

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA
ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE
POPLAR SOUTH DISTRIBUTION CENTER FINAL ENVIRONMENTAL
IMPACT REPORT (SCH #2022090611), ADOPTING THE MITIGATION
MONITORING AND REPORTING PROGRAM, AND APPROVING THE
PROJECT.**

WHEREAS, the development is comprised of an industrial commerce center building of 490,565 square (“Project”) which proposes to be located on Rose Avenue east of Poplar Ave and west of Catawba Avenue, and is evaluated in the Poplar South Distribution Center Final Environmental Impact Report (“EIR”); and

WHEREAS, the Project consists of an approximately 18.8 acre property, located within the City of Fontana, in the southwestern portion of San Bernardino County, California, on 41 parcels (APNs 0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19, and 0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, 33.); and

WHEREAS, the Project requires approvals of a General Plan Amendment (GPA No. 22-004), Specific Plan Amendment (SPA No. 22-007), Development Agreement (AGR20-003), Design Review (DRP No. 22-040) and a Tentative Parcel Map (TPM No. 22-016); and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Fontana is the lead agency for the proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on September 30, 2022, the City sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation (“NOP”) stating that an Environmental Impact Report (State Clearinghouse Number #2022090611 would be prepared; and

WHEREAS, four (4) comment letters were received in response to the NOP; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on October 12, 2022, to solicit comments on the scope of the environmental review of the proposed Project and, additional comments were received; and

WHEREAS, a Draft Environmental Impact Report (“Draft EIR”) was prepared, incorporating comments received in response to the NOP; and

WHEREAS, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: Aesthetics, Agriculture and Forestry, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Transportation, Utilities and Services Systems, and Wildfire; and

WHEREAS, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to Air Quality; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on July 14, 2023; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the Draft EIR to the public at the same time that the City sent Notice of Completion to the Office of Planning and Research, on July 14, 2023; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Lewis Library and Technology Center public libraries; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from July 14, 2023 to August 28, 2023; and

WHEREAS, during the public review and comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the City received four (4) written comment letters on the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the City's consideration of the Final EIR on October 11, 2023; and

WHEREAS, on October 17, 2023, the Planning Commission conducted the public hearing to consider the Draft EIR and approvals of GPA, SPA, TPM, and DR, for the Project and solicited comments on the document. After hearing all relevant testimony from staff, the public and the City's consultant team, the Planning Commission voted to recommend that the City Council certify the EIR for the Project; and

WHEREAS, on October 11, 2023, the City released the Final EIR (“Final EIR”), which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, and errata to the Draft EIR and technical appendices; and

WHEREAS, the “EIR” consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

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

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes the Project’s potentially significant environmental impacts and the EIR analyzes a range of feasible alternatives capable of reducing these effects to an even lesser level of significance; and

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are described in **Section 4 of Exhibit A**; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are described in **Section 5 of Exhibit A**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are described in **Section 7 of Exhibit A**; and

WHEREAS, the potential significant irreversible environmental changes that would result from the proposed Project identified in the EIR and set forth herein, are described in **Section 8 of Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in **Section 6 of Exhibit A**; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in **Section 9 of Exhibit A**; and

WHEREAS, a statement of overriding considerations is set forth in **Section 10 of Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in **Exhibit B** to this Resolution, attached hereto and incorporated herein; and

WHEREAS, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

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

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on November 14, 2023, the City conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FONTANA:

SECTION 1. The above recitals are true and correct and incorporated herein by

reference.

SECTION 2. The City Council hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant impacts or any new information of “substantial importance” as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 3. The City Council hereby adopts the “CEQA Findings of Fact” which were prepared in accordance with State CEQA Guidelines sections 15091 and which are attached hereto as **Exhibit A** and incorporated herein by this reference.

SECTION 4. Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B** and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 5. Based upon the entire record before it, including the EIR, Findings of Fact, and all written and oral evidence presented, the City Council hereby approves the proposed Project.

SECTION 6. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. The custodian for these records is Alejandro Rico, Associate Planner. This information is provided pursuant to Public Resources Code section 21081.6.

SECTION 7. City staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.

APPROVED AND ADOPTED this 14th day of November, 2023.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

ATTEST:

I, Germaine Key, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting thereof, held on the 14th day of November, 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT A**FINDINGS AND FACTS IN SUPPORT OF FINDINGS
FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
POPLAR SOUTH DISTRIBUTION CENTER PROJECT
CITY OF FONTANA, CALIFORNIA
STATE CLEARINGHOUSE NO. 2022090611****A. INTRODUCTION**

The California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15000 et seq. (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091, implementing CEQA Section 21081, provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) for the Poplar South Distribution Center Project, SCH No. 2022090611 (collectively, the EIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) are hereby adopted by the City of Fontana (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for the development of the Project. These actions include the approval of the General Plan Amendment (GPA), Specific Plan Amendment (SPA), Tentative Parcel Map (TPM), and Development Plan Review. This action is referred to herein as the Project.

B. Document Format

These Findings have been organized into the following sections:

Section 1 provides an introduction to these Findings.

Section 2 provides a summary of the Project and overview of the discretionary actions required for approval of the Project, and a statement of the Project’s objectives.

Section 3 provides a summary of previous environmental reviews related to the Project area that took place prior to the environmental review done specifically for the Project, and a summary of public participation in the environmental review for the Project.

Section 4 sets forth findings regarding environmental impacts identified in the EIR which were determined not to be significant.

Section 5 sets forth findings regarding environmental impacts identified in the EIR which can feasibly be mitigated to a less than significant level through the imposition of project design features, regulatory requirements, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project which shall be adopted by the City together with these Findings in accordance with CEQA Section 21081.6. Where potentially significant impacts can be reduced

to less than significant levels through adherence to project design features and regulatory requirements, these findings specify how those impacts were reduced to an acceptable level.

Section 6 sets forth findings regarding growth inducement.

Section 7 sets forth findings regarding significant and unavoidable impacts.

Section 8 sets forth findings regarding irreversible environmental changes.

Section 9 sets forth findings regarding alternatives to the proposed Project.

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the Project are located at the City of Fontana, Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. The City of Fontana is the custodian of the administrative record for the Project.

D. PROJECT SUMMARY

E. Project Location

The Project site encompasses approximately 19.08 gross acres (18.82 net acres) and is comprised of 41 parcels identified as Assessor's Parcel Numbers (APNs) 0237-171-01 through -19, 0237-172-01 through -12, -19, -22, -23, -26, -27, -28, and -30 through -33. The Project site is currently developed with 40 existing vacant and uninhabited single-family residential units and accessory structures. Existing residential units are located on the north and south side of Rose Avenue, which is a local roadway that runs east-west through the center of the site. There is an existing concrete masonry unit (CMU) block wall along the north property line and metal fencing along the southern property line. The site is currently accessible via Rose Avenue, with the western entrance on Poplar Avenue and the eastern entrance on Catawba Avenue.

The proposed Project is located within the southern portion of the City of Fontana in the southwest portion of San Bernardino County. The Project site surrounds the existing Rose Avenue south of Santa Ana Avenue, west of Catawba Avenue, north of Jurupa Avenue, and east of Poplar Avenue. Regional access to the Project site is provided by Interstate 10 (I-10) off the Citrus Avenue exit. Local access is provided via Poplar Avenue and Catawba Avenue.

F. Project Description

The Project applicant proposes demolition of the existing 40 residences, and associated structures, on the site, vacation of Rose Avenue, and a Tentative Tract Map for the merger of the 41 existing parcels into one 19.08-acre parcel, as well as the construction of an approximately 490,565 square foot (SF) building with approximately 480,565 SF of warehouse space and 10,000 SF of mezzanine, which would be used for office space. The proposed Project would also include a General Plan Amendment (GPA) to change the land use designation from Residential Trucking (R-T) to General Industrial (I-G) and a Specific Plan Amendment (SPA) to change the Southwest Industrial Park Specific Plan (SWIP) designation from Residential Trucking District (RTD) to Slover East Industrial District (SED). Additionally, the Project would require a Development Plan Review and approval of proposed Tentative Parcel Map.

Building and Architecture. The proposed building would consist of a new industrial building that would support warehouse and office uses. The proposed building area would be 490,565 SF, inclusive of 480,565 SF of warehouse space and 10,000 SF of mezzanine, which would be used for office space. The building would have 480,565 SF footprint, resulting in a FAR of 0.6. The Project building would be single-story and approximately 51 feet tall. The building would establish an architectural presence through an emphasis on building finish materials and consistent material usage and color scheme. The building would be white and shades of grey with highlights of red. The use of landscaping, building layout, finish materials, and accenting on the Project site would create a quality architectural presence along the Poplar Avenue and Catawba Avenue frontages.

Circulation and Street Improvements. Access would be provided via four proposed driveways: two from Poplar Avenue and two from Catawba Avenue. The northern driveway on Poplar Avenue would be limited to passenger vehicles while the southern driveway would provide truck access. The northern driveway on Catawba Avenue would be limited to passenger vehicles while the southern driveway would provide truck access. Trucks are expected to primarily utilize Santa Ana Avenue and Citrus Avenue, as well as Cherry Avenue and Jurupa Avenue, which are all designated truck routes within the city (See Figure 3-10, *Truck Routes*). Onsite circulation would be provided by internal drive aisles around the building.

The Project includes a 14-foot ROW dedication along Poplar Avenue and a 4-foot ROW dedication along Catawba Avenue, including road improvements of streetlights, curb, gutter, sidewalk, and parkway landscape.

Parking. The warehouse would include 42 dock doors located along the southern side of the building and 98 trailer parking spaces located along the southern side of the building and along the southern property line. Additionally, 210 passenger vehicle spaces, inclusive of electric vehicle (EV) and accessible (ADA) spaces, would be provided for employees and visitors in surface lots to the north of the warehouse and in the southeast portion of the site. The Project would also provide bike parking along the northeast side of the warehouse.

Landscaping and Walls. The Project would include approximately 62,000 SF of ornamental landscaping around the perimeter of the site and in-between parking areas. The proposed building would also include 8-foot-high gates and 14-foot-tall screen walls at the southwest and southeast entrances of the truck yard to provide controlled access and screening. Fire department approved knox locks would be provided at all gates. A 6-foot-tall retaining wall would be provided along the northeast portion of the northern property line. A 6-foot-tall retaining wall with an 8-foot-tall screening wall is proposed along the southern property line. A 3-foot-tall retaining wall is proposed along the eastern side of the building.

Infrastructure. The existing 6-inch domestic water line within Rose Avenue is to be abandoned. The Project would install new 3-inch water lines that would connect to the existing 4-inch water line in Poplar Avenue. The Project applicant would also install new 8-inch sewer lines to connect to the existing 8-inch sewer lines in Poplar Avenue and Catawba Avenue. A sewer lift station is proposed in the northwest portion of the site. The proposed Project would collect drainage via grate inlets and catch basins, which would convey storm water through an onsite underground storm drain system located beneath the proposed truck trailer parking.

