Retail	14.720	TSF	9	5	14	26	28	55	629
Pass-By Reduction	34%	[3]	--	--	--	-9	-10	-19	-214
Net Trips (Shopping Center)			9	5	14	17	19	36	415
Coffee Shop with Drive Thru	2.000	TSF	103	99	201	43	43	86	1,637
Internal Capture Reduction	10%	[2]	--	--	--	-4	-4	-8	-164
Pass-By Reduction	49/50%	[3]	-50	-48	-99	-19	-19	-38	-722
Net Trips (Coffee Shop with Drive-Thru)			52	50	103	19	19	39	751
TOTAL NET TRIPS			343	275	618	283	258	542	6,576

[1] TSF = Thousand Square Feet

[2] Internal capture trip reduction of 10% is assumed for mixed-use nature of the project development. Applied to the PM peak hour and daily only.

[3] Pass-by reduction percentages determined by taking the average of the data provided for Land Uses 820, 850, 881, and 934 in the ITE Trip Generation Handbook, 3rd Edition, August 2014.

[4] Rates for High Turnover (Sit-Down) Restaurant (ITE LU 932) used for Restaurant uses.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

The traffic study calculated Level of Service (LOS) for the 10 intersections that would be impacted by the proposed project for both with and without Opening Year Cumulative (2017) and Horizon Year (2035) traffic conditions. The table below summarizes the findings and indicates that both Opening Year Cumulative (2017) and Horizon Year (2035) Levels of Service (LOS) for the 10 affected intersections remain at or above the "D" LOS which is considered acceptable by Rancho Cucamonga General Plan (Performance (Level of Service) Standards: Section CM12).

Summary of Intersection LOS

		Existing (2014) LOS		E+P LOS		2017 NP LOS		2017 WP LOS		2035 NP LOS		2035 WP LOS		Acceptable
#	Intersection	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	LOS
1	Milliken Avenue / Baseline Road	C	D	C	D	C	D	C	D	C	D	C	D	D
2	Rochester Avenue / Baseline Road	D	D	D	D	D	D	D	D	D	D	D	D	D
3	Driveway 1 / Baseline Road	--	--	C	C	C	C	C	D	C	D	D	D	D
4	Day Creek Boulevard / Victoria Park Lane	B	A	B	A	B	A	B	A	B	B	B	B	D
5	Day Creek Boulevard / Firehouse Court / Dwy 2	A	A	B	A	A	A	B	A	B	A	B	B	D
6	Day Creek Boulevard / Driveway 3	--	--	C	B	--	--	C	B	--	--	C	B	D
7	Day Creek Boulevard / Baseline Road	D	C	D	C	D	C	D	C	D	C	D	C	D
8	Day Creek Boulevard / Church Street	C	D	C	D	C	D	C	D	C	D	C	D	D
9	Victoria Park Lane / Baseline Road	D	D	D	D	D	D	D	D	D	D	D	D	D
10	Etiwanda Avenue / Baseline Road	D	D	D	D	D	D	D	D	D	D	D	D	D

LOS = Level of Service; E+P = Existing Plus Project; NP = No Project (or Without Project); WP = With Project

The table above shows that with implementation of the mitigation measures outlined below and in the traffic study, the cumulative traffic impacts created by the project will be "less-than-significant:"

1) **Driveway 1 at Base Line Road – Modify the existing median to provide full access. Install a traffic signal and construct the intersection with the following geometrics:**

   - **Northbound Approach: One left turn lane and one shared through-right turn lane.**
   - **Southbound Approach: One left turn lane and one shared through-right turn lane.**
   - **Eastbound Approach: One left turn lane with minimum 265 feet storage, three through lands and right turn lane.**
   - **Westbound Approach: One left turn lane, three through lanes and one right turn lane with minimum 200 feet storage.**

2) **Day Creek Boulevard at Driveway 2 / Firehouse Court – The intersection with the following existing geometrics is sufficient to accommodate the addition of project traffic:**

   - **Northbound Approach: One left turn lane and three through lanes.**
   - **Southbound Approach: Three through lanes and one right turn lane.**

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

- **Eastbound Approach: One shared left-right turn lane.**

3) **Day Creek Boulevard at Driveway 3 – Install a stop control on the eastbound approach and construct the intersection with the following geometrics:**

- **Northbound Approach: Three through lanes.**
- **Southbound Approach: Two through lanes and one shared through-right turn lane.**
- **Eastbound Approach: On right turn lane.**

b) In November 2004, San Bernardino County voters passed an extension to Measure I which requires local jurisdictions to impose appropriate fees on development for their fair share toward regional transportation improvement projects. On May 18, 2005, the City of Rancho Cucamonga adopted a Comprehensive Transportation Fee Schedule updating these development impact fees. As a result, the San Bernardino County Congestion Management Agency waived the Congestion Management Plan (CMP) Traffic Impact Analysis reporting requirement. This project will be required, as a condition of approval, to pay the adopted transportation development fee prior to issuance of building permit. With adherence to these programs, no impacts are anticipated.

c) Located approximately 8.5 miles northerly of the Ontario Airport, the site is offset north of the flight path and will not change air traffic patterns. No impacts are anticipated.

d) The project is in an area that is mostly developed. The project will be required to provide street improvements (curb, gutter, and sidewalk) along the street frontage of the site. The project design does not include any sharp curves or dangerous intersections or farming uses. The project will, therefore, not create a substantial increase in hazards because of a design feature. No impacts are anticipated.

e) The project will be designed to provide access for all emergency vehicles during construction and upon completion of the project and will therefore not create an inadequate emergency access. No impacts are anticipated.

f) The project is designed to accommodate public transit and bicycle use by providing a bus shelter with seating on Base Line Road, a bicycle repair station and bicycle racks. No impacts are anticipated.

17. UTILITIES AND SERVICE SYSTEMS. *Would the project:*				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	( )	( )	( )	(✓)
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	( )	( )	( )	(✓)

Issues and Supporting Information Sources:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	( )	( )	( )	(✓)
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	( )	( )	( )	(✓)
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	( )	( )	( )	(✓)
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	( )	( )	( )	(✓)
g)	Comply with Federal, State, and local statutes and regulations related to solid waste?	( )	( )	( )	(✓)

Comments:

a) The proposed project is served by the CVWD sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 and RP-4 treatment plants. The RP-1 capacity is sufficient to exceed the additional development within the western and southern areas of the City. The RP-4 treatment plant has a potential ultimate capacity of 28 mgd which is considered more than adequate to capacity to treat all increases in wastewater generation for buildout of the General Plan. The project is required to meet the requirements of the Santa Ana Regional Water Quality Control Board regarding wastewater. No impacts are anticipated.

b) The proposed project is served by the CVWD sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-4 treatment plant located within Rancho Cucamonga and RP-1 located within City of Ontario, neither of which is at capacity. The project is required to meet the requirements of the Santa Ana Regional Water Quality Control Board regarding wastewater. No impacts are anticipated.

c) All runoff will be conveyed to existing storm drain facilities, which have been designed to handle the flows. A Grading and Drainage Plan must be approved by the Building Official and City Engineer prior to issuance of grading permits. The impact is not considered significant.

d) The project is served by the CVWD water system. There is currently a sufficient water supply available to the City of Rancho Cucamonga to serve this project. No impacts are anticipated.

e) The proposed project is served by the CVWD sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-4 treatment plant located within Rancho Cucamonga and RP-1 located within City of Ontario, neither of which is at capacity. No impacts are anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

f) Solid waste disposal will be provided by the current City contracted hauler who disposes the refuse at a permitted landfill with sufficient capacity to handle the City's solid waste disposal needs. No impacts are anticipated.

g) This project complies with Federal, State, and local statutes and regulations regarding solid waste. The City of Rancho Cucamonga continues to implement waste reduction procedures consistent with AB 939. Therefore, no impacts are anticipated.

18. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	( )	( )	( )	(✓)
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	( )	( )	( )	(✓)
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	( )	( )	( )	(✓)

Comments:

a) The site is not located in an area of sensitive biological resources as identified on the City of Rancho Cucamonga General Plan Figure RC-4. A Biological Resources Assessment Survey was conducted on the project site by LSA on February 26, 2015. The assessment found that the onsite vegetation, which includes Riversidean Alluvial Fan Sage Scrub, is potential habitat for the Coastal California gnatcatcher and recommends that nonbreeding season surveys be conducted for the Coastal California gnatcatcher. The assessment concluded that the onsite plant communities, including the Riversidean Alluvial Fan Sage (RSS) Scrub, was disturbed and isolated from a larger block of habitat and that the loss of 10 acres of RSS is not considered substantial and does not require mitigation. The assessment did recommend that if vegetation clearing is planned during the avian nesting season (approximately February 1 through August 31) that nesting bird surveys be conducted 30 days prior to vegetation clearing to ensure the protection of birds covered by the California Fish and Game Code. Focused surveys for the Coastal California gnatcatcher were conducted by LSA from March 25, 2015 through May 7, 2015 (Report date May 19, 2015). The study concluded that no Coastal California gnatcatchers were detected during the survey. A follow-up study was also submitted by LSA (July 29, 2015) that discussed whether the project site was suitable habitat for the burrowing owl. The study concluded that the vegetation on the project site was not suitable habitat for the burrowing owl and that no burrowing owls were observed on the project site. A burrowing

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

owl survey is being required prior to ground clearing activities to assure that burrowing owls have not occupied the project site during the intervening time between the submitted study and ground clearing activities. With the mitigation measures included under Section 4 (Biological Resources) of this report, any impacts to sensitive species will be less than significant.

b) If the proposed project were approved, the applicant would be required to develop the site in accordance with the City of Rancho Cucamonga General Plan. The 2010 General Plan was adopted along with the certification of a Program FEIR, Findings of Fact, and a Statement of Overriding Considerations for significant adverse environmental effects of build-out in the City and Sphere-of-Influence. The City made findings that adoption of the General Plan would result in significant adverse effects to Aesthetics, Agriculture and Forest Resources, Air Quality, Climate Change and Mineral Resources. Mitigation measures were adopted for each of these resources; however, they would not reduce impacts to less-than-significant levels. As such, the City adopted a Statement of Overriding Considerations balancing the benefits of development under the General Plan Update against the significant unavoidable adverse impacts (CEQA Guidelines Section 15092 and 15096(h)). These benefits include less overall traffic volumes by developing mixed-use projects that will be pedestrian friendly and conservation of valuable natural open space. With these findings and the Statement of Overriding Considerations, no further discussion or evaluation of cumulative impacts is required.

c) Development of the site under the proposed land use change would not cause substantial adverse effects on human beings, either directly or indirectly. The Initial Study identifies construction-related emissions of criteria pollutants as having a potentially significant impact. Proposed mitigation measures would further reduce emission levels. Additionally, impacts resulting from air quality would be short-term and would cease once construction activities were completed. The Initial Study identified potentially significant impacts associated with the exposure of people to increased noise levels. Mitigation measures contained in this Initial Study will ensure impacts are at less-than-significant levels.

EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier PEIR or Negative Declaration per Section 15063(c)(3)(D). The effects identified above for this project were within the scope of and adequately analyzed in the following earlier document(s) pursuant to applicable legal standards, and such effects were addressed by mitigation measures based on the earlier analysis. The following earlier analyses were utilized in completing this Initial Study and are available for review in the City of Rancho Cucamonga, Planning Division offices, 10500 Civic Center Drive (check all that apply):

(T) General Plan FPEIR
(SCH#2000061027, Certified May 19, 2010)

(T) General Plan FEIR
(SCH#2000061027, Certified October 17, 2001)

(T) Master Environmental Assessment for the 1989 General Plan Update
(SCH #88020115, certified January 4, 1989)

(T) Victoria Planned Community EIR
(Certified May 20, 1981)

Technical Appendences (see disc)

(A) Air Quality Impact Analysis (Urban Crossroads; April 7, 2015)

(B) Biological Resources Assessment (LSA; February 26, 2015)

(C) Biological Resources Assessment (California Gnatcatcher)(LSA; May 19, 2015)

(D) Biological Resources Assessment (Burrowing Owl)(LSA; July 29, 2015)

(E) Cultural Resources Assessment (LSA, July 2015)

(F) Greenhouse Gas Analysis (Urban Crossroads; April 7, 2015)

(G) Noise Impact Analysis (Urban Crossroads; April 10, 2015)

(H) Traffic Impact Analysis (Urban Crossroads; April 10, 2015)

APPLICANT CERTIFICATION

I certify that I am the applicant for the project described in this Initial Study. I acknowledge that I have read this Initial Study and the proposed mitigation measures. Further, I have revised the project plans or proposals and/or hereby agree to the proposed mitigation measures to avoid the effects or mitigate the effects to a point where clearly no significant environmental effects would occur.

Applicant's Signature: _____ Date: _____

Print Name and Title: _____

MITIGATION MONITORING CHECKLIST (INITIAL STUDY PART III)

Project File No.: SUBTPM19637 **Applicant:** Lewis Retail Centers

Initial Study Prepared by: Tabe Van der Zwaag **Date:** 9/25/15

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
Section 3 – Air Quality						
Short Term (Construction) Emissions						
1) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25mph per SCAQMD guidelines in order to limit fugitive dust emissions.	PD	C	Review of plans	A/C		2/4
2) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.	PD	C	Review of plans	A/C		2/4
3) The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.	PD	C	Review of plans	A/C		2/4
4) All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.	PD	C	Review of plans	A/C		2/4
5) Prior to the issuance of any grading permits, the developer shall submit Construction Plans to the City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low-emission mobile construction equipment will be utilized, or that their use was	PD/BO	C	Review of plans	C		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning staff.						
6) The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.	PD	C	Review of plans	A/C		2/4
7) The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.	PD	C	Review of plans	A/C		2/4
8) All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.	BO	B	Review of plans	A/C		2
9) All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high-volume, low-pressure spray.	BO	B	Review of plans	A/C		2
10) All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:	BO	C	Review of plans	A/C		2/4
• Reestablish ground cover on the construction site through seeding and watering.	BO	C	Review of plans	A/C		2/4
• Pave or apply gravel to any on-site haul roads.	BO	C	Review of plans	A/C		2/4
• Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.	BO	C	Review of plans	A/C		2/4
• Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.	BO	C	Review of plans	A/C		2/4
• Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.	BO	C	Review of plans	A		4
• Sweep streets according to a schedule established by the City if silt is carried	BO	C	During construction	A		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
over to adjacent public thoroughfares or occurs as a result of hauling. Timing may vary depending upon the time of year of construction.						
• Suspend grading operations during high winds (i.e., wind speeds exceeding 25 mph) in accordance with SCAQMD Rule 403 requirements.	BO	C	During construction	A		4
• Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.	BO	C	During Construction	A		4
11) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board [RWQCB]) daily to reduce Particulate Matter (PM_{10}) emissions, in accordance with SCAQMD Rule 403.	BO	C	During construction	A		4
12) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.	BO	C	During construction	A		4
Long Term Emissions						
13) Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides.	BO	C	During construction	A		4
14) Provide preferential parking to high occupancy vehicles and shuttle services.	BO	C	During construction	A		4
15) Schedule truck deliveries and pickups during off-peak hours.	BO	C	During construction	A		4
16) Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors.	BO	C	During construction	A		4
17) Landscape with native and/or drought-resistant species to reduce water consumption and to provide passive solar benefits.	BO	C	During construction	A		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
18) Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure.	BO	C	During construction	A		4
19) Comply with the AQMP Miscellaneous Sources PRC-03, and Stationary Sources Operations Enhanced Inspection and Maintenance and ADV-MISC to reduce emissions of restaurant operations.	BO	C	During construction	A		4
20) All commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 10 minutes).	BO	C	Review of plans	A		4
21) All commercial facilities shall designate preferential parking for vanpools.	PD	C	Review of plans	A/C		2/3
22) All commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.	PD	C	Review of plans	D		2/3
23) All commercial site tenants with 50 or more employees shall be required to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.	PD	C	Review of plans	D		2/3
24) All commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.	BO	C/D	Review of plans	C		2/4
25) All commercial structures shall be required to incorporate thermal pane windows and weather-stripping.	BO	C/D	Review of plans	C		2/4
26) All new development in the City of Rancho Cucamonga shall comply with South Coast Air Quality Management District's Rule 445, Wood Burning Devices. Rule 445 was adopted in March 2008 to reduce emissions of PM2.5 and precludes the installation of indoor or outdoor wood burning devices (i.e. fireplaces/hearths) in new development on or	BO	C/D	Review of plans	C		2/4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
after March 9, 2009.						
Section 4 - Biological Resources						
1) Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young. If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume	PD	C	Review of plans	A/C		2/4
2) Perform a Burrowing Owl Survey that is in conformance with the Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and submit the written report outlining the findings to the California Department of Fish and Wildlife (CDFW) and the Planning Department within 30	PD	C	Review of plans	A/C		2/4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
days of groundbreaking activity. The survey shall include a habitat assessment, survey and impact analysis. The Burrowing Owl Survey shall follow the following protocol: • Burrowing Owl Survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report. Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the project site, then no further mitigation is required. If burrowing owls are found to be utilizing the project site during the pre-construction survey, measures shall be developed by the qualified biologist in coordination with CDFW to avoid Impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and will at minimum include establishment of buffer setbacks from occupied burrows and owl monitoring. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls. • During the non-breeding season from September 1 through January 31, if burrows are occupied by migratory or non-migratory resident burrowing owls during a pre-construction survey, burrow exclusion and/or closure may be used to exclude owls from those burrows. Burrow exclusion and/or closure should only be conducted by a qualified wildlife biologist in coordination with CDFW using the most						

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
current CDFW guidelines. • During the avian nesting season from February 1 through August 31, if nests are discovered, they shall be avoided through establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area would have to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.						
Section 5 – Cultural Resources						
1) If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Rancho Cucamonga will:						
• Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.	PD/BO	C	Review of report	A/D		3/4
• Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.	PD/BO	C	Review of report	A/D		3/4
• Pursue educating the public about the archaeological heritage of the area.	PD/BO	C	Review of report	A/D		3/4
• Prepare a mitigation plan consistent with Section 21083.2 Archeological resources of CEQA to eliminate adverse project effects on significant, important,	P/D	B/C	Review of Plans/Report During Construction	A/D		

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
and unique prehistoric resources, including but not limited to, avoiding archeological sites, capping or covering site with soil, planning the site as a park or green space or paying an in-kind mitigation fee.						
• Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.	PD	C	Review of report	A/D		3/4
2) If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:	PD	B	Review of report	A/D		4
• Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.	PD	B	Review of report	A/D		4
• Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should	BO	B/C	Review of report	A/D		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
immediately divert construction and notify the monitor of the find.						
• Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).	PD	D	Review of report	D		3
• Submit summary report to City of Rancho Cucamonga. Transfer collected specimens with a copy to the report to San Bernardino County Museum.	PD	D	Review of report	D		3
Section 6 – Geology and Soils						
1) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403 or re-planted with drought resistant landscaping as soon as possible.	BO	C	During construction	A		4
2) Frontage public streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon the time of year of construction.	BO	C	During construction	A		4
3) Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.	BO	C	During construction	A		4
4) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.	BO	C	During construction	A		4
Section 7 – Greenhouse Gas Emissions						
Short Term (Construction) GHG Emissions						
1) The project must comply with all rules that assist in reducing short-term air pollutant emission in compliance with SCAWMD Rule	BO	C	During construction	A		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
403 regarding fugitive dust including treating the site with water or other soil-stabilizing agent twice daily or replanting disturbed areas as quickly as possible.						
2) The construction contractor shall select construction equipment based on low-emission factors and high energy efficiency and submit a statement on the grading plan that ensures all construction equipment will be tuned and maintained in accordance with the manufactures' specification.	BO	C	During construction	A		4
3) Trucks shall not idle continuously for more than 5 minutes.	BO	C	During construction	A		4
4) Alternative fuel powered equipment shall be utilized in lieu of gasoline- or diesel-powered engines where feasible.	BO	C	During construction	A		4
5) Construction should be timed so as not to interfere with peak-hour traffic.	BO	C	During construction	A		4
6) Ridesharing and transit incentives shall be supported and encouraged for construction crew.	BO	C	During construction	A		4
Long Term (Operational) GHG Emissions						
7) Construction and Building materials shall be produced and/or manufactured locally. Use "Green Building Materials" such as materials that are resource efficient, recycled, and manufactured in an environmentally friendly way including low-volatile-organic-compound (VOC) materials.	BO	A	During Construction	C		2
8) Design all buildings to exceed California Building Code Title 24 energy standard including but not limited to any combination of: • Increased insulation such that heat transfer and thermal bridging is minimized. • Limit air leakage through the structure and/or within the heating and cooling	BO	A	During Construction	C		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
distribution system. • Incorporate Energy Star or better rated windows, space heating and cooling equipment, light fixtures, and appliances. • Landscape and developed site utilizing shade, prevailing winds and landscaping. • Install efficient lighting and lighting control systems. • Install light colored "cool" roofs and cool pavements. • Install solar or light emitting diodes (LED's) for outdoor lighting. • Design buildings to accommodate photo-voltaic solar electricity systems or the installation of phot-voltaic solar electricity systems. • Install electrical hook-ups at the loading dock areas. • Install dual paned windows or other energy efficient windows. • Install automatic devices to turn off lights where they are not needed.						
9) Prepare a comprehensive water conservation strategy appropriate for the project and include the following: • Install water efficient landscapes and irrigation systems and devices in compliance with the City of Rancho Cucamonga Water Efficient Landscape Ordinance. • Use reclaimed water for landscaping within the project if available and/or install the infrastructure to deliver and	BO	A	During Construction	C		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
use reclaimed water. • Design building to be water efficient by installing water efficient fixtures and appliances including low flow faucets, dual flush toilets and waterless urinals/water heaters. • Design irrigation to control runoff and to remove water to non-vegetated surfaces.						
10) Reuse and recycle construction and demolition waste. Provide interior and exterior storage areas for recyclables and green waste in public areas. Educated employees about reducing waste and about recycling.	CE	A	Review of plans		C	2
Section 9 – Hydrology and Water Quality						
Construction Activities						
1) Prior to issuance of grading permits, the permit applicant shall submit to Building Official for approval, Storm Water Pollution Prevention Plan (SWPPP) specifically identifying Best Management Practices (BMPs) that shall be used on-site to reduce pollutants during construction activities entering the storm drain system to the maximum extent practical.	BO	B/C/D	Review of plans	A/C		2/4
2) An Erosion Control Plan shall be prepared, included in the Grading Plan, and implemented for the proposed project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. This Erosion Control Plan shall include the following measures at a minimum: a) Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California, and b) An inspection and maintenance program shall be included to	BO	B/C/D	Review of plans	A/C		2/4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
ensure that any erosion which does occur either on-site or off-site as a result of this project will be corrected through a remediation or restoration program within a specified time frame.						
3) During construction, temporary berms such as sandbags or gravel dikes must be used to prevent discharge of debris or sediment from the site when there is rainfall or other runoff.	BO	B/C/D	Review of plans	A/C		2/4
4) During construction, to remove pollutants, street cleaning will be performed prior to storm events and after the use of water trucks to control dust in order to prevent discharge of debris or sediment from the site.	BO	B/C/D	Review of plans	A/C		2/4
5) Prior to issuance of grading or paving permits, the applicant shall obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City Building Official for coverage under the NPDES General Construction Permit.	BO	B/C/D	Review of plans	A/C		2/4
6) Prior to issuance of building permits, the applicant shall submit to the City Building Official for approval of a Water Quality Management Plan (WQMP), including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The WQMP shall identify the structural and non-structural measures consistent with the Guidelines for New Development and Redevelopment adopted by the City of Rancho Cucamonga in June 2004.	BO	B/C/D	Review of plans	A/C		2/4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
7) Landscaping plans shall include provisions for controlling and minimizing the use of fertilizers/pesticides/herbicides. Landscaped areas shall be monitored and maintained for at least two years to ensure adequate coverage and stable growth. Plans for these areas, including monitoring provisions for a minimum of two years, shall be submitted to the City for review and approval prior to the issuance of grading permits.	BO	B/C/D	Review of plans	A/C		2/4
8) The developer shall implement the BMPs identified in the Water Quality Management Exhibit prepared by Madole and Associates, Inc. to reduce construction pollutants from entering the storm drain system to the maximum extent practical.	BO	B/C/D	Review of plans	A/C		2/4
Section 12 – Noise						
Exterior						
1) Install temporary noise control barriers that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the nose source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or opening between the barrier and the ground shall be promptly repaired.	BO	C	During construction	A		4
2) During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with property operation and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise	BO	C	During construction	A		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
sensitive receptors nearest to the project site.						
3) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.	BO	C	During construction	A		4
4) The construction contractor shall limit haul truck deliveries to the same hours specified for construction activities (8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday). The contractor shall prepare a haul route exhibit and shall design delivery routes to minimize the exposure of sensitive land used or residential dwellings to delivery truck related noise.	BO	C	During construction	A		4
5) Business operations shall maintain a noise level at 60dB or less during the hours of 10:00 p.m. until 7:00 a.m. No loading and unloading activities including opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to residential areas.	BO	C	During construction	A		4
Interior						
1) Construction or grading shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday.	BO	C	During construction	A		4
2) Construction or grading noise levels shall not exceed the standards specified in Development Code Section 17.66.050, as measured at the property line. Developer shall hire a consultant to perform weekly noise level monitoring as specified in Development Code Section 17.66.050. Monitoring at other times may be required by	BO	C	During construction	A		4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
the Building Official. Said consultant shall report their findings to the Building Official within 24 hours; however, if noise levels exceed the above standards, then the consultant shall immediately notify the Building Official. If noise levels exceed the above standards, then construction activities shall be reduced in intensity to a level of compliance with above noise standards or halted.						
3) The perimeter block wall shall be constructed as early as possible in the first phase.	PD	C	During construction	A		A
4) Haul truck deliveries shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Additionally, if heavy trucks used for hauling would exceed 100 daily trips (counting both to and from the construction site), then the developer shall prepare a noise mitigation plan denoting any construction traffic haul routes. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.	PO/BO	C	During construction	A		4/7
Section 16 – Transportation/Traffic						
1) Driveway 1 at Base Line Road – Modify the existing median to provide full access. Install a traffic signal and construct the intersection with the following geometrics: • Northbound Approach: One left turn lane and one shared through-right turn lane. • Southbound Approach: One left turn lane and one shared through-right turn lane. • Eastbound Approach: One left turn lane with minimum 265 feet storage, three	PO/BO	C	During construction	A		4/7

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials	Sanctions for Non-Compliance
through lands and right turn lane. • Westbound Approach: One left turn lane, three through lanes and one right turn lane with minimum 200 feet storage.						
2) Day Creek Boulevard at Driveway 2 / Firehouse Court – The intersection with the following existing geometrics is sufficient to accommodate the addition of project traffic: • Northbound Approach: One left turn lane and three through lanes. • Southbound Approach: Three through lanes and one right turn lane. • Eastbound Approach: One shared left-right turn lane.	PO/BO	C	During construction	A		4/7
3) Day Creek Boulevard at Driveway 3 – Install a stop control on the eastbound approach and construct the intersection with the following geometrics: • Northbound Approach: Three through lanes. • Southbound Approach: Two through lanes and one shared through-right turn lane. • Eastbound Approach: On right turn lane.	PO/BO	C	During construction	A		4/7

Key to Checklist Abbreviations

Responsible Person	Monitoring Frequency	Method of Verification	Sanctions
CDD - Community Development Director or designee	A - With Each New Development	A - On-site Inspection	1 - Withhold Recordation of Final Map
PD - Planning Director or designee	B - Prior To Construction	B - Other Agency Permit / Approval	2 - Withhold Grading or Building Permit
CE - City Engineer or designee	C - Throughout Construction	C - Plan Check	3 - Withhold Certificate of Occupancy

BO - Building Official or designee	D - On Completion	D - Separate Submittal (Reports/Studies/ Plans)	4 - Stop Work Order
PO - Police Captain or designee	E - Operating		5 - Retain Deposit or Bonds
FC - Fire Chief or designee			6 - Revoke CUP
			7 - Citation

State of California - Natural Resources Agency
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October 27, 2015

Mr. Tabe Van Der Zwaag
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Subject: Initial Study and Mitigated Negative Declaration
Day Creek Marketplace and Residential Project
State Clearinghouse No. 2015101018

Dear Mr. Van Der Zwaag:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Initial Study (IS) and proposed Mitigated Negative Declaration (MND) for the Day Creek Marketplace and Residential Project (Project) [State Clearinghouse No. 2015101018]. The Department is responding to the IS and proposed MND as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description

The proposed project site is located north of Base Line Road, west of Day Creek Boulevard, south of the Pacific Electric Bike Trail, and east of the Day Creek Flood Control Channel, within the City of Rancho Cucamonga, San Bernardino County, California. The project proposes to amend the General Plan and Victoria Community Plan to change the land use designation to allow the development of a commercial center of 10.94 acres of land and 4 acres designated for the future development of multi-family housing.

Biological Resources and Impacts

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable

Pc 11/10/2015

EXHIBIT M

populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Rancho Cucamonga (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

Following review of the Biological Resources section of the IS, the Department identified a number of questions, comments and concerns, and requests that each of these be addressed prior to adoption of the proposed MND. The Department's questions, comments, and concerns include:

1. San Bernardino Kangaroo Rat. The project site contains suitable habitat for, and is located within one mile of federally designated critical habitat for San Bernardino kangaroo rat (SBKR), a federally endangered species and California Species of Special Concern. Although the roads, flood control channel, and bike trail surrounding the site present barriers to SBKR movement, the Department does not concur that SBKR can be presumed absent based on the presence of barriers alone. Nor can SBKR be precluded by the level of disturbance on the site: SBKR have been detected in disturbed habitat, including orange groves, former vineyards, and areas containing non-native grasses and other 'ruderal' vegetation (Braden and McKernan 2000). Absent a focused trapping survey, the Department recommends that the City consult with the United States Fish and Wildlife Service (Service) prior to initiation of project activities.