Required Approvals:

Implementation of the Project would require, but is not limited to, the following discretionary approvals by the City (Lead Agency):

- Development Plan Review
- Tentative Parcel Map No. 20638
- General Plan Amendment
- Specific Plan Amendment
- Certification of this EIR with the determination that the EIR has been prepared in compliance with the requirements of CEQA
- Approvals and permits necessary to execute the proposed Project, including but not limited to, demolition permit, grading permit, building permit, etc.

G. Statement of Project Objectives

The following objectives have been identified in order to aid decision makers in their review of the proposed Project and its associated environmental impacts.

- To make efficient use of property in the City of Fontana by adding to its potential for employment-generating uses.
- To attract new business and employment to the City of Fontana and thereby promote economic growth.
- To reduce the need for members of the local workforce to commute outside the Project vicinity to work.
- To increase temporary and permanent employment opportunities while improving the local balance of housing and jobs.
- To redesignate and develop a property surrounded by industrial uses with an industrial building near available infrastructure, including roads and utilities, to help meet demand for logistics business in the City and surrounding region.
- To develop an industrial building in south Fontana that is similar to and compatible with other industrial buildings that were recently built or recently approved for construction in south Fontana.
- Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

H. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final EIR (FEIR) includes the Draft Environmental Impact Report (DEIR) dated June 2023, written comments on the DEIR that were received during the public review period, written responses to those comments, and changes to the DEIR. In conformance with CEQA and the State CEQA Guidelines, the City of Fontana conducted an extensive environmental review of the Poplar South Distribution Center Project, including the following:

- Completion of the Notice of Preparation (NOP), which was released for an initial 30-day public review period from September 30, 2022 to October 31, 2022. The NOP was posted at the San Bernardino County Clerk office on September 27, 2022. The notice was mailed to reviewing agencies and to City residents and owners within a 660-foot radius from the Project Site. Copies of the NOP were made available for public review on the City's website at: <https://www.fontana.org/2137/Environmental-Documents>.
- Completion of a scoping process, in which the public was invited by the City to participate. The scoping meeting for the EIR was held virtually on Thursday, October 12, 2022, at 5:00 PM through Zoom, accessed through the following link:

<https://us06web.zoom.us/j/83481328742?pwd=NU5pK2YvTVdCejBjOWdFSCt4YnZkQT09>.

- Preparation of a DEIR by the City, which was made available for a 45-day public review period (July 14, 2023 – August 28, 2023). The DEIR consisted of the analysis of the Poplar South Distribution Center Project and appendices, including the NOP and responses to the NOP. The Notice of Availability (NOA) for the DEIR was sent to all property owners and occupants within a 660-foot radius from the Project site, all persons, agencies and organizations on the interest list interested persons, posted to the State Clearinghouse website for distribution to public agencies, and posted on the Project site on July 14, 2023. Copies of the DEIR were made available for public review at the City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335 and it was available for download via the City's website at <https://www.fontanaca.gov/2137/Environmental-Documents>.
- Preparation of a Final EIR, including the Comments and Responses to Comments on the DEIR, occurred. The Final EIR/Response to Comments contains comments on the DEIR, responses to those comments, revisions to the DEIR, and appended documents. The Final EIR Response to Comments was released for a 10-day agency review period prior to certification of the Final EIR on October 11, 2022.
- Public hearings were held for the proposed Project, including a Planning Commission hearing and a City Council Hearing.
 - A notice of the Planning Commission hearing for the Project was mailed on October 6, 2023 to all property owners of record within a 660-foot radius from the Project site and all individuals that requested to be notified, and posted at the site, as required by established public hearing posting procedures. A notice of the Planning Commission hearing was also published in the Fontana Herald News on October 6, 2023.
 - A notice of the City Council hearing for the Project was mailed on November 4, 2023 to all property owners of record within a 300-foot radius from the Project site and all individuals that requested to be notified. A notice for the City Council hearing was posted at the site and at the City of Fontana Planning Department's office as required by established public hearing posting procedures. Additionally, notice for the City Council hearing was published in the Fontana Herald News on November 4, 2023.

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

- The NOP and all other public notices issued by the City in conjunction with the proposed Project;
- The Final EIR (includes DEIR) for the proposed Project;
- All written comments submitted by agencies and members of the public during the public review comment periods on the DEIR;
- All responses to written comments submitted by agencies and members of the public during the public review comment period on the DEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Response to Comments of the Final EIR;

- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and Final EIR;
- The Ordinances and Resolutions adopted by the City in connection with the proposed Project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. The custodian for these documents is the City of Fontana. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

I. FINDINGS FOR ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED NOT TO BE SIGNIFICANT

Based upon the NOP and a review of the Project by the City, the City determined that the Project would have no impact or a less than significant impact on the following environmental topic areas and that no further, detailed analysis of these topics was required in the EIR:

- Agricultural Resources
- Recreation
- Wildfire
- Mineral Resources

The evidence in support of the finding that the Project will not have a significant impact on these environmental topic areas are set forth in Section 2.3 of the DEIR which is incorporated by reference.

For those environmental impacts that were analyzed in the DEIR, the City determined, based upon the CEQA threshold criteria for significance, that the Project would have no impact or a less than significant impact to the following environmental topic areas, and that no mitigation measures were required. This determination is based upon the environmental analysis in the DEIR and the comments received on the DEIR. No substantial evidence was submitted to or identified by the City which indicated that the Project would result in a significant impact related to the following.

Aesthetics

Impact Finding: The Project would not have a substantial adverse effect on a scenic vista (DEIR Page 5.1-4 to 5.1-5).

Facts in Support of Findings: Scenic resources in the Project area include views of the Jurupa Mountains, landscaped medians and parkway features on the south side of Jurupa Ave. The views are interrupted by existing vegetation, residential and industrial buildings of similar height, landscaping, streetlights and utility poles from public views adjacent to the Project site. The proposed building height, massing, setbacks, new sidewalks and layered landscaping along Catawba Avenue and Poplar Avenue is consistent with surrounding industrial development and would ensure that public views of the Jurupa Mountains remain visible to vehicles and pedestrians traveling north to south. Thus, future long-range views of the Jurupa Mountains would be consistent with existing conditions and views would continue to be available from public vantage points on surrounding streets. Therefore, the Project has a less than significant impact on scenic vistas in the area.

Impact Finding: The Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway (DEIR Page 5.1-5).

Facts in Support of Findings: There are no officially designated state scenic highways in the vicinity of the Project. The closest Officially Designated State Scenic Highway is State Route 30 near Highlands, approximately 15 miles east from the Project site. Likewise, there are no City-designated scenic highways that run through the Project vicinity. Therefore, the Project would not substantially damage scenic resources within a state scenic highway and there would be no impact.

Impact Finding: The Project would not conflict with applicable zoning and other regulations governing scenic quality (DEIR Page 5.1-5 to 5.1-6).

Facts in Support of Finding: The Project site is located in an urban area surrounded by industrial uses. The Project site has a General Plan land use designation of Residential Trucking (R-T) and is within the City's SWIP SP zone and is designated RTD in the SWIP SP. The Project includes a General Plan Amendment (GPA) to change the land use designation from R-T to General Industrial (I-G) and a Specific Plan Amendment (SPA) to change the site's existing SWIP designation from RTD to Slover East Industrial District (SED). The proposed Project would not conflict with any applicable General Plan goals or policies, SWIP SP goals or policies, or SWIP SP SED development standards (as shown in DEIR Table 5.1-1). Additionally, the use of landscaping, building layout, finish materials, and accenting on the Project site would create a

quality architectural presence along the Poplar Avenue and Catawba Avenue frontages. Overall, the Project would meet the City objectives related to scenic quality of the Project site and SWIP SP area by complying with the SWIP SP development standards for the SED district and providing high quality development consistent with visual character and quality of surrounding industrial development. Therefore, the Project would not conflict with applicable zoning or other regulations governing scenic quality. Thus, impacts would be less than significant.

Impact Finding: The Project would not create a new source of substantial light or glare that would adversely affect day and nighttime views in the area (DEIR Page 5.1-6 to 5.1-7).

Facts in Support of Finding: The proposed Project is located in a developed area that is primarily developed with industrial uses. The nearest occupied residences are located approximately 0.3 mile to the north, south of Jurupa Avenue, which are screened from the Project site by existing industrial development directly south. Potential spill of light onto surrounding properties and “night glow” would be reduced by using hoods and other design features on the light fixtures used within the proposed Project. Implementation of the existing regulatory requirements per City of Fontana Ordinance No. 30-544 (Light and Glare), included as PPP AE-1, would occur during the City’s permitting process and would ensure that impacts related to light and glare are less than significant.

The proposed building materials do not consist of highly reflective materials, lights would be shielded consistent with Municipal Code Sec. 30-544 requirements included as PPP AE-1, and the proposed landscaping along Project boundaries would screen sources of light and reduce the potential for glare. The proposed Project would create limited new sources of light or glare from security and site lighting but would not adversely affect day or nighttime views in the area given the similarity of the existing lighting in the surrounding urban environment. Thus, impacts would be less than significant.

Air Quality:

Impact Finding: The Project would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard (DEIR Page 5.2-25 to 5.2-27).

Facts in Support of Finding:

Construction

Pollutant emissions associated with construction would be generated from the following construction activities: (1) demolition of existing structures; (2) site preparation, grading, and excavation; (3) construction workers traveling to and from the Project site; (4) delivery and hauling of construction supplies to, and debris from, the Project site; (5) fuel combustion by onsite construction equipment; (6) building construction; application of architectural coatings; and (7) paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants. The maximum daily construction emissions for the proposed Project were estimated using CalEEMod; and the modeling includes compliance with SCAQMD Rules 403 and 1113 (described above), which are included as PPP AQ-1 and PPP AQ-2 and would reduce air contaminants during construction. Table 5.2-6 provides the maximum daily emissions of criteria air pollutants from construction of the Project. As shown, emissions resulting from Project construction would not exceed the thresholds established by the SCAQMD. Therefore, impacts would be less than significant, and no mitigation measures are required.

Operation

Implementation of the proposed Project would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products. Operation of the proposed Project would include emissions from vehicles traveling to the Project site and from vehicles in the parking lots and loading areas. Area source emissions would occur from operation of a 200-horsepower diesel fire pump, which would be regulated and require a permit from SCAQMD (PPP AQ-4). As shown in Table 5.2-7, the Project's net operational activities would not exceed the numerical thresholds of significance established by the SCAQMD for emissions of any criteria pollutants and impacts would be less than significant.