2. Sensitive Species. The Biological Resources Assessment (BRA) identifies the following special-status species as potentially occurring on-site: coast horned lizard (*Phrynosoma blainvillii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego desert woodrat (*Neotoma lepida intermedia*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), and mesa horkelia (*Horkelia cuneata* var. *puberula*). As the BRA notes, "these species have a limited population distribution in southern California, and development is reducing their ranges and numbers further."

   The BRA states that "due to the small size of the proposed project site, existing disturbances, and proximity to surrounding development, impacts to these sensitive species are not considered significant." However, the MND does not include survey data indicating whether any of the above-listed species occur on-site, an analysis of the number of individuals expected to occupy the site, or an estimation of the regional population of the species. Please clarify what the impacts to the above-listed species are expected to be, and provide a thorough and detailed mitigation proposal to offset the temporal, permanent, and cumulative impacts.

3. Impacts to Sensitive Natural Communities. The Biological Resources section of the IS checklist indicates that there will be "no impact" on "riparian habitat or other sensitive natural community identified in local or other regional plans,

policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service". This is incorrect: the project site supports Riversidean alluvial fan sage scrub (RAFSS), a state designated S-1.1 "very threatened" community. Page 5 of the BRA states that "because (the on-site RAFSS) is disturbed and isolated from larger blocks of habitat, the loss of 10 acres of (RAFSS) is not considered substantial." The Department does not concur with this conclusion, and considers net loss of this imperiled habitat to be adverse and significant. We recommend that the MND be revised to include a thorough and detailed analysis of the temporal, permanent, and cumulative impacts to RAFSS habitat.

The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009).

The Department strongly encourages the City and the project applicant to avoid and conserve the on-site RAFSS habitat to the greatest extent feasible. If complete avoidance is not possible, the Department recommends that the City revise the MND to include a thorough and detailed mitigation proposal to address the temporal, permanent, and cumulative impacts.

4. Impacts to Streambed Habitat. Page 3 of the BRA characterizes the on-site ephemeral stream as "a drainage ditch created by roadside runoff," and states that it "does not contain CDFW riparian habitat and is not considered a natural waterway regulated by CDFW." The Department does not concur with this statement.

   Based on a review of aerial photography, and the photographs supplied in Figure 4A of the BRA, it is likely that the project applicant will need to notify the Department per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

   Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and

wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

5. Nesting Birds. Mitigation Measure 1 states that a breeding bird survey shall be required to determine whether nesting is occurring "ten days prior to ground clearing activities". The Department recommends that the City revise Mitigation Measure 1 to require nesting bird surveys to occur no more than three (3) days prior to vegetation removal or ground-disturbing activities, as many species of birds may complete nest building in fewer than ten days.

   Page 18 of the IS identifies the avian nesting season as February 1 through August 31. However, some species of raptors may commence nesting as early as January 1, while some passerines may continue to nest after August 31. Therefore, the Department recommends that nesting bird surveys occur regardless of the time of year.

The Department appreciates the opportunity to comment on the Initial Study and proposed Mitigated Negative Declaration for the Day Creek Marketplace and Residential Project (State Clearinghouse Number 2015101018), and requests that the City address the Department's comments and concerns prior to adoption of the MND. If you should have any questions pertaining to these comments, please contact Gabriele Quillman at (909) 980-3818 or at gabriele.quillman@wildlife.ca.gov.

Sincerely,

For Leslie MacNair
Regional Manager

cc: State Clearinghouse, Sacramento

Literature Cited

Braden, G., and R. McKernan. 2000. A Data Based Survey Protocol and Quantitative Description of Suitable Habitat for the Endangered San Bernardino Kangaroo Rat. San Bernardino County Museum. June 2000. 35 pp

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. http://vegetation.cnps.org/

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BERKELEY
CARLSBAD
FORT COLLINS

FRESNO
IRVINE
PALM SPRINGS

PT. RICHMOND
ROCKLIN
SAN LUIS OBISPO

MEMORANDUM

DATE: October 30, 2015

TO: Tabe Van Der Zwaag, City of Rancho Cucamonga

FROM: Lynn Calvert-Hayes, AICP, LSA
Denise Woodard, LSA

SUBJECT: Response to California Department of Fish and Wildlife Comments on the Initial Study/Mitigated Negative Declaration Day Creek Marketplace and Residential Project State Clearinghouse No. 2015101018

The following provides responses to comments received from the California Department of Fish and Wildlife (CDFW) in a letter dated October 27, 2015, addressed to the City of Rancho Cucamonga (City.)

CDFW Comment 1. San Bernardino Kangaroo Rat. The project site contains suitable habitat for, and is located within one mile of federally designated critical habitat for San Bernardino kangaroo rat (SBKR), a federally endangered species and California Species of Special Concern. Although the roads, flood control channel, and bike trail surrounding the site present barriers to SBKR movement, the Department does not concur that SBKR can be presumed absent based on the presence of barriers alone. Nor can SBKR be precluded by the level of disturbance on the site: SBKR have been detected in disturbed habitat, including orange groves, former vineyards, and areas containing non-native grasses and other 'ruderal' vegetation (Braden and McKernan 2000). Absent a focused trapping survey, the Department recommends that the City consult with the United States Fish and Wildlife Service (Service) prior to initiation of project activities.

Response. LSA Biologists Richard Erickson and Leo Simone, who are permitted under LSA's Federal Fish and Wildlife Permit TE-777965-10 (March 22, 2013–March 21, 2017) and CDFW attachment to Scientific Collecting Permit SC-000777 providing Conditions for Research on Listed Mammals (November 27, 2012–January 31, 2017) determined the habitat on the project site is unsuitable for the San Bernardino kangaroo rat (SBKR). While it is true that the site is within one mile of designated critical habitat for this species, and potentially suitable Riversidean alluvial fan sage scrub (RAFSS) habitat is present on site, the site is isolated and fragmented from existing known SBKR occupied sites. Over the past 15 years LSA has conducted extensive trapping in the project area with no SBKR captures. Extensive development of the surrounding area and channelization of the drainage channel has effectively isolated the project site from known occupied locations, the nearest of which is ± 3 miles away.

No change in the significance of the impact identified in the Initial Study/Mitigated Negative Declaration would occur.

CDFW Comment 2. Sensitive Species. The Biological Resources Assessment (BRA) identifies the following special-status species as potentially occurring on-site: coast horned lizard (*Phrynosoma blainvillii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego desert woodrat (*Neotoma lepida intermedia*), Parry's spineflower (*Chorizanthe parryi var. parryi*), and mesa

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horkelia (*Horkelia cuneata var. puberula*). As the BRA notes, "these species have a limited population distribution in southern California, and development is reducing their ranges and numbers further."

The BRA states that "due to the small size of the proposed project site, existing disturbances, and proximity to surrounding development, impacts to these sensitive species are not considered significant." However, the Mitigated Negative Declaration (MND) does not include survey data indicating whether any of the above-listed species occur on- site, an analysis of the number of individuals expected to occupy the site, or an estimation of the regional population of the species. Please clarify what the impacts to the above-listed species are expected to be, and provide a thorough and detailed mitigation proposal to offset the temporal, permanent, and cumulative impacts.

Response. LSA maintains that the habitat on site is considered to be of low value for the subject species because the site is small in size, and degraded by, and isolated from, other similar habitats in the region as a result of extensive surrounding development. The habitat conditions on site may support a few individuals of these species, but would not support their long term, continued existence. During field surveys, none of the species cited by the CDFW were identified within the project limits (Biological Resources Assessment, Appendix A: List of Plant and Wildlife Species Observed.)

In most cases it is not standard practice to estimate specific numbers of individuals of lower level special-status species in CEQA documents. Such estimates are sometimes, but not always made for listed or endangered species, or some plant populations where it is practical to generate that information. Furthermore, it is not necessary or particularly helpful to provide such detailed information to decision makers in cases such as this one. The description provided in this case is considered adequate.

Existing and developing regional habitat conservation plans including the Upper Santa Ana River Wash Habitat Conservation Plan, North Fontana Interim MSHCP Policy and other local conservation and preservation plans (e.g., City of Rancho Cucamonga General Plan) are designed for the long-term conservation of these and other species associated with viable RASS habitat.

No change in the significance of the impact identified in the Initial Study/Mitigated Negative Declaration would occur.

CDFW Comment 3. Impacts to Sensitive Natural Communities. The Biological Resources section of the Initial Study (IS) checklist indicates that there will be "no impact" on "riparian habitat or other sensitive natural community identified in local or other regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service". This is incorrect: the project site supports Riversidean alluvial fan sage scrub (RAFSS), a state designated S-1.1 "very threatened" community. Page 5 of the BRA states that "because (the on-site RAFSS) is disturbed and isolated from larger blocks of habitat, the loss of 10 acres of (RAFSS) is not considered substantial." The Department does not concur with this conclusion, and considers net loss of this imperiled habitat to be adverse and significant. We recommend that the MND be revised to include a thorough and detailed analysis of the temporal, permanent, and cumulative impacts to RAFSS habitat.

The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These

ranks can be obtained by querying the CNDDB and are included in The Manual of California Vegetation (Sawyer et al. 2009).

The Department strongly encourages the City and the project applicant to avoid and conserve the on-site RAFSS habitat to the greatest extent feasible. If complete avoidance is not possible, the Department recommends that the City revise the MND to include a thorough and detailed mitigation proposal to address the temporal, permanent, and cumulative impacts.

Response. The plants species occurring on the proposed project site are not intrinsically rare or valuable. RAFSS habitat in a more natural setting is often considered sensitive because of its dynamic nature (on active alluvial fans), plant and animal species diversity, and the fact that it can be habitat for rare or endangered species and healthy populations of other special-status species. As detailed in the response above, the RAFSS habitat on site is degraded and not considered suitable for the long term preservation of the non-listed sensitive species discussed in the response to Comment 2 above. In addition, the listed Californian gnatcatcher was found to be absent, and the habitat is considered unsuitable for the listed San Bernardino kangaroo rat as discussed in the response to Comment 1 above. Again, the RAFSS habitat is isolated from other RAFSS habitat in the region by extensive development. Preservation of this habitat would not contribute to the conservation effort of larger blocks of this habitat in the region. The loss of the RAFSS habitat on site will result in an incremental loss of habitat in the region, but is not considered cumulatively significant when considered in the context of the larger scale conservation efforts described Response to Comment 2.

No change in the significance of the impact identified in the Initial Study/Mitigated Negative Declaration would occur.

CDFW Comment 4. Impacts to Streambed Habitat. Page 3 of the BRA characterizes the on-site ephemeral stream as "a drainage ditch created by roadside runoff," and states that it "does not contain CDFW riparian habitat and is not considered a natural waterway regulated by CDFW." The Department does not concur with this statement.

Based on a review of aerial photography, and the photographs supplied in Figure 4A of the BRA, it is likely that the project applicant will need to notify the Department per Fish and Game Code Section 1602. Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

Response: It must be noted the creation of the stated drainage is the result of prior off-site construction. The CDFW based its determination of the "likely" nature of the on-site drainage on a review of aerial and site photographs. The evaluation of the drainage identified in the BRA was based on several field observations. As stated in the BRA:

> *An isolated ephemeral drainage feature exists on the site. It originates at a 24-inch diameter concrete culvert approximately 6 feet south of the sidewalk on the west end of Firehouse Court. It appears that roadside runoff from Firehouse Court enters a curbside storm drain that diverts flow onto the project site via the 24-inch diameter concrete culvert. The roadside runoff draining onto the site eventually sheet flows onto the southeasterly portion of the site. The flows do not leave the site, and do not connect to any downstream waters.*
>
> *The subject drainage feature is considered to be a drainage ditch created by roadside runoff. This type of drainage ditch is generally not considered jurisdictional under the CWA because it excavated in and drains only uplands, and does not carry a relatively permanent flow of water. Additionally, this drainage feature does not contain CDFW riparian habitat ...*

In its capacity as a Responsible Agency, the CDFW has discretion regarding its determination of jurisdiction over "streambeds". While the consultant, the City and the project applicant may interpret the stated drainage as a feature not subject to CDFW jurisdiction, it is the CDFW who is ultimately tasked with making this determination. The City may approach this issue in one of two manners: 1) it may elect to condition the project to require filing of a Notification of Lake or Streambed Alteration for impacts to the onsite drainage feature in compliance with Section 1602 of the Fish and Game Code, or 2) it may determine that this effort is not required. Should the City elect to not require the Lake or Streambed Alternation notification, there is a potential for the CDFW to view the project to be in violation of Fish and Game Code Section 1602.

Due to the limited extent of the drainage, absence of connectivity with other features, absence of riparian vegetation, and limited flows, it is not anticipated effects on this feature would be significant, regardless if Notification occurred or not.

CDFW Comment 5. Nesting Birds. Mitigation Measure 1 states that a breeding bird survey shall be required to determine whether nesting is occurring "ten days prior to ground clearing activities". The Department recommends that the City revise Mitigation Measure 1 to require nesting bird surveys to occur no more than three (3) days prior to vegetation removal or ground-disturbing activities, as many species of birds may complete nest building in fewer than ten days.

Page 18 of the IS identifies the avian nesting season as February 1 through August 31. However, some species of raptors may commence nesting as early as January 1, while some passerines may

continue to nest after August 31. Therefore, the Department recommends that nesting bird surveys occur regardless of the time of year.

Response. The project will require nesting bird surveys within 3 days prior to vegetation removal or ground clearing activities between January 1 and August 31, as recommended.

It is recommended that Mitigation Measure 1be revised as follows:

1) Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young.

It is recommended that third bullet of Mitigation 2 be revised as follows:

- If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

The modification of the stated mitigation will not alter the significance finding identified in the Initial Study/Mitigated Negative Declaration.

RESOLUTION NO. 15-72

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP SUBTPM19637, A REQUEST TO SUBDIVIDE 14.08 ACRES OF LAND INTO 6 PARCELS INCLUDING 10.08 ACRES OF LAND FOR THE PURPOSES OF DEVELOPING A RETAIL CENTER AND A 4 ACRE REMAINDER PARCEL FOR RESIDENTIAL PURPOSES FOR A SITE LOCATED AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD IN THE MEDIUM (M) ZONING DISTRICT OF THE VICTORIA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35.

A. Recitals.

1. Lewis Retail Centers, Inc. filed an application for the approval of Tentative Parcel Map SUBTPM19637 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Tentative Parcel Map request is referred to as "the application."

2. On the 10th day of November 2015, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on November 10, 2015, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is RCFPD Station 173 within the Community Facilities (CF) Zoning District and Vacant Land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan; and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The application is for the subdivision of 14.08 acres of vacant land into 6 lots including 10.08 acres of land for the purposes of developing a 100,135 square foot multi-tenant

retail center and a 4-acre remainder parcel for the future development of a multi-family senior housing project; and

d. The General Plan Land Use designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan land use designation to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation to Village Commercial (VC), which is the Victoria Community Plan equivalent to the Neighborhood Commercial (NC) designation; and

e. The General Plan land use designation for the 4-acre parcel to the north of the project site will remain Low Medium (LM) residential. The Victoria Community Plan zoning designation for 4 acres will be amended to Low Medium (LM), in conformance with the General Plan.

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

a. The proposed Tentative Parcel Map will be consistent with the General Plan, Development Code and the Victoria Community Plan with approval of the related General Plan Amendment (DRC2015-00388), which changes the General Plan Land Use Designation for the 10.08 acre project side from Low Medium (LM) Residential to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment (DRC2015-00390), which changes the Victoria Community Plan Zoning Designation form Medium (M) Residential to Village Commercial (VC).

b. The design and layout of the subject tentative parcel map will be consistent with the General Plan, Development Code and the Victoria Community Plan with approval of the related General Plan Amendment (DRC2015-00388) and Victoria Community Plan Amendment (DRC2015-00390). The project site is being subdivided for the development of a commercial center which will be consistent with the proposed Neighborhood Commercial (NC) General Plan Land Use Designation and the Village Commercial (VC) Victoria Community Plan Zoning Designation.

c. The site is physically suitable for the type of development proposed. The project includes a request to change the General Plan Land Use Designation from Low Medium (LM) Residential to Neighborhood Commercial and the Victoria Community Plan Zoning Designation from Medium (M) Residential to Village Commercial. The project site is well-suited for a commercial center as it is at the intersection of two major boulevards that were designed to accommodate the level of traffic proposed by the development. The project includes three vehicle access points and 4 main pedestrian access points.

d. The design of the subdivision is not likely to cause substantial environmental damage and avoidable injury to humans and wildlife or their habitat. An Initial Study was prepared for the project that includes mitigation measures to reduce any potential impacts to humans or wildlife to less than significant.

e. The tentative tract is not likely to cause serious public health problems. The proposed project is for the development of a commercial center which generally does not include the use of hazardous materials.

f. The design of the tentative tract will not conflict with any easement acquired by the public at large, now of record, for access through or use of the property within the proposed subdivision. Access to the property will be from existing public streets which will require modifying the existing public right-of-way. There is an existing easement in place providing shared access with the existing San Bernardino County Flood Control maintenance yard to the west that will be integrated into the project layout.

4. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect upon the environment and recommends the City Council adopt a Mitigated Negative Declaration based upon the findings as follows:

a. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

b. The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration prior to approving the requested Tentative Tract entitlement.

c. The Planning Commission has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during project implementation. The Planning Commission therefore recommends the City Council adopt the Mitigation Monitoring Program for the project.

d. The custodian of records for the Initial Study, Mitigated Negative Declaration and all other materials which constitute the record of proceedings upon which the Planning Commission's recommendation is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

5. Based upon the findings and conclusions set forth in Paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the attached standard conditions incorporated herein by this reference.

Planning Department

1) Approval is for Tentative Parcel Map SUBTPM19637 for the subdivision of 14.08 acres of land into 6 parcels and a remainder parcel for a site located at the northwest corner of Day Creek Boulevard and Base Line Road: APN's: 1089-031-15, 16, 35.

2) Approval of Tentative Parcel Map SUBTPM19637 is contingent upon Planning Commission approval of Development Review DRC2015-00386 and Conditional Use Permit DRC2015-00387 and City Council approval of General Plan Amendment DRC2015-00388 and Victoria Community Plan Amendment DRC2015-00390 and the City Council's adoption of the Mitigated Negative Declaration of environmental impacts and the Mitigation Monitoring Program and all mitigations contained therein for all project components.

3) Approval of this request shall not waive compliance with any sections of the Development Code, State Fire Marshal's regulations, Uniform Building Code, or any other City Ordinances.

4) The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

Air Quality

Short Term (Construction) Emissions

1) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25mph per SCAQMD guidelines in order to limit fugitive dust emissions.

2) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.

3) The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

4) All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per

manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.

5) Prior to the issuance of any grading permits, the developer shall submit construction plans to the City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning Staff.

6) The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.

7) The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.

8) All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.

9) All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high-volume, low-pressure spray.

10) All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:

- Reestablish ground cover on the construction site through seeding and watering.
- Pave or apply gravel to any on-site haul roads.
- Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
- Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.
- Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
- Sweep streets according to a schedule established by the City if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. Timing may vary depending upon the time of year of construction.

- Suspend grading operations during high winds (i.e., wind speeds exceeding 25mph) in accordance with Rule 403 requirements.

- Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.

11) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board (RWQCB)) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

12) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Long Term Emissions

13) Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides.

14) Provide preferential parking to high occupancy vehicles and shuttle services.

15) Schedule truck deliveries and pickups during off-peak hours.

16) Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors.

17) Landscape with native and/or drought-resistant species to reduce water consumption and to provide passive solar benefits.

18) Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure.

19) Comply with the AQMP Miscellaneous Sources PRC-03, and Stationary Sources Operations Enhanced Inspection and Maintenance and ADV-MISC to reduce emissions of restaurant operations.

20) All commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 10 minutes).

21) All commercial facilities shall designate preferential parking for vanpools.

22) All commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.

23) All commercial site tenants with 50 or more employees shall be required to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.

24) All commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.

25) All commercial structures shall be required to incorporate thermal pane windows and weather-stripping.

26) All new development in the City of Rancho Cucamonga shall comply with South Coast Air Quality Management District's Rule 445, Wood Burning Devices. Rule 445 was adopted in March 2008 to reduce emissions of $PM_{2.5}$ and precludes the installation of indoor or outdoor wood burning devices (i.e. fireplaces/hearths) in new development on or after March 9, 2009..

Biological Resources

1) Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young.

   If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

2) Perform a Burrowing Owl Survey that is in conformance with the Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and submit the written report outlining the findings to the California Department of Fish and Wildlife (CDFW) and the Planning Department within 30 days of groundbreaking activity. The survey shall include a habitat assessment, survey and impact analysis. The Burrowing Owl Survey shall follow the following protocol:

   - Burrowing Owl Survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report. Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the project site, then no further mitigation is required. If burrowing owls are found to be utilizing the

project site during the pre-construction survey, measures shall be developed by the qualified biologist in coordination with CDFW to avoid Impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and will at minimum include establishment of buffer setbacks from occupied burrows and owl monitoring. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls.

- During the non-breeding season from September 1 through January 31, if burrows are occupied by migratory or non-migratory resident burrowing owls during a pre-construction survey, burrow exclusion and/or closure may be used to exclude owls from those burrows. Burrow exclusion and/or closure should only be conducted by a qualified wildlife biologist in coordination with CDFW using the most current CDFW guidelines.

- During the avian nesting season from February 1 through August 31, if nests are discovered, they shall be avoided through establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area would have to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

Cultural Resources

1) If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Rancho Cucamonga will:

    - Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
    - Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.
    - Pursue educating the public about the archaeological heritage of the area.
    - Prepare a mitigation plan consistent with Section 21083.2 Archaeological resources of CEQA to eliminate adverse project effects on significant, important, and unique prehistoric resources, including but not limited to, avoiding archaeological sites, capping

or covering sites with soil, planning the site as a park or green space or paying an in-kind mitigation fee.

- Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.

2) If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:

- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
- Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
- Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
- Submit summary report to City of Rancho Cucamonga. Transfer collected specimens with a copy of the report to San Bernardino County Museum.

Geology and Soils

1) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403 or re-planted with drought resistant landscaping as soon as possible.

2) Frontage public streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon time of year of construction.

3) Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.

4) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

<u>*Greenhouse Gasses*</u>

Short Term (Construction) GHG Emissions

1) The project must comply with all rules that assist in reducing short-term air pollutant emission in compliance with SCAWMD Rule 403 regarding fugitive dust including treating the site with water or other soil-stabilizing agent twice daily or replanting disturbed areas as quickly as possible.

2) The construction contractor shall select construction equipment based on low-emission factors and high energy efficiency and submit a statement on the grading plan that ensures all construction equipment will be tuned and maintained in accordance with the manufactures specification.

3) Trucks shall not idle continuously for more than 5 minutes.

4) Alternative fuel powered equipment shall be utilized in lieu of gasoline- or diesel-powered engines where feasible.

5) Construction should be timed so as not to interfere with peak-hour traffic.

6) Ridesharing and transit incentives shall be supported and encouraged for construction crew.

Long Term (Operational) GHG Emissions

1) Construction and Building materials shall be produced and/or manufactured locally. Use "Green Building Materials" such as materials that are resource efficient, recycled and manufactured in an environmentally friendly way including low-volatile-organic-compound (VOC) materials.

2) Design all buildings to exceed California Building Code Title 24 energy standard including but not limited to any combination of:

   - Increased insulation such that heat transfer and thermal bridging is minimized.

   - Limit air leakage through the structure and/or within the heating and cooling distribution system.

   - Incorporate Energy Star or better rated windows, space heating and cooling equipment, light fixtures, and appliances

- Landscape and developed site utilizing shade, prevailing winds and landscaping
- Install efficient lighting and lighting control systems
- Install light colored "cool" roofs and cool pavements
- Install solar or light emitting diodes (LED's) for outdoor lighting.
- Design buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems.
- Install electrical hook-ups at the loading dock areas.
- Install dual paned windows or other energy efficient windows.
- Install automatic devices to turn off lights where they are not needed.

3) Prepare a comprehensive water conservation strategy appropriate for the project and include the following:

- Install water efficient landscapes and irrigation systems and devices in compliance with the City of Rancho Cucamonga Water Efficient Landscape Ordinance.
- Use reclaimed water for landscaping within the project if available and/or install the infrastructure to deliver and use reclaimed water.
- Design building to be water efficient by installing water efficient fixtures and appliances including low flow faucets, dual flush toilets and waterless urinals/water heaters.
- Design irrigation to control runoff and to remove water to non-vegetated surfaces.

4) Reuse and recycle construction and demolition waste. Provide interior and exterior storage areas for recyclables and green waste in public areas. Educate employees about reducing waste and recycling.

Hydrology and Water Quality

Construction Activity

1) Prior to issuance of Grading Permits, the permit applicant shall submit to the Building Official for approval, a Storm Water Pollution Prevention Plan (SWPPP) specifically identifying Best Management Practices (BMPs) that shall be used on-site to reduce pollutants during construction activities entering the storm drain system to the maximum extent practical.

2) An Erosion Control Plan shall be prepared, included in the Grading Plan, and implemented for the proposed project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. This Erosion Control Plan shall include the following measures at a minimum: a) Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California, and b) An inspection and maintenance program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this project will be corrected through a remediation or restoration program within a specified time frame.

3) During construction, temporary berms such as sandbags or gravel dikes must be used to prevent discharge of debris or sediment from the site when there is rainfall or other runoff.

4) During construction, to remove pollutants, street cleaning will be performed prior to storm events and after the use of water trucks to control dust in order to prevent discharge of debris or sediment from the site.

5) Prior to issuance of grading or paving permits, the applicant shall obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City Building Official for coverage under the NPDES General Construction Permit.

Grading Activities

1) Prior to issuance of building permits, the applicant shall submit to the City Building Official for approval of a Water Quality Management Plan (WQMP), including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The WQMP shall identify the structural and non-structural measures consistent with the Guidelines for New Development and Redevelopment adopted by the City of Rancho Cucamonga in June 2004.

2) Landscaping plans shall include provisions for controlling and minimizing the use of fertilizers/pesticides/herbicides. Landscaped areas shall be monitored and maintained for at least two years to ensure adequate coverage and stable growth. Plans for these areas, including monitoring provisions for a minimum of two years, shall be submitted to the City for review and approval prior to the issuance of grading permits.

3) The developer shall implement the BMPs identified in the Water Quality Management Plan prepared by Madole and Associates, Inc. to reduce construction pollutants from entering the storm drain system to the maximum extent practical.

Noise

1) Install temporary noise control barriers that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the nose source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or opening between the barrier and the ground shall be promptly repaired.

2) During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with property operation and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise sensitive receptors nearest to the project site.

3) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.

4) The construction contractor shall limit haul truck deliveries to the same hours specified for construction activities (8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday). The contractor shall prepare a haul route exhibit and shall design delivery routes to minimize the exposure of sensitive land used or residential dwellings to delivery truck related noise.

5) Business operations shall maintain a noise level at 60dB or less during the hours of 10:00 p.m. until 7:00 a.m. No loading and unloading activities including opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to residential areas.

6) Construction or grading shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday.

7) Construction or grading noise levels shall not exceed the standards specified in Development Code Section 17.66.050, as measured at the property line. Developer shall hire a consultant to perform weekly noise level monitoring as specified in Development Code Section 17.66.050. Monitoring at other times may be required by the Building Official. Said consultant shall report their findings to the Building Official within 24 hours; however, if noise levels exceed the above standards, then the consultant shall immediately notify the Building Official. If noise levels exceed the above standards, then construction activities shall be reduced in intensity to a level of compliance with above noise standards or halted.

8) The perimeter block wall shall be constructed as early as possible in first phase.

9) Haul truck deliveries shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Additionally, if heavy trucks used for hauling would exceed 100 daily trips (counting both to and from the construction site), then the developer shall prepare a noise mitigation plan denoting any construction traffic haul routes and include appropriate noise mitigation measures. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.

Transportation

1) Driveway 1 at Base Line Road – Modify the existing median to provide full access. Install a traffic signal and construct the intersection with the following geometrics:

   - Northbound Approach: One left turn lane and one shared through-right turn lane.
   - Southbound Approach: One left turn lane and one shared through-right turn lane.
   - Eastbound Approach: One left turn lane with minimum 265 feet storage, three through lands and right turn lane.
   - Westbound Approach: One left turn lane, three through lanes and one right turn lane with minimum 200 feet storage.

2) Day Creek Boulevard at Driveway 2 / Firehouse Court – The intersection with the following existing geometrics is sufficient to accommodate the addition of project traffic:

   - Northbound Approach: One left turn lane and three through lanes.
   - Southbound Approach: Three through lanes and one right turn lane.
   - Eastbound Approach: One shared left-right turn lane.

3) Day Creek Boulevard at Driveway 3 – Install a stop control on the eastbound approach and construct the intersection with the following geometrics:

   - Northbound Approach: Three through lanes.

- Southbound Approach: Two through lanes and one shared through-right turn lane.

- Eastbound Approach: On right turn lane.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 10TH DAY OF NOVEMBER 2015.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 10th day of November 2015, by the following vote-to-wit:

AYES:	COMMISSIONERS:	FLETCHER, MUNOZ, OAXACA, WIMBERLY
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	MACIAS
ABSTAIN:	COMMISSIONERS:	NONE

Conditions of Approval

RANCHO CUCAMONGA

Community Development Department

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

1. Mitigation measures are required for the project. The applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit, or other forms of guarantee acceptable to the Planning Director in the amount of $729 prior to the issuance of Building Permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay for City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.
2. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Department approval prior to the issuance of Building Permits.
3. Graffiti shall be removed within 72 hours.
4. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.
5. Signs shall be conveniently posted for "no overnight parking" and for "employee parking only."
6. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 65 dB during the hours of 10 p.m. until 7 a.m. and 70 dB during the hours of 7 a.m. until 10 p.m.
   b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.
7. Any outdoor vending machines shall be recessed into the building faces and shall not extend into the pedestrian walkways. The design details shall be reviewed and approved by the Planning Director prior to the issuance of Building Permits.
8. The design of store fronts shall compliment the architectural program and shall have subtle variations subject to Design Review Committee approval prior to the issuance of Building Permits.
9. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Planning Director review and approval prior to the issuance of Building Permits.

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
11. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
12. Copies of the signed Planning Commission Resolution of Approval or Approval Letter, Conditions of Approval, and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
13. The applicant shall be required to pay California Department of Fish and Wildlife Notice of Exemption and Mitigated Negative Declaration fee in the amount of $2,260.00. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to public hearing.
14. Any approval shall expire if Building Permits are not issued or approved use has not commenced within 5 years from the date of approval or a time extension has been granted.
15. This tentative tract map or tentative parcel map shall expire, unless extended by the Planning Commission, unless a complete final map is filed with the Engineering Services Department within 3 years from the date of the approval.
16. For commercial and industrial projects, paint roll-up doors and service doors to match main building colors.
17. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Department. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Planning Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. Details shall be included in building plans.
18. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls.
19. All parking lot landscape islands shall have a minimum outside dimension of 6 feet.
20. All parking spaces shall be 9 feet wide by 17 feet long with a required 1-foot overhang (e.g., over a curb stop).

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

21. All parking spaces shall be double striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
22. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/ recreational uses.

Engineering Services Department

Please be advised of the following Special Conditions

1. This development will be served by the Rancho Cucamonga Municipal Utility (RCMU). RCMU facilities currently end at the southeast corner of Base Line Road and Day Creek Boulevard. Concurrently with development of the proposed site, RCMU would like to extend their line to serve the existing Fire Station to the north.
2. Base Line Road frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:
   A. Provide curb & gutter, street type driveway with access ramps, 9500 Lumen HPSV-equivalent LED street lights, and signing & striping including bike lanes as required.
   B. Sidewalk shall be curvilinear. Curb adjacent sidewalk, 6 feet wide, is allowed along right turn lanes and bus turnouts, but the bus shelter shall be outside the right-of-way.
   C. Provide a 200' minimum westbound right turn lane at the proposed driveway per Standard Drawing 119.
   D. Provide a bus bay on the northwest corner of Base Line at Day Creek.
   E. Provide a traffic signal and related equipment at Base Line Road and the proposed driveway. Eastbound left turn pocket shall be a minimum of 265'. Applicant shall enter into an annual maintenance agreement for the traffic signal.
   F. Install street trees per Base Line Road Master Beautification Plan.
   G. Easements for public sidewalks placed outside the public right-of-way shall be dedicated to the City.
   H. Provide a catch basin on upstream side of driveway.
   I. Provide an agreement with San Bernardino County Flood Control District that states that they accept the proposed access relocation to their site.
3. Firehouse Court frontage improvements shall be in accordance with City "Collector" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 5800 Lumen HPSV-equivalent LED street lights and signing and striping as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per City Standards.
4. Driveways shall be in accordance with the City Driveway Policy including minimum distances from intersections and other driveways.

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Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Please be advised of the following Special Conditions

5. Day Creek Boulevard frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 9500 Lumen HPSV-equivalent LED street lights, and signing and striping including bike lanes as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per Day Creek Boulevard Beautification Plan.

6. The existing overhead utilities (telecommunications and electrical) on the project side of Base Line Road shall be undergrounded from the end of line pole on the west side of Day Creek Boulevard to the first pole off site west of the west project boundary, to public improvement acceptance or occupancy, whichever occurs first. The developer may request a reimbursement agreement to recover one-half the City adopted cost for undergrounding from future development (redevelopment) as it occurs on the opposite side of the street. If the developer fails to submit for said reimbursement agreement within 6 months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

7. The Base Line Road median shall be landscaped from Day Creek Boulevard to the existing terminus east of Day Creek Channel, per City Standards, to the satisfaction of the City Engineer. The developer may request a reimbursement agreement to recover one-half the City adopted cost for median landscaping from future development as it occurs on the opposite side of the street. If the developer fails to submit said reimbursement agreement within six months of the landscape improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

8. Development Impact Fees are assessed at the time of building permit issuance.

9. Provide written confirmation from San Bernardino County Flood Control District that states that they accept the proposed access relocation to their existing maintenance yard. SBCFCD should also confirm they will allow the proposed Pad B on their property, prior to map approval or building permit issuance, whichever comes first.
   A. If a portion of the access drive aisle depends on an offsite easement, that easement shall be acquired prior to map approval or building permit issuance, whichever comes first.

10. A final drainage study shall be submitted to and approved by the City Engineer prior to final map approval or the issuance of building permits, whichever occurs first. All drainage facilities shall be installed as required by the City Engineer.

11. Due to the location of the proposed public storm drain easement, the existing offer of dedication for storm drain purposes located northerly of the development shall be vacated.

12. Trees are prohibited within 5 feet of the outside diameter of the existing and proposed public storm drain, measured from the outer edge of a mature tree trunk. A copy of the on-site landscaping plan, with the storm drain plotted, shall be provided for the City Engineer to verify this condition is being met.

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Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

13. A signed consent and waiver form to join and/or form the appropriate Landscape and Lighting Districts shall be filed with the Engineering Services Department prior to final map approval or issuance of Building Permits whichever occurs first. Formation costs shall be borne by the developer.
14. A non-refundable deposit shall be paid to the City, covering the estimated operating costs for all new streetlights for the first six months of operation, prior to final map approval or prior to Building Permit issuance if no map is involved.
15. Prior to the issuance of building permits, a Diversion Deposit and related administrative fees shall be paid for the Construction and Demolition Diversion Program. The deposit is fully refundable if at least 50% of all wastes generated during construction and demolition are diverted from landfills, and appropriate documentation is provided to the City. Permits issued on or after June 2, 2014, must complete the reimbursement process through the City's Accelerate online portal within 60 days following the completion of the construction and/or demolition project or the deposit will be forfeited. Permits issued before June 2, 2014, require the following when applying for a deposit reimbursement: a completed CD-2 form, a copy of the cashier's receipt showing the deposit amount, and all weight tickets. Instructions and forms are available at the City's web site, www.CityofRC.us, under City Hall; Engineering; Environmental Programs.

Grading Section

Standard Conditions of Approval

1. The final grading and drainage plan shall show existing topography a minimum of 100-feet beyond project boundary.
2. The applicant shall provide a grading agreement and grading bond for all cut and fill combined exceeding 5,000 cubic yards prior to issuance of a grading permit. The grading agreement and bond shall be approved by the Building and Safety Official.
3. This project shall comply with the accessibility requirements of the current adopted California Building Code.
4. The precise grading and drainage plan shall follow the format provided in the City of Rancho Cucamonga handout "Information for Grading Plans and Permit".
5. All slopes shall be a minimum 2-foot offset from the public right of way or adjacent private property.
6. Private sewer, water, and storm drain improvements will be designed per the, latest adopted California Plumbing Code.
7. The maximum parking stall gradient is 5 percent. Accessibility parking stall grades shall be constructed per the, current adopted California Building Code.
8. Roof storm water is not permitted to flow over the public parkway and shall be directed to an under parkway culvert per City of Rancho Cucamonga requirements prior to issuance of a grading permit.

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

9. The Preliminary Water Quality Management Plan (WQMP) has been deemed "Acceptable". Prior to the issuance of a grading permit a final project-specific Water Quality Management Plan shall be submitted for review and approval by the Building Official.
10. Prior to the issuance of a Grading Permit the City of Rancho Cucamonga's "Memorandum of Agreement of Storm Water Quality Management Plan" shall be submitted for review and approval by the Building Official and recorded with the County Recorder's Office.
11. Prior to issuance of a Grading Permit the applicant shall obtain a Waste Discharge Identification Number (WDID).
12. A Grading Bond will be required to be submitted to the Building and Safety Services Department Official for review and approval prior to issuance of a Grading Permit.
13. All roof drainage flowing to the public right of way (Baseline Avenue and Day Creek Boulevard) must drain under the sidewalk through a parkway culvert approved by the Engineering Department.
14. The applicant shall provide a copy of EPA Form 7520-16 (Inventory of Injection Wells) with the Facility ID Number assigned to the Building and Safety Services Department Official prior to issuance of the Grading Permit.
15. The land owner shall provide an inspection report by a qualified person/company on a biennial basis for the underground infiltration chambers to the City of Rancho Cucamonga Environmental Program Manager. The land owner shall maintain on a regular basis all best management practices (BMP"s) as described in the Storm Water Quality Management Plan prepared for the subject project. All costs associated with the underground infiltration chamber are the responsibility of the land owner.
16. Prior to issuance of a wall permit, on engineered combination garden/retaining walls along the property boundary the structural calculations for the wall shall assume a level toe/heel at the adjacent off-site property (i.e. a manufactured slope is not present).
17. Prior to issuance of a wall permit, a copy of the Grading Special Conditions of Approval shall be included within the engineered wall plans and calculations.
18. Grading Inspections: a) Prior to the start of grading operations the owner and grading contractor shall request a pre-grading meeting. The meeting shall be attended by the project owner/representative, the grading contractor and the Building Inspector to discuss about grading requirements and preventive measures, etc. If a pre-grading meeting is not held within 24 hours from the start of grading operations, the grading permit may be subject to suspension by the Building Inspector; b) The grading contractor shall call into the City of Rancho Cucamonga Building and Safety Department at least 1 working day in advance to request the following grading inspections prior to continuing grading operations: i) The bottom of the over-excavation; ii) Completion of Rough Grading, prior to issuance of the building permit; iii) At the completion of Rough Grading, the grading contractor or owner shall submit to the Permit Technicians (Building and Safety Front Counter) an original and a copy of the Pad Certifications to be prepared by and properly wet signed and sealed by the Civil Engineer and Soils Engineer of Record; iv) The rough grading certificates and the compaction reports will be reviewed by the Associate Engineer or a designated person and approved prior to the issuance of a building permit.

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

19. Prior to the issuance of the Certificate of Occupancy the engineer of record shall certify the functionality of the storm water quality management plan (WQMP) best management practices (BMP) devices.
20. The Water Quality Management Plan (WQMP) shall include a copy of the project Conditions of Approval.
21. Reciprocal access easements for all parcels and maintenance agreements ensuring joint maintenance of all storm water quality structural/treatment best management practices (BMP) devices as provided for in the project's Storm Water Quality Management Plan shall be provided for by CC&R's or deeds and shall be recorded prior to the issuance of a grading permit. Said CC&R's and/or deeds shall be included in the project site specific Storm Water Quality Management Plan (WQMP) document prior to approval of the WQMP document and recording of the Memorandum of Agreement of Storm Water Quality Management Plan.
22. Grading of the subject property shall be in accordance with current adopted California Building Code, City Grading Standards, and accepted grading practices. The Grading and Drainage Plan(s) shall be in substantial conformance with the approved conceptual Grading and Drainage Plan.
23. A soils report shall be prepared by a qualified Engineer licensed by the State of California to perform such work. Two copies will be provided at grading and drainage plan submittal for review. Plans shall implement design recommendations per said report.
24. A geologic report shall be prepared by a qualified Engineer or Engineering Geologist and submitted at the time of application for Grading and Drainage Plan review.
25. The final Grading and Drainage Plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of building permits.
26. A separate Grading and Drainage Plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading and Drainage Plan shall be prepared, stamped, and wet signed by a California licensed Civil Engineer.
27. The applicant shall comply with the City of Rancho Cucamonga Dust Control Measures and place a dust control sign on the project site prior to the issuance of a grading permit.
28. If a Rough Grading and Drainage Plan/Permit are submitted to the Building and Safety Official for review, that plan shall be a separate plan/permit from Precise Grading and Drainage Plan/Permit.
29. A drainage study showing a 100-year, AMC 3 design storm event for on-site drainage shall be prepared and submitted to the Building and Safety Official for review and approval for on-site storm water drainage prior to issuance of a grading permit. All reports shall be wet signed and sealed by the Engineer of Record.
30. It shall be the responsibility of the applicant to acquire any required off-site drainage easements prior to the issuance of a grading permit.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

31. It shall be the responsibility of the applicant to obtain written permission from the adjacent property owner(s) to construct wall on property line or provide a detail(s) showing the perimeter wall(s) to be constructed offset from the property line.
32. The Final Grading and Drainage Plan shall show the accessibility path from the public right of way and the accessibility parking stalls to the building doors in conformance with the current adopted California Building Code.. All accessibility ramps shall show sufficient detail including gradients, elevations, and dimensions and comply with the current adopted California Building Code.
33. The Grading and Drainage Plan shall implement City Standards for on-site construction where possible, and provide details for all work not covered by City Standard Drawings.

RESOLUTION NO. 15-70

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DESIGN REVIEW DRC2015-00386, A REQUEST FOR SITE PLAN AND ARCHITECTURAL REVIEW OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER THAT INCLUDES A 44,988 SQUARE FOOT MAJOR TENANT BUILDING, A 15,207 SQUARE FOOT PAD BUILDING, A 9,160 INLINE TENANT BUILDING, TWO 7,560 SQUARE FOOT INLINE TENANT BUILDINGS, A 4,500 SQUARE FOOT INLINE TENANT BUILDING, TWO 3,780 INLINE TENANT BUILDINGS AND A FUTURE 3,600 SQUARE FOOT INLINE TENANT BUILDING ON 10.94 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD IN THE MEDIUM (M) ZONING DISTRICT OF THE VICTORIA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

A. Recitals.

1. Lewis Retail Centers filed an application for the approval of Design Review DRC2015-0386 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Design Review request is referred to as "the application."

2. On the 10th day of November 2015 the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on November 10, 2015, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is RCFPD Station 173 within the Community Facilities (CF) Zoning District and vacant land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan; and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The General Plan Land Use designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan land use designation for the 10.94 acre project site to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation for the 10.94 acre project site to Village Commercial (VC) and to change the zoning designation for 4 acres north of the project site to Low Medium (LM) Residential; and

d. The Victoria Community Plan Amendment also includes a text amendment stating that "building setbacks to be determined through the development approval process;" and

e. The application includes the subdivision of 14.08 acres of vacant land into 6 parcels including 10.08 acres of land for the purposes of developing a 100,135 square foot multi-tenant retail center and a 4 acre remainder parcel for the future development of a multi-family senior housing project.

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

a. That the proposed project will be consistent with the objectives of the General Plan with the approval of the related General Plan Amendment (DRC2015-00388), which changes the General Plan Land Use Designation from Low Medium (LM) Residential to Neighborhood Commercial (NC). The General Plan outlines that the Neighborhood Commercial (NC) Land Use District is for small-scale shopping centers (5 to 15 acres in size) located near or within residential neighborhoods. The project site is proposed to be developed with a 100,135 square foot retail center with a grocery store, drug store and small service-oriented businesses.

b. That the proposed design is in accord with the objectives of the Victoria Community Plan and the purposes of the district in which the site is located with the approval of the related Victoria Community Plan Amendment. The amendment changes the Victoria Community Plan Zoning Designation from Medium (M) Residential to Village Commercial (VC). The project is for the site plan and design review of a 100,135 square foot retail center on 10.94 acres. The project is in accord with the objectives of the Victoria Community Plan which was designed to accommodate a mix of residential, commercial and office land uses.

c. That the proposed design is in compliance with each of the applicable provisions of the Development Code including floor area ratio, parking, landscape coverage and design. The project will also be in compliance with the applicable provisions of the Victoria Community Plan with approval of the related Victoria Community Plan Amendment. The amendment changes the Victoria Community Plan Zoning Designation from Medium (M) Residential to Village Commercial (VC) and adds language to the existing Commercial Standards stating that "building setbacks to be determined through the development approval process"; and

d. That the proposed design, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Air quality, greenhouse gas, traffic and noise studies were submitted as part of the environmental review of the project. With implementation of mitigation measures

outlined in the Initial Study completed for the project, any environmental impacts related to the project will be less than significant.

4. Based upon the facts and information contained in the proposed Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect upon the environment and recommends that the City Council adopt a Mitigated Negative Declaration based upon the findings as follows:

a. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

b. The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration prior to approving the requested General Plan Amendment.

c. The Planning Commission has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during project implementation. The Planning Commission therefore recommends that the City Council adopt the Mitigation Monitoring Program for the project.

d. The custodian of records for the Initial Study, Mitigated Negative Declaration and all other materials which constitute the record of proceedings upon which the Planning Commission's recommendation is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

5. Based upon the findings and conclusions set forth in Paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the attached standard conditions incorporated herein by this reference.

<u>Planning Department</u>

1) Approval is for Design Review DRC2015-00386 for the site plan and architectural review of a 100,135 square foot commercial center on 10.94 acres of land located at the northwest corner of Day Creek Boulevard and

Base Line Road: APNs: 1089-031-15, 16, 35 and a portion of 1089-031-14.

2) Approval of Design Review DRC2015-00386 is contingent upon Planning Commission approval of Tentative Parcel Map SUBTPM19637 and Conditional Use Permit DRC2015-00387 and City Council approval of General Plan Amendment DRC2015-00388 and Victoria Community Plan Amendment DRC2015-00390 and the City Council's adoption of the Mitigated Negative Declaration of environmental impacts and the Mitigation Monitoring Program and all mitigations contained therein for all project components.

3) All stone veneer shall be taken down to grade or a concrete base and have a grouted finish.

4) Bicycle parking facilities shall be provided in conformance with Development Code Section 17.64.100.

5) Winery themed design/historical elements shall be incorporated into the final Landscape Plan. The final Landscape Plan shall be subject to review and approval by the Planning Director during Plan Check.

6) Approval of this request shall not waive compliance with any sections of the Development Code, State Fire Marshal's regulations, Uniform Building Code, or any other City Ordinances.

7) The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

Air Quality

Short Term (Construction) Emissions

1) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25mph per SCAQMD guidelines in order to limit fugitive dust emissions.

2) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.

3) The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

4) All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.

5) Prior to the issuance of any grading permits, the developer shall submit construction plans to the City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning Staff.

6) The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.

7) The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.

8) All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.

9) All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high-volume, low-pressure spray.

10) All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:

- Reestablish ground cover on the construction site through seeding and watering.
- Pave or apply gravel to any on-site haul roads.
- Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
- Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.

- Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.

- Sweep streets according to a schedule established by the City if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. Timing may vary depending upon the time of year of construction.

- Suspend grading operations during high winds (i.e., wind speeds exceeding 25mph) in accordance with Rule 403 requirements.

- Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.

11) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board (RWQCB)) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

12) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Long Term Emissions

13) Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides.

14) Provide preferential parking to high occupancy vehicles and shuttle services.

15) Schedule truck deliveries and pickups during off-peak hours.

16) Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors.

17) Landscape with native and/or drought-resistant species to reduce water consumption and to provide passive solar benefits.

18) Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure.

19) Comply with the AQMP Miscellaneous Sources PRC-03, and Stationary Sources Operations Enhanced Inspection and Maintenance and ADV-MISC to reduce emissions of restaurant operations.

20) All commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 10 minutes).

21) All commercial facilities shall designate preferential parking for vanpools.

22) All commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.

23) All commercial site tenants with 50 or more employees shall be required to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.

24) All commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.

25) All commercial structures shall be required to incorporate thermal pane windows and weather-stripping.

26) All new development in the City of Rancho Cucamonga shall comply with South Coast Air Quality Management District's Rule 445, Wood Burning Devices. Rule 445 was adopted in March 2008 to reduce emissions of $PM_{2.5}$ and precludes the installation of indoor or outdoor wood burning devices (i.e. fireplaces/hearths) in new development on or after March 9, 2009.

Biological Resources

1) Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young.

   If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

2) Perform a Burrowing Owl Survey that is in conformance with the Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and submit the written report outlining the findings to the California Department of Fish and Wildlife (CDFW) and the Planning Department

within 30 days of groundbreaking activity. The survey shall include a habitat assessment, survey and impact analysis. The Burrowing Owl Survey shall follow the following protocol:

- Burrowing Owl Survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report. Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the project site, then no further mitigation is required. If burrowing owls are found to be utilizing the project site during the pre-construction survey, measures shall be developed by the qualified biologist in coordination with CDFW to avoid Impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and will at minimum include establishment of buffer setbacks from occupied burrows and owl monitoring. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls.
- During the non-breeding season from September 1 through January 31, if burrows are occupied by migratory or non-migratory resident burrowing owls during a pre-construction survey, burrow exclusion and/or closure may be used to exclude owls from those burrows. Burrow exclusion and/or closure should only be conducted by a qualified wildlife biologist in coordination with CDFW using the most current CDFW guidelines.
- During the avian nesting season from February 1 through August 31, if nests are discovered, they shall be avoided through establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area would have to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

Cultural Resources

1) If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Rancho Cucamonga will:

- Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
- Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.
- Pursue educating the public about the archaeological heritage of the area.
- Prepare a mitigation plan consistent with Section 21083.2 Archaeological resources of CEQA to eliminate adverse project effects on significant, important, and unique prehistoric resources, including but not limited to, avoiding archaeological sites, capping or covering sites with soil, planning the site as a park or green space or paying an in-kind mitigation fee.
- Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.

2) If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:

- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
- Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
- Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
- Submit summary report to City of Rancho Cucamonga. Transfer collected specimens with a copy of the report to San Bernardino County Museum.

Geology and Soils

1) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403 or re-planted with drought resistant landscaping as soon as possible.

2) Frontage public streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon time of year of construction.

3) Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.

4) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Greenhouse Gasses

Short Term (Construction) GHG Emissions

1) The project must comply with all rules that assist in reducing short-term air pollutant emission in compliance with SCAWMD Rule 403 regarding fugitive dust including treating the site with water or other soil-stabilizing agent twice daily or replanting disturbed areas as quickly as possible.

2) The construction contractor shall select construction equipment based on low-emission factors and high energy efficiency and submit a statement on the grading plan that ensures all construction equipment will be tuned and maintained in accordance with the manufactures specification.

3) Trucks shall not idle continuously for more than 5 minutes.

4) Alternative fuel powered equipment shall be utilized in lieu of gasoline- or diesel-powered engines where feasible.

5) Construction should be timed so as not to interfere with peak-hour traffic.

6) Ridesharing and transit incentives shall be supported and encouraged for construction crew.

Long Term (Operational) GHG Emissions

1) Construction and Building materials shall be produced and/or manufactured locally. Use "Green Building Materials" such as materials that are resource efficient, recycled and manufactured in an environmentally friendly way including low-volatile-organic-compound (VOC) materials.

2) Design all buildings to exceed California Building Code Title 24 energy standard including but not limited to any combination of:

- Increased insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Incorporate Energy Star or better rated windows, space heating and cooling equipment, light fixtures, and appliances.
- Landscape and developed site utilizing shade, prevailing winds and landscaping.
- Install efficient lighting and lighting control systems.
- Install light colored "cool" roofs and cool pavements.
- Install solar or light emitting diodes (LED's) for outdoor lighting.
- Design buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems.
- Install electrical hook-ups at the loading dock areas.
- Install dual paned windows or other energy efficient windows.
- Install automatic devices to turn off lights where they are not needed.

3) Prepare a comprehensive water conservation strategy appropriate for the project and include the following:

- Install water efficient landscapes and irrigation systems and devices in compliance with the City of Rancho Cucamonga Water Efficient Landscape Ordinance.
- Use reclaimed water for landscaping within the project if available and/or install the infrastructure to deliver and use reclaimed water.
- Design building to be water efficient by installing water efficient fixtures and appliances including low flow faucets, dual flush toilets and waterless urinals/water heaters.
- Design irrigation to control runoff and to remove water to non-vegetated surfaces.

4) Reuse and recycle construction and demolition waste. Provide interior and exterior storage areas for recyclables and green waste in public areas. Educate employees about reducing waste and recycling.

Hydrology and Water Quality

Construction Activity

1) Prior to issuance of Grading Permits, the permit applicant shall submit to the Building Official for approval, a Storm Water Pollution Prevention Plan (SWPPP) specifically identifying Best Management Practices (BMPs) that shall be used on-site to reduce pollutants during construction activities entering the storm drain system to the maximum extent practical.

2) An Erosion Control Plan shall be prepared, included in the Grading Plan, and implemented for the proposed project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. This Erosion Control Plan shall include the following measures at a minimum: a) Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California, and b) An inspection and maintenance program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this project will be corrected through a remediation or restoration program within a specified time frame.

3) During construction, temporary berms such as sandbags or gravel dikes must be used to prevent discharge of debris or sediment from the site when there is rainfall or other runoff.

4) During construction, to remove pollutants, street cleaning will be performed prior to storm events and after the use of water trucks to control dust in order to prevent discharge of debris or sediment from the site.

5) Prior to issuance of grading or paving permits, the applicant shall obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City Building Official for coverage under the NPDES General Construction Permit.

Grading Activities

6) Prior to issuance of building permits, the applicant shall submit to the City Building Official for approval of a Water Quality Management Plan (WQMP), including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The WQMP shall

identify the structural and non-structural measures consistent with the Guidelines for New Development and Redevelopment adopted by the City of Rancho Cucamonga in June 2004.

7) Landscaping plans shall include provisions for controlling and minimizing the use of fertilizers/pesticides/herbicides. Landscaped areas shall be monitored and maintained for at least two years to ensure adequate coverage and stable growth. Plans for these areas, including monitoring provisions for a minimum of two years, shall be submitted to the City for review and approval prior to the issuance of grading permits.

8) The developer shall implement the BMPs identified in the Water Quality Management Plan prepared by Madole and Associates, Inc. to reduce construction pollutants from entering the storm drain system to the maximum extent practical.

Noise

1) Install temporary noise control barriers that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the nose source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or opening between the barrier and the ground shall be promptly repaired.

2) During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with property operation and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise sensitive receptors nearest to the project site.

3) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.

4) The construction contractor shall limit haul truck deliveries to the same hours specified for construction activities (8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday). The contractor shall prepare a haul route exhibit and shall design delivery routes to minimize the exposure of sensitive land used or residential dwellings to delivery truck related noise.

5) Business operations shall maintain a noise level at 60dB or less during the hours of 10:00 p.m. until 7:00 a.m. No loading and unloading activities including opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the

hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to residential areas.

6) Construction or grading shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday.

7) Construction or grading noise levels shall not exceed the standards specified in Development Code Section 17.66.050, as measured at the property line. Developer shall hire a consultant to perform weekly noise level monitoring as specified in Development Code Section 17.66.050. Monitoring at other times may be required by the Building Official. Said consultant shall report their findings to the Building Official within 24 hours; however, if noise levels exceed the above standards, then the consultant shall immediately notify the Building Official. If noise levels exceed the above standards, then construction activities shall be reduced in intensity to a level of compliance with above noise standards or halted.

8) The perimeter block wall shall be constructed as early as possible in first phase.

9) Haul truck deliveries shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Additionally, if heavy trucks used for hauling would exceed 100 daily trips (counting both to and from the construction site), then the developer shall prepare a noise mitigation plan denoting any construction traffic haul routes and include appropriate noise mitigation measures. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.

Transportation

1) Driveway 1 at Base Line Road – Modify the existing median to provide full access. Install a traffic signal and construct the intersection with the following geometrics:

- Northbound Approach: One left turn lane and one shared through-right turn lane.
- Southbound Approach: One left turn lane and one shared through-right turn lane.
- Eastbound Approach: One left turn lane with minimum 265 feet storage, three through lands and right turn lane.
- Westbound Approach: One left turn lane, three through lanes and one right turn lane with minimum 200 feet storage.

2) Day Creek Boulevard at Driveway 2 / Firehouse Court – The intersection with the following existing geometrics is sufficient to accommodate the addition of project traffic:

- Northbound Approach: One left turn lane and three through lanes.
- Southbound Approach: Three through lanes and one right turn lane.
- Eastbound Approach: One shared left-right turn lane.