Regulatory Requirements:

PPP AQ-1: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.

The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

PPP AQ-2: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.

PPP AQ-4: Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. The Project is required to obtain a permit from SCAQMD for the proposed diesel fire pump and would be required to comply with Rule 1470, regulating the use of diesel-fueled internal combustion engines.

Impact Finding: The Project would not expose sensitive receptors to substantial pollutant concentrations (DEIR Page 5.2-27 to 5.2-31).

Facts in Support of Finding:

Construction

CO Hotspots – As shown on Table 5.2-8 of the DEIR, the busiest intersection had a daily traffic volume of approximately 100,000 vehicles per day, and the 1-hour CO concentration was 4.6 ppm. This indicates that, even with a traffic volume of 400,000 vehicles per day, CO concentrations ($4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$) would still not exceed the most stringent 1-hour CO standard (20.0 ppm). As such, Project-related traffic volumes are less than the traffic volumes identified in the 2003 AQMP; and are not high enough to generate a CO "hot spot." Therefore, impacts related to CO "hot spots" from operation of the proposed Project would be less than significant.

Localized Construction Air Quality Impacts – DEIR Table 5.2-9 identifies daily localized onsite emissions that are estimated to occur during construction of the Project. As shown in Table 5.2-9, emissions during the peak construction activity would not exceed the SCAQMD's localized significance thresholds under this scenario, and impacts would be less than significant.

Construction Diesel Mobile Source Health Risk – A Construction Health Risk Assessment was prepared to evaluate the health risk impacts as a result of exposure to diesel particulate matter (DPM) as a result of heavy-duty diesel trucks, and equipment activities from Project construction. The land use with the greatest potential exposure to Project construction-source DPM emissions is the single-family residence located at the northeast corner Santa Ana Avenue and Citrus Avenue, approximately 0.3 miles northeast of the Project site. As shown in DEIR Table 5.2-11, the maximum cancer risk for the sensitive receptor maximally exposed individual (MEI) would be 0.23 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower given that worker receptors are only exposed to Project emissions for 12 hours each day in comparison to 24 hours a day for residential receptors and are exposed fewer days per year than residential receptors. The worker receptor risk would be 0.04 in one million, which would also not exceed the SCAQMD cancer risk thresholds. The total chronic hazard index would be 0.003 for the worker receptor MEI and 0.000 for the sensitive receptor MEI, which is below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1.0, and impacts would be less than significant.

Operation

Localized Operational Air Quality Impacts – DEIR Table 5.2-10 shows that emissions from operation of the proposed Project would not exceed SCAQMD's localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, implementation of the proposed Project would result in a less than significant impact related to localized operational emissions.

In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (“*Friant Ranch*”), the California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. The Project would generate up to 55.2 lbs/day of NO_x during construction and net 13.2 lbs/day of NO_x during operations. The VOC emissions would be a maximum of 63.4 lbs/day during construction and net 3.4 lbs/day of during operations.

Therefore, the emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level. Notwithstanding, this evaluation does evaluate each of the Project's development scenarios localized impacts to air quality for emissions of CO, NO_x, PM₁₀, and PM_{2.5} by comparing the onsite emissions to the SCAQMD's applicable LST thresholds. In addition, a Construction and Operational Health Risk Assessment was prepared, which is discussed below. As described previously, the proposed Project would not result in emissions that exceeded the SCAQMD's LSTs. Therefore, the proposed Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO_x, PM₁₀, and PM_{2.5}.

Operational Diesel Mobile Source Health Risk – A Health Risk Analysis was prepared to evaluate the operational health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks traveling to and from the Project site, maneuvering onsite, and entering and leaving the

site during operation of the proposed industrial uses. DEIR Table 5.2-12 shows that the cancer risk from the proposed Project's DPM emissions would be below the SCAQMD's threshold of 10 per million persons. Therefore, operation of the proposed Project would result in a less than significant impact related to the cancer risk from TAC emissions.

Impact Finding: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (DEIR Page 5.2-32).

Facts in Support of Finding: The proposed Project is an industrial development that does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. Industrial land uses that emit odors typically involve manufacturing facilities, paint/coating operations, refineries, chemical manufacturing, and food manufacturing facilities. Currently, future tenants of the warehouse are unknown, however, if potential concerns related to odors are identified for future building uses, the County would require appropriate hazardous materials permitting and odor minimization plans or features in compliance with SCAQMD Rule 402.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary and intermittent in nature and would not affect a substantial number of people. In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

Regulatory Requirements:

PPP AQ-3: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Biological Resources:

Impact Finding: The Project would not 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 Wildlife or U.S. Fish and Wildlife Service (DEIR Page 5.3-19 to 5.3-20).

Facts in Support of Finding: The General Biological Assessment did not identify special status plant or animal species on the Project site. In addition, no potentially suitable habitat for special status plant or animal species was identified onsite. Therefore, Project development and operation would not result in a substantial adverse effect, either directly or indirectly or through habitat modification, on any plant or animal species identified as a Threatened, Endangered, or Candidate species in local or regional plans, policies, or regulation or by the CDFW or USFWS and no impact would occur.

Impact Finding: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or

by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (DEIR Page 5.3-20).

Facts in Support of Findings: The General Biological Assessment identified that the Project site does not contain any riparian habitat, jurisdictional streambed or wetland areas, or sensitive natural community identified by USFWS or CDFW. Thus, impacts to these resources would not occur from implementation of the proposed Project.

Impact Finding: The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (DEIR Page 5.3-20).

Facts in Support of Findings: According to the General Biological Assessment, the Project site does not contain any jurisdictional areas that would be subject to Section 404 of the Clean Water Act, and the proposed Project does not involve any hydrological interruption of any existing water resources. Thus, impacts to federally protected wetlands, as defined by Section 404 of the Clean Water Act, would not occur from implementation of the proposed Project.

Impact Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (DEIR Page 5.3-21).

Facts in Support of Findings: The Project site was surveyed by a qualified arborist and there were no protected trees pursuant to Chapter 28 Article III of the City's Municipal Code found on site. Therefore, the Project would have no impacts regarding any local policies or ordinances protecting biological resources.

Impact Finding: The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (DEIR Page 5.3-21).

Facts in Support of Findings: The Project site is not located within the boundary of an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). Thus, no impact would occur in this regard.

Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5 (DEIR Page 5.4-6).

Facts in Support of Findings: The Project site is entirely developed with 40 residential structures on 41 parcels, many with associated detached garages, sheds, and other ancillary structures. The field survey conducted as part of the Cultural Resources Study identified 33 historic era (older than 50 years) structures within the Project site. However, results of the historic structure evaluation determined that the structures do not qualify for designation under the Fontana Local Register and do not meet the definition of a historical resource under the CRHR or pursuant to CEQA Guidelines § 15064.5. Although the properties were constructed during pivotal moments in the history of Fontana, no specific information was identified to indicate that the properties exemplify or represent a special element of Fontana and California's history and cultural heritage under CRHR Local Register Criterion. As a result, they are not considered historic resources

under CEQA. The project would result in less than significant impacts, and no mitigation is required.

Impact Finding: The Project would not disturb any human remains, including those interred outside formal cemeteries (DEIR Page 5.4-8).

Facts in Support of Findings: The Project site has not been previously used as a cemetery. However, it is possible that human remains are buried outside of formal cemeteries. In the case that human remains are found on the Project site, the Project would be required to comply with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5, which provide guidance on the discovery of human remains and their treatment or disposition with appropriate dignity. Through mandatory compliance with these required regulations, impacts would be less than significant.

Regulatory Requirements:

PPP CUL-1: Human Remains. If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5. Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the San Bernardino County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Energy

Impact Finding: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation (DEIR Page 5.5-6).

Facts in Support of Finding:

Construction

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in demand for fuel greater than other development projects in Southern California on a per-unit-of-development basis. As detailed in Table 5.5-1 of the DEIR, construction-related activities would utilize approximately 71,954.2 gallons of diesel fuel and 48,144.7 gallons of gasoline. Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Additionally, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment.

Based on EMFAC2021, approximately 907.3 million gallons of gasoline and approximately 325.0 million gallons of diesel will be consumed from vehicle trips in San Bernardino County in 2023. Construction of the proposed Project would increase the annual construction-generated fuel use in San Bernardino County by approximately 0.02 percent for diesel fuel usage and by less than 0.01 percent for gasoline fuel usage. Therefore, Project construction would have a negligible effect on local and regional energy supplies.

Construction activities would require limited energy consumption, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the Project building would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity, natural gas, and water to the areas where they would be consumed. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption.

It is anticipated that the proposed Project would utilize 48,748.4 gallons of gasoline per year and 211,497.9 gallons of diesel per year. The Project would result in a net decrease of 12,518 therms per year and a net consumption of 2,136,294 kilowatts (kWh) per year of electricity. Because this use of energy is typical for urban development, no operational activities or land uses would occur that would result in extraordinary energy consumption, and County permitting would assure that existing regulations related to energy efficiency and consumption, such as Title 24 regulations (PPP E-1) and CCR Title 13, Motor Vehicles, section 2449(d)(3) related to idling, would be implemented. Therefore, impacts related to operational energy consumption would be less than significant.

Regulatory Requirements:

PPP E-1: CalGreen Compliance. The Project is required to comply with the CalGreen Building Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.

Impact Finding: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (DEIR Page 5.5-8).

Facts in Support of Finding: The Project would be required to meet the CCR Title 24 (PPP E-1) energy efficiency standards in effect during permitting of the Project. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. The Project would not conflict with the idling limits imposed by CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling and the City of Fontana's Industrial Commerce Centers Sustainability Standards. Also, the Project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. The Project building would be solar ready and would be required

to install solar panels in order to offset 100 percent of the future tenant's energy needs. Thus, the proposed Project would not obstruct the use of renewable energy or energy efficiency. The proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; impacts would be less than significant.

Regulatory Requirements:

PPP E-1: CalGreen Compliance, as listed above.

Geology and Soils

Impact Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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 of based on other substantial evidence of a known fault (DEIR Page 5.6-10).

Facts in Support of Finding: The Project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known active faults within 500 feet of the site. The nearest active fault zones are the Sierra Madre Fault Zone, approximately eight miles north of the Project site, and the San Jacinto Fault Zone, approximately nine miles east of the Project site. Since no known faults exist within a mile of the Project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, impacts related to rupture of a known earthquake fault would be unlikely to occur.

Impact Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (DEIR Page 5.6-10).

Facts in Support of Finding: The Project site is within a seismically active region, with numerous faults capable of producing significant ground motions. Project development could subject people and structures to hazards from ground shaking. However, seismic shaking is a risk throughout Southern California, and the Project site is not at a greater risk of seismic activity or impacts as compared to other areas within the region.

The City has adopted the California Building Code (CBC) as part of the Municipal Code Chapter 5, Article III, Section 5-61, which regulates all building and construction projects within the County and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. All structures within the City are required to be built in compliance with the CBC. Therefore, the Project is required to be constructed in compliance with the CBC and the Municipal Code, which would be verified through the City's plan check and permitting process and is included as PPP GEO-1; thus, the Project would result in a less than significant impact related to strong seismic ground shaking.

Regulatory Requirements:

PPP GEO-1: CBC Compliance. The project is required to comply with the California Building Standards Code as included in Chapter 5, Article III, Section 6-51 of the Fontana Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be incorporated into grading plans and building specifications as a condition of construction permit approval.

Impact Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (DEIR Page 5.6-11).

Facts in Support of Finding: According to the Geotechnical Investigation prepared for the Project, the site and the adjacent parcels are relatively flat, with a slight slope in the southerly direction and do not contain any hills or steep slopes. As such, no landslides on or adjacent to the Project site would occur. Therefore, the project would have no impact related to landslides.

Impact Finding: The Project would not result in substantial soil erosion or the loss of topsoil (DEIR Page 5.6-11).

Facts in Support of Finding:

Construction

Construction of the Project has the potential to contribute to soil erosion and the loss of topsoil through grading and excavation activities. Upon compliance with the City Municipal Code Chapter 23, Article IX *Preventing Discharge of Pollutants into Storm Drains*, the Regional Water Quality Control Board (RWQCB) requirements, and the BMPs in the Stormwater Pollution Prevention Plan (SWPPP) (PPP HYD-2), potential construction impacts related to erosion and loss of topsoil at the Project site would be less than significant.

Operation

The project scope includes the installation of landscaping adjacent to the proposed building and throughout the parking areas, thus eliminating areas that could erode by wind or water. In addition, the hydrologic features of the Project have been designed to slow, filter, and retain stormwater within landscaping and the proposed underground infiltration basins, which would also reduce the potential for stormwater to erode topsoil. Furthermore, the Water Quality Management Plan (WQMP) (PPP HYD-3), would ensure that RWQCB requirements and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

PPP HYD-2: NPDES/SWPPP. Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of submitting a Notice of Intent (NOI), develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

PPP HYD-3: WQMP. Pursuant to City Municipal Code Section 30-526, Infrastructure, the Project Applicant shall prepare a Water Quality Management Plan (WQMP) that is consistent with the San Bernardino County Flood Control District Standards and follows the WQMP guidance.

Impact Finding: The Project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994) and would not create substantial risks to life or property (DEIR Page 5.6-13).

Facts in Support of Finding: The near-surface soils at the Project site consist of gravelly sands, sands, and silty sands with no appreciable clay content. These materials are considered non-expansive. The project site does not contain expansive soils. Therefore, no impacts related to expansive soils would occur.

Impact Finding: The Project would not 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 (DEIR Page 5.6-14).

Facts in Support of Finding: The Project includes installation of an onsite sewer system that would connect to the existing 8-inch sewer lines in Poplar Avenue and Catawba Avenue. The Project would not use septic tanks or alternative wastewater disposal systems. Therefore, the Project would have no impacts related to septic tanks or alternative wastewater disposal systems.

Greenhouse Gas Emissions

Impact Finding: The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (DEIR Page 5.7-13).

Facts in Support of Finding:

The proposed Project would generate GHG emissions from construction activities, operational transportation, energy, waste disposal, and area sources (such as onsite equipment). Construction emissions were amortized over 30 years in the greenhouse gas (GHG) analysis and combined with annual operational emissions, as recommended by the SCAQMD.

Long-term operations of uses proposed by the Project would generate greenhouse gas emissions from the following primary sources: area source emissions, energy source emissions, mobile source emissions, stationary source emissions, water supply, treatment, and distribution, and solid waste. With incorporation of the City of Fontana's Industrial Commerce Centers Sustainability Standards (included as PPP GHG-1) into the Project design, construction and operation of the Project would generate a net total of approximately 2,893.3 MTCO₂e/yr, which is below the SCAQMD threshold of 3,000 MTCO₂e/yr. Thus, impacts would be less than significant.

Regulatory Requirements:

PPP GHG-1: City of Fontana's Industrial Commerce Centers Sustainability Standards. Prior to issuance of a business license, the City of Fontana Planning Director shall ensure that the proposed Project implements the requirements set forth in the City of Fontana's Industrial Commerce Centers Sustainability Standards that are applicable to the Project.

Impact Finding: The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (DEIR Page 5.7-15).

Facts in Support of Finding: The Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures. The Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it is consistent with the GHG reduction measures listed in CARB's Updated Scoping Plan (2022) (as shown in Table 5.7-2), which is intended to achieve the reduction targets required by the State. The Project is also consistent with the City of Fontana General Plan Conservation Element, as shown in Table 5.7-3 of the DEIR. The Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and impacts would be less than significant.

Regulatory Requirements:

PPP E-1: CALGreen Compliance, as listed above.

PPP GHG-1: City of Fontana's Industrial Commerce Centers Sustainability Standards, as listed above.

Hazards and Hazardous Materials

Impact Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (DEIR Page 5.8-10).

Facts in Support of Finding:

Construction

Construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. All storage, handling, use, and disposal of these materials are regulated by federal, state, and local regulations. Construction contractors are required to comply with all regulations regarding hazardous materials. Additionally, construction activities would require a SWPPP (PPP HYD-1 and PPP HYD-2), which would include strict onsite handling rules and BMPs to minimize potential adverse effects to workers, the public, and the environment during construction. Therefore, impacts related to construction materials would be less than significant.

Operation

The future building occupants for this development are not yet identified. Depending on the type of business that would occupy the proposed warehouse building, operations would require the use of various types and quantities of hazardous materials, including lubricants, solvents, cleaning agents, wastes, paints and related wastes, petroleum, wastewater, batteries, (lead acid, nickel cadmium, nickel, iron, carbonate), scrap metal, and used tires. These hazardous materials would be used, stored, and disposed of in accordance with applicable regulations and standards. If the operations of future tenants of the proposed warehouse facility exceed established thresholds, Certified Unified Program Agency (CUPA) permits will be required. In Fontana, the San

Bernardino County Fire Department is the CUPA. Additionally, businesses would be required to provide workers with training on the safe use, handling, and storage of hazardous materials. Compliance with existing laws and regulations governing hazard and hazardous materials would reduce potential impacts related to the routine transport, use, and disposal of the hazardous materials to less than significant.

Regulatory Requirements:

PPP HAZ-1: SCAQMD Rule 1403. Prior to issuance of a Demolition Permit, the Project Applicant/Developer shall submit verification to the County Building Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos is found, the Project Applicant/Developer shall follow all procedural requirements and regulations of SCAQMD 1403. Rule 1403 regulations require the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.

PPP HAZ-2: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the project developed as required by the County of San Bernardino's Hazardous Materials Division in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

PPP HAZ-3: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The San Bernardino County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Materials Release Response Plans and Inventory Program, (2) California Accidental Release Prevention (CalARP) Program, (3) Aboveground Petroleum Storage Act Program, and (4) UST Program (5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs (6) Hazardous Materials Management Plan and Hazardous Material Inventory Statement Program.

PPP HYD-1: Comply with NPDES. Since this Project is one acre or more, the permit holder shall comply with all of the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) and shall conform to NPDES Best Management Practices for Stormwater Pollution Prevention Plans during the life of this permit.

PPP HYD-2: NPDES/SWPPP, as listed above.

Impact Finding: The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment (DEIR Page 5.8-12).

Facts in Support of Finding:

Construction

Construction of the Project would involve the limited use and disposal of hazardous materials. However, the amount of hazardous materials onsite would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling as well as to implement construction BMPs. Development of a SWPPP through fulfillment of PPP HYD-2 would prevent a hazardous materials release and allow to promptly contain and clean up any spills, which would minimize the potential for harmful exposures. With compliance to existing laws and regulations, which is mandated by the City through construction permitting, the Project's construction-related impacts would be less than significant.

Asbestos abatement contractors must follow state regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 (PPP HAZ-1) to ensure that ACMs removed during demolition or redevelopment of the existing buildings is transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including ACMs.

Operation

The future tenant within the Project site may use, store, and dispose of various types and quantities of hazardous materials and would be required to comply with any applicable regulations and standards. CUPA would require the future tenants to prepare Business Emergency/Contingency Plans, which provide information to emergency responders and the public regarding hazardous materials, and coordinates reporting of releases and spill response among businesses and local, state, and federal government authorities.

In accordance with PPP HYD-3, the Project would include a WQMP that incorporates BMPs to protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project. Therefore, the Project would not result in a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Impacts related to hazardous materials from operation would be less than significant.

Regulatory Requirements:

PPP HAZ-1: SCAQMD Rule 1403, as listed above.

PPP HAZ-2: Transportation of Hazardous Materials, as listed above.

PPP HAZ-3: Resource Conservation and Recovery Act, as listed above.

PPP HYD-2: NPDES/SWPPP. Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of submitting a Notice of Intent (NOI), develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

PPP HYD-3: WQMP. Pursuant to City Municipal Code Section 30-526, Infrastructure, the Project Applicant shall prepare a Water Quality Management Plan (WQMP) that is consistent with the San Bernardino County Flood Control District Standards and follows the WQMP guidance.

Impact Finding: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25 mile of an existing or proposed school (DEIR Page 5.8-13).

Facts in Support of Finding: The closest school to the Project site is Jurupa Hills High School, located approximately 0.36-mile northwest of the Project site. However, with the use of Citrus Avenue to access the freeway, Project operation would include passing of trucks within 0.25 mile of a school, including Jurupa Hills High School. However, the use of hazardous materials would be limited and used and disposed of in compliance with federal, state, and local regulations, which would reduce the potential of accidental release into the environment. Additionally, as evaluated in the air quality analysis of the DEIR Section 5.2, construction and operation related emissions would not cause or contribute to an exceedance of the federal or state air quality standards. Thus, the Project would not emit hazardous or handle acutely hazardous materials, substances, or waste within 0.25 mile of school, and the Project would result in less than significant impacts.

Impact Finding: The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment (DEIR Page 5.8-13).

Facts in Support of Finding: Nine properties within and near the Project site are listed on hazardous materials databases. Two sites are located on the Project site, four sites are located adjacent to the Project site and three sites are north of the Project site. However, none of these sites have been identified as containing recognized environmental concerns (RECs) that could cause a hazard to the public or environment. Therefore, proposed construction and operation of the Project site would not create a significant hazard to the public or the environment and impacts would be less than significant.

Impact Finding: The Project would not result in a safety hazard or excessive noise for people residing or working in the Project area for a project area for a project located within an airport land use plan or, where such a plan has not been adopted, be within two miles of a public airport or public use airport (DEIR Page 5.8-16).