3) Day Creek Boulevard at Driveway 3 – Install a stop control on the eastbound approach and construct the intersection with the following geometrics:

- Northbound Approach: Three through lanes.
- Southbound Approach: Two through lanes and one shared through-right turn lane.
- Eastbound Approach: On right turn lane.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 10TH DAY OF NOVEMBER 2015.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission for the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 10th day of November 2015, by the following vote-to-wit:

AYES: COMMISSIONERS: FLETCHER, MUNOZ, OAXACA, WIMBERLY

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: MACIAS

ABSTAIN: COMMISSIONERS: NONE

Conditions of Approval

RANCHO CUCAMONGA

Community Development Department

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

1. Mitigation measures are required for the project. The applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit, or other forms of guarantee acceptable to the Planning Director in the amount of $729 prior to the issuance of Building Permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay for City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.
2. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Department approval prior to the issuance of Building Permits.
3. Graffiti shall be removed within 72 hours.
4. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.
5. Signs shall be conveniently posted for "no overnight parking" and for "employee parking only."
6. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 65 dB during the hours of 10 p.m. until 7 a.m. and 70 dB during the hours of 7 a.m. until 10 p.m.
   b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.
7. Any outdoor vending machines shall be recessed into the building faces and shall not extend into the pedestrian walkways. The design details shall be reviewed and approved by the Planning Director prior to the issuance of Building Permits.
8. The design of store fronts shall compliment the architectural program and shall have subtle variations subject to Design Review Committee approval prior to the issuance of Building Permits.
9. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Planning Director review and approval prior to the issuance of Building Permits.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
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Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
11. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
12. Copies of the signed Planning Commission Resolution of Approval or Approval Letter, Conditions of Approval, and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
13. The applicant shall be required to pay California Department of Fish and Wildlife Notice of Exemption and Mitigated Negative Declaration fee in the amount of $2,260.00. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to public hearing.
14. Any approval shall expire if Building Permits are not issued or approved use has not commenced within 5 years from the date of approval or a time extension has been granted.
15. This tentative tract map or tentative parcel map shall expire, unless extended by the Planning Commission, unless a complete final map is filed with the Engineering Services Department within 3 years from the date of the approval.
16. For commercial and industrial projects, paint roll-up doors and service doors to match main building colors.
17. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Department. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Planning Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. Details shall be included in building plans.
18. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls.
19. All parking lot landscape islands shall have a minimum outside dimension of 6 feet.
20. All parking spaces shall be 9 feet wide by 17 feet long with a required 1-foot overhang (e.g., over a curb stop).

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

21. All parking spaces shall be double striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
22. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/ recreational uses.

Engineering Services Department

Please be advised of the following Special Conditions

1. This development will be served by the Rancho Cucamonga Municipal Utility (RCMU). RCMU facilities currently end at the southeast corner of Base Line Road and Day Creek Boulevard. Concurrently with development of the proposed site, RCMU would like to extend their line to serve the existing Fire Station to the north.
2. Base Line Road frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:
   A. Provide curb & gutter, street type driveway with access ramps, 9500 Lumen HPSV-equivalent LED street lights, and signing & striping including bike lanes as required.
   B. Sidewalk shall be curvilinear. Curb adjacent sidewalk, 6 feet wide, is allowed along right turn lanes and bus turnouts, but the bus shelter shall be outside the right-of-way.
   C. Provide a 200' minimum westbound right turn lane at the proposed driveway per Standard Drawing 119.
   D. Provide a bus bay on the northwest corner of Base Line at Day Creek.
   E. Provide a traffic signal and related equipment at Base Line Road and the proposed driveway. Eastbound left turn pocket shall be a minimum of 265'. Applicant shall enter into an annual maintenance agreement for the traffic signal.
   F. Install street trees per Base Line Road Master Beautification Plan.
   G. Easements for public sidewalks placed outside the public right-of-way shall be dedicated to the City.
   H. Provide a catch basin on upstream side of driveway.
   I. Provide an agreement with San Bernardino County Flood Control District that states that they accept the proposed access relocation to their site.
3. Firehouse Court frontage improvements shall be in accordance with City "Collector" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 5800 Lumen HPSV-equivalent LED street lights and signing and striping as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per City Standards.
4. Driveways shall be in accordance with the City Driveway Policy including minimum distances from intersections and other driveways.

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Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Please be advised of the following Special Conditions

5. Day Creek Boulevard frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 9500 Lumen HPSV-equivalent LED street lights, and signing and striping including bike lanes as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per Day Creek Boulevard Beautification Plan.

6. The existing overhead utilities (telecommunications and electrical) on the project side of Base Line Road shall be undergrounded from the end of line pole on the west side of Day Creek Boulevard to the first pole off site west of the west project boundary, to public improvement acceptance or occupancy, whichever occurs first. The developer may request a reimbursement agreement to recover one-half the City adopted cost for undergrounding from future development (redevelopment) as it occurs on the opposite side of the street. If the developer fails to submit for said reimbursement agreement within 6 months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

7. The Base Line Road median shall be landscaped from Day Creek Boulevard to the existing terminus east of Day Creek Channel, per City Standards, to the satisfaction of the City Engineer. The developer may request a reimbursement agreement to recover one-half the City adopted cost for median landscaping from future development as it occurs on the opposite side of the street. If the developer fails to submit said reimbursement agreement within six months of the landscape improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

8. Development Impact Fees are assessed at the time of building permit issuance.

9. Provide written confirmation from San Bernardino County Flood Control District that states that they accept the proposed access relocation to their existing maintenance yard. SBCFCD should also confirm they will allow the proposed Pad B on their property, prior to map approval or building permit issuance, whichever comes first.
   A. If a portion of the access drive aisle depends on an offsite easement, that easement shall be acquired prior to map approval or building permit issuance, whichever comes first.

10. A final drainage study shall be submitted to and approved by the City Engineer prior to final map approval or the issuance of building permits, whichever occurs first. All drainage facilities shall be installed as required by the City Engineer.

11. Due to the location of the proposed public storm drain easement, the existing offer of dedication for storm drain purposes located northerly of the development shall be vacated.

12. Trees are prohibited within 5 feet of the outside diameter of the existing and proposed public storm drain, measured from the outer edge of a mature tree trunk. A copy of the on-site landscaping plan, with the storm drain plotted, shall be provided for the City Engineer to verify this condition is being met.

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

13. A signed consent and waiver form to join and/or form the appropriate Landscape and Lighting Districts shall be filed with the Engineering Services Department prior to final map approval or issuance of Building Permits whichever occurs first. Formation costs shall be borne by the developer.
14. A non-refundable deposit shall be paid to the City, covering the estimated operating costs for all new streetlights for the first six months of operation, prior to final map approval or prior to Building Permit issuance if no map is involved.
15. Prior to the issuance of building permits, a Diversion Deposit and related administrative fees shall be paid for the Construction and Demolition Diversion Program. The deposit is fully refundable if at least 50% of all wastes generated during construction and demolition are diverted from landfills, and appropriate documentation is provided to the City. Permits issued on or after June 2, 2014, must complete the reimbursement process through the City's Accelerate online portal within 60 days following the completion of the construction and/or demolition project or the deposit will be forfeited. Permits issued before June 2, 2014, require the following when applying for a deposit reimbursement: a completed CD-2 form, a copy of the cashier's receipt showing the deposit amount, and all weight tickets. Instructions and forms are available at the City's web site, www.CityofRC.us, under City Hall; Engineering; Environmental Programs.

Grading Section

Standard Conditions of Approval

1. The final grading and drainage plan shall show existing topography a minimum of 100-feet beyond project boundary.
2. The applicant shall provide a grading agreement and grading bond for all cut and fill combined exceeding 5,000 cubic yards prior to issuance of a grading permit. The grading agreement and bond shall be approved by the Building and Safety Official.
3. This project shall comply with the accessibility requirements of the current adopted California Building Code.
4. The precise grading and drainage plan shall follow the format provided in the City of Rancho Cucamonga handout "Information for Grading Plans and Permit".
5. All slopes shall be a minimum 2-foot offset from the public right of way or adjacent private property.
6. Private sewer, water, and storm drain improvements will be designed per the, latest adopted California Plumbing Code.
7. The maximum parking stall gradient is 5 percent. Accessibility parking stall grades shall be constructed per the, current adopted California Building Code.
8. Roof storm water is not permitted to flow over the public parkway and shall be directed to an under parkway culvert per City of Rancho Cucamonga requirements prior to issuance of a grading permit.

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Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

9. The Preliminary Water Quality Management Plan (WQMP) has been deemed "Acceptable". Prior to the issuance of a grading permit a final project-specific Water Quality Management Plan shall be submitted for review and approval by the Building Official.
10. Prior to the issuance of a Grading Permit the City of Rancho Cucamonga's "Memorandum of Agreement of Storm Water Quality Management Plan" shall be submitted for review and approval by the Building Official and recorded with the County Recorder's Office.
11. Prior to issuance of a Grading Permit the applicant shall obtain a Waste Discharge Identification Number (WDID).
12. A Grading Bond will be required to be submitted to the Building and Safety Services Department Official for review and approval prior to issuance of a Grading Permit.
13. All roof drainage flowing to the public right of way (Baseline Avenue and Day Creek Boulevard) must drain under the sidewalk through a parkway culvert approved by the Engineering Department.
14. The applicant shall provide a copy of EPA Form 7520-16 (Inventory of Injection Wells) with the Facility ID Number assigned to the Building and Safety Services Department Official prior to issuance of the Grading Permit.
15. The land owner shall provide an inspection report by a qualified person/company on a biennial basis for the underground infiltration chambers to the City of Rancho Cucamonga Environmental Program Manager. The land owner shall maintain on a regular basis all best management practices (BMP"s) as described in the Storm Water Quality Management Plan prepared for the subject project. All costs associated with the underground infiltration chamber are the responsibility of the land owner.
16. Prior to issuance of a wall permit, on engineered combination garden/retaining walls along the property boundary the structural calculations for the wall shall assume a level toe/heel at the adjacent off-site property (i.e. a manufactured slope is not present).
17. Prior to issuance of a wall permit, a copy of the Grading Special Conditions of Approval shall be included within the engineered wall plans and calculations.
18. Grading Inspections: a) Prior to the start of grading operations the owner and grading contractor shall request a pre-grading meeting. The meeting shall be attended by the project owner/representative, the grading contractor and the Building Inspector to discuss about grading requirements and preventive measures, etc. If a pre-grading meeting is not held within 24 hours from the start of grading operations, the grading permit may be subject to suspension by the Building Inspector; b) The grading contractor shall call into the City of Rancho Cucamonga Building and Safety Department at least 1 working day in advance to request the following grading inspections prior to continuing grading operations: i) The bottom of the over-excavation; ii) Completion of Rough Grading, prior to issuance of the building permit; iii) At the completion of Rough Grading, the grading contractor or owner shall submit to the Permit Technicians (Building and Safety Front Counter) an original and a copy of the Pad Certifications to be prepared by and properly wet signed and sealed by the Civil Engineer and Soils Engineer of Record; iv) The rough grading certificates and the compaction reports will be reviewed by the Associate Engineer or a designated person and approved prior to the issuance of a building permit.

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

19. Prior to the issuance of the Certificate of Occupancy the engineer of record shall certify the functionality of the storm water quality management plan (WQMP) best management practices (BMP) devices.
20. The Water Quality Management Plan (WQMP) shall include a copy of the project Conditions of Approval.
21. Reciprocal access easements for all parcels and maintenance agreements ensuring joint maintenance of all storm water quality structural/treatment best management practices (BMP) devices as provided for in the project's Storm Water Quality Management Plan shall be provided for by CC&R's or deeds and shall be recorded prior to the issuance of a grading permit. Said CC&R's and/or deeds shall be included in the project site specific Storm Water Quality Management Plan (WQMP) document prior to approval of the WQMP document and recording of the Memorandum of Agreement of Storm Water Quality Management Plan.
22. Grading of the subject property shall be in accordance with current adopted California Building Code, City Grading Standards, and accepted grading practices. The Grading and Drainage Plan(s) shall be in substantial conformance with the approved conceptual Grading and Drainage Plan.
23. A soils report shall be prepared by a qualified Engineer licensed by the State of California to perform such work. Two copies will be provided at grading and drainage plan submittal for review. Plans shall implement design recommendations per said report.
24. A geologic report shall be prepared by a qualified Engineer or Engineering Geologist and submitted at the time of application for Grading and Drainage Plan review.
25. The final Grading and Drainage Plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of building permits.
26. A separate Grading and Drainage Plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading and Drainage Plan shall be prepared, stamped, and wet signed by a California licensed Civil Engineer.
27. The applicant shall comply with the City of Rancho Cucamonga Dust Control Measures and place a dust control sign on the project site prior to the issuance of a grading permit.
28. If a Rough Grading and Drainage Plan/Permit are submitted to the Building and Safety Official for review, that plan shall be a separate plan/permit from Precise Grading and Drainage Plan/Permit.
29. A drainage study showing a 100-year, AMC 3 design storm event for on-site drainage shall be prepared and submitted to the Building and Safety Official for review and approval for on-site storm water drainage prior to issuance of a grading permit. All reports shall be wet signed and sealed by the Engineer of Record.
30. It shall be the responsibility of the applicant to acquire any required off-site drainage easements prior to the issuance of a grading permit.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

31. It shall be the responsibility of the applicant to obtain written permission from the adjacent property owner(s) to construct wall on property line or provide a detail(s) showing the perimeter wall(s) to be constructed offset from the property line.
32. The Final Grading and Drainage Plan shall show the accessibility path from the public right of way and the accessibility parking stalls to the building doors in conformance with the current adopted California Building Code. All accessibility ramps shall show sufficient detail including gradients, elevations, and dimensions and comply with the current adopted California Building Code.
33. The Grading and Drainage Plan shall implement City Standards for on-site construction where possible, and provide details for all work not covered by City Standard Drawings.

RESOLUTION NO. 15-71

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT DRC2015-00387, A REQUEST TO OPERATE A 100,135 SQUARE FOOT MULTI-TENANT RETAIL CENTER ON 10.94 ACRES OF LAND FOR A SITE LOCATED AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD IN THE MEDIUM (M) ZONING DISTRICT OF THE VICTORIA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

A. Recitals.

1. Lewis Retail Centers filed an application for the approval of Conditional Use Permit DRC2015-0387 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Conditional Use Permit request is referred to as "the application."

2. On the 10th day of November 2015 the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on November 10, 2015, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is RCFPD Station 173 within the Community Facilities (CF) Zoning District and Vacant Land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan; and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The General Plan Land Use designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan

Amendment to change the General Plan land use designation for the 10.94 acre project site to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation for the 10.94 acre project site to Village Commercial (VC) and to change the zoning designation for 4 acres north of the project site to Low Medium (LM) Residential; and

d. The Victoria Community Plan Amendment also includes a text amendment stating that "building setbacks to be determined through the development approval process;" and

e. The application includes the subdivision of 14.08 acres of vacant land into 6 parcels including 10.08 acres of land for the purposes of developing a 100,135 square foot multi-tenant retail center and a 4 acre remainder parcel for the future development of a multi-family senior housing project.

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

a. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code, Municipal Code, General Plan, and any applicable Specific Plans or City regulations/standards. The project will be in full compliance with the land use and zoning districts and all related regulatory requirements with approval of the related General Plan (DRC2015-00388) and Victoria Community Plan (DRC2015-00390) Amendments which change the General Plan Land Use Designation to Neighborhood Commercial and the Victoria Community Plan Zoning Designation to Village Commercial, the Victoria Community Plan equivalent to Neighborhood Commercial.

b. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards. The 10.94 acre project site is located at the intersection of two major streets and is well-suited for the proposed 100,135 square foot commercial center. The project provides vehicle, bicycle and pedestrian access on three public streets and all utilities are available adjacent to the project site; and

c. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. Air quality, greenhouse gas, traffic and noise studies were submitted as part of the environmental review of the project. With implementation of mitigation measures outlined in the Initial Study completed for the project, any environmental impacts related to the project will be less than significant.

4. Based upon the facts and information contained in the proposed Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect upon the environment and recommends that the City Council adopt a Mitigated Negative Declaration based upon the

findings as follows:

a. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

b. The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration prior to approving the requested General Plan Amendment.

c. The Planning Commission has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during project implementation. The Planning Commission therefore recommends that the City Council adopt the Mitigation Monitoring Program for the project.

d. The custodian of records for the Initial Study, Mitigated Negative Declaration and all other materials which constitute the record of proceedings upon which the Planning Commission's recommendation is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

5. Based upon the findings and conclusions set forth in Paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the attached standard conditions incorporated herein by this reference.

<u>Planning Department</u>

1) Approval is for Conditional Use Permit DRC2015-00387 for the layout and operation of a 100,135 square foot commercial development on 10.94 acres located at the northwest corner of Day Creek Boulevard and Base Line Road: 1089-031-15, 16, 35 and a portion of 1089-031-14.

2) Modification of the approved site plan or intensification of the project site will require prior approval by the Planning Commission.

3) This approval does not cover the individual uses within the center that require approval of a Conditional Use Permit as indicated in Table 17.30.030-1 of the Development Code. Future individual uses that require a Conditional Use Permit are required to file for Conditional Use Permit prior to commencing operations.

4) Approval of Conditional Use Permit DRC2015-00387 is contingent upon Planning Commission approval of Design Review DRC2015-00386 and Tentative Parcel Map SUBTPM19637 and City Council approval of General Plan Amendment DRC2015-00388 and Victoria Community Plan Amendment DRC2015-00390 and the City Council's adoption of the Mitigated Negative Declaration of environmental impacts and the Mitigation Monitoring Program and all mitigations contained therein for all project components.

5) Approval of this request shall not waive compliance with any sections of the Development Code, State Fire Marshal's regulations, Uniform Building Code, or any other City Ordinances.

6) The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

Air Quality

Short Term (Construction) Emissions

1) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25mph per SCAQMD guidelines in order to limit fugitive dust emissions.

2) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.

3) The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

4) All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor

shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.

5) Prior to the issuance of any grading permits, the developer shall submit construction plans to the City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning Staff.

6) The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.

7) The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.

8) All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.

9) All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high-volume, low-pressure spray.

10) All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:

- Reestablish ground cover on the construction site through seeding and watering.
- Pave or apply gravel to any on-site haul roads.
- Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
- Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.
- Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.

- Sweep streets according to a schedule established by the City if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. Timing may vary depending upon the time of year of construction.

- Suspend grading operations during high winds (i.e., wind speeds exceeding 25mph) in accordance with Rule 403 requirements.

- Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.

11) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board (RWQCB)) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

12) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Long Term Emissions

13) Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides.

14) Provide preferential parking to high occupancy vehicles and shuttle services.

15) Schedule truck deliveries and pickups during off-peak hours.

16) Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors.

17) Landscape with native and/or drought-resistant species to reduce water consumption and to provide passive solar benefits.

18) Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure.

19) Comply with the AQMP Miscellaneous Sources PRC-03, and Stationary Sources Operations Enhanced Inspection and Maintenance and ADV-MISC to reduce emissions of restaurant operations.

20) All commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 10 minutes).

21) All commercial facilities shall designate preferential parking for vanpools.

22) All commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.

23) All commercial site tenants with 50 or more employees shall be required to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.

24) All commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.

25) All commercial structures shall be required to incorporate thermal pane windows and weather-stripping.

26) All new development in the City of Rancho Cucamonga shall comply with South Coast Air Quality Management District's Rule 445, Wood Burning Devices. Rule 445 was adopted in March 2008 to reduce emissions of $PM_{2.5}$ and precludes the installation of indoor or outdoor wood burning devices (i.e. fireplaces/hearths) in new development on or after March 9, 2009.

Biological Resources

1) Three days prior to the removal of vegetation or ground-disturbing activities, a breeding bird survey that is in conformance with the Migratory Bird Treaty Act shall be required to determine whether nesting is occurring. Occupied nests shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 5,000 feet of raptor nests, during the breeding season to avoid abandonment of young.

   If nests are discovered, they shall be avoided through the establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area shall be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is

complete and all nestlings have fledged and have left the nest, construction in the area may resume.

2) Perform a Burrowing Owl Survey that is in conformance with the Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and submit the written report outlining the findings to the California Department of Fish and Wildlife (CDFW) and the Planning Department within 30 days of groundbreaking activity. The survey shall include a habitat assessment, survey and impact analysis. The Burrowing Owl Survey shall follow the following protocol:

- Burrowing Owl Survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report. Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the project site, then no further mitigation is required. If burrowing owls are found to be utilizing the project site during the pre-construction survey, measures shall be developed by the qualified biologist in coordination with CDFW to avoid Impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and will at minimum include establishment of buffer setbacks from occupied burrows and owl monitoring. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls.

- During the non-breeding season from September 1 through January 31, if burrows are occupied by migratory or non-migratory resident burrowing owls during a pre-construction survey, burrow exclusion and/or closure may be used to exclude owls from those burrows. Burrow exclusion and/or closure should only be conducted by a qualified wildlife biologist in coordination with CDFW using the most current CDFW guidelines.

- During the avian nesting season from February 1 through August 31, if nests are discovered, they shall be avoided through establishment of an appropriate buffer setback, as determined by a qualified wildlife biologist. The temporary "no construction" area would have to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nest cycle is complete and all nestlings have fledged and have left the nest, construction in the area may resume.

Cultural Resources

1) If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Rancho Cucamonga will:

   - Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
   - Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.
   - Pursue educating the public about the archaeological heritage of the area.
   - Prepare a mitigation plan consistent with Section 21083.2 Archaeological resources of CEQA to eliminate adverse project effects on significant, important, and unique prehistoric resources, including but not limited to, avoiding archaeological sites, capping or covering sites with soil, planning the site as a park or green space or paying an in-kind mitigation fee.
   - Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.

2) If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:

   - Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.

- Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
- Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
- Submit summary report to City of Rancho Cucamonga. Transfer collected specimens with a copy of the report to San Bernardino County Museum.

Geology and Soils

1) The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403 or re-planted with drought resistant landscaping as soon as possible.

2) Frontage public streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon time of year of construction.

3) Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.

4) Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

Greenhouse Gasses

Short Term (Construction) GHG Emissions

1) The project must comply with all rules that assist in reducing short-term air pollutant emission in compliance with SCAWMD Rule 403 regarding fugitive dust including treating the site with water or other soil-stabilizing agent twice daily or replanting disturbed areas as quickly as possible.

2) The construction contractor shall select construction equipment based on low-emission factors and high energy efficiency and submit a statement on the grading plan that ensures all

construction equipment will be tuned and maintained in accordance with the manufactures specification.

3) Trucks shall not idle continuously for more than 5 minutes.

4) Alternative fuel powered equipment shall be utilized in lieu of gasoline- or diesel-powered engines where feasible.

5) Construction should be timed so as not to interfere with peak-hour traffic.

6) Ridesharing and transit incentives shall be supported and encouraged for construction crew.

Long Term (Operational) GHG Emissions

1) Construction and Building materials shall be produced and/or manufactured locally. Use "Green Building Materials" such as materials that are resource efficient, recycled and manufactured in an environmentally friendly way including low-volatile-organic-compound (VOC) materials.

2) Design all buildings to exceed California Building Code Title 24 energy standard including but not limited to any combination of:

- Increased insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Incorporate Energy Star or better rated windows, space heating and cooling equipment, light fixtures, and appliances
- Landscape and developed site utilizing shade, prevailing winds and landscaping
- Install efficient lighting and lighting control systems
- Install light colored "cool" roofs and cool pavements
- Install solar or light emitting diodes (LED's) for outdoor lighting.
- Design buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems.
- Install electrical hook-ups at the loading dock areas.

- Install dual paned windows or other energy efficient windows.

- Install automatic devices to turn off lights where they are not needed.

3) Prepare a comprehensive water conservation strategy appropriate for the project and include the following:

   - Install water efficient landscapes and irrigation systems and devices in compliance with the City of Rancho Cucamonga Water Efficient Landscape Ordinance.

   - Use reclaimed water for landscaping within the project if available and/or install the infrastructure to deliver and use reclaimed water.

   - Design building to be water efficient by installing water efficient fixtures and appliances including low flow faucets, dual flush toilets and waterless urinals/water heaters.

   - Design irrigation to control runoff and to remove water to non-vegetated surfaces.

4) Reuse and recycle construction and demolition waste. Provide interior and exterior storage areas for recyclables and green waste in public areas. Educate employees about reducing waste and recycling.

<u>*Hydrology and Water Quality*</u>

Construction Activity

1) Prior to issuance of Grading Permits, the permit applicant shall submit to the Building Official for approval, a Storm Water Pollution Prevention Plan (SWPPP) specifically identifying Best Management Practices (BMPs) that shall be used on-site to reduce pollutants during construction activities entering the storm drain system to the maximum extent practical.

2) An Erosion Control Plan shall be prepared, included in the Grading Plan, and implemented for the proposed project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. This Erosion Control Plan shall include the following measures at a minimum: a) Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California, and b) An inspection and maintenance program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this project will be

corrected through a remediation or restoration program within a specified time frame.

3) During construction, temporary berms such as sandbags or gravel dikes must be used to prevent discharge of debris or sediment from the site when there is rainfall or other runoff.

4) During construction, to remove pollutants, street cleaning will be performed prior to storm events and after the use of water trucks to control dust in order to prevent discharge of debris or sediment from the site.

5) Prior to issuance of grading or paving permits, the applicant shall obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City Building Official for coverage under the NPDES General Construction Permit.

Grading Activities

6) Prior to issuance of building permits, the applicant shall submit to the City Building Official for approval of a Water Quality Management Plan (WQMP), including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The WQMP shall identify the structural and non-structural measures consistent with the Guidelines for New Development and Redevelopment adopted by the City of Rancho Cucamonga in June 2004.

7) Landscaping plans shall include provisions for controlling and minimizing the use of fertilizers/pesticides/herbicides. Landscaped areas shall be monitored and maintained for at least two years to ensure adequate coverage and stable growth. Plans for these areas, including monitoring provisions for a minimum of two years, shall be submitted to the City for review and approval prior to the issuance of grading permits.

8) The developer shall implement the BMPs identified in the Water Quality Management Plan prepared by Madole and Associates, Inc. to reduce construction pollutants from entering the storm drain system to the maximum extent practical.

Noise

1) Install temporary noise control barriers that provide a minimum noise level attenuation of 10 dBA when project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the nose source. Unnecessary openings shall not be made. The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or opening between the barrier and the ground shall be promptly repaired.

2) During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with property operation and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise sensitive receptors nearest to the project site.

3) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.

4) The construction contractor shall limit haul truck deliveries to the same hours specified for construction activities (8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday). The contractor shall prepare a haul route exhibit and shall design delivery routes to minimize the exposure of sensitive land used or residential dwellings to delivery truck related noise.

5) Business operations shall maintain a noise level at 60dB or less during the hours of 10:00 p.m. until 7:00 a.m. No loading and unloading activities including opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to residential areas.

6) Construction or grading shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday.

7) Construction or grading noise levels shall not exceed the standards specified in Development Code Section 17.66.050, as measured at the property line. Developer shall hire a consultant to perform weekly noise level monitoring as specified in Development Code Section 17.66.050. Monitoring at other times may be required by

the Building Official. Said consultant shall report their findings to the Building Official within 24 hours; however, if noise levels exceed the above standards, then the consultant shall immediately notify the Building Official. If noise levels exceed the above standards, then construction activities shall be reduced in intensity to a level of compliance with above noise standards or halted.

8) The perimeter block wall shall be constructed as early as possible in first phase.

9) Haul truck deliveries shall not take place between the hours of 8:00 p.m. and 6:30 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Additionally, if heavy trucks used for hauling would exceed 100 daily trips (counting both to and from the construction site), then the developer shall prepare a noise mitigation plan denoting any construction traffic haul routes and include appropriate noise mitigation measures. To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.

Transportation

1) Driveway 1 at Base Line Road – Modify the existing median to provide full access. Install a traffic signal and construct the intersection with the following geometrics:

   - Northbound Approach: One left turn lane and one shared through-right turn lane.
   - Southbound Approach: One left turn lane and one shared through-right turn lane.
   - Eastbound Approach: One left turn lane with minimum 265 feet storage, three through lands and right turn lane.
   - Westbound Approach: One left turn lane, three through lanes and one right turn lane with minimum 200 feet storage.

2) Day Creek Boulevard at Driveway 2 / Firehouse Court – The intersection with the following existing geometrics is sufficient to accommodate the addition of project traffic:

   - Northbound Approach: One left turn lane and three through lanes.
   - Southbound Approach: Three through lanes and one right turn lane.

- Eastbound Approach: One shared left-right turn lane.

3) Day Creek Boulevard at Driveway 3 – Install a stop control on the eastbound approach and construct the intersection with the following geometrics:

- Northbound Approach: Three through lanes.
- Southbound Approach: Two through lanes and one shared through-right turn lane.
- Eastbound Approach: On right turn lane.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 10TH DAY OF NOVEMBER 2015.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission for the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 10th day of November 2015, by the following vote-to-wit:

AYES: COMMISSIONERS: FLETCHER, MUNOZ, OAXACA, WIMBERLY

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: MACIAS

ABSTAIN: COMMISSIONERS: NONE

Conditions of Approval

RANCHO CUCAMONGA

Community Development Department

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

1. Mitigation measures are required for the project. The applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit, or other forms of guarantee acceptable to the Planning Director in the amount of $729 prior to the issuance of Building Permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay for City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.
2. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Department approval prior to the issuance of Building Permits.
3. Graffiti shall be removed within 72 hours.
4. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.
5. Signs shall be conveniently posted for "no overnight parking" and for "employee parking only."
6. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 65 dB during the hours of 10 p.m. until 7 a.m. and 70 dB during the hours of 7 a.m. until 10 p.m.
   b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.
7. Any outdoor vending machines shall be recessed into the building faces and shall not extend into the pedestrian walkways. The design details shall be reviewed and approved by the Planning Director prior to the issuance of Building Permits.
8. The design of store fronts shall compliment the architectural program and shall have subtle variations subject to Design Review Committee approval prior to the issuance of Building Permits.
9. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Planning Director review and approval prior to the issuance of Building Permits.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
11. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
12. Copies of the signed Planning Commission Resolution of Approval or Approval Letter, Conditions of Approval, and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
13. The applicant shall be required to pay California Department of Fish and Wildlife Notice of Exemption and Mitigated Negative Declaration fee in the amount of $2,260.00. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to public hearing.
14. Any approval shall expire if Building Permits are not issued or approved use has not commenced within 5 years from the date of approval or a time extension has been granted.
15. This tentative tract map or tentative parcel map shall expire, unless extended by the Planning Commission, unless a complete final map is filed with the Engineering Services Department within 3 years from the date of the approval.
16. For commercial and industrial projects, paint roll-up doors and service doors to match main building colors.
17. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Department. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Planning Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. Details shall be included in building plans.
18. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls.
19. All parking lot landscape islands shall have a minimum outside dimension of 6 feet.
20. All parking spaces shall be 9 feet wide by 17 feet long with a required 1-foot overhang (e.g., over a curb stop).