Facts in Support of Finding: The Project Site is approximately 7.8 miles east of the Ontario International Airport; the site is within the 60-65 dB CNEL noise contour. However, the Project uses are considered “normally compatible” under the Ontario International Airport Land Use Compatibility Plan and therefore would not be subject to excessive noise levels due to operations at Ontario International Airport. The site is also outside of the established airport safety zones. Thus, the Project would not result in a safety hazard or excessive noise for people residing or working in the area. As such, no impact would occur.

Impact Finding: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (DEIR Page 5.8-16).

Facts in Support of Finding:

Construction

Construction activities, including equipment and supply staging and storage, would occur within the Project site and would not restrict access of emergency vehicles to the Project site or adjacent areas. Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the safe passage of persons and vehicles during

required temporary road restrictions. In accordance with the Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), prior to any activity that would encroach into a right-of-way, the area of encroachment must be safeguarded through the installation of safety devices to ensure that construction activities would not physically interfere with emergency access or evacuation. Therefore, the Project would not block any evacuation routes or conflict with an emergency response plan, and impacts related to interference with an adopted emergency response of evacuation plan during construction activities would be less than significant.

Operation

The Project would include vehicular access to the Project site from surrounding roadways including Poplar Avenue and Catawba Avenue. These driveways and roadways would provide adequate and safe circulation to, from, and through the Project site and would provide a variety of routes for emergency responders to access the site and surrounding areas. The Project would comply with Municipal Code standards, which will require design and construction specifications to allow adequate emergency access to the site and ensure that roadway improvements would meet public safety requirements. Furthermore, drivers are expected to comply with all state driving laws, roadway signage, as well as restrictions related to vehicle stopping and parking. Therefore, the Project would not impair implementation or interfere with adopted emergency response or evacuation plans and impacts would be less than significant.

Impact Finding: The Project would not expose people or structures, either directly or indirectly 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 (DEIR Page 5.8-17).

Facts in Support of Finding: The Project site is entirely developed with 40 residential structures on the 41 parcels and is located in an industrial area that is not within an identified wildland fire hazard area or an area where residences are intermixed with wildlands. Additionally, the Project is not located within a High and Very High Fire Hazard Severity Zone. Project implementation would require adherence to Fontana Land Development Engineering Standards and to the City Development Code to reduce potential fire hazards. The Project would also be required to comply with guidelines from the San Bernardino County Fire Department related to fire prevention and subject to review during the plan check process by the City Building Division. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires, and impacts would be less than significant.

Hydrology and Water Quality

Impact Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (DEIR Page 5.9-9).

Facts in Support of Finding:

Construction

The Project Applicant would be required to implement the requirements of the applicable MS4 NPDES Permit and with the Construction General Permit. Under the Construction General Permit, the Project would be required to prepare a SWPPP, which would include the use of BMPs to prevent potentially polluted stormwater from leaving the construction site. Mandatory

development and compliance with the SWPPP is included as PPP HYD-1 and PPP HYD-2. Adherence to the existing requirements, including the Fontana Municipal Code, MS4 permit, and the Construction General Permit, would ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation

Project operation would introduce the potential for pollutants such as chemicals from cleaners, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. These pollutants could potentially discharge into surface waters and result in degradation of water quality. However, the proposed project would be required to incorporate a water quality management plan (WQMP) that includes post-construction Low Impact Development (LID) site design, source control, and treatment control BMPs, included as PPP HYD-3. The LID site design would minimize impervious surfaces and provide infiltration of runoff into landscaped areas.

A preliminary WQMP has been prepared and would be reviewed and approved by the City during the Project permitting and approval process. With implementation of the operational source and treatment control BMPs that is outlined in the preliminary WQMP, potential pollutants would be reduced to the maximum extent feasible, and implementation of the Project would not substantially degrade water quality. Therefore, impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, as listed above.

PPP HYD-2: NPDES/SWPPP, as listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (DEIR Page 5.9-10).

Facts in Support of Finding:

The Project would result in 469,135 SF of new impervious surface on the Project site, which has the potential to reduce overall site capacity to infiltrate stormwater and provide groundwater recharge to the underlying basin. However, in accordance with the WQMP, the Project would include an infiltration basin that would capture and infiltrate the required 24-hour, 85th percentile storm event, maintaining overall groundwater recharge capability of the Project site as specific in the Project's WQMP. In addition, the Project includes installation of landscaping that would infiltrate stormwater onsite. As a result, the proposed Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. Therefore, the Project would have less than significant impact.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not 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 (DEIR Page 5.9-12).

Facts in Support of Finding:

Construction

The existing NPDES Construction General Permit requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer for construction activities that disturb one-acre or more of soils (PPP HYD-2). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities. With implementation of the existing construction regulations that would be verified by the County during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion or siltation would be less than significant.

Operation

The Project would result in an increase in impervious areas. However, the stormwater runoff from the addition of impervious surfaces onsite would be conveyed into an underground infiltration basin per the Project's WQMP (PPP HYD-1 and PPP HYD-3). Further, the BMPs identified in the WQMP would reduce the potential for erosion and siltation. The City's Engineering Department would review the proposed drainage, water quality design, and engineering plans during the permitting approval process to ensure they meet the City's NPDES Permit and limits the potential for erosion and siltation. Adherence to the existing regulation and PPP HYD-3 would ensure that Project impacts related to erosion and siltation from operational impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, as listed above.

PPP HYD-2: NPDES/SWPPP, as listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (DEIR Page 5.9-13).

Facts in Support of Finding:

Construction

Implementation of the Project requires a SWPPP (included as PPP HYD-2) that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. Therefore, impacts would be less than significant.

Operation

The Project includes the installation of new storm water drainage facilities, including an underground infiltration basin, and pervious landscaped areas. The new drainage facilities

proposed for the Project have been sized to be consistent with the County MS4 permit requirements and the City's WQMP requirements (PPP HYD-1 and PPP HYD-3), which requires capture and infiltration of the 24-hour, 85th percentile storm event. Thus, implementation of the Project would not substantially increase the rate or amount of surface runoff such that flooding would occur, and impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, as listed above.

PPP HYD-2: NPDES/SWPPP, as listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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 (DEIR Page 5.9-14).

Facts in Support of Finding: The runoff generated by the Project would be conveyed to an infiltration basin. All runoff from the site would be released from the basin via storm drain connection at the southwestern portion of the site. These flows would then proceed to follow the existing drainage pattern along Poplar Avenue to Declez Channel. The basin has been sized to accommodate the anticipated flows, and would control drainage, such that it would not exceed the capacity of the stormwater drainage system. Therefore, the Project would result in a less than significant impact on the capacity of existing or planned stormwater drainage systems and/or additional sources of polluted runoff.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, as listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows (DEIR Page 5.9-14).

Facts in Support of Finding: The Project site is located within "Zone X" flood plain area of FEMA FIRM Map 16071C8665H, which is outside of the 100-year floodplain. Although the Project would result in a substantial increase in impervious surfaces on the site, the proposed drainage infrastructure would maintain the existing drainage pattern and accommodate flows, such that storm flows would not be impeded or redirected. Therefore, impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: Comply with NPDES, as listed above.

PPP HYD-3: WQMP, as listed above.

Impact Finding: The Project would not be located in flood hazard, tsunami, or seiche ones, and risk release of pollutants due to Project inundation (DEIR Page 5.9-14).

Facts in Support of Finding: The project is not located within a flood hazard zone or within a coastal area; therefore, the project would result in less than significant impact on flood hazard or tsunami hazard. Additionally, the Project site does not contain and is not adjacent to any water bodies that could seiche. The nearest body of water is Santa Ana River, approximately six miles to the east, which is not a contained body of water with seiche potential. Therefore, the Project would result in no impacts related to seiche.

Impact Finding: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (DEIR Page 5.9-15).

Facts in Support of Finding: The Project applicant would be required to prepare and implement a SWPPP during Project construction to avoid potential construction-related water quality impacts (PPP HYD-1 and PPP HYD-2) per the Construction General Permit. The Project applicant would also be required to prepare and implement a WQMP to treat and capture post-construction stormwater runoff as part of Project operation per the County's MS4 NPDES permit (PPP HYD-3). Through implementation of the applicable construction and post-construction permitting requirements, the Project would not conflict with or obstruct implementation of a water quality control plan.

the Project site overlays the Chino Basin, which is adjudicated and has a Recharge Master Plan in place. Identified recharge facilities are located outside of the Project site and would not be impacted by the development. In addition, as described previously, stormwater would be infiltrated onsite; and a reduction in groundwater recharge from development of the Project site would not occur. As discussed above, because the basin is adjudicated, it is exempt from further requirements under SGMA. Therefore, the Project would be consistent with the groundwater management plan and would not conflict with or obstruct its implementation. Thus, impacts related to water quality control plan or sustainable groundwater management plan would be less than significant.

Land Use and Planning

Impact Finding: The Project would not physically divide an established community (DEIR Page 5.10-7).

Facts in Support of Finding: The Project would develop an industrial warehouse on a site that is currently surrounded by industrial uses. The current site is developed with 40 residential units that would be removed as part of the Project. The Project would include a General Plan Amendment to change the existing land use designation from Residential Trucking (R-T) to General Industrial (I-G) and a Specific Plan Amendment to change the site's existing SWIP designation from Residential Trucking District (RTD) to Slover East Industrial District (SED). However, the Project would be consistent with the existing surrounding uses. Therefore, the Project would not physically divide an established community, and would result in no impact.

Impact Finding: The Project would not cause a significant environmental impact due to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the

Project adopted for the purpose of avoiding or mitigating an environmental effect (DEIR Page 5.10-8).

Facts in Support of Finding: The Project would be required to comply with all applicable Federal, State, regional, and local land use plans, policies, and regulations. The Project includes a General Plan Amendment and a Specific Plan Amendment to change the site's land use designation. However, the proposed amendments are consistent with the policies and intent of the General Plan and Southwest Industrial Park Specific Plan (SWIP SP).

SCAG Regional Transportation Plan/Sustainable Communities Strategy Policies: SCAG's RTP/SCS policies focus largely on regional transportation and the efficiency of transportation, which are not directly applicable to the Project. The Project would not conflict with the adopted RTP/SCS (see Table 5.10-1). Therefore, impact would be less than significant.

City of Fontana General Plan Policies, Goals, and Implementation Measures – Land Use Consistency: The Project would include a General Plan Amendment to change the existing land use designation from R-T to I-G. The I-G designation is intended for uses such as manufacturing, warehousing, fabrication, assembly, processing, trucking, equipment, automobile and truck sales and services. The Project also includes a Specific Plan Amendment to change the site's existing SWIP designation from RTD to SED, which allows for development for up to a maximum Floor Area Ratio (FAR) of 0.55 with a 15% development incentive for green buildings. The proposed General Plan Amendment and Specific Plan Amendment would make the Project more consistent and compatible with its surrounding uses which are all designated I-G by the General Plan and SED by the SWIP.

The Project would be consistent with the proposed General Plan and SWIP designations for the site and would utilize the "No Net Loss Bank" for the loss of 38 dwelling units. Furthermore, the Project would be consistent with the applicable City General Plan and SWIP Goals and Policies (see Table 5.10-2 and 5.10-3). Therefore, the project would have no impact related to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

Noise

Impact Finding: The Project would not Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (DEIR Page 5.11-13 to 5.13-17).

Facts in Support of Finding:

Construction

Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. Construction activities for the Project include demolition, grading and excavation, site preparation, building construction, landscape installation, paving, and architectural coatings Noise levels generated by

heavy construction equipment range from approximately 73 dBA Lmax to 95 dBA Lmax at 50 feet from the noise source, as shown on DEIR Table 5.11-4. Through adherence to the limitation of allowable construction times provided in the Fontana Municipal Code Section 18-63(b)(7) (PPP NOI-1), construction activities would be in compliance with the City's construction-related noise standards.

As shown on DEIR Table 5.11-5, construction noise from the proposed Project at the nearby receiver locations (shown on DEIR Figure 5.11-1) would range from 56 to 70 dBA Leq, which would not exceed the 80 dBA Leq daytime construction noise level threshold at receptor locations or the FTA's 90 dBA Leq acceptable noise level threshold at nearby industrial receiver locations. Therefore, impacts related to construction noise would be less than significant.

Operation

Potential noise impacts associated with the operations of the proposed Project would be from project-generated vehicular traffic on the nearby roadways and from onsite activities. The proposed Project would generate a net of 300 daily trips with an even distribution between Catawba Avenue and Poplar Avenue. The existing (2016) average daily trips on Catawba Avenue and Poplar Avenue are 600 and 2,100, respectively (City of Fontana General Plan Community Mobility and Circulation Element 2018). According to the Noise Impact Analysis, an increase of approximately 1.0 dBA CNEL and 0.3 dBA CNEL is expected along Catawba Avenue and Poplar Avenue, respectively (LSA, 2023). However, a noise level increase of 1 dBA would not be perceived and a noise level increase of 3 dBA would be barely perceptible to the human ear in an outdoor environment. Therefore, the traffic noise increase in the vicinity of the Project site resulting from the proposed Project would be less than significant.

The onsite industrial use related noise sources are expected to include loading dock activity, trailer activity, truck movements, roof-top air conditioning units, parking lot vehicle movements, and trash enclosure activity. DEIR tables 5.11-7 and 5.11-8 show the combined hourly noise levels generated by Project operations, including HVAC equipment and truck delivery activities. DEIR table 5.11-7 shows that the daytime hourly noise levels at the off-site sensitive receiver locations are expected to range from 26.3 to 42.6 dBA Leq. Thus, these noise levels would remain below the City's exterior daytime noise standard of 70 dBA Leq. Table 5.11-8 shows the operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the sensitive receptor locations would range from 26.3 to 42.6 dBA Leq. Thus, these noise levels would remain below the City's exterior nighttime noise standard of 65 dBA Leq. Therefore, operational onsite noise impacts would be less than significant.

Regulatory Requirements:

PPP NOI-1: Construction Noise. As required by Fontana Municipal Code Section 18-63(b)(7), construction activities shall only take place between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. Construction activities conducted outside of these hours would require previous approval from the City of Fontana

Impact Finding: The Project would not result in generation of excessive groundborne vibration or groundborne noise levels (DEIR Page 5.11-17 to 5.11-18).

Facts in Support of Finding:

Construction

Based on the reference vibration levels provided by the FTA and the equipment that would be used for the proposed Project, a large bulldozer represents the peak source of vibration with a reference velocity of 0.089 in/sec PPV at 25 feet, as shown on DEIR Table 5.11-10. Based on typical propagation rates, the vibration level at the nearest offsite structure (55 feet away) would be 0.027 inch per second PPV and would not exceed the FTA's most stringent threshold of 0.2 in/sec PPV threshold at any receiver locations. Other building structures surrounding the project site are farther away and would experience further reduced vibration. Therefore, impacts related to construction vibration would be less than significant.

Operation

Operation of the proposed high-cube fulfillment center and general light industrial buildings would include heavy trucks for loading dock activities, deliveries, and moving trucks, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, typical vibration levels for heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA's *Transit Noise Impact and Vibration Assessment*. Truck movements onsite and on Catawba Avenue and Poplar Avenue would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than FTA's vibration standard of 0.2 in/sec PPV, and therefore, would be less than significant.

Impact Finding: The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, or within two miles of a public airport or public use airport and would not expose people residing or working in the project area to excessive noise levels (DEIR Page 5.11-18).

Facts in Support of Finding: The nearest airport is Ontario International Airport (ONT), located approximately seven miles east of the Project site. The Project site is located within the ONT Airport Influence Area according to Policy Map 2-1 and the 60–65 dBA CNEL airport noise impact zone consistent with Policy Map 2-3 of the ONT ALUCP. According to Table 2-3 of the ONT ALUCP, industrial land uses within the 60–65 dBA CNEL noise level contours of ONT, such as the Project, are considered *normally compatible land use* and must reduce interior noise levels to 50 dBA CNEL. Standard building construction practices required under the CALGreen typically provide up to 25 dBA CNEL of attenuation. With respect to noise generated by the ONT facilities and activities, application of standard CALGreen construction practices would yield acceptable project interior noise levels of approximately 40 dBA CNEL (LSA, 2023). Thus, implementation and development of the Project would not result in a safety hazard or exposure to excessive noise for people residing or working in the area, and impacts would be less than significant.

Population and Housing

Impact Finding: The Project would not induce substantial unplanned 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 (DEIR Page 5.12-5 to 5.12-7).

Facts in Support of Findings: The proposed Project does not involve construction of any new residential uses and would not contribute to a direct increase in the City's population. However, the proposed Project may indirectly contribute to population growth within the city by creating jobs both during construction and operation. Based on SCAG's employment generation factors of 1,195 SF of industrial space per employee, implementation of the proposed Project would create up to an additional 411 jobs in Fontana. As shown in DEIR table 5.12-3, employment in the City

of Fontana is expected to increase by 18,400 jobs between 2016 and 2045. Based on these growth projections, full buildout of the Project would represent approximately 2.2 percent of projected employment growth within the City of Fontana. Thus, the employment growth that would occur from the Project is within the growth projections used to prepare SCAG's 2020-2045 RTP/SCS. Additionally, the employees that would fill these roles are anticipated to come from the region, as the unemployment rate of the City of Fontana as of November 2022 was 3.9 percent, City of Rialto was 4.6 percent, City of Rancho Cucamonga was 3.0 percent, and the County of San Bernardino was 4.1 percent (State Employment Development Department 2023). Due to these levels of unemployment, it is anticipated that new employees at the Project site would already reside within commuting distance and would not generate needs for any housing. Additionally, any employees relocating for Project related employment would be accommodated by the existing vacant housing in the region. According to the 2022 housing estimated provided by the California DOF, there are 57,483 housing units within the City of Fontana (DOF 2022). Additionally, as of February 2023, Realtor.com – an online real estate and rental marketplace – reported 297 single-family properties listed for sale in the City of Fontana.

Construction of the Project would require approximately 103 construction workers during a 10-month construction period. According to the U.S. Census Bureau, 9,473 individuals are employed in the construction industry in the City of Fontana and 60,801 individuals are employed in the construction industry in San Bernardino County as a whole (U.S. Census Bureau 2023). The supply of general construction labor in the vicinity of the Project area is not expected to be constrained due to the current 3.9 percent unemployment rate in the city and the 4.1 unemployment rate in San Bernardino County and the temporary nature of construction projects (EDD 2023). As such, the existing labor pool can meet the construction needs of the Project, and this labor pool would increase with the continued projected growth of San Bernardino County.

Lastly, infrastructure improvements for the Project would serve only the operations of the proposed development. They have not been sized to accommodate developments offsite. Therefore, implementation of the Project would not induce substantial unplanned population growth directly or indirectly through employment or infrastructure expansions that could cause substantial adverse physical changes in the environment. Impacts would be less than significant.

Impact Finding: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (DEIR Page 5.12-7).

Facts in Support of Findings: Under existing conditions, the Project site is developed with 40 existing vacant and uninhabited residential structures and associated ancillary structures. At the time the Project's Notice of Preparation was distributed, on September 30, 2022, the units were still occupied by residents, and therefore, the baseline condition applied for the Project is occupied rather than vacant. Property owners within the development footprint voluntarily sold their property to the Applicant and have already relocated. Implementation of the proposed Project would remove all of the existing structures from the Project site.

The proposed Project includes a GPA to change the land use designation of the site from R-T to I-G and a SPA to change the SWIP designation from RTD to SED. Because the Project includes a change from residential use to a non-residential use, the Project is subject to SB 330. SB 330 requires in part that where a development project results in reducing the number of housing units

allowed under existing City zoning, the City must identify a way in which an equivalent number of units could be accommodated in the city.

The Project would participate in the City's recently adopted "No Net Loss Program" (Ordinance No. 1906), which provides that concurrent with the approval of any change in zone from residential use to a non-residential use, replacement units in the form of a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. The potential loss of residential units is determined by what is allowed on the Project site by the current General Plan and zoning designations. The current RTD designation allows for two dwelling units per acre. As such, the proposed Project would result in the "loss" of the equivalent of 38 residential units that are allowed by the current RTD designation of the site. Therefore, the loss of 38 dwelling units would be added to the "No Net Loss Bank" to be used by subsequent residential developers to build their residential site at a higher density than what the zoning designation allows for.

Additionally, the Project would comply with Government Code Section 65863, the "No Net Loss Law". Under this law, a jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. While the Project would result in demolition of 40 single family homes, the City's 2021-2029 Housing Element indicated an abundance of 2,659 extremely low to low income, 1,395 moderate income, and 648 above moderate income units over the City's allocated RHNA objectives in order to protect the City from incompliance with "No Net Loss Law". Therefore, the City's RHNA buffer would be able to accommodate housing capacity reduction as a result of the Project and the Project would not necessitate the construction of replacement housing elsewhere due to the "No Net Loss Law".

By utilizing the City's "No Net Loss Program", the Project would be in compliance with SB 330. Potential impacts associated with the construction of replacement units would be analyzed pursuant to CEQA at the time a project is proposed. Therefore, implementation of the Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Implementation of the Project would result in a less than-significant impact.

Public Services

Impact Finding: The Project would not result in substantial adverse physical impacts associated with fire protection services or the provision of new or altered fire station facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives (DEIR Page 5.13-7).