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ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Standard Conditions of Approval

21. All parking spaces shall be double striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
22. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/ recreational uses.

Engineering Services Department

Please be advised of the following Special Conditions

1. This development will be served by the Rancho Cucamonga Municipal Utility (RCMU). RCMU facilities currently end at the southeast corner of Base Line Road and Day Creek Boulevard. Concurrently with development of the proposed site, RCMU would like to extend their line to serve the existing Fire Station to the north.
2. Base Line Road frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:
   A. Provide curb & gutter, street type driveway with access ramps, 9500 Lumen HPSV-equivalent LED street lights, and signing & striping including bike lanes as required.
   B. Sidewalk shall be curvilinear. Curb adjacent sidewalk, 6 feet wide, is allowed along right turn lanes and bus turnouts, but the bus shelter shall be outside the right-of-way.
   C. Provide a 200' minimum westbound right turn lane at the proposed driveway per Standard Drawing 119.
   D. Provide a bus bay on the northwest corner of Base Line at Day Creek.
   E. Provide a traffic signal and related equipment at Base Line Road and the proposed driveway. Eastbound left turn pocket shall be a minimum of 265'. Applicant shall enter into an annual maintenance agreement for the traffic signal.
   F. Install street trees per Base Line Road Master Beautification Plan.
   G. Easements for public sidewalks placed outside the public right-of-way shall be dedicated to the City.
   H. Provide a catch basin on upstream side of driveway.
   I. Provide an agreement with San Bernardino County Flood Control District that states that they accept the proposed access relocation to their site.
3. Firehouse Court frontage improvements shall be in accordance with City "Collector" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 5800 Lumen HPSV-equivalent LED street lights and signing and striping as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per City Standards.
4. Driveways shall be in accordance with the City Driveway Policy including minimum distances from intersections and other driveways.

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Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Please be advised of the following Special Conditions

5. Day Creek Boulevard frontage improvements shall be in accordance with City "Major Divided Arterial" standards as required and including:

   A. Protect, provide, or replace curb & gutter, sidewalk, 9500 Lumen HPSV-equivalent LED street lights, and signing and striping including bike lanes as required.
   B. Drive approach shall be a minimum width of 35 feet per City Std. 101 Type C.
   C. Install street trees per Day Creek Boulevard Beautification Plan.

6. The existing overhead utilities (telecommunications and electrical) on the project side of Base Line Road shall be undergrounded from the end of line pole on the west side of Day Creek Boulevard to the first pole off site west of the west project boundary, to public improvement acceptance or occupancy, whichever occurs first. The developer may request a reimbursement agreement to recover one-half the City adopted cost for undergrounding from future development (redevelopment) as it occurs on the opposite side of the street. If the developer fails to submit for said reimbursement agreement within 6 months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

7. The Base Line Road median shall be landscaped from Day Creek Boulevard to the existing terminus east of Day Creek Channel, per City Standards, to the satisfaction of the City Engineer. The developer may request a reimbursement agreement to recover one-half the City adopted cost for median landscaping from future development as it occurs on the opposite side of the street. If the developer fails to submit said reimbursement agreement within six months of the landscape improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

8. Development Impact Fees are assessed at the time of building permit issuance.

9. Provide written confirmation from San Bernardino County Flood Control District that states that they accept the proposed access relocation to their existing maintenance yard. SBCFCD should also confirm they will allow the proposed Pad B on their property, prior to map approval or building permit issuance, whichever comes first.
   A. If a portion of the access drive aisle depends on an offsite easement, that easement shall be acquired prior to map approval or building permit issuance, whichever comes first.

10. A final drainage study shall be submitted to and approved by the City Engineer prior to final map approval or the issuance of building permits, whichever occurs first. All drainage facilities shall be installed as required by the City Engineer.

11. Due to the location of the proposed public storm drain easement, the existing offer of dedication for storm drain purposes located northerly of the development shall be vacated.

12. Trees are prohibited within 5 feet of the outside diameter of the existing and proposed public storm drain, measured from the outer edge of a mature tree trunk. A copy of the on-site landscaping plan, with the storm drain plotted, shall be provided for the City Engineer to verify this condition is being met.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Engineering Services Department

Standard Conditions of Approval

13. A signed consent and waiver form to join and/or form the appropriate Landscape and Lighting Districts shall be filed with the Engineering Services Department prior to final map approval or issuance of Building Permits whichever occurs first. Formation costs shall be borne by the developer.
14. A non-refundable deposit shall be paid to the City, covering the estimated operating costs for all new streetlights for the first six months of operation, prior to final map approval or prior to Building Permit issuance if no map is involved.
15. Prior to the issuance of building permits, a Diversion Deposit and related administrative fees shall be paid for the Construction and Demolition Diversion Program. The deposit is fully refundable if at least 50% of all wastes generated during construction and demolition are diverted from landfills, and appropriate documentation is provided to the City. Permits issued on or after June 2, 2014, must complete the reimbursement process through the City's Accelerate online portal within 60 days following the completion of the construction and/or demolition project or the deposit will be forfeited. Permits issued before June 2, 2014, require the following when applying for a deposit reimbursement: a completed CD-2 form, a copy of the cashier's receipt showing the deposit amount, and all weight tickets. Instructions and forms are available at the City's web site, www.CityofRC.us, under City Hall; Engineering; Environmental Programs.

Grading Section

Standard Conditions of Approval

1. The final grading and drainage plan shall show existing topography a minimum of 100-feet beyond project boundary.
2. The applicant shall provide a grading agreement and grading bond for all cut and fill combined exceeding 5,000 cubic yards prior to issuance of a grading permit. The grading agreement and bond shall be approved by the Building and Safety Official.
3. This project shall comply with the accessibility requirements of the current adopted California Building Code.
4. The precise grading and drainage plan shall follow the format provided in the City of Rancho Cucamonga handout "Information for Grading Plans and Permit".
5. All slopes shall be a minimum 2-foot offset from the public right of way or adjacent private property.
6. Private sewer, water, and storm drain improvements will be designed per the, latest adopted California Plumbing Code.
7. The maximum parking stall gradient is 5 percent. Accessibility parking stall grades shall be constructed per the, current adopted California Building Code.
8. Roof storm water is not permitted to flow over the public parkway and shall be directed to an under parkway culvert per City of Rancho Cucamonga requirements prior to issuance of a grading permit.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

9. The Preliminary Water Quality Management Plan (WQMP) has been deemed "Acceptable". Prior to the issuance of a grading permit a final project-specific Water Quality Management Plan shall be submitted for review and approval by the Building Official.
10. Prior to the issuance of a Grading Permit the City of Rancho Cucamonga's "Memorandum of Agreement of Storm Water Quality Management Plan" shall be submitted for review and approval by the Building Official and recorded with the County Recorder's Office.
11. Prior to issuance of a Grading Permit the applicant shall obtain a Waste Discharge Identification Number (WDID).
12. A Grading Bond will be required to be submitted to the Building and Safety Services Department Official for review and approval prior to issuance of a Grading Permit.
13. All roof drainage flowing to the public right of way (Baseline Avenue and Day Creek Boulevard) must drain under the sidewalk through a parkway culvert approved by the Engineering Department.
14. The applicant shall provide a copy of EPA Form 7520-16 (Inventory of Injection Wells) with the Facility ID Number assigned to the Building and Safety Services Department Official prior to issuance of the Grading Permit.
15. The land owner shall provide an inspection report by a qualified person/company on a biennial basis for the underground infiltration chambers to the City of Rancho Cucamonga Environmental Program Manager. The land owner shall maintain on a regular basis all best management practices (BMP"s) as described in the Storm Water Quality Management Plan prepared for the subject project. All costs associated with the underground infiltration chamber are the responsibility of the land owner.
16. Prior to issuance of a wall permit, on engineered combination garden/retaining walls along the property boundary the structural calculations for the wall shall assume a level toe/heel at the adjacent off-site property (i.e. a manufactured slope is not present).
17. Prior to issuance of a wall permit, a copy of the Grading Special Conditions of Approval shall be included within the engineered wall plans and calculations.
18. Grading Inspections: a) Prior to the start of grading operations the owner and grading contractor shall request a pre-grading meeting. The meeting shall be attended by the project owner/representative, the grading contractor and the Building Inspector to discuss about grading requirements and preventive measures, etc. If a pre-grading meeting is not held within 24 hours from the start of grading operations, the grading permit may be subject to suspension by the Building Inspector; b) The grading contractor shall call into the City of Rancho Cucamonga Building and Safety Department at least 1 working day in advance to request the following grading inspections prior to continuing grading operations: i) The bottom of the over-excavation; ii) Completion of Rough Grading, prior to issuance of the building permit; iii) At the completion of Rough Grading, the grading contractor or owner shall submit to the Permit Technicians (Building and Safety Front Counter) an original and a copy of the Pad Certifications to be prepared by and properly wet signed and sealed by the Civil Engineer and Soils Engineer of Record; iv) The rough grading certificates and the compaction reports will be reviewed by the Associate Engineer or a designated person and approved prior to the issuance of a building permit.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

19. Prior to the issuance of the Certificate of Occupancy the engineer of record shall certify the functionality of the storm water quality management plan (WQMP) best management practices (BMP) devices.
20. The Water Quality Management Plan (WQMP) shall include a copy of the project Conditions of Approval.
21. Reciprocal access easements for all parcels and maintenance agreements ensuring joint maintenance of all storm water quality structural/treatment best management practices (BMP) devices as provided for in the project's Storm Water Quality Management Plan shall be provided for by CC&R's or deeds and shall be recorded prior to the issuance of a grading permit. Said CC&R's and/or deeds shall be included in the project site specific Storm Water Quality Management Plan (WQMP) document prior to approval of the WQMP document and recording of the Memorandum of Agreement of Storm Water Quality Management Plan.
22. Grading of the subject property shall be in accordance with current adopted California Building Code, City Grading Standards, and accepted grading practices. The Grading and Drainage Plan(s) shall be in substantial conformance with the approved conceptual Grading and Drainage Plan.
23. A soils report shall be prepared by a qualified Engineer licensed by the State of California to perform such work. Two copies will be provided at grading and drainage plan submittal for review. Plans shall implement design recommendations per said report.
24. A geologic report shall be prepared by a qualified Engineer or Engineering Geologist and submitted at the time of application for Grading and Drainage Plan review.
25. The final Grading and Drainage Plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Official prior to the issuance of building permits.
26. A separate Grading and Drainage Plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading and Drainage Plan shall be prepared, stamped, and wet signed by a California licensed Civil Engineer.
27. The applicant shall comply with the City of Rancho Cucamonga Dust Control Measures and place a dust control sign on the project site prior to the issuance of a grading permit.
28. If a Rough Grading and Drainage Plan/Permit are submitted to the Building and Safety Official for review, that plan shall be a separate plan/permit from Precise Grading and Drainage Plan/Permit.
29. A drainage study showing a 100-year, AMC 3 design storm event for on-site drainage shall be prepared and submitted to the Building and Safety Official for review and approval for on-site storm water drainage prior to issuance of a grading permit. All reports shall be wet signed and sealed by the Engineer of Record.
30. It shall be the responsibility of the applicant to acquire any required off-site drainage easements prior to the issuance of a grading permit.

Project #:	SUBTPM19637 CEQA2015-00016, DRC2015-00386, DRC2015-00387, DRC2015-00388, DRC2015-00390
Project Name:	Day Creek Marketplace
Location:	- 108903115-0000
Project Type:	Tentative Parcel Map CEQA Review, Conditional Use Permit, Design Review, General Plan Amendment, Specific Plan Amendment

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Grading Section

Standard Conditions of Approval

31. It shall be the responsibility of the applicant to obtain written permission from the adjacent property owner(s) to construct wall on property line or provide a detail(s) showing the perimeter wall(s) to be constructed offset from the property line.
32. The Final Grading and Drainage Plan shall show the accessibility path from the public right of way and the accessibility parking stalls to the building doors in conformance with the current adopted California Building Code. All accessibility ramps shall show sufficient detail including gradients, elevations, and dimensions and comply with the current adopted California Building Code.
33. The Grading and Drainage Plan shall implement City Standards for on-site construction where possible, and provide details for all work not covered by City Standard Drawings.

DRAFT

THE CITY OF RANCHO CUCAMONGA

THE MINUTES OF A SPECIAL MEETING OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

NOVEMBER 10, 2015 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance

Roll Call *4:30PM*

Chairman Wimberly X Vice Chairman Oaxaca X

Munoz X Macias A Fletcher X

Additional Staff Present: Candyce Burnett, Planning Director; Jeff Bloom, Deputy City Manager/Economic and Community Development; Steven Flower, Assistant City Attorney; Dan James, Senior Civil Engineer; Jennifer Nakamura, Associate Planner; Dominick Perez, Assistant Planner; Lois Schrader, Planning Commission Secretary; Jennifer Palacios, Office Specialist II; Tabe van der Zwaag, Associate Planner

II. PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Historic Preservation Commission or the Planning Commission on any item listed or not listed on the agenda. State law prohibits the Historic Preservation Commission or the Planning Commission from addressing any issue not previously included on the Agenda. The Historic Preservation Commission or the Planning Commission may receive testimony and set the matter for a subsequent meeting.

Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Historic Preservation Commission or Planning Commission, not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.

EXHIBIT B

III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

A. Consideration of minutes dated October 28, 2015

B. VACATION OF A 25-FOOT WIDE STORM DRAIN EASEMENT, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND THE SR-210 FREEWAY (V-231) – CCI LOT 9 HAVEN LLC

The minutes shown as Item A were removed from the Consent Calendar to be considered by the Commission at a future meeting.

Moved by Munoz, seconded by Oaxaca, carried 4-0-1, (Macias absent) to adopt Item B of the consent calendar.

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

C. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT DRC2015-00388 - LEWIS RETAIL CENTERS – A request to change the General Plan Land Use Designation for 10.94 acres of land from Low Medium (LM) Residential to Neighborhood Commercial (NC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, Victoria Community Plan Amendment DRC2014 00390, Tentative Tract Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

D. ENVIRONMENTAL ASSESSMENT AND VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390 - LEWIS RETAIL CENTERS – A request to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Low Medium (LM) Residential (4-8 dwelling units per acre) to Village Commercial (VC) related to the construction of a 100,135 square foot 9-building multi-tenant retail center at the northwest corner of Day Creek Boulevard and Base Line Road. The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling

units per acre) and a text amendment clarifying development standards – APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2014 00388, Tentative Tract Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

E. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP SUBTPM19637 - LEWIS RETAIL CENTERS – A request to subdivide 14.08 acres of land into 6 parcels of land on 10.08 acres of land for the purposes of developing a retail center and a 4-acre remainder parcel for residential purposes for a site located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15 and 16. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2014 00388, Tentative Tract Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

F. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00386 - LEWIS RETAIL CENTERS – A request for site plan and architectural review of a 100,135 square foot 9-building multi-tenant retail center that includes a 44,988 square foot major tenant building, a 15,207 square foot pad building, a 9,160 inline tenant building, two 7,560 square foot inline tenant buildings, a 4,500 square foot inline tenant building, two 3,780 inline tenant buildings and a future 3,600 square foot inline tenant building on 10.94 acres of land located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan- APN's: 1089-031-15, 16, 35 and a portion of 1089-031-14. Related cases: General Plan Amendment DRC2014-00388, Victoria Community Plan Amendment DRC2014 00390, Tentative Tract Map SUBTPM19637, Conditional Use Permit DRC2015-00387 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

G. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT DRC2015-00387 - LEWIS RETAIL CENTERS – A request to operate a 100,135 square foot multi-tenant retail center on 10.94 acres of land for a site located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan – APN's: 1089-031-15 and 16. Related cases: Design Review DRC2015-00386, General Plan Amendment DRC2014 00388, Victoria Community Plan Amendment DRC2015-00390 and Uniform Sign Program DRC2015-00391. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

Tabe van der Zwaag gave the staff report and PowerPoint presentation (copy on file). He noted that staff has been in contact with CDFW because they have asked for expanded mitigations with respect to RAFSS. He said the developer's consultant, LSA, wrote a letter as to why the mitigation measures are sufficient. He said the lights on the project site will be shielded to reduce glare. He noted a letter received from Ms. Walton regarding her

concerns about biological impacts of the project.

Walt Mitchell of Lewis Retail said it is a community friendly project. He noted that they addressed the comments from staff and the Planning Commission re: winery elements. He said he believes it fits with the community. He thanked staff for their assistance during the review process.

Chairman Wimberly opened the public hearing.

Natasha Walton submitted a letter (copy on file). She stated she is a biology professor and appreciates open spaces. She asked that they minimize the impacts-preserve RAFSS and restore native vegetation.

Eric Walton suggested they plant large native canopy trees (such as oaks), and minimize light pollution. He noted a concern about the Craftsman style lights.

Jim Baldovin of CDPC (Landscape architect) said the current plant palette has several low water use plantings. He said he did not recommend oaks as there is not enough space with a clear zone to sustain them. He said Sycamores are ok with the character of the project. He said perhaps oaks could be considered with the tie in area with the trail system.

Commissioner Munoz asked that staff try to work with the applicant on this.

Mr. Baldovin said they are using a chaparral landscape. He said they are working with staff as they need form to follow function and to eliminate water use and work in the space constraints. He said adding natives is an issue.

Commissioner Munoz thanked staff and the applicant and the DRC. He said he likes the plaques and hopes they address the native plant issue. He offered his support of the project.

Commissioner Fletcher thanked staff for addressing the issues. He said the project is good looking, has interesting additions, and he likes the plant palette but he is ok if they decide to tweak it.

Vice Chairman Oaxaca thanked the applicant for being responsive to the Commission comments. He said the project should be a nice addition and complements existing uses.

Chairman Wimberly concurred. He thanked staff and the applicant. He said they should work with staff on the conditions.

Moved by Munoz, seconded by Oaxaca, carried 4-0-1 (Macias absent) to adopt the resolutions approving Tentative Parcel Map SUBTPM19637, Design Review DRC2015-00386 and Conditional Use Permit DRC2015-00387 and to forward the Mitigated Negative

Declaration of environmental impacts, the General Plan Amendment and the Victoria Community Plan Amendment to the City Council for final action.

H. CONDITIONAL USE PERMIT DRC2015-00886 - BOONSEE THAI MASSAGE - A request to operate a massage establishment within a 834 square foot tenant space located at the northeast corner of Milliken Avenue and Kenyon Way within the Village Commercial (VC) District of the Victoria Community Plan at 11338 Kenyon Way, Unit B; APN: 1089-131-07. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

Jennifer Nakamura, Associate Planner presented the staff report and PowerPoint presentation (copy on file). She noted that condition #3 says all violations must be corrected before reopening. She said she received an email in support of the project (copy on file). She reported there is a multi-departmental task force that is working jointly to ensure the business is operating safely and legally.

Commissioner Munoz asked what triggers an investigation.

Ms. Nakamura said they are looking at a permanent organization and possibly an annual inspection for these businesses. She said the owners must be available for periodic inspections and it will be the responsibility of the task force to complete the inspections as required.

Commissioner Fletcher asked how many of these businesses are operating today and would the Commission have the authority to deny an application if they felt there were too many.

Ms. Nakamura reported that it is a moving target; around 28-30. She said that is not grounds for denial although they have thought about requiring a distance between them or concentration requirements in the long term ordinance.

Steven Flower, Assistant City Attorney, said that is a legislative issue and it is not before the Commission to decide. He said only the application is evidence in this case to support or deny the request. He said an Interim ordinance is currently in place.

Ms. Nakamura reported that there are no other massage businesses in this immediate center. She said this is a new corporation but it is the same physical person managing this business.

Chairman Wimberly asked about the prior legislation.

Mr. Flower said there were too many local requirements and then they consolidated the land

use authority. He said how it is now split; the State has a hand in certification of the operators but they gave back land use authority to the local jurisdictions. He confirmed that if there is a future violation then it could be brought back for the Commission for review including modification, suspension or revocation.

Condit Kochaporn said her business is not illegal; they do traditional medical massage, not entertainment. She said she took over the business in December 2014, then she came in August 2015 to change contact person. That is when she found out she had to get a CUP. She said this has been a hardship for her.

Chairman Wimberly opened the public hearing. Hearing and seeing none, he closed the public hearing.

Commissioner Munoz advised the applicant to read and remember the conditions and to make sure she understands them.

Commissioner Fletcher thanked the applicant and wished her good luck.

Vice Chairman Oaxaca also advised that she read her conditions.

Chairman Wimberly thanked the applicant for providing the history of the application.

Moved by Fletcher, seconded by Oaxaca, carried4-0-1, (Macias absent) to adopt the resolution approving Conditional Use Permit DRC2015-00886.

I. CONDITIONAL USE PERMIT DRC2015-00613 - ORCHID BEAUTY DAY SPA - A request to operate a massage establishment within a 1,448 square foot tenant space located on Foothill Boulevard east of Vineyard Avenue within the Community Commercial (CC) zoning district of the Foothill Boulevard Overlay District located at 9000 Foothill Boulevard, Suite 104; APN: 0208-101-17. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

Jennifer Nakamura, Associate Planner, presented the staff report and PowerPoint presentation (copy on file). Staff, during the vetting process, found that the owner also owns 2 other sites and no violations have been reported at those establishments.

Yong Ying Shi, stated her business is mostly skin care services and she understands the conditions of approval and will abide by them.

Chairman Wimberly opened the public hearing. Hearing and seeing no comment, he closed the public hearing.

Moved by Oaxaca, seconded by Fletcher, carried 4-0-1 (Macias absent) to adopt the resolution approving Conditional Use Permit DRC2015-00613

J. CONDITIONAL USE PERMIT DRC2015-00806 – V SPA - A request to operate a massage establishment within a 936 square foot tenant space within the Neighborhood Commercial (NC) District located at the northeast corner of Base Line Road and Carnelian Street at 8800 Base Line Road, Unit C; APN: 0202-381-24. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

Dominick Perez, Associate Planner, presented the staff report and PowerPoint presentation (copy on file). He reported that this is a new owner but the owner has prior experience in southern California and that business operation was in compliance. He said the business for review tonight is closed until the permit is received.

Martin Lu stated on behalf of the owner that they offer Chinese acupressure and massage. He said the owner is committed to working with staff and meeting the requirements.

Commissioner Fletcher noted that the owner is non-English speaking and asked how she communicates with customers.

Mr. Lu stated that other staff members speak English.

Chairman Wimberly opened the public hearing. Hearing and seeing no comment, closed the public hearing.

Moved by Munoz, seconded by Fletcher, carried 4-0-1 (Macias absent) to adopt the resolution approving Conditional Use Permit DRC2015-00806.

K. CONDITIONAL USE PERMIT DRC2015-00848 – ROYAL SPA - A request to operate a massage establishment within a 1,395 square foot tenant space located within Planning Area 10 of the Rancho Cucamonga Industrial Area Specific Plan at the northwest corner of Milliken Avenue and 7th Street at 9090 Milliken Avenue, Suite 130; APN: 0209-272-28. Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 1 (CEQA Guidelines Section 15301) exemption, which covers existing facilities.

Staff asked for a continuance of Item K (DRC2015-00848) to December 9, 2015

Moved by Munoz, seconded by Oaxaca, carried 4-0-1 (Macias absent) to continue the item to the regular meeting of December 9, 2015.

V. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION

L. INTER-AGENCY UPDATES

None

M. COMMISSION ANNOUNCEMENTS

None

VI. ADJOURNMENT

9:25 PM

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on November 5, 2015, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.

If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

INFORMATION FOR THE PUBLIC

TO ADDRESS THE PLANNING COMMISSION

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement from the audience.

The public may address the Planning Commission on any agenda item. To address the Planning Commission, please come forward to the podium located at the center of the staff table. State your name for the record and speak into the microphone. After speaking, please sign in on the clipboard located next to the speaker's podium. It is important to list your name, address and the agenda item letter your comments refer to. Comments are

generally limited to 5 minutes per individual.

If you wish to speak concerning an item *not* on the agenda, you may do so under "Public Comments." There is opportunity to speak under this section prior to the end of the agenda.

Any handouts for the Planning Commission should be given to the Planning Commission Secretary for distribution to the Commissioners. A copy of any such materials should also be provided to the Secretary to be used for the official public record.

All requests for items to be placed on a Planning Commission agenda must be in writing. Requests for scheduling agenda items will be at the discretion of the Commission and the Planning Director.

AVAILABILITY OF STAFF REPORTS

Copies of the staff reports or other documentation to each agenda item are on file in the offices of the Planning Department, City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730. These documents are available for public inspections during regular business hours, Monday through Thursday, 7:00 a.m. to 6:00 p.m., except for legal City holidays.

APPEALS

Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of $2,584 for all decisions of the Commission. (Fees are established and governed by the City Council).

Please turn off all cellular phones and pagers while the meeting is in session.
Copies of the Planning Commission agendas, staff reports and minutes can be found at www.CityofRC.us.

RESOLUTION NO. 15-211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT DRC2015-00388, A REQUEST TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR 10.94 ACRES OF LAND FROM LOW MEDIUM (LM) RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL (NC) RELATED TO THE CONSTRUCTION OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER LOCATED AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD IN THE MEDIUM (M) ZONING DISTRICT OF THE VICTORIA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

A. Recitals.

1. Lewis Retail Centers filed an application for the approval of General Plan Amendment DRC2015-00388 as described in the title of this Resolution. Hereinafter in this Resolution, the subject General Plan Amendment request is referred to as "the application."

2. On the 10th of November 2015, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing on General Plan Amendment DRC2015-00388 and issued Resolution No. 15-68, recommending to the City Council that the General Plan Amendment be approved.

3. On the 2nd day of December 2015, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

4. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the City Council of the City of Rancho Cucamonga as follows:

1. This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to the City Council during the above-referenced public hearing on December 2, 2015, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is the Rancho Cucamonga Fire Protection District (RCFPD) Station 173 within the Community Facilities (CF) Zoning District and vacant land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan;

and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The General Plan Land Use Designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan Land Use Designation for the 10.94 acre project site to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation for the 10.94 acre project site to Village Commercial (VC), which is the Victoria Community Plan equivalent to the Neighborhood Commercial (NC) Designation; and

d. The General Plan Land Use Designation for the 4 acre parcel to the north of the project site will remain Low Medium (LM) Residential. The Victoria Community Plan Zoning Designation for this 4 acre parcel of land is being requested to be changed from Medium (M) Residential to Low Medium (LM) Residential, in conformance with the General Plan.

e. The application is in conjunction with the subdivision of 14.08 acres of vacant land into 6 parcels (related file: SUBTPM19637) including 10.08 acres of land for the purpose of developing a 100,135 square foot multi-tenant retail center (related file: DRC2015-00386) and 4 acre remainder parcel for the future development of a multi-family senior housing project; and

f. This amendment does not conflict with the Land Use Policies of the General Plan and will provide for development, within the district, in a manner consistent with the General Plan and with related development. The proposed General Plan Amendment will change the Land Use Designation of the project site from Low Medium (LM) Residential to Neighborhood Commercial (NC). The General Plan outlines that the Neighborhood Commercial (NC) Land Use District is for small-scale shopping centers (5 to 15 acres in size) located near or within residential neighborhoods. The General Plan has a stated policy (Policy LU-1.3) of encouraging commercial centers to serve a broad range of retail and service needs for the community. The project site is proposed to be developed with a 100,135 square foot retail center with a grocery store, drug store and small service oriented businesses, in conformance with the intent of the General Plan; and

g. This amendment does promote the goals and objectives of the General Plan Land Use Element. The General Plan has a stated goal (Goal LU-2) of facilitating sustainable and attractive infill development that complements surrounding neighborhoods and is accessible to pedestrians, bicycles, transit and automobiles. The proposed commercial development is designed to complement the surrounding neighborhood and will provide convenient vehicle, pedestrian and bicycle access to goods and services; and

h. This amendment would not be materially injurious or detrimental to the adjacent properties and would not have a significant impact on the environment nor the surrounding properties. The proposed General Plan Amendment will change the General Plan Land Use Designation from Low Medium (LM) Residential to Neighborhood Commercial (NC). Air quality, greenhouse gas, traffic and noise studies were submitted as part of the environmental review of the project. With implementation of mitigation measures outlined in the related Initial Study, any environmental impacts related to the project will be less than significant.

3. Based upon the substantial evidence presented to this Council during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Council hereby finds and concludes as follows:

a. The subject property is suitable for the uses permitted in the proposed district in terms of access, size and compatibility with the existing land uses in the surrounding area. The 10.94 acre project site is located at the intersection of two major streets, Day Creek Boulevard and Base Line Road, and is well suited for the proposed commercial development. The project site is separated from adjacent residential land uses by public streets, limiting any potential noise and glare issues and will become an integral part of the surrounding area.

b. The proposed amendment would not have significant impacts on the environment nor the surrounding properties. Air quality, greenhouse gas, traffic and noise studies were submitted as part of the environmental review of the project. With implementation of mitigation measures outlined in the related Initial Study, any environmental impacts related to the project will be less than significant.

c. The proposed amendment meets the goals and policies of the General Plan. The General Plan states that the intent of the Neighborhood Commercial (NC) Land Use District is for small-scale shopping centers (5 to 15 acres in size) located near or within residential neighborhoods. The 10.94 acre project site is located at the corner of two major streets and is easily accessible to the surrounding residences.

4. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring Program attached hereto, and incorporated herein by this reference, based upon the findings as follows:

a. Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

b. The City Council has reviewed the Mitigated Negative Declaration and the comments received from the California Department of Fish and Wildlife (CDFW) regarding the Mitigated Negative Declaration and based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. During the Public Comment Period, staff received comments from the California Department of Fish and Wildlife (CDFW). To address CDFW comments, staff modified one of the existing mitigation measures in Initial Study Parts II and III, shortening the period of time prior to earth moving activity for performing a nesting bird survey. The modified mitigation measure was reviewed by the Planning Commission. The City Council finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration; and

c. The City Council has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources

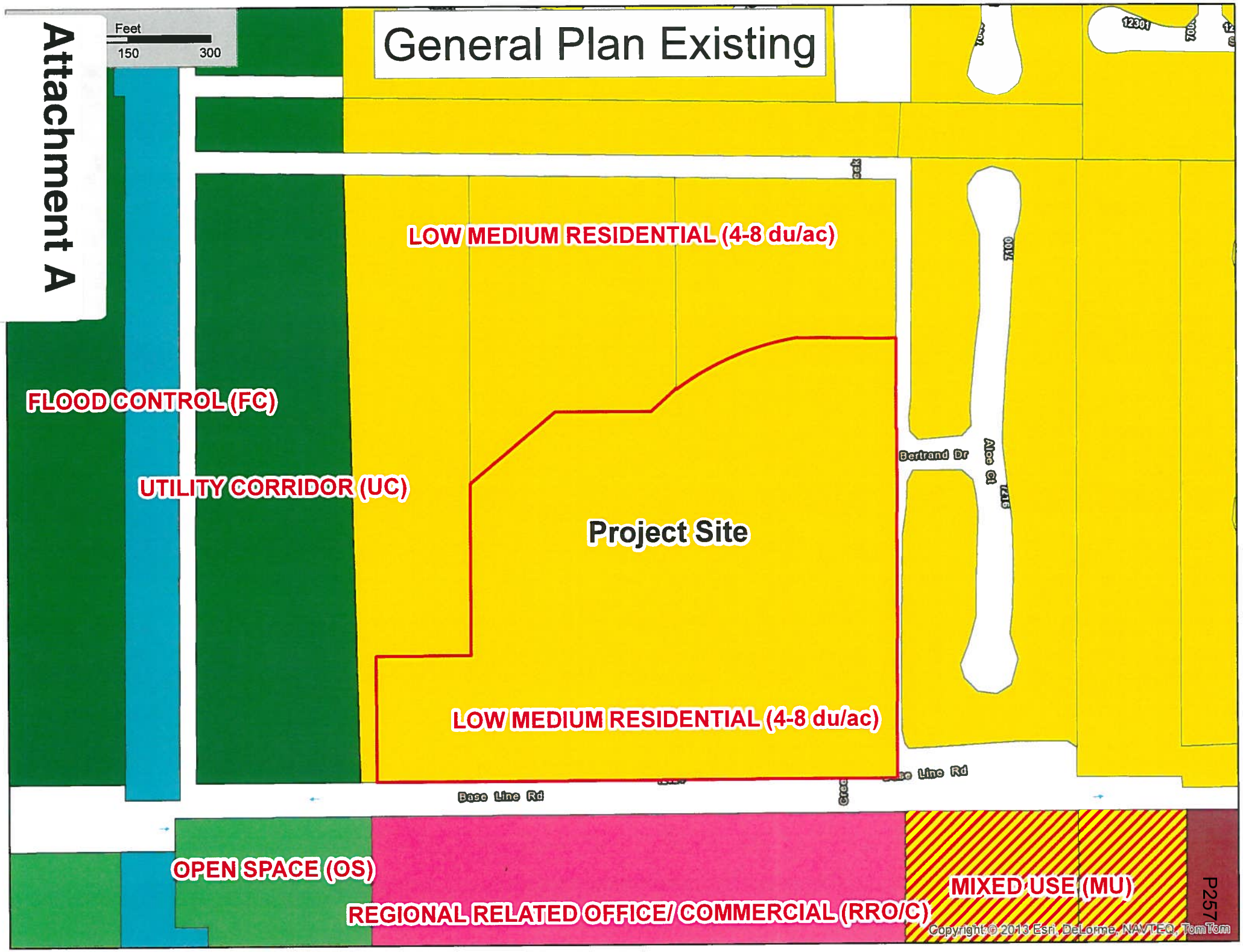
Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during project implementation. The City Council therefore adopts the Mitigation Monitoring Program for the project; and

d. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

5. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, and 4 above, this Council hereby adopts General Plan Amendment DRC2015-00388, as depicted in Attachment A, attached hereto.

APPROVED AND ADOPTED THIS 2ND DAY OF DECEMBER 2015.

Attachment A



General Plan Proposed
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Feet
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LOW MEDIUM RESIDENTIAL (4-8 du/ac)
FLOOD CONTROL (FC)
UTILITY CORRIDOR (UC)
Project Site
NEIGHBORHOOD COMMERCIAL (NC)
Bertrand Dr
Base Line Rd
OPEN SPACE (OS)
REGIONAL RELATED OFFICE/ COMMERCIAL (RRO/C)
MIXED USE (MU)
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ORDINANCE NO. 882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING VICTORIA COMMUNITY PLAN AMENDMENT DRC2015-00390, A REQUEST TO CHANGE THE VICTORIA COMMUNITY PLAN ZONING DESIGNATION FOR 10.94 ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) TO VILLAGE COMMERCIAL (VC) RELATED TO THE CONSTRUCTION OF A 100,135 SQUARE FOOT 9-BUILDING MULTI-TENANT RETAIL CENTER AT THE NORTHWEST CORNER OF DAY CREEK BOULEVARD AND BASE LINE ROAD. THE AMENDMENT ALSO INCLUDES CHANGING THE ZONING DESIGNATION FOR 4 CONTIGUOUS ACRES OF LAND FROM MEDIUM (M) RESIDENTIAL (8-14 DWELLING UNITS PER ACRE) TO LOW MEDIUM (LM) RESIDENTIAL (4-8 DWELLING UNITS PER ACRE) AND A TEXT AMENDMENT CLARIFYING DEVELOPMENT STANDARDS; AND MAKING FINDINGS IN SUPPORT THEREOF – APN'S: 1089-031-15, 16, 35 AND A PORTION OF 1089-031-14.

A. Recitals.

1. Lewis Retail Centers filed an application for the approval of Victoria Community Plan Amendment DRC2015-00390 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Victoria Community Plan Amendment request is referred to as "the application."

2. On the 10th day of November, 2015, the Planning Commission of the City of Rancho Cucamonga conducted a noticed public hearing with respect to the above referenced Victoria Community Plan Amendment DRC2015-00390 and, following the conclusion thereof, adopted its Resolution No. 15-69, recommending that the City Council of the City of Rancho Cucamonga adopt said Victoria Community Plan Amendment.

3. On the 2nd day of December, 2015, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing on the application and concluded said hearing on that date.

4. All legal prerequisites prior to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, it is hereby found, determined, and resolved by the City Council of the City of Rancho Cucamonga as follows:

SECTION 1: This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2: Based upon the substantial evidence presented to the City Council during the above-referenced public hearing on December 2nd, 2015, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The application applies to a property located at the northwest corner of Day Creek Boulevard and Base Line Road in the Medium (M) Zoning District of the Victoria Community Plan; and

b. To the north is RCFPD Station 173 within the Community Facilities (CF) Zoning District and vacant land within the Medium (M) Zoning District of the Victoria Community Plan; to the south is vacant land within the Regionally Related Office/Commercial (RROC) Zoning District of the Victoria Community Plan; to the east are single-family residences within the Low Medium (LM) Zoning District of the Victoria Community Plan; and, to the west is a San Bernardino County Flood Control Maintenance Yard within the Medium (M) Zoning District of the Victoria Community Plan; and

c. The General Plan Land Use Designation of the project site is Low Medium (LM) Residential. The project site is within the Victoria Community Plan area with a zoning designation of Medium (M) Residential. The applicant has submitted a General Plan Amendment to change the General Plan Land Use Designation for the 10.94 acre project site to Neighborhood Commercial (NC) and a Victoria Community Plan Amendment to change the Victoria Community Plan Zoning Designation for the 10.94 acre project site to Village Commercial (VC) and to change the zoning designation for 4 acres north of the project site to Low Medium (LM) Residential; and

d. The Victoria Community Plan Amendment also includes a text amendment stating that "building setbacks to be determined through the development approval process;" and

e. The application is in conjunction with the subdivision of 14.08 acres of vacant land into 6 parcels (related file: SUBTPM19637) including 10.08 acres of land for the purpose of developing a 100,135 square foot multi-tenant retail center (related file: DRC2015-00386) and 4 acre remainder parcel for the future development of a multi-family senior housing project.

SECTION 3: Based upon the substantial evidence presented to this Council during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Council hereby finds and concludes as follows:

a. The proposed Victoria Community Plan Amendment does not conflict with the Land Use Policies of the General Plan and will provide for the development, within the district, in a manner consistent with the General Plan and with related development. The project includes a request to amend the General Plan Land Use Designation from Low Medium (LM) Residential to Neighborhood Commercial (NC). The proposed Victoria Community Plan Amendment will bring the zoning designation of the project site into conformance with the proposed General Plan Land Use Designation. General Plan Policy LU-1.3 encourages the development of commercial centers that serve a broad range of retail and service needs of the community. The proposed commercial development is consistent with the intent of the proposed General Plan and Victoria Community Plan Amendments.

b. The proposed Victoria Community Plan Amendment does promote the goals and objectives of the Victoria Community Plan which in turn are consistent with and implement the goals and objectives of the General Plan. These goals include promoting the economical and efficient use of land, promoting design and construction techniques that are responsive to the environment, and promoting development compatible with the surrounding neighborhood. The proposed text and zoning amendment will result in a commercial development that is consistent with the goals and objectives of the Victoria Community Plan and will be indistinguishable in overall quality and design from existing development in the surrounding area.

c. The proposed Victoria Community Plan Amendment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The proposed Victoria Community Plan Amendment will provide for a commercial development that is separated from the surrounding residential land uses by two public streets which will mitigate any negative impacts created by the commercial center. The amendment will not increase traffic in a manner that is beyond that which the roads were designed to accommodate or overwhelm the existing public facilities; and

d. The proposed amendment is in conformance with the General Plan. The General Plan states that the intent of the Neighborhood Commercial (NC) Land Use District is for small-scale shopping centers (5 to 15 acres in size) located near or within residential neighborhoods. The 10.94 acre project site is located at the corner of two major streets and is easily accessible from the surrounding residences; and

e. In conjunction with the approval of General Plan Amendment DRC2015-00388, the proposed Victoria Community Plan Amendment will be consistent with the objectives of the Victoria Community Plan. The 10.94 acre project site is located at the intersection of two major streets, Day Creek Boulevard and Base Line Road, and is well suited for the proposed commercial development. The project site is separated from surrounding residential land uses by public streets, limiting any potential noise and glare issues. The project will become an integral part of the surrounding area.

SECTION 4: Based upon the facts and information contained in the proposed Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration and Mitigation Monitoring Program attached hereto, and incorporated herein by this reference, based upon the findings as follows:

a. Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, the City staff prepared an Initial Study of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

b. The City Council has reviewed the Mitigated Negative Declaration and the comments received from the California Department of Fish and Wildlife (CDFW) regarding the Mitigated Negative Declaration and based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. During the Public Comment Period, staff received comments from the California Department of Fish and Wildlife (CDFW). To address CDFW comments, staff modified one of the existing mitigation measures in Initial Study Parts II and III, shortening the period of time prior to earth moving activity for performing a nesting bird survey. The modified mitigation measure was reviewed by the Planning Commission. The City Council finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Mitigated Negative Declaration.

c. The City Council has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the

mitigation measures during project implementation. The City Council therefore adopts the Mitigation Monitoring Program for the project; and

d. The custodian of records for the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring Program and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the Planning Director of the City of Rancho Cucamonga. Those documents are available for public review in the Planning Department of the City of Rancho Cucamonga located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730, telephone (909) 477-2750.

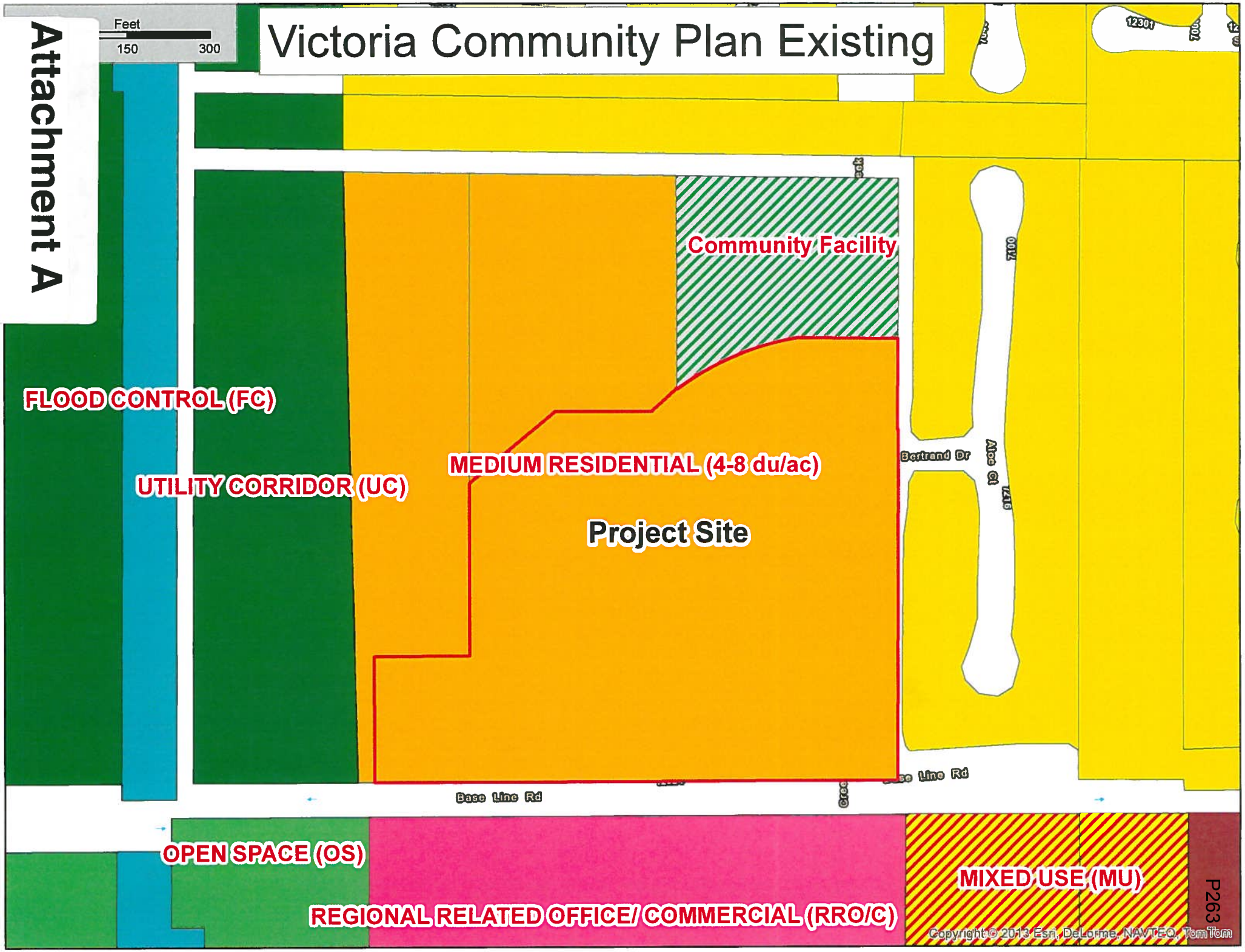
SECTION 5: The Victoria Community Plan is hereby amended to change the Victoria Community Plan Zoning Designation for 10.94 acres of land from Medium (M) Residential (4-8 dwelling units per acre) to Village Commercial (VC). The Amendment also includes changing the zoning designation for 4 contiguous acres of land from Medium (M) Residential (8-14 dwelling units per acre) to Low Medium (LM) Residential (4-8 dwelling units per acre) and a text amendment clarifying commercial development standards, as shown in Attachments A and B.

SECTION 6: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Cucamonga hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or words thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or words might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

SECTION 7: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published within 15 days after its passage at least once in the Inland Valley Daily Bulletin, a newspaper of general circulation published in the City of Rancho Cucamonga, California, and circulated in the City of Rancho Cucamonga, California.

Attachment A

Victoria Community Plan Existing



Victoria Community Plan Proposed
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Feet
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Community Facility
LOW MEDIUM RESIDENTIAL (4-8 du/ac)
FLOOD CONTROL (FC)
UTILITY CORRIDOR (UC)
Project Site
VILLAGE COMMERCIAL (VC)
Bertrand Dr
Alice Ct
Base Line Rd
OPEN SPACE (OS)
REGIONAL RELATED OFFICE/ COMMERCIAL (RRO/C)
MIXED USE (MU)
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COMMERCIAL STANDARDS

General provisions for land uses designated as Regional Center, Regional-related Commercial and Village Commercial.

Site Development Standards:

(1) Building site coverage: No maximum subject to Development Approval Process

(2) Building setbacks: To be determined through the Development Approval Process.

(3) Building site width: 150-foot minimum

(4) Building height: 65 feet typical maximum; buildings over 65 feet subject to a Conditional Use Permit

Uses not permitted within the Planned Community:

- Massage Parlors, <u>except as conditionally permitted within the Victoria Arbors Master Plan</u>.
- "Adult" Entertainment Establishments

<u>Shopping Centers</u>. To ensure that the goals and policies of the General Plan and Community Plan are implemented, a Conditional Use Permit shall be required for shopping centers. In such a review, the following criteria shall be considered:

(1) The transition from more sensitive land uses and buffering methods to mitigate commercial activities such as loading, lighting, and trash collection;

(2) The Center has been planned as a group of organized uses and structures;

(3) The Center is designed with one theme, with buildings and landscaping consistent in design (similar architectural style, similar exterior building materials, and a coordinated landscaping theme);

(4) The Center makes provisions for consistent maintenance, reciprocal access, and reciprocal parking:

(5) Vehicle and pedestrian access is coordinated and logically linked to provide a comprehensive circulation system; and

(6) The development or approval of any portion of a center shall require the development of a conceptual development plan, which shall consider such things as, but not limited to, circulation, uniform architectural design, drainage/grading, buffers, phased improvements, and landscaping.

Regional Center

a. The following general categories of uses shall be permitted:

(1) Retail businesses, including, but not limited to:

- ~~Discount stores~~
- Department stores
- Drug stores

Attachment B

STAFF REPORT

ADMINISTRATIVE SERVICES GROUP

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Jeff Bloom, Deputy City Manager
Lori Sassoon, Deputy City Manager

Subject: **CONSIDERATION OF ACTIONS RELATED TO THE CONTINUED FISCAL STEWARDSHIP OF THE CITY'S WEST-SIDE PARKS, LANDSCAPING, AND STREET LIGHTING DISTRICTS**

Background

The City of Rancho Cucamonga incorporated for many reasons, among which were the impacts of some of the poorly planned growth under San Bernardino County. Shortly after incorporation, the City instituted a policy that all new development had to pay its own way, without creating a burden on the General Fund (which receives an artificially low $.05 per dollar of property tax due to Prop 13) or existing development. As a result, the east side planned communities were developed from the beginning with specific funding mechanisms, separate from the General Fund, including landscape maintenance districts, street light districts and community facilities districts, all of which were assessed on the individual property tax bills. That funding mechanism continues to this day.

The west side residential areas, substantially built or in many cases already approved (by the County) at incorporation, were developed without the benefit of the advanced fiscal planning which helped the east side. Significant landscape maintenance (LMD 1) and street light districts (SLD 2) were created, although properties that were already developed prior to the time those districts were created, are not in many cases included in the funding for those districts. Park District 85, a landscape maintenance district, was approved in 1985 and originally included both a bond (to develop Red Hill and Heritage Parks) as well as a maintenance assessment. The bond was paid off in 2005, and the maintenance assessment, unchanged since 1993, remains in place. LMD 1 rates also remain unchanged since 1993.

The issue of the resulting structural deficits in the City's West-side landscaping and lighting districts has been discussed and addressed in various ways since September 2013. Rancho Cucamonga residents and businesses value the City's well-kept parks, trails, and green spaces, as well as the extensive street lighting system, all of which contribute to the safety and quality of our neighborhoods. Of the West-side districts, the three largest districts – PD 85, LMD 1, and SLD 2 – were all experiencing significant budget deficits over the last several years.

In February of 2014, the City Council approved a series of budget-balancing measures in LMD 1 and PD 85 that were adequate in the near term to bring revenues and expenditures nearly into alignment. These measures were in addition to the reductions that had already been in place for the last several years. Further changes included reducing park maintenance to a "C-" service level, reducing mowing and overall maintenance, naturalizing green space, deferring replacement of equipment, reducing staff and contracting for more services, partnering with sports and equestrian groups to maintain sports fields and the equestrian facility at Heritage Park, and temporarily draining and fencing the Red Hill lake feature while developing more cost-effective maintenance options (for the lake). Other measures implemented included the establishment of new fees for the use of City sports fields by out-of-town sports organizations and adoption of a new Park Maintenance Fee for the use of picnic shelters, sports fields, and special event areas.

Because assessment revenues are **only received twice per year**, the City must maintain a reserve in an amount equal to 50% of expenditures in each special district fund for cash flow purposes. Water bills, electric bills and contract maintenance are paid on a regular basis while waiting for the receipt of property taxes in January and May. Reserves in the west side districts have declined in recent years, but have generally stabilized as a result of implementing significant budget cuts. As of June 30, 2015, the estimated reserve level for LMD 1 is at the minimum 50% level while PD 85 is modestly above the minimum level at 78%. If not addressed, continued and permanent use of one-time reserves needed for short term cash flow purposes will create a structural budget deficit and result in a downgrade of the City's overall credit rating and financial position. The budgets must be balanced, without the use of one-time reserves, except as needed for capital improvements or emergency repairs.

The purpose of this staff report is to provide sustainable and realistic options going forward to provide the best service possible as water rates, electricity rates, contract maintenance and other costs continue to increase, while infrastructure continues to age, requiring repairs and further upkeep. Many of these costs are not directly controlled by the City. Contract maintenance costs are affected by the Affordable Care Act, minimum wage increases and paid sick leave changes in the law. Utility rates are controlled by external entities and generally increase 3-5% per year, under normal circumstances.

Changes to LMD 1 and PD 85 Budgets for FY 16/17

The City's budget cycle for FY 16/17 will be underway shortly, with the first internal deadlines coming up in early 2016. In order to prepare the budgets for LMD 1 and PD 85 for next fiscal year, City staff has evaluated various options and is recommending the following set of budget changes. These changes provide a combination of service reductions, potential additional revenues, and adjustment of administrative costs that provide savings to the bottom line, but also recognize the reality of additional costs associated with deferred maintenance and emergency repairs as our parks grow older, as well as increasing utility costs.

Service Reductions and Additional Contract Maintenance - In PD 85 and LMD 1, service levels have already been reduced to low levels as a result of prior budget-balancing actions. LMD 1 is already largely maintained by contract services. In order to try and achieve further savings, it is recommended that the Council authorize staff to proceed with obtaining bids for 100% contract maintenance in PD 85 and rebid the existing maintenance contracts for LMD 1. If the bids for this work result in cost savings as compared to using in-house maintenance staff, then this would result in eliminating approximate 4 employee FTE's. The individuals in these positions would not be laid off, and the City would move them into other comparable paying vacant positions in the organization. As a result of current and pending retirements throughout the organization, this is a viable option that did not exist previously.

No final decisions can be made with regard to the savings or viability of this option until bids are obtained, and meet and confer processes are completed with the impacted labor groups. *If the bids indicate this option would yield savings, and all meet and confer processes are satisfactorily addressed, then it is recommended that the resulting savings be allocated toward the significant deferred maintenance needs in Red Hill and Heritage parks as well as providing volunteer relief to youth sports groups as noted below.*

Budget assumptions for FY 15/16 include the continued support of many youth sports groups for sports field maintenance. In 2014, many of these groups entered into maintenance partnerships with the City and are providing field maintenance such as mowing, either through their own volunteer labor

or through contractors. While these partnerships are valuable and greatly appreciated, some groups are being stretched to find adequate volunteers and/or funds to continue this work. As part of the bid process, staff will also obtain bid alternatives for sports field maintenance to potentially allow those groups that so desire, to discontinue the current arrangement and allow the City to take back field maintenance. In the meantime, while bids are being obtained, staff will work with the sports field maintenance volunteers to provide some sort of identifying vest, so that it is more evident to the public that they are volunteers.

Reallocate Special District Administrative Costs – Each of the City's 35 special districts, including the West-side districts, have historically paid a share of the City's total costs for assessment district administrative work. In addition, each fund pays for a proportionate share of the services provided by the central services departments (Finance, Human Resources, Technology, etc.) based on a Cost Allocation Plan (CAP). The methodology used is similar to standards promulgated and widely adopted by state, county and other local governments. LMD 1 and PD 85 are both being maintained at a "C-" level, and if the changes proposed are approved, there would be absolutely minimal City staff to oversee contracts or provide specialty services. Accordingly, in order to provide fiscal relief to PD 85, LMD 1, and SLD 2 in FY 16/17, it is proposed that these districts have their proportional share of the CAP reduced by 50% to reflect current conditions. *This will provide total savings to these funds of approximately $90,450 based on the current year's allocations, and the General Fund will pick up those additional costs.*

General Benefit Equivalent Contribution – Changes in state law over the last two decades and recent case law have created a revised legal framework for the creation of *new landscaping and lighting districts*. The City's newest district, LMD 2 in the Victoria Planned Community, was the first of these districts to require a new methodology for determining property owner assessments under these newest case laws. In LMD 2, the Assessment Engineer had to quantify the dollar value of "special benefit" to the parcels, which can be imposed in the form of assessments, as compared to "general benefit" to the parcels, which must be paid from other sources. That analysis requires that 8.62% of the total budget in LMD 2 must be funded through sources other than assessment; most typically, the only other source available is the General Fund. In FY 15/16, the General Fund's contribution to LMD 2 equals $328,600.

As one possible option, the General Fund could contribute to LMD 1 and PD 85 based on an estimated general benefit value. While not legally required so long as the Districts remain in their original legal configuration, it is an available option which would provide equivalency to the east side planned communities. Staff calculated a general benefit factor of 11% of expenses, based on an average of the general benefit components determined by outside assessment engineers when the City was considering establishing 8 neighborhood LMD's for the West-side. *Using that 11% factor, the General Fund could contribute an estimated total of $305,580 to these two districts, which provides additional fiscal relief as well as equity with the east side planned communities.*

Sports Organization Light Fees – Athletic fields at parks throughout the City are heavily used by local non-profit youth sports organizations which are members of the Sports Advisory Committee. These user groups are also allocated school fields in addition to City parks. Fields are allocated twice per year. *No fees are currently assessed for field light use*. However many groups contribute a voluntary contribution of $5 per player, and/or also mow and maintain the fields, using volunteers, to keep them at a higher level for organized sports use. Rancho Cucamonga is one of eight cities out of the 29 cities surveyed in a 20-mile radius that does not charge their city approved non-profit youth groups for field use and light use (Attachments B and C).

For some of the fields with lights, especially older parks like Old Town and Heritage, the light fixtures and lamps are now obsolete, parts are no longer available, and they will soon need replacement. For these parks, the City has enough spare lamps to maintain adequate lighting levels for approximately 8-12 months. After that, the fixtures would need replacement or the fields would not be usable after dark. The lack of lighting would have a significant impact to some sports user groups. The estimated full project cost to replace the light fixtures at Old Town Park is $62,000 and Heritage Park is $235,000, barring unforeseen infrastructure complications or bid variations.

It is recommended that the City begin assessing a per hour fee for the cost of field light use, in order to provide a funding stream for the continued operation and repair of these systems. However, there is currently no method to accept electronic payment for the use of athletic field lights. As an example, the tennis courts and equestrian center use an antiquated coin operated machine which require significant time to maintain and collect the funds and have poor reliability. One of the frequent criticisms during Measure A was that field lights were left on at night, when no one was using the fields. This occurs because the lights are pre-programmed and if groups finish early, and leave, without notifying the City, staff has no way to turn the lights off remotely. Staff recommends the City move forward to install modern credit card readers on all lighted tennis courts and athletic fields throughout the City, appropriating $40,000 from General Fund capital reserves for this purpose. This would allow the users to turn the lights on and off using a credit card for payment. This system provides a secure method for payment. Users would be required to pay for lights at the point of service for each use. It is estimated that users would pay approximately $6 per hour for the use of lights. This would ensure that the lights are only utilized for the minimum time required, and not left on with additional charges accruing to the taxpayers. Additionally, the system will allow for remote abilities so that with a phone call from someone, the lights could be turned off immediately. All revenues from the lighting fees would be credited to the applicable special district funds, and set aside in fund balance for future deferred maintenance projects in those districts, including necessary lighting system maintenance and replacements as discussed above. If this charge is not instituted, there is no other specific dedicated revenue source to replace these lights citywide. *If the $6 per hour light fee is approved, then it is recommended the voluntary $5 contribution be eliminated.*

Red Hill Park was originally constructed with a single electrical meter that serves the entire site. This means the City pays for the electrical utility at a Time of Use rate (TOU-GS-3) for all electrical needs which varies based on peak demand. If we were to install additional electrical meters and separate the electrical loads for the maintenance building, snack bars and isolate the lighting usage, the City would be able to take advantage of the lower electrical rate for lighting. The athletic field lights and general site lighting (parking lot and safety lights) represent a significant portion of the electrical costs for the park. By isolating the lighting, the City would take advantage of the AL-2 electrical billing rate which is specific for lighting use, and is significantly cheaper than the current rates. As an example under the existing TOU-GS-3 rate, the largest athletic field has 64 light fixtures and costs on average $35.07 per hour for electrical. If the same field were billed using the AL-2 rate, the electrical costs would be approximately $5.31 per hour. *Staff recommends installing the new electrical meters to take advantage of the lower electrical rates and appropriate $260,000 from General Fund capital reserves for this purpose.*

Water Costs – The City's water utility provider, Cucamonga Valley Water District (CVWD), has continued to develop its infrastructure of "purple pipe" that delivers reclaimed water in certain areas of the City. The City's policy has been to use this reclaimed water wherever it is available; however, the only West-side facility where this water is presently available and in use is Red Hill Park. Beryl East and West as well as the other smaller parks and numerous common area landscape sites could greatly benefit from reclaimed water if CVWD were to build out the infrastructure to serve those

facilities. There are no plans by CVWD, however, to build out that additional infrastructure in the near term and without those improvements, the City, like any other ratepayer, has no access to other sources of reclaimed water.

The Governor has proposed an extension of the current drought proclamation for one more year and it is widely expected that this extension will be implemented. Additionally, the current water rates will increase by 3.7% under the approved rate structure for 2016. With the proposed extension of the drought proclamation and the anticipated water rate increase, the changes made to conserve water will need to remain in effect to keep the budget balanced. Otherwise, water costs would likely rise 35% or more. In an effort to manage water usage and costs staff will closely monitor weather conditions. If the predicted El Nino weather pattern emerges, staff will manually shut down the irrigation on the trails, landscaping and in the parks, for as long as practical, to conserve water and expense.

Capital Reserves and Emergency Repairs – The City's West-side park infrastructure is aging, and certain maintenance and capital repairs have been deferred out of necessity in recent years. It is recommended that the FY 16/17 budget create reserves for both the inevitable capital repairs that will be needed, as well as line items for emergency repairs that may occur.

First, a capital reserve fund would be established for PD 85 and LMD 1. Funds will be budgeted each year to be transferred to this fund from the operational budget, to be used for those deferred maintenance and pending capital projects. Attachment A summarizes the current list of these items, including items such as ballfield light replacement, replacing the walking paths at Heritage and Red Hill parks, and other items. Creating these capital reserves does not provide additional funds, but it does give a more realistic view of the overall budget and plans for the future. All capital repairs would be approved by the City Council at a public meeting.

Secondly, line items for emergency repairs will be established. These funds would be used for items such as vandalism or other unforeseeable emergency repair work like water main breaks, roof damage, etc. If an emergency repair is required, staff would seek City Council approval at a public meeting before the repair is made.

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The net impact of the various budget changes listed above would be to present a balanced budget for FY 16/17, with some additional service reductions and the opportunity, pending future City Council approval, to address some of the deferred maintenance requirements.

Future Budget-Balancing Options

Looking ahead, staff is pursuing the following options that could provide additional revenue or savings to the West-side districts. We will continue to keep the Council updated as we actively pursue these items:

Cell Tower Revenues - Throughout the years, the City has been approached by cell phone service carriers such as AT&T, Sprint, Verizon, etc., who are interested in placing cell towers on City property in order to provide cell service coverage for their respective customers. A lease agreement is executed and a rent is paid to the City in exchange for the installation of the cell towers. Over the last several months, many individuals shared their belief that the City has no cell towers in West-side facilities. This is incorrect. The City currently has 10 lease agreements in effect, almost all are

installed at city parks and of which six are located within the west-side district. The revenue generated from these leases *goes back into its respective landscape maintenance district* when the tower is located in a facility funded by that district. For FY 2015-16, it is estimated that these cell sites will generate a total of approximately $209,275 in annual revenue. For the districts on the West-side, it will generate approximately $140,015 in revenue for FY 2015-16. Cell towers are located on the following city properties:

- **(3) Heritage Park (PD 85)**
- **(2) Red Hill Park (PD 85)**
- **(1) Public Works Services Center (LMD 1)**
- (2) Epicenter Sports Complex (LMD 3b)
- (1) Etiwanda Creek Park (LMD 7)
- (1) Day Creek Park (in process of being installed-LMD10)

While cell carriers have very specific coverage areas that they target, City staff has reached out to the cell phone service carriers, through their site acquisition consultants, and expressed a significant interest in exploring additional city sites for cell tower installations. City staff is currently working on two other potential cell tower sites, one at Etiwanda Creek Park (LMD-7) and one at the Etiwanda Train Depot (LMD-7). Staff is always actively pursuing additional opportunities for cell towers in West-side facilities and will continue to market these sites accordingly.

Solar Power Generation – Over the last month, City staff evaluated the viability of utilizing solar energy in west-side parks in an effort to reduce energy costs. A short list of candidate parks has been developed based on a current electrical load of at least 60,000 kWh, which is the minimum load needed for solar installations to be economically feasible. The short list of candidate parks include:

Red Hill Park (PD-85)	Beryl Park East (LMD-1)
Heritage Park (PD-85)	Beryl Park West (LMD-1)

Newcomb, Anderson, McCormick, the City's solar engineering consultant for the City's current solar procurement project at Central Park, Epicenter/Animal Center, and two fire stations, will be conducting a feasibility analysis and providing the City with solar and financial models in order to evaluate the financial benefits for different scenarios (power purchase agreements versus direct purchase). A contract amendment in the amount of $14,650 for this additional work will be executed and will require an appropriation into account 1025001-5300 for this amount. Once final review is complete, staff will bring the City Council a report with recommendations. This is anticipated for some time during the first two quarters of calendar year 2016. If these projects prove viable, they would provide additional fiscal relief through decreased energy costs to LMD 1 and PD 85. This relief would help offset the increasing costs for other utilities such as water.

Other Items for Separate Council Discussion

Red Hill Lake Modernization Project - The City recently received a low bid of $288,975 (plus a 10% contingency of $28,900) for the Red Hill Lake Modernization Project based on the revised value engineered design plans and specifications. The bid has been reviewed by Engineering staff and found to meet the requirements of the City, though it is still slightly higher than the original engineer's estimate of $250,000.

It is recommended that the City Council discuss and provide direction to staff regarding this matter. The current bid is valid until February 8, 2016. Annual maintenance of the lake facility is estimated at $78,000 per year. Because Red Hill Lake is a unique, one-of-a-kind citywide and regional attraction, which is atypical of the amenities of other parks in the District, the capital and maintenance cost *of Red Hill lake alone,* apart from the rest of Red Hill Park, could be funded as a separate stand-alone item from the rest of the improvements in PD 85. Annual maintenance costs could be transferred from the General Fund to PD 85 annually to cover the costs of the lake maintenance and operation only. A new division of the PD 85 budget would be created to track lake maintenance costs separately from other PD 85 expenses. This modified budget structure will avoid further burdening PD 85 for what is more of a regional amenity and not a local improvement like ball fields, playgrounds, and restrooms.

Should the City Council elect not to move forward with the Red Hill Lake modernization project, Engineering staff will evaluate and present alternative options (e.g. backfilling the lake with compacted fill) along with their associated capital and annual maintenance costs.

Los Amigos Park - Los Amigos Park, with design and construction funded by a $3.9 million State Proposition 84 Grant, *must be completed by March 2017*. The approximately 3.3 acre vacant parcel is located on Madrone Avenue, just north of 9th Street. There is no other park within a half mile of this planned park which was the nexus in obtaining the grant. The community was involved in the conceptual design and naming of the park. The park, which will not be funded in LMD 1, will be maintained with general fund dollars at an estimated $112,450 per year plus $42,400 for utilities, for an estimated total of $154,850.

Although greatly needed, and long desired by the southwest Cucamonga community, the development of the new Los Amigos Park at a time when the City is contemplating additional General Fund support of the current west side parks and landscaping areas, is a significant new expense. One option to fund ongoing maintenance is to seek possible financial support from the Cucamonga School District, which operates the nearby Los Amigos Elementary School. Other potential interested entities might include the Cucamonga Valley Water District, Kaiser Permanente, IEHP, SCE, the Gas Company, and other prominent local businesses, who may desire to cultivate community good will and improve active recreational opportunities for the community by offsetting part or all of the annual maintenance costs. In exchange for their assistance, the City could consider some naming rights or dedication of parts of the park along with appropriate signage. Cucamonga School District in particular could receive semi-exclusive use (through a reservation system) of the park during any of its events. It is recommended that the Council direct staff to pursue this possibility with any potential partners who can be found. This outreach process would need to occur over the next 90 days.

In the meantime, staff will move ahead with a request to authorize the advertisement of construction bids and bring it to the December 16 City Council meeting for consideration. A 45 day advertising period would begin the first week of January 2016, and the final decision to move forward will need to be made after bids are received, but prior to contract award, which would occur sometime in March 2016. At that time, if the City Council determines not to move forward with Los Amigos Park, the City would need to reimburse all funds spent thus far to the State. This amount is estimated at $250,000-$300,000. A separate street improvement plan along the frontage of the park would also be discontinued if the project was defunded. The land would then be sold for additional residential development and the developer would be conditioned to make necessary street improvements.

Fiscal Impacts

As noted above, with these changes the budgets in PD 85 and LMD 1 can be balanced for FY 16/17. Potential revenues associated with the solar projects and potential cell towers are not known at this time.

Some of these items will have impacts to the City's General Fund and Capital Reserves. Depending on the Council's actions regarding Los Amigos Park and the Red Hill Modernization project, the impacts to the General Fund could be as follows:

One Time Costs to Capital Reserves		FY 15/16
Red Hill Park electrical meter changes	$	260,000
Sports lighting metering/card readers	$	40,000
Red Hill Lake modernization project	$	317,900
Solar Feasibility study	$	14,650
Total	**$**	**632,550**

Ongoing Costs to the General Fund		FY 16/17
Reallocation of administrative costs	$	90,450
General Benefit equivalent share	$	305,580
Red Hill Lake maintenance funding	$	78,000
Los Amigos Park Annual Cost	$	154,850
Total	**$**	**628,880**

Summary and Recommendations:

It is recommended that the City Council approve the proposed service reductions and other budget balancing changes, as noted in this staff report, and authorize the Finance Director to make the necessary amendments to the City's budget:

1. Approve a one-time use of General Fund Capital Reserves to install new credit card activated light controls citywide ($40,000) so that the City has the ability to charge field users for the electrical costs of ballfield lights, including a nominal capital replacement charge.
2. Direct staff to prepare a resolution for FY 16-17 creating a $6 per hour charge, citywide, for the use of field/court/arena lights that will cover maintenance costs and capital replacement.
3. Direct staff to discontinue the current $5 per player voluntary contribution by youth sports groups effective with FY 16-17.
4. Approve a one-time use of $260,000 in General Fund Capital Reserves to install separate electrical meters at Red Hill snack bars and maintenance building to reduce electrical costs.
5. Approve a one-time use of General Fund Capital Reserves in the amount of $14,650 to conduct a feasibility analysis and provide the City with solar and financial models in order to evaluate the financial benefits for different scenarios (power purchase agreements versus direct purchase).
6. Direct staff to take the steps necessary to bid out the contract maintenance for PD 85 and rebid the existing maintenance contracts for LMD 1, including an alternative for contract sports field maintenance to provide volunteer and fiscal relief to youth sports groups.

7. Direct staff to move ahead with a request to authorize the advertisement of construction bids be brought to the December 16 City Council meeting while entering into discussions about possible partnerships with Cucamonga School District and CVWD as well as any other interested entities regarding maintenance of the future Los Amigos Park, and report back to the Council in February 2016 in order to make a final determination regarding the park.

8. Direct staff to move forward and prepare a tentative budget for FY 16-17 that includes line items for emergency repairs and capital reserves as outlined in this report.

9. Direct staff regarding the Red Hill Lake modernization project and whether to bring back the current low bid for final City Council approval.

Attachments:
A—Capital Maintenance for LMD-1 and PD-85
B—Field and Light Use Survey
C—Nearby Cities Non-Profit Sports Fee Survey Map

ATTACHMENT A
Capital Maintenance Projects
LMD-1 and PD-85

LMD-1

Old Town Park ball field lighting replacement--$68,200 ($62,000 + 10% contingency)
Old Town Park playground resurfacing--$54,500
Church Street Park playground resurfacing-$26,000
Bear Gulch Park playground resurfacing--$8,000
Hermosa Park playground resurfacing—$54,500
Irrigation Master Control Upgrade--$900,000

PD-85

Heritage Park

- (5) bridge repairs – $1.1-$1.25M
- Ball field lighting replacement--$258,500 ($235,000 + 10% contingency)
- Playground rubberized resurfacing--$95,000
- Walking/jogging path resurfacing- $125,000

Red Hill Park

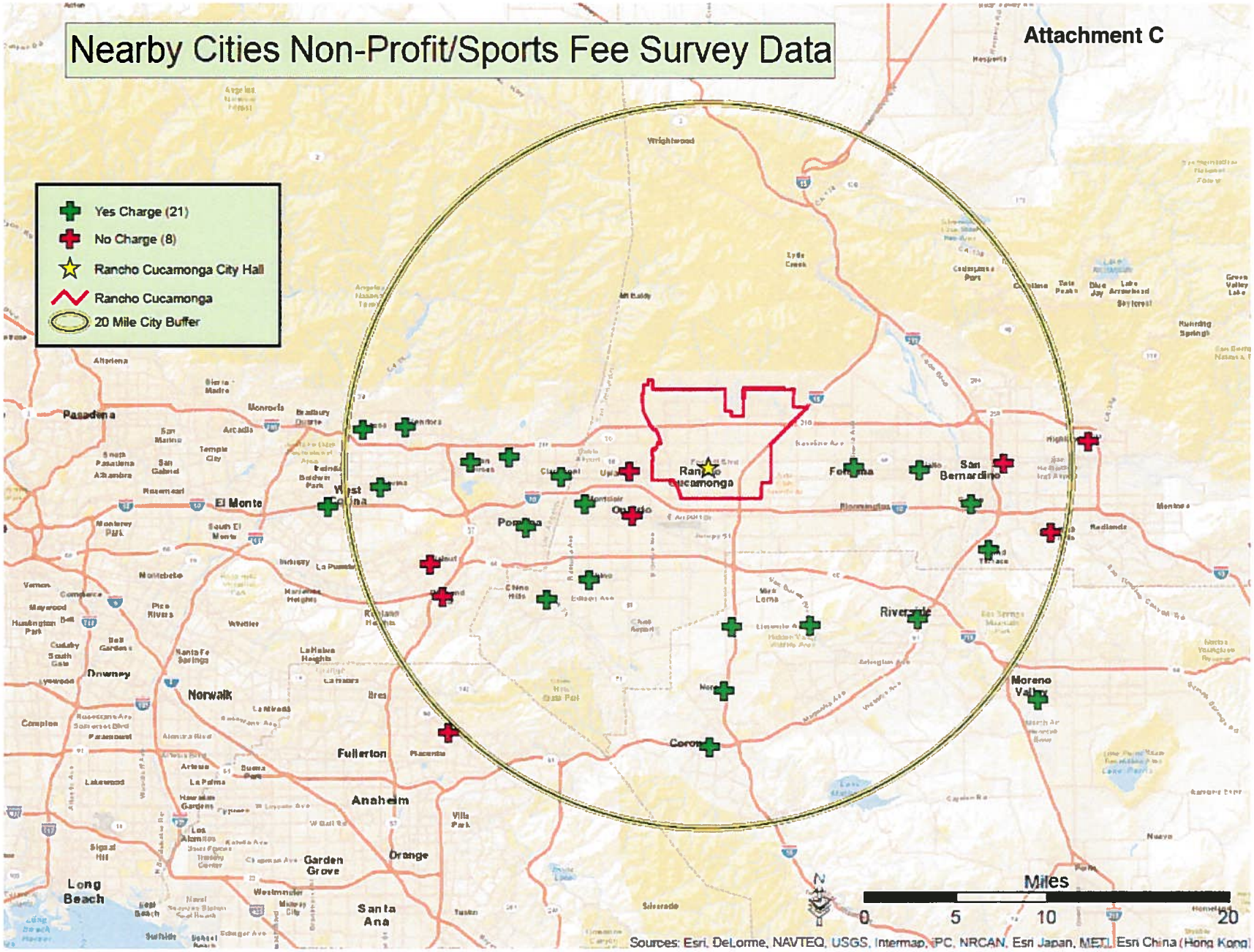
- Ball field light pole replacement--TBD
- Walking/Jogging path resurfacing - $125,000
- Playground rubberized resurfacing--$42,000
- Perimeter fence replacement--$122,000

ATTACHMENT B

City Name	Charge?	Field Fee Per Hr	Light Fee Per Hr
Azusa	Yes	$30.00	$10.00
Chino	Yes	$9.00	$18.00
Chino Hills	Yes	$13.00	$12.00
Claremont	Yes	$0.00	$15.00
Colton	Yes	$1.00	$0.00
Corona	Yes	$0.00	$10.00
Covina	Yes	$15.00	$38.00
Diamond Bar	No	$0.00	$0.00
Eastvale	Yes	$20.00	$10.00
Fontana	Yes	$1.00	$0.00
Glendora	Yes	$10.00	$20.00
Grand Terrace	Yes	$15.00	$14.00
Highland	No	$0.00	$0.00
Jurupa Valley	Yes	$20.00	$10.00
La Verne	Yes	$0.00	$27.50
Loma Linda	No	$0.00	$0.00
Montclair	Yes	$0.00	$10.00
Moreno Valley	Yes	$2.00	$14.00
Norco	Yes	$0.00	$8.00
Ontario	No	$0.00	$0.00
Pomona	Yes	$0.00	$15.00
Rialto	Yes	$15.00	$15.00
Riverside	Yes	$2.00	$4.00
San Bernardino	No	$0.00	$0.00
San Dimas	Yes	$0.00	$18.00
Upland	No	$0.00	$0.00
Walnut	No	$0.00	$0.00
West Covina	Yes	$13.00	$11.75
Yorba Linda	No	$0.00	$0.00
	MEDIAN	$13.00	$10.00
	AVERAGE	$5.72	$9.66
Rancho Cucamonga	Yes	$0.00	$6.00

Nearby Cities Non-Profit/Sports Fee Survey Data

Attachment C



STAFF REPORT

CITY CLERK/RECORDS MANAGEMENT

RANCHO CUCAMONGA

DATE: December 2, 2015

TO: Mayor and Members of the City Council
John R. Gillison, City Manager

FROM: Linda A. Troyan, City Clerk Services Director

SUBJECT: Consideration of First Reading of Ordinance No. 883 Adding Chapter 2.14 to the Municipal Code relating to Electronic and Paperless Filing of Fair Political Practices Commission (FPPC) Campaign Disclosure Statements.

RECOMMENDATION:

It is respectfully recommended that the City Council waive the first reading and read by title and number only Ordinance No. 883 adding Chapter 2.14 of the Municipal Code regarding electronic and paperless filing of Fair Political Practices Commission (FPPC) campaign disclosure statements.

BACKGROUND/ANALYSIS:

Government Code Section 84615 allows local government agencies to require an elected officer, candidate, or committee to file FPPC campaign statements, reports, or other documents online or electronically with a local filing officer. The City Clerk is the local filing officer for the City of Rancho Cucamonga.

In order for the City of Rancho Cucamonga to accept electronically filed statements, the City Council must adopt an ordinance permitting the use of an online filing system as an option for filing, and designating the filings received electronically by the City Clerk's Office as the filings of record for the City. In addition, the system must operate securely and effectively, be no cost to filers, be available to the public to view filings, not place an unduly burden on filers and include procedures for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The City Clerk/Records Management Department recently initialized the acquisition of NetFile, an electronic and paperless filing system for both FPPC Campaign Finance Disclosure and Statement of Economic Interest (Form 700) forms. Adoption of the proposed ordinance is required, relates only to the campaign finance component of the NetFile system, and will only apply to those filers that exceed a threshold of $1,000 for expending or receiving campaign funds. This threshold is consistent with the Political Reform Act, which recognizes campaigns that spend or raise more than $1,000 as "Controlled Committees". Under the Act, these types of committees are obligated to file detailed campaign finance disclosure statements, also known as Form 460's. For those smaller campaigns that do not exceed the $1,000 threshold, they may continue to file paper versions of the Form 470 disclosure forms. It should be noted that the NetFile system is able to accommodate the online filing of several types of required forms by the Fair Political Practices Commission (FPPC), including Forms 460, 470, 496 and 497, which are the most commonly used in Rancho Cucamonga's local election campaigns.

The NetFile system is created specifically for cities and counties responsible for administering campaign finance filings, meets the requirements of the Secretary of State, and allows for electronic and paperless filing of campaign statements. Cities utilizing NetFile in Southern California include Anaheim, Burbank, Covina, Glendale, Glendora, Huntington Beach, Irvine, Lake Forest, Pasadena, Rialto, San Bernardino, San Diego, and San Dimas. Counties include Los Angeles, Orange, Riverside, Santa Clara, San Bernardino County Clerk of the Board, and San Bernardino County Registrar of Voters.

Although Government Code 84615 authorizes a local agency to mandate electronic filing, staff recognizes that such mandates could have a direct effect on those committees or individuals who do not have computer access or familiarity with computer programs. To prevent any hardship, staff is proposing a more moderate approach by drafting an ordinance that allows for elected officers, candidates or committees to utilize the next 13 months to familiarize themselves with the system. No later than February 1, 2017, elected officers, candidates and committees required to file Statements must file such Statements using the online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee receives less than $1,000 in contributions and makes less than $1,000 in expenditures in a calendar year. This approach will provide potential filers with the opportunity to receive training, establish a level of comfort and familiarity in using the system.

To ensure a smooth transition, and as part of the agreement and acquisition of the system, NetFile and the City Clerk/Records Management Department will offer extensive training to filers and committees. Staff will schedule one-on-one training with NetFile staff and individual filers and treasurers that will cover the entire electronic filing process. This will include the set-up of filer accounts, explaining the online filing process, showing how to input data and save reports, preparing statements for e-signature, and finalizing statements for electronic filing.

In terms of security, the NetFile system is a web-based vendor-hosted application that utilizes "industry best practices" for securing data, using the same data encryption for online filings that is used by banks for online banking. NetFile stores and backs up data at three separate locations, creating the essential safety measures and redundancy that will allow for recovery of information in the event of an emergency or disaster. The City's data will be retained for the required minimum ten-year period. For professional treasurers that have already purchased campaign software, NetFile is able to receive uploaded data from certain types of third party applications for electronic filing purposes.

Implementation of the NetFile system will promote transparency and make it more convenient for committees, individuals and the public. It provides 24-hour filing and viewing accessibility of campaign finance information from any computer, anywhere. In certain instances, the NetFile program will also increase the accuracy of filed campaign statements by prohibiting any filings that may have inadvertently omitted required information under the Political Reform Act (e.g. missing addresses or the stated occupation of individual donors). Finally, the online electronic filing of campaign finance forms aligns with the City's sustainability initiatives in providing a paperless filing system.

Respectfully submitted,

Linda A. Troyan
City Clerk Services Director

Attachment A – Proposed Ordinance No. 883
Attachment B – Government Code Section 84615

ATTACHMENT "A"

ORDINANCE NO. 883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA ADDING CHAPTER 2.14 TO THE MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS.

The City Council of the City of Rancho Cucamonga does ordain as follows:

Section 1. Purpose and Authority.

The purpose of this Ordinance is to add the option of filing Campaign Disclosure Statements by elected officials, candidates, or committees electroncially. The City Council enacts this Ordinance in accordance with the authority granted to cities by State law.

Section 2. Findings

The City Council of the City of Rancho Cucamonga finds and determines as follows:

A. That California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, or committee, required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports or other documents online or electronically with the City Clerk

B. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.

C. The City Council expressly finds and determines that the City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers; and

D. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

Section 3. Addition

Chapter 2.14 of the Rancho Cucamonga Municipal Code is hereby added to read as follows:

2.14 Electronic Filing of Campaign Disclosure Statements

2.14.010 General.

A. Any elected officer, candidate, or committee required to file statements, reports or other documents ("Statements") as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 *et seq.*) may file such Statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code. From and after February 1, 2017, elected officers, candidates and committees required to file Statements must file such Statements using the City Clerk's online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer,

candidate or committee receives less than $1,000 in contributions and makes less than $1,000 in expenditures in a calendar year.

B. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

C. The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

2.14.020 Procedures for Utilizing Online Filing.

A. During the period commencing with the effective date of Ordinance No. 883 and ending January 31, 2017, an elected officer, candidate, or committee may choose to utilize the electronic filing system by electronically filing a Statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once the elected officer, candidate, or committee has filed electronically, all subsequent Statements shall be filed electronically. From and after February 1, 2017, electronic filing is mandatory unless the officer, candidate, or committee is exempt as described in Section 2.14.010.A.

B. Any elected officer, candidate, or committee who has electronically filed a statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.

C. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, which notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that is received by the City Clerk.

D. If the City Clerk's system is not capable of accepting a Statement, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.

E. The online filing system shall enable electronic filers to complete and submit filings free of charge.

2.14.030 Availability of Statements for Public Review; Record Retention

A. The City Clerk's system shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement available to the Fair Political Practices Commission for 87200 filers.

B. The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits

Section 4. Severability.

In any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional; the decision shall not affect the remaining portions of this Ordinance. The Council of the City of Rancho Cucamonga hereby declare that it would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section 5. Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption and shall be published in summary format prior to adoption, and within fifteen (15) days after adoption, in a newspaper of general circulation published and circulated within the City of Rancho Cucamonga.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Rancho Cucamonga this day of by the following vote:

ATTACHMENT "B"

GOVERNMENT CODE - GOV

print page

TITLE 9. POLITICAL REFORM [81000 - 91014] *(Title 9 added June 4, 1974, by initiative Proposition 9.)*

CHAPTER 4.6. Online Disclosure Act of 1997 [84600 - 84615] *(Chapter 4.6 added by Stats. 1997, Ch. 866, Sec. 1.)*

84615. A local government agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars ($1,000), and makes expenditures totaling less than one thousand dollars ($1,000), in a calendar year, to file those statements, reports, or other documents online or electronically with a local filing officer. A local government agency that requires online or electronic filing pursuant to this section shall comply with all of the following:

(a) The legislative body for the local government agency shall adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.

(b) The online or electronic filing system shall only accept a filing in the standardized record format that is developed by the Secretary of State pursuant to paragraph (2) of subdivision (a) of Section 84602 and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

(c) The online or electronic filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(d) (1) The local filing officer shall issue to a person who files a statement, report, or other document online or electronically an electronic confirmation that notifies the filer that the statement, report, or other document was received. The confirmation shall include the date and the time that the statement, report, or other document was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.

(2) A copy retained by the filer of a statement, report, or other document that was filed online or electronically and the confirmation issued pursuant to paragraph (1) that shows the filer timely filed the statement, report, or other document shall create a rebuttable presumption that the filer timely filed the statement, report, or other document.

(e) The date of filing for a statement, report, or other document that is filed online or electronically shall be the day that it is received by the local filing officer.

(f) The local filing officer shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The local filing officer shall make a complete, unredacted copy of any statement, report, or other document filed pursuant to this section, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.

(g) The online or electronic filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004.

(h) The local government agency shall enable filers to complete and submit filings free of charge.

(i) The local filing officer shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement, report, or other document filed pursuant to this section, which shall serve as the official version of that record for purpose of audits and any other legal purpose. Data that has been maintained for at least 10 years may then be archived in a secure format.

(j) Notwithstanding any other provision of law, any statement, report, or other document filed online or electronically pursuant to this section shall not be required to be filed with the local filing officer in paper format.

(Added by Stats. 2012, Ch. 126, Sec. 1. Effective January 1, 2013.)

MEMORANDUM

CITY CLERK'S OFFICE

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Linda A. Troyan, MMC, City Clerk Services Director

Subject: November 3, 2015 Special Election Results and Associated Costs

RECOMMENDATION

1. The City Clerk Services Director recite into the minutes the results of the Canvass of the November 3, 2015 election; and
2. Council adopt Resolution No.15-212 declaring the results of the November 3, 2015 Special Election.

BACKGROUND/ANALYSIS

A Special Election was held in the City of Rancho Cucamonga on Tuesday, November 3, 2015 for Measure A - adoption of a special tax within the boundaries of West-Side Neighborhood Parks and Street Lighting Community Facilities District No. 1 of the City of Rancho Cucamonga.

The Registrar of Voters of the County of San Bernardino canvassed the returns of the election and has certified the results to the City of Rancho Cucamonga. Upon certification, the City Council shall meet to declare the result of the election. The "Official Canvass" is attached to the Resolution.

FISCAL IMPACT

On March 1, 2015, City Council took action to appropriate the budget for Measure A. Expenses associated with Measure A encompass community engagement, public outreach materials, legal, communication, engineering services, citizen surveys, and election costs. These are outlined in Attachment B.