Facts in Support of Finding: Construction and operation of the Project would increase the number of structures and employees in the Project area, thus increasing demand for fire protection and emergency medical services. However, there are seven existing fire stations that currently serve the City, four of which are within 5.0 miles of the Project site. The closest fire station to the Project site, Station 74 is located at 11500 Live Oak Avenue, approximately 1.8 miles southwest.

Additionally, the proposed Project improvements would reduce the overall existing fire hazard risk and improve emergency access. Proposed access to the Project site would be reviewed by the City Planning Department and the San Bernardino County Fire Department to ensure compliance

with fire protection standards. The Project would be required to adhere to the 2022 California Fire Code, which would minimize the demand upon fire stations, personnel, and equipment. The proposed warehouse would be concrete tilt up construction which contains a low fire hazard risk rating. The building would be equipped with fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the California Fire Code adopted under Chapter 5, Section 5-425 of the Municipal Code, CBC, and other existing regulations regarding fire safety. The Project would be required to pay Development Impact Fees pursuant to the City of Fontana's Municipal Code, Chapter 11-2. Development impact fees collected would ensure the level of fire protection services are maintained and can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Therefore, Project impacts to fire services would be less than significant.

Impact Finding: The Project would not result in substantial adverse physical impacts associated with police services or the provision of new or altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives (DEIR Page 5.13-7 to 5.13-8).

Facts in Support of Finding: As discussed in Section 5.12 of the DEIR, *Population and Housing*, operation of the Project is estimated to generate a need for 411 employees, however, it is anticipated that some of these employees will come from within the region and thus would not contribute to a large increase in population. The police station that would serve the Project site is the main station in downtown Fontana, located approximately 4.9 miles northwest of the Project site. The main station is staffed by 202 full-time sworn officers. There are two additional contact stations used by officers for reporting located at 11500 Live Oak Avenue and 17122 Slover Avenue, but neither is staffed. The City of Fontana has a population of 210,761, thus there is a current estimated ratio of 1.4 officers per 1,000 population (US Census Bureau 2021). According to the City of Fontana General Plan EIR, the need for additional police will be incremental as the population increases. Because the Project would not contribute to a large population increase, the Project would not result in the need for new or expanded police services or facilities to support the Project. Additionally, the Project would be required to pay Development Impact Fees pursuant to Fontana Municipal Code Chapter 5-8. The collection of development impact fees would ensure the level of police protection services are maintained and can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Therefore, Project impacts to police services would be less than significant.

Impact Finding: The Project would not result in substantial adverse physical impacts associated with school services or the provision of new or physically altered school facilities (DEIR Page 5.13-8).

Facts in Support of Finding: No residential development is planned as a part of this Project. As such, the Project would not result in a direct demand for new or expanded school services within the area. As described in section 5.12 of the DEIR, the proposed Project is not anticipated to generate a significant increase in population, as the employees needed to operate the Project are anticipated to come from within the Project region. Thus, a substantial in-migration of employees that could generate new students is not anticipated to occur.

Additionally, under state law, development projects are required to pay school impact fees in accordance with Senate Bill 50 (SB 50) at the time of building permit issuance. The funding program established by SB 50 allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs and has been found by the

legislature to constitute “full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate school facilities” (Government Code Section 65995[h]). The school impact fee for commercial/industrial developments within the FUSD boundary is \$0.78 per SF (FUSD 2023). The proposed Project will be subject to school impacts fees. As such, impacts to school services would be less than significant.

Regulatory Requirements:

PPP PS-1: School Impact Fees. Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall provide payment of the appropriate fees set forth by the Fontana Unified School District related to the funding of school facilities pursuant to Government Code Section 65995 et seq.

Impact Finding: The Project would result in substantial adverse physical impacts associated with park and recreational facilities or the provision of new or physically altered park facilities (DEIR Page 5.13-9).

Facts in Support of Finding: Typically, residential development increases the need for new parks and increases the use of existing citywide park facilities. The proposed warehouse development would not provide new housing opportunities. Furthermore, employees needed to operate the Project are anticipated to come from within the Project region, as described previously. Although employees may occasionally use local parks, such an increase in use would be limited and would not result in deterioration of facilities such that the construction or expansion of recreational facilities would be necessary. Therefore, any increased demand for public parks within the city would be considered a less than significant impact.

Impact Finding: The Project would result in substantial adverse physical impacts associated with other government services or the provision of new or physically altered public facilities (DEIR Page 5.13-9).

Facts in Support of Finding: The Project would not result in a direct increase in the City’s population as no residential uses are proposed and the workforce will likely be local. As such, the proposed Project would not directly create a demand for public library facilities or public health care facilities, nor would it directly result in the need to modify existing or construct new public service facilities. Additionally, the proposed Project would adhere to the payment of Development Impact Fees as outlined in Chapter 5 of the Fontana Municipal Code to ensure a fair share of costs associated with the proposed Project are paid for public facilities, including library facilities. Therefore, the Project would result in a less than significant impact related to library services.

Transportation

Impact Finding: The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (DEIR Page 5.14-6 to 5.14-7).

Facts in Support of Finding: As shown in the DEIR Table 5.14-1, the proposed Project would generate 23 new Passenger Car Equivalent (PCE) trips during the AM peak hour and 25 new PCE trips during the PM peak hour. Therefore, the Project would not meet the criteria for requiring preparation of a traffic analysis, and the Project would not result in vehicle trips that could conflict

with a program, plan, or policy addressing the circulation system, and impacts would be less than significant.

In addition, as part of the grading plan and building plan review processes, the City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures (as applicable). Therefore, construction impacts related to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system would be less than significant.

Transit: As described previously, the Project vicinity is served by OmniTrans Route 82, and the closest bus stop is located 0.25 mile from the Project site. This existing transit service would continue to serve its ridership in the area and may also serve employees of the Project. The proposed Project would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

Bicycle Facilities: As detailed previously, bicycle lanes currently exist on Citrus Avenue; and the General Plan includes Class II bicycle lanes along Poplar Avenue and Santa Ana Avenue. The Project would not result in any conflicts with the existing or planned bike lanes. Thus, impacts related to bicycle facilities would not occur.

Pedestrian Facilities: As detailed previously, sidewalks currently exist on portions of Poplar Avenue and Catawba Avenue. Implementation of the Project would include roadway improvements on Poplar Avenue and Catawba Avenue that include new sidewalks along the Project frontages. Because no sidewalks currently exists along the Project site frontages, the Project would improve pedestrian facilities and the sidewalk network. The proposed Project would not conflict with pedestrian facilities, but instead would provide additional facilities. Thus, impacts related to pedestrian facilities would not occur.

Impact Finding: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision B (DEIR 5.14-7 to 5.14-9).

Facts in Support of Finding: The City of Fontana's *Transportation Impact Analysis Guidelines* state that projects which would generate fewer than 500 ADT would not cause a substantial increase in the total citywide or regional VMT and are considered to have a less than significant VMT impact and would not require further analysis of VMT. As shown in Table 5.14-1, the Project would result in an increase of 300 daily trips. Because the project would generate an increase of less than 500 ADT, it would satisfy the requirements for Screening Criteria 4 – Net Daily Trips less than 500 ADT. Therefore, the Project is presumed to have a less than significant impact on VMT, and no further VMT analysis is required.

Impact Finding: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (DEIR 5.14-11).

Facts in Support of Finding: The proposed industrial development includes only a light industrial warehouse facility. There are no proposed uses that would be incompatible. Access to the Project site would be provided from two driveways along Poplar Avenue and two driveways along Santa Ana Avenue. Separate passenger vehicle driveways would be provided to limit potential incompatibility between trucks and passenger car movements. Onsite circulation design provides fire truck accessibility and turning ability throughout the site. The Project includes paving and

ROW improvements, including streetlights, curb, gutter, sidewalk, and parkway landscape along the Project site frontage of Poplar Avenue and Santa Ana Avenue. Sight distance at the Project driveways would be reviewed to ensure compliance with City standards at the time of final grading, landscape, and street improvement plan reviews. Compliance with existing regulations would be ensured through the City's development permitting process. As a result, impacts related to vehicular circulation design features would be less than significant.

Impact Finding: The Project would not result in adequate emergency access (DEIR 5.14-11).

Facts in Support of Finding: The proposed Project would not result in inadequate emergency access. Direct access to the proposed Project would be from two driveways along Poplar Avenue and two driveways along Santa Ana Avenue, which are directly adjacent to the site. Construction activities would occur within the proposed Project site and would not restrict access of emergency vehicles to the site or adjacent areas. In addition, travel along Poplar Avenue and Santa Ana Avenue would remain open and would not interfere with emergency access in the site vicinity. The proposed Project is required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform to Fontana Fire Protection District standards. The Fontana Fire Protection District would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). As such, the proposed Project would not result in inadequate access, and impacts would be less than significant.

Utilities and Service Systems

Impact Finding: The Project would not require or result in the relocation or construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (DEIR Page 5.16-8).

Facts in Support of Finding: The Project site is currently served by the Fontana Water Company (FWC) water infrastructure. The Project would connect to the existing water infrastructure and would construct new 3-inch water lines that would connect to the existing 4-inch water line along Poplar Avenue. No offsite water line extensions are required. The construction activities related to the new onsite water infrastructure that would be needed to serve the proposed warehouse facility is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout the DEIR. For example, construction emissions for excavation and installation of the water infrastructure are included in DEIR Sections 5.2, *Air Quality*, and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

Impact Finding: The Project would have sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years (DEIR Page 5.16-8 to 5.16-9).

Facts in Support of Finding: Based on the water use assumptions by population projections per capita in the FWC 2020 UWMP, the Project is anticipated to have a water demand of approximately 75.96 AFY. The 2020 UWMP anticipates that the FWC's water supply will increase from 45,593 AF in 2025 to 51,943 AF in 2045 (increase of 6,350 AF) to meet the FWC's

anticipated growth in water demands and concluded that FWC has an adequate water supply to meet all demands within its service area through 2045. Further, FWC anticipates an increase in industrial demand from 4,010 in 2025 to 4,312 in 2045 and in total demand from 44,593 AFY in 2025 to 48,943 AFY in 2045 within the service area. The Project's additional demands of 75.96 AFY is less than the assumed increase in the forecasted industrial demands in the UWMP; therefore, the Project's relatively small increase in water demand would not cause demand to exceed the 2045 projected industrial demands for FWC.

In addition, according to the 2020 UWMP, FWC has verified that it has the water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that would meet the projected demand associated with the Project, in addition to existing and planned future uses. Thus, impacts related to the need for new or expanded water supplies and entitlements would be less than significant.

Impact Finding: The Project would not require or result in the relocation or construction of new wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (DEIR Page 5.16-11).