Respectfully submitted,

Linda A. Troyan
City Clerk Services Director

Attachment A - Resolution
Attachment B - Measure A Outreach and Election costs.

RESOLUTION NO. 15-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE WEST-SIDE NEIGHBORHOOD PARKS AND STREET LIGHTING COMMUNITY FACILITIES DISTRICT NO. 1 OF THE CITY OF RANCHO CUCAMONGA ON NOVEMBER 3, 2015, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY THE PROVISIONS OF LAW

WHEREAS, a Special Municipal Election was held and conducted in the in the West-Side Neighborhood Parks and Street Lighting Community Facilities District No. 1 of the City of Rancho Cucamonga (District) County of San Bernardino, State of California, on Tuesday, November 3, 2015, as required by law; and

WHEREAS, notice of the election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and that the votes were cast, received and canvassed and that the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, the Registrar of Voters of the County of San Bernardino has canvassed the returns of the election and has certified the results to this City Council, said results are received, attached and made a part hereof as "Exhibit A"; and

NOW THEREFORE, the CITY COUNCIL of the CITY OF RANCHO CUCAMONGA, CALIFORNIA does hereby resolve, declare, determine and order as follows:

SECTION 1: That the whole number of ballots cast in the West-Side Neighborhood Parks and Street Lighting Community Facilities District No. 1 of the City of Rancho Cucamonga was 10,487 representing a 22.97% turnout of registered voters and that the number of vote by mail ballots was 17.39% of the total number of voters.

SECTION 2: That the measure voted upon at the election was as follows:

Measure A

To maintain safe, clean, quality, well-lit streets, parks, playgrounds and recreation areas/facilities/restrooms, remove graffiti/trash and acquire/maintain street lights and other facilities, shall the City of Rancho Cucamonga replace existing assessments with a special tax to be levied within Community Facilities District No. 1 and establish an annual appropriations limit as provided in the rate and method of apportionment set forth in City's Resolution No. 15-111, which require annual audits, senior discounts, and independent citizen oversight?

SECTION 3: That the number of votes given at each precinct and the number of votes given in the West-Side Neighborhood Parks and Street Lighting Community Facilities District No. 1 of the City of Rancho Cucamonga, and for and against the measure are listed in Exhibit "A", attached.

SECTION 4: The City Council does declare and determine that as a result of the election, a majority of the voters voting on Measure A did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.

SECTION 5: The City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election, showing: (See Exhibit "A")

(1) The whole number of votes (ballots) cast in the the District;
(2) The measure voted upon;
(3) The number of votes given at each precinct for and against the measure;
(4) The total number of votes for and against the measure.

SECTION 6: That the City Clerk shall certify to the passage and adoption of this Resolution, shall enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Rancho Cucamonga at a Regular meeting held on.

777 East Rialto Avenue, San Bernardino, CA 92415 | Phone: 909.387.8300 Fax: 909.387.2022
www.SBCounty.gov

SAN BERNARDINO COUNTY

Exhibit A

Elections Office of the Registrar of Voters

Michael J. Scarpello
Registrar of Voters

STATEMENT OF CERTIFICATION OF ELECTION RESULTS
2015 CONSOLIDATED ELECTION

STATE OF CALIFORNIA)
)
) SS.
COUNTY OF SAN BERNARDINO)

I, Michael J. Scarpello, San Bernardino County Registrar of Voters, do hereby certify that, pursuant to the provisions of the California Elections Code §15300 et seq., I did canvass the returns of the votes cast in the 2015 Consolidated Election, held on November 3, 2015, in San Bernardino County, and that the *Certified Election Results* to which this statement is attached shows the total number of votes cast in San Bernardino County and that the totals as shown are full, true and correct.

Witness my hand and official seal this 9th day of November, 2015.

Michael J. Scarpello
Registrar of Voters

BOARD OF SUPERVISORS
ROBERT A. LOVINGOOD Vice Chairman, First District
JANICE RUTHERFORD Second District
JAMES RAMOS Chairman, Third District
CURT HAGMAN Fourth District
JOSIE GONZALES Fifth District
GREGORY C. DEVEREAUX Chief Executive Officer

Consolidated Election

November 3, 2015

Summary Report

San Bernardino County

Summary #5

Final Certified Election Results P289

Registration & Turnout		434,757	Voters
Precinct Turnout		8,299	1.91%
Vote by Mail Turnout		**42,627**	**9.80%**
	Total ...	**50,926**	**11.71%**
CHAFFEY COMMUNITY COLLEGE DISTRICT		407/407	100.00%
GLORIA NEGRETE MCLEOD		**10,770**	**14.67%**
A. "TONY" MARTINEZ		6,460	8.80%
LEE C. MCDOUGAL		**10,536**	**14.35%**
JOSIE S. ESTRADA BELL		3,132	4.27%
ZAFAR INAM		7,510	10.23%
GARY L. GEORGE		10,165	13.84%
PAUL J. GOMEZ		7,676	10.45%
GARY C. OVITT		**10,864**	**14.79%**
SHANNON L. O'BRIEN		6,318	8.60%
	Total ...	**73,431**	**100.00%**
BAKER VALLEY UNIFIED SCHOOL DISTRICT		8/8	100.00%
ANNIE PRICE		31	24.60%
LINDA D. MARIA		**40**	**31.75%**
KELLY FISHER		**36**	**28.57%**
MICHAEL "JAKE" GOODMAN		13	10.32%
BRIAN R. CLARK		6	4.76%
	Total ...	**126**	**100.00%**
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT		245/245	100.00%
ESMERALDA NEGRETE		3,468	10.82%
MARGARET B. HILL		**6,268**	**19.55%**
GWEN DOWDY-RODGERS		**4,613**	**14.39%**
SCOTT WYATT		**4,997**	**15.59%**
KAISAR AHMED		3,182	9.93%
SONIA FERNANDEZ		1,036	3.23%
STEVEN PAUL GUTIERREZ		665	2.07%
MIKE GALLO		**5,226**	**16.30%**
RICK CASTRO		2,602	8.12%
	Total ...	**32,057**	**100.00%**
CITY OF SAN BERNARDINO - CITY COUNCIL THIRD WARD		38/38	100.00%
JOHN VALDIVIA		**719**	**100.00%**
	Total ...	**719**	**100.00%**
CITY OF SAN BERNARDINO - CITY COUNCIL FIFTH WARD		12/12	100.00%
HENRY NICKEL		**1,192**	**67.15%**
BRIAN DAVISON		583	32.85%
	Total ...	**1,775**	**100.00%**
CITY OF SAN BERNARDINO - CITY COUNCIL SIXTH WARD		19/19	100.00%
ANTHONY JONES		189	16.29%
BESSINE LITTLEFIELD-RICHARD		**434**	**37.41%**
RAFAEL RAWLS		127	10.95%
ROXANNE WILLIAMS		410	35.34%
	Total ...	**1,160**	**100.00%**
CITY OF SAN BERNARDINO - CITY COUNCIL SEVENTH WARD		16/16	100.00%
SCOTT C. BEARD		384	21.55%

Consolidated Election

November 3, 2015

Summary Report

San Bernardino County

Summary #5

CITY OF SAN BERNARDINO - CITY COUNCIL SEVENTH WARD (continued...)		16/16	100.00%
KIM ROBEL		344	19.30%
JIM MULVIHILL		**501**	**28.11%**
DAMON ALEXANDER		338	18.97%
LETICIA GARCIA		215	12.07%
	Total ...	**1,782**	**100.00%**
CITY OF SAN BERNARDINO - CITY ATTORNEY		176/176	100.00%
GARY D. SAENZ		**7,601**	**100.00%**
	Total ...	**7,601**	**100.00%**
CITY OF SAN BERNARDINO - CITY CLERK		176/176	100.00%
GEORGEANN "GIGI" HANNA		**7,607**	**100.00%**
	Total ...	**7,607**	**100.00%**
CITY OF SAN BERNARDINO - CITY TREASURER		176/176	100.00%
KARMEL ROE		2,498	29.51%
DAVID C. KENNEDY		**5,967**	**70.49%**
	Total ...	**8,465**	**100.00%**
MORONGO VALLEY COMMUNITY SERVICES DISTRICT		4/4	100.00%
JENNIFER LIEBERTZ		134	26.43%
JOHNNY G. TOLBERT		**168**	**33.14%**
MATTHEW M. CAMPOS		**205**	**40.43%**
	Total ...	**507**	**100.00%**
NEWBERRY COMMUNITY SERVICES DISTRICT		2/2	100.00%
PAULA L. DEEL		**173**	**47.53%**
LIANA MARIE AKER		42	11.54%
LINDA DELUCA SNIVELY		42	11.54%
LARRY W. CLARK		**107**	**29.40%**
	Total ...	**364**	**100.00%**
PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT		9/9	100.00%
CHARLIE JOHNSON		513	21.55%
ALEX BRANDON		**561**	**23.56%**
MARK W. ROBERTS		**534**	**22.43%**
WILLIAM "BILL" TUCK JR		286	12.01%
LYNN COURTNEY		487	20.45%
	Total ...	**2,381**	**100.00%**
CHINO VALLEY INDEPENDENT FIRE DISTRICT		86/86	100.00%
BRIAN JOHSZ		**4,084**	**31.16%**
JOHN DEMONACO		**3,189**	**24.33%**
SARAH EVINGER		**3,254**	**24.83%**
WINN WILLIAMS		2,579	19.68%
	Total ...	**13,106**	**100.00%**
EAST VALLEY WATER DISTRICT		93/93	100.00%
DEBRA METCALF		595	8.18%
DAVID E. SMITH		**2,135**	**29.35%**
CHRIS CARRILLO		**1,920**	**26.39%**
BEN C. COLEMAN		1,677	23.05%

Consolidated Election

November 3, 2015

Summary Report

San Bernardino County

Summary #5

EAST VALLEY WATER DISTRICT (continued...)		93/93	100.00%
ED CORLEY		948	13.03%
	Total ...	**7,275**	**100.00%**
WEST VALLEY WATER DISTRICT		76/76	100.00%
ALAN G. DYER		**966**	**17.50%**
RAFAEL TRUJILLO		778	14.09%
MICHAEL TAYLOR		736	13.33%
GREG YOUNG		**1,048**	**18.99%**
ANTHONY "BUTCH" ARAIZA		753	13.64%
MANNY GONZALEZ		452	8.19%
DON OLINGER		**787**	**14.26%**
	Total ...	**5,520**	**100.00%**
BIGHORN-DESERT VIEW WATER AGENCY		12/12	100.00%
DAVID RILEY RAY		98	20.08%
MICHAEL H. MCBRIDE		**211**	**43.24%**
J. LARRY COULOMBE		**179**	**36.68%**
	Total ...	**488**	**100.00%**
CRESTLINE-LAKE ARROWHEAD WATER AGENCY DIVISION 5		27/27	100.00%
KENNETH AARON EATON		185	46.72%
RON KELLY		**211**	**53.28%**
	Total ...	**396**	**100.00%**
MEASURE A - RANCHO CUCAMONGA WEST-SIDE CFD NO 1		57/57	100.00%
YES		2,289	22.03%
NO		**8,103**	**77.97%**
	Total ...	**10,392**	**100.00%**
MEASURE B - RUNNING SPRINGS WATER DISTRICT		16/16	100.00%
YES		255	45.62%
NO		**304**	**54.38%**
	Total ...	**559**	**100.00%**
MEASURE CC - HELENDALE COMMUNITY SERVICES DISTRICT		9/9	100.00%
YES		198	22.65%
NO		**676**	**77.35%**
	Total ...	**874**	**100.00%**

November 3,2015

SAN BERNARDINO COUNTY Statement of Vote
CONSOLIDATED ELECTION

140020

MEASURE A - RANCHO CUCAMONGA WEST-SIDE CFD NO 1

	Registration	Ballots Cast	Turnout (%)		YES	NO
RAN0835 835	0	0	0.00		0	0
RAN0835 - Vote by Mail	0	0	0.00		0	0
RAN1028 1028	1207	79	6.55		11	68
RAN1028 - Vote by Mail	1207	204	16.90		37	165
RAN1029 1029	1363	77	5.65		8	69
RAN1029 - Vote by Mail	1363	157	11.52		25	129
RAN1030 1030	1370	76	5.55		11	64
RAN1030 - Vote by Mail	1370	242	17.66		70	170
RAN1031 1031	1724	84	4.87		11	73
RAN1031 - Vote by Mail	1724	324	18.79		106	213
RAN1032 1032	1435	72	5.02		5	67
RAN1032 - Vote by Mail	1435	264	18.40		61	201
RAN1033 1033	1379	50	3.63		3	47
RAN1033 - Vote by Mail	1379	165	11.97		47	114
RAN1034 1034	1268	33	2.60		5	27
RAN1034 - Vote by Mail	1268	158	12.46		57	100
RAN1035 1035	413	17	4.12		3	13
RAN1035 - Vote by Mail	413	76	18.40		8	68
RAN1036 1036	1092	36	3.30		6	30
RAN1036 - Vote by Mail	1092	207	18.96		68	135
RAN1037 1037	779	47	6.03		5	42
RAN1037 - Vote by Mail	779	128	16.43		29	99
RAN1038 1038	1207	89	7.37		9	80
RAN1038 - Vote by Mail	1207	181	15.00		46	134
RAN1039 1039	620	26	4.19		4	20
RAN1039 - Vote by Mail	620	138	22.26		48	87
RAN1052 1052	595	4	0.67		**********	Insufficient Turnout to Protect Voter Privacy *********
RAN1052 - Vote by Mail	595	29	4.87		4	23
RAN1059 1059	1030	95	9.22		12	81
RAN1059 - Vote by Mail	1030	254	24.66		54	198
RAN1060 1060	1359	78	5.74		19	59
RAN1060 - Vote by Mail	1359	185	13.61		62	121
RAN1061 1061	1387	92	6.63		18	73
RAN1061 - Vote by Mail	1387	223	16.08		40	179
RAN1062 1062	1265	36	2.85		4	32
RAN1062 - Vote by Mail	1265	239	18.89		77	160
RAN1063 1063	681	25	3.67		2	23
RAN1063 - Vote by Mail	681	70	10.28		19	50
RAN1064 1064	1279	57	4.46		5	52
RAN1064 - Vote by Mail	1279	186	14.54		47	133
RAN1065 1065	1357	74	5.45		12	62
RAN1065 - Vote by Mail	1357	187	13.78		50	134
RAN1066 1066	1466	96	6.55		11	84
RAN1066 - Vote by Mail	1466	214	14.60		39	174
RAN1067 1067	1107	32	2.89		4	28
RAN1067 - Vote by Mail	1107	144	13.01		40	104
RAN1072 1072	1005	33	3.28		5	28
RAN1072 - Vote by Mail	1005	110	10.95		43	65
RAN1073 1073	386	2	0.52		**********	Insufficient Turnout to Protect Voter Privacy *********
RAN1073 - Vote by Mail	386	21	5.44		6	15
RAN1074 1074	0	0	0.00		0	0
RAN1074 - Vote by Mail	0	0	0.00		0	0
RAN1075 1075	953	6	0.63		2	4
RAN1075 - Vote by Mail	953	90	9.44		47	41
RAN1076 1076	1289	17	1.32		6	11
RAN1076 - Vote by Mail	1289	145	11.25		51	93
RAN1077 1077	1520	32	2.11		7	24
RAN1077 - Vote by Mail	1520	185	12.17		57	127
RAN1078 1078	3	0	0.00		0	0
RAN1078 - Vote by Mail	3	0	0.00		0	0
RAN1079 1079	0	0	0.00		0	0

November 3,2015

SAN BERNARDINO COUNTY Statement of Vote
CONSOLIDATED ELECTION

140020

MEASURE A - RANCHO CUCAMONGA WEST-SIDE CFD NO 1

	Registration	Ballots Cast	Turnout (%)		YES	NO
RAN1079 - Vote by Mail	0	0	0.00		0	0
RAN1080 1080	0	0	0.00		0	0
RAN1080 - Vote by Mail	0	0	0.00		0	0
RAN1081 1081	0	0	0.00		0	0
RAN1081 - Vote by Mail	0	0	0.00		0	0
RAN1082 1082	0	0	0.00		0	0
RAN1082 - Vote by Mail	0	1	0.00		********** Insufficient Turnout to Protect Voter Privacy *********	
RAN1568 1568	775	9	1.16		2	7
RAN1568 - Vote by Mail	775	54	6.97		25	28
RAN1569 1569	310	0	0.00		0	0
RAN1569 - Vote by Mail	310	17	5.48		1	16
RAN1573 1573	961	14	1.46		7	7
RAN1573 - Vote by Mail	961	93	9.68		42	49
RAN1574 1574	10	0	0.00		0	0
RAN1574 - Vote by Mail	10	0	0.00		0	0
RAN1737 1737	392	35	8.93		9	26
RAN1737 - Vote by Mail	392	74	18.88		15	59
RAN1739 1739	384	11	2.86		1	10
RAN1739 - Vote by Mail	384	49	12.76		15	34
RAN1740 1740	168	8	4.76		0	8
RAN1740 - Vote by Mail	168	14	8.33		5	9
RAN1741 1741	0	0	0.00		0	0
RAN1741 - Vote by Mail	0	0	0.00		0	0
RAN1742 1742	0	0	0.00		0	0
RAN1742 - Vote by Mail	0	0	0.00		0	0
RAN1084 1084	46	0	0.00		0	0
RAN1084 - Vote by Mail	46	6	13.04		2	4
RAN1086 1086	35	0	0.00		0	0
RAN1086 - Vote by Mail	35	6	17.14		3	3
RAN1260 1260	1461	145	9.92		21	124
RAN1260 - Vote by Mail	1461	442	30.25		55	383
RAN1261 1261	1535	157	10.23		25	131
RAN1261 - Vote by Mail	1535	438	28.53		55	380
RAN1262 1262	1487	123	8.27		11	112
RAN1262 - Vote by Mail	1487	376	25.29		74	295
RAN1263 1263	1489	155	10.41		14	141
RAN1263 - Vote by Mail	1489	372	24.98		79	291
RAN1264 1264	1542	149	9.66		20	129
RAN1264 - Vote by Mail	1542	452	29.31		112	340
RAN1265 1265	1646	138	8.38		22	116
RAN1265 - Vote by Mail	1646	419	25.46		91	324
RAN1266 1266	1372	100	7.29		15	85
RAN1266 - Vote by Mail	1372	231	16.84		55	174
RAN1267 1267	1451	136	9.37		12	123
RAN1267 - Vote by Mail	1451	358	24.67		68	288
RAN1272 1272	44	4	9.09		********** Insufficient Turnout to Protect Voter Privacy *********	
RAN1272 - Vote by Mail	44	10	22.73		2	8
RAN1454 1454	0	0	0.00		0	0
RAN1454 - Vote by Mail	0	0	0.00		0	0
RAN1455 1455	0	0	0.00		0	0
RAN1455 - Vote by Mail	0	0	0.00		0	0
RAN1456 1456	0	0	0.00		0	0
RAN1456 - Vote by Mail	0	0	0.00		0	0
Precinct Totals	45647	2549	5.58		352	2185
Vote by Mail Totals	45647	7938	17.39		1937	5918
Grand Totals	45647	10487	22.97		2289	8103
California	45647	10487	22.97		2289	8103
San Bernardino County	45647	10487	22.97		2289	8103

November 3,2015

SAN BERNARDINO COUNTY Statement of Vote
CONSOLIDATED ELECTION

***Grand Totals 140020	MEASURE A - RANCHO CUCAMONGA WEST-SIDE CFD NO 1															
	Registration	Ballots Cast	Turnout (%)		YES	NO										
State Bd of Equal 1	45647	10487	22.97		2289	8103										
U. S. Representative District 27	0	0	0.00		0	0										
U. S. Representative District 31	45647	10487	22.97		2289	8103										
U. S. Representative District 35	0	0	0.00		0	0										
Senatorial District 20	0	0	0.00		0	0										
Senatorial District 23	45647	10487	22.97		2289	8103										
Senatorial District 25	0	0	0.00		0	0										
State Assembly District 40	33620	6282	18.69		1558	4655										
State Assembly District 41	12027	4205	34.96		731	3448										
State Assembly District 52	0	0	0.00		0	0										
Supervisorial District 2	45647	10487	22.97		2289	8103										
Supervisorial District 4	0	0	0.00		0	0										
City of Rancho Cucamonga	45647	10487	22.97		2289	8103										

ATTACHMENT B

Measure A Expenses

Original public information budget:	**$**	**137,500**
Actual Expenses		
Lew Edwards Group	$	47,000
EMC Research	$	17,000
Marketing and public meeting incidentals (signs, banners, etc.)	$	2,474
Design/print/mail 4 info mailers to residential households	$	22,245
Total Actual expenses	$	88,719
Net savings	**$**	**48,781**

Original Formation and election budget:	**$**	**168,300**
Actual Expenses		
NBS - assessment engineering	$	17,840
BB&K legal services	$	12,668
Legal notice for CFD formation (print/mail)	$	26,231
Notice publishing, filing fees with County	$	2,318
Election costs (estimated)	$	100,000
Total Actual expenses	$	159,056
Net savings	**$**	**9,244**

STAFF REPORT

COMMUNITY SERVICES DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Nettie Nielsen, Community Services Director

By: Melissa Morales, Senior Administrative Secretary

Subject: **CONSIDERATION OF THE CITY COUNCIL COMMUNITY SERVICES SUBCOMMITTEE'S RECOMMENDATION REGARDING APPOINTMENT(S) TO THE PARK AND RECREATION COMMISSION**

RECOMMENDATION:

Staff recommends that the City Council approve the City Council Community Services Subcommittee's recommendation for appointment(s) to serve four-year terms on the Park and Recreation Commission.

BACKGROUND:

In late August, Park and Recreation Commissioner Jim Hansen tendered his resignation. It should be noted that his seat was set to expire in December 2015. The City Council Community Services Subcommittee met on September 21st to discuss filling the vacancy and concurred with conducting a recruitment. The vacancy was noticed and applications were accepted through October 22nd. Seven applications were received and interviews were held by the Subcommittee on November 5th. Although there many qualified candidates, the Subcommittee concurred with recommending the appointment of Peter Villegas. For those Council Members unfamiliar with Mr. Villegas, he has been involved here in the City for many years both as a resident and through his employer, the Coca-Cola Company, where he currently serves as a Vice President in the Office of Latin Affairs. In addition, the term for Commission Vice Chair Patricia Morris is also set to expire at the end of the year. The Subcommittee discussed this as well and will present their full recommendation for both seats at the December 2, 2015, City Council meeting.

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Respectfully submitted,

for NN

Nettie Nielsen
Community Services Director

STAFF REPORT

COMMUNITY SERVICES DEPARTMENT

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Nettie Nielsen, Community Services Director

By: Melissa Morales, Senior Administrative Secretary

Subject: **CONSIDERATION OF THE CITY COUNCIL COMMUNITY SERVICES SUB-COMMITTEE'S RECOMMENDATION REGARDING RE-APPOINTMENTS TO THE COMMUNITY & ARTS FOUNDATION'S BOARD OF DIRECTORS**

RECOMMENDATION:

To approve the recommendation of the City Council Community Services Sub-Committee to re-appoint Linda Bryan and Tina Chen to serve additional four-year terms on the Rancho Cucamonga Community & Arts Foundation's Board of Directors.

BACKGROUND:

Both Member Bryan and Member Chen have submitted letters requesting re-appointment to the Foundation Board of Directors. Linda Bryan is one of the Foundation's longest standing Members. She has served in various capacities during this time including taking on the role of Secretary/Treasurer and for a number of years as Vice Chair. She continues to work diligently on behalf of the Foundation to fulfill its mission and has been a part of many successful fundraising efforts. Tina Chen joined the Foundation in late 2012 and over the past few years along with Member Taro Barag, has hosted a couple of very successful "Monte Carlo Night" fundraisers. The City Council Community Services Sub-Committee, consisting of Mayor Michael and Mayor Pro Tem Spagnolo, met on November 5th to review the requests and concurred in support of recommending the re-appointment of both Members. The Subcommittee's full recommendation will be presented at the December 2, 2015, City Council meeting.

Respectfully submitted,

Nettie Nielsen

Nettie Nielsen
Community Services Director

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STAFF REPORT

ADMINISTRATIVE SERVICES GROUP

RANCHO CUCAMONGA

Date: December 2, 2015

To: Mayor and Members of the City Council
John R. Gillison, City Manager

From: Lori Sassoon, Deputy City Manager

Subject: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING RESOLUTION 13-079 TO ADD LANDSCAPE MAINTENANCE DISTRICT NO. 7 (NORTH ETIWANDA) TO THE PURVIEW OF THE CITIZENS' OVERSIGHT COMMITTEE AND AMEND CERTAIN OTHER ITEMS**

BACKGROUND

In 2013, during the public engagement process regarding the Victoria Park and Landscape Maintenance District (LMD 2), fiscal oversight and accountability were the theme of many discussions. To that end, when property owners approved new rates in LMD 2 in June 2013, as part of that action a Citizens' Oversight Committee was established. The purpose of this Committee was to meet annually to review the annual audit after it is prepared, and confirm that the revenues received from the assessments were spent appropriately. The Committee has neither budgetary or operational decision-making authority, nor the authority to allocate financial resources or direct staff.

As established in Resolution 13-079, the Committee will be made up of members of the public who must be at least eighteen years of age and own property within any LMD under the oversight of the Committee. In March of 2014, the Council adopted an additional resolution amending the scope of the Committee to add LMD 4-R (Terra Vista) and LMD 6-R (Caryn Communities). This change was made in recognition that property owners in these districts had also approved new rates within the last several years. Additionally, in November 2014, the Council adopted an additional resolution amending the composition of the Committee to expand its membership from five (5) to six (6) members.

PROPOSED RESOLUTION

On November 17, 2015, City Council established the West-Side Citizens' Oversight Committee, with oversight of PD 85, LMD 1, and SLD 2. At that same meeting, the City Council action included direction to bring forward an action to include Landscape Maintenance District No. 7 (North Etiwanda) to the purview of the existing Citizens' Oversight Committee that has oversight of LMD's 2, 4, and 6. LMD 7 is a planned community facing fiscal challenges and could benefit from this Committee's review and feedback.

With the establishment of the new West-side committee, it is recommended that the City Council change the name of the established Landscape Maintenance District Citizens' Oversight Committee to the more accurate and descriptive name of *Planned Communities* Citizens' Oversight Committee. This name change will provide clarity as to the nature of these two similar yet separate groups. Finally, it is recommended that the City Council change the number of committee members from six (6) to at least five (5) to provide flexibility in staffing the Citizens' Oversight Committee.

Respectfully submitted,

Lori Sassoon (pg)

Lori Sassoon
Deputy City Manager/Administrative Services

RESOLUTION NO. 15-209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING RESOLUTION 13-079 TO ADD LANDSCAPE MAINTENANCE DISTRICT NO. 7 (NORTH ETIWANDA) TO THE PURVIEW OF THE CITIZENS' OVERSIGHT COMMITTEE AND AMEND CERTAIN OTHER ITEMS

WHEREAS, the City of Rancho Cucamonga, California (the "City") has established landscape and lighting assessment districts (the "LMDs") pursuant to the Landscaping and Lighting Act of 1972 ("1972 Act") (California Streets and Highways Code Section 22500 et seq.); and

WHEREAS, the LMDs are located in communities throughout the City and provide a variety of landscape maintenance services that specially benefit properties within the respective LMDs; and

WHEREAS, on June 5, 2013, the City Council adopted Resolution No. 13-079, establishing the City's Landscape Maintenance District Citizens' Oversight Committee (the "Citizens' Oversight Committee") and mandating that the Victoria Neighborhood Parks and Landscape Maintenance District ("LMD 2 (Victoria)") be subject to this oversight; and

WHEREAS, on March 20, 2014, the City Council adopted Resolution No. 14-048 to add Landscape Maintenance Districts 4-R (Terra Vista) ("LMD 4-R (Terra Vista)") and 6-R (Caryn Communities) ("LMD 6-R (Caryn Communities)") to the purview of the Citizens' Oversight Committee; and

WHEREAS, the City Council now desires to further amend Resolution No. 13-079 to (i) change the name of the Citizens' Oversight Committee, (ii) add Landscape Maintenance District No. 7 (North Etiwanda) ("LMD 7 (North Etiwanda)") to the purview of the Citizens' Oversight Committee, and (iii) amend the number of members on the Citizens' Oversight Committee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rancho Cucamonga as follows:

A. Sections 1, 3 and 10 of Resolution 13-079 are hereby deleted in their entirety and replaced as follows:

1. **Committee**: The Planned Communities Citizen Oversight Committee is hereby established.

3. **Committee Composition:** The Committee shall consist of at least five members of the public.

a. All members of the Committee shall be at least 18 years of age.

b. All members of the Committee shall own property within any LMD under the oversight of the Committee.

c. The City Council shall solicit members of the Committee through an open application process.

10. **Planned Communities**: LMD 2 (Victoria), LMD 4-R (Terra Vista), LMD 6-R (Caryn Communities) and LMD 7 (North Etiwanda) shall each be subject to the oversight of the Committee.

B. All other items in Resolution Nos. 13-079 and 14-048 shall remain the same.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2015.

AYES:

NOES:

ABSENT:

ABSTAINED:

_____
L. Dennis Michael, Mayor

ATTEST:

_____
Janice Reynolds, City Clerk

I, Janice Reynolds, City Clerk of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Rancho Cucamonga, at a Meeting of said Council on the _____ day of _____, 2015.

Executed this _____day of _____, 2015 at Rancho Cucamonga, California.

_____
Janice Reynolds, City Clerk