Facts in Support of Finding: The Project would install onsite sewer infrastructure to connect to the existing 8-inch sewer lines in Poplar Avenue and Catawba Avenue including a sewer lift station in the northwest portion of the site in order to accommodate the existing water line. Installation of the onsite sewer infrastructure is part of construction of the proposed Project would not result in any physical environmental effects beyond those described throughout this document.

FWC provides wastewater treatment to the Project area via the Inland Empire Utilities Agency (IEUA). RP-4 is the Regional Water Recycling Plant designated to service the City of Fontana and has a treatment capacity of 14 million gallons per day which is equivalent to 15,692 AFY (UWMP 2020). In 2020, RP-4 collected and treated approximately 14,178 AF of wastewater, 13,807 AF of which came from the City of Fontana (UWMP 2020). According to the City of Fontana 2013 Sewer System Master Plan, general industrial uses generate approximately 500 gallons per day (gpd) per acre. Thus, the proposed Project would generate approximately 9,540 gallons of wastewater per day (500 gpd per acre × 19.08 acres = 9,540 gpd) or 10.67 AFY.

Under existing conditions, RP-4 has an excess treatment capacity of approximately 1.4 million gallons per day. As such, implementation of the Project would utilize approximately 0.7 percent of RP-4's daily excess treatment capacity. Thus, the wastewater treatment plant has ample capacity, and the Project would not create the need for any new or expanded wastewater facility (such as conveyance lines, treatment facilities, or lift stations) to serve the proposed Project. Therefore, impacts related to wastewater infrastructure would be less than significant.

Impact Finding: The Project would 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 (DEIR Page 5.16-11 to 5.7-12).

Facts in Support of Finding: As described previously, RP-4 is the Regional Water Recycling Plant designated to service the City of Fontana and has a treatment capacity of 14 million gallons

per day which is equivalent to 15,692 AFY (UWMP 2020). In 2020, RP-4 collected and treated approximately 14,178 AF of wastewater, 13,807 AF of which came from the City of Fontana (UWMP 2020). Under existing conditions, RP-4 has an excess treatment capacity of approximately 1.4 million gallons per day. Implementation of the Project would utilize approximately 0.7 percent of RP-4's daily excess treatment capacity. Therefore, the proposed Project would not result in impacts related to wastewater treatment capacity.

Impact Finding: The Project would not require or result in the relocation or construction of new drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (DEIR Page 5.16-3).

Facts in Support of Finding: Storm water will be collected through roof drains and grate inlets/catch basins and will discharge into an onsite infiltration basin. The Project would construct a underground infiltration basin designed to meet the regional LID structural treatment control best management practices (BMPs) located beneath the proposed truck trailer parking. Overflow from the underground infiltration system would be directed into a proposed 72-inch storm drain line located on Poplar Avenue. The Project would also extend the existing 72-inch storm drain line in Poplar Avenue the northerly property line.

The installation of these drainage improvements are included as part of the proposed Project and the construction impacts of these drainage improvements have been analyzed as part of overall Project construction in other sections of the EIR analyses, and would not result in any physical environmental effects beyond those previously identified. Therefore, impacts would be less than significant.

Impact Finding: The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (DEIR Page 5.16-15 to 5.16-16).

Facts in Support of Finding: solid waste generated by the Project would be disposed of at Mid-Valley Sanitary Landfill which is permitted to accept 7,500 tons per day of solid waste. In 2021, the average tonnage received was 2,289 tons per day (Calrecycle 2021). Thus, the facility had additional capacity of 5,211 tons per day.

Construction

The proposed Project involves demolition of existing structures therefore the Project would generate solid waste for landfill disposal from construction packaging and discarded materials. Utilizing a construction waste factor of 20 tons per full-load truck trip provided by LSA (1,380 total truck trips/2 = 690 full-load haul trips x 20 tons), construction of the Project would generate approximately 13,800 tons of waste during construction from packaging and discarded materials (LSA 2023). However, the California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the demolition and construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Therefore, demolition and construction activities would generate approximately 4,830 tons of solid waste that would be disposed of at the landfill. As shown in Section 3.0, *Project Description*, construction activities would occur over a 10-month period. This equates to approximately 16.1

tons of debris per day. The Mid-Valley Sanitary Landfill facility had an additional capacity of 5,211 tons per day (Calrecycle 2021). Therefore, the Mid-Valley Sanitary Landfill would be able to accommodate the addition of 112.7 tons of waste per week.

Operation

The Air Quality, Health Risk, Greenhouse Gas and Energy Impact Report uses a default CalEEMod operational solid waste generation factor of 0.94 tons per 1,000 square feet per year for industrial uses (LSA 2023). Based on this generation factor, operation of the Project would generate approximately 461 tons of solid waste per year, at least 75 percent of which is required by California law to be recycled, which would reduce the volume of landfilled solid waste to approximately 115 tons per year, or 2.21 tons per week. The Project's solid waste (115 tons per year, or approximately 2.21 tons per week), would represent approximately 0.02 percent of Mid-Valley Sanitary Landfill's daily remaining capacity. The Mid-Valley Sanitary Landfill has a capacity until 2045. Thus, the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals.

Impact Finding: The Project would comply with federal, state, and local statutes and regulations related to solid waste (DEIR Page 5.1-16).

Facts in Support of Finding: All solid waste-generating activities within the County are subject to the requirements set forth in the 2019 California Green Building Standards Code which require demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 which requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed Project would be consistent with all state regulations, as ensured through the County's development project permitting process. Therefore, the proposed Project would comply with all solid waste statutes and regulations and impacts would not occur.

Impact Finding: The Project would not require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects (DEIR Page 5.16-19).

Facts in Support of Finding: Electricity would be provided to the Project by Southern California Edison (SCE). Adequate commercial electricity supplies are presently available to meet the incremental increase in demand attributed to the Project. Natural gas service would be provided by Southern California Gas (SoCal Gas). Adequate commercial gas supplies are presently available to meet the incremental increase in demand attributed to the Project. Communication systems for the Project would be provided by AT&T. AT&T is a private company that provides connection to the communication system on an as needed basis.

The Project Applicant would be responsible for coordinating with each utility company to ensure utility improvements occur according to standard construction and operation procedures administered by the California Public Utilities Commission. Each of the utility systems is available along Rose Avenue, and excavation would be required to underground these lines and interconnect to the Project site. Since the footprint of proposed utility improvements is

encompassed by the Project site, impacts associated with such improvements have been addressed throughout this EIR and mitigated to the extent feasible as applicable. Therefore, potential impacts associated with utilities, including electricity, natural gas and communication systems would be less than significant and no mitigation is required.

J. FINDINGS FOR IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The following potentially significant environmental impacts were analyzed in the DEIR and were determined to be less than significant with implementation of project design features, compliance with existing laws, codes and statutes, regulatory requirements, and implementation of identified feasible mitigation measures. The City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a) (1) that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment," which is referred to herein as "Finding 1".

Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features, standard conditions, and plans, programs, or policies, these measures are considered "incorporated into the project," which mitigate or avoid the potentially significant effect, and in these situations, the City also makes "Finding 1" even though no mitigation measures are required.

Biological Resources

Impact Finding: The Project would not 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 (DEIR Page 5.3-20).

The City hereby makes Finding 1 and determines that this impact is less than significant with implementation of mitigation measures.

Facts in Support of Finding: No wildlife corridors exist on the Project site; however, The Project site contains shrubs and trees that can support nesting birds and raptors protected under the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. The Biological Assessment prepared for the Project site indicates that grading activities or vegetation removal during the nesting bird season of February 1 through September 15 might result in potential impacts to nesting birds. Therefore, if vegetation is required to be removed during nesting bird season, Mitigation Measure BIO-1 has been included to require a nesting bird survey to be conducted three days prior to initiating vegetation clearing. If an active nest is observed, BIO-1 requires buffering and other adaptive mitigation techniques deemed necessary by a qualified biologist to ensure that impacts to nesting birds are avoided until the nest is no longer active. With the implementation of Mitigation Measure BIO-1, impacts related to nesting birds would be reduced to a less than significant level.

Mitigation Measures:

Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a

qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and San Bernardino County Environmental Planning and Maintenance Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.

Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 (DEIR Page 5.4-7).

The City hereby makes Finding 1 and determines that this impact is less than significant with implementation of mitigation measures.

Facts in Support of Finding: The records search and pedestrian field survey identified no prehistoric or historic-period archaeological resources within the Project site. Additionally, the project site does not contain historical resources.

The Project site has been previously disturbed. Therefore, there is reduced potential for the Project to impact archaeological resources. However, the field survey encountered hindrances in some locations due to the lack of access and poor visibility from the existing structures onsite. As a result, the presence of archaeological resources on the Project site could not be fully explored. The potential for archaeological resources on the Project site is unknown to low. Mitigation Measure CUL-1 is included, which requires a qualified archeologist to attend pre-grade meetings and monitor all initial ground disturbing activities up to five feet in depth. Mitigation Measure CUL-1 also includes procedures in the event a potential resource is uncovered. With the implementation of CUL-1, potential impacts related archaeological resources would be reduced to less than significant.

Mitigation Measures:

Mitigation Measure CUL-1: Archaeological Monitoring

Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth. Additionally, tribal monitor(s) shall be required on-site during all ground-disturbing activities.

Archaeological and Native American monitoring and excavation during construction shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.

Upon discovery of any tribal cultural or archaeological resources, construction activities shall be halted within 60 feet of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Geology and Soils

Impact Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (DEIR Page 5.6-10).

The City hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: According to the Geotechnical Investigation prepared for this Project, none of the borings conducted for the geotechnical investigations encountered ground water. Based on to the mapping performed by the County of San Bernardino (Land Use Plan, General Plan, and Geologic Hazard Overlays), and the subsurface conditions encountered at the boring locations, the Geotechnical Investigation concluded that the Project site is not susceptible to liquefaction.

The Geotechnical Investigation includes recommendations that would ensure that the project would be consistent with the California Code of Regulations (CBC) requirements for reducing risk related to liquefaction. Mitigation Measure GEO-1 requires that the Project's building plans incorporate all applicable recommendations of the Geotechnical Investigation and comply with all applicable requirements of the latest adopted version of the CBC. Furthermore, the City of Fontana Building and Safety Department reviews structural plans and geotechnical data prior to issuance of a grading permit and conducts inspections during construction to ensure that all required CBC measures are incorporated. With implementation of Mitigation Measure GEO-1 and the CBC, project impacts related to liquefaction are less than significant.

Mitigation Measures:

PPP GEO-1: BCB Compliance: The project is required to comply with the California Building Standards Code as included in Chapter 5, Article III, Section 6-51 of the Fontana Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be

incorporated into grading plans and building specifications as a condition of construction permit approval.

Mitigation Measure GEO-1: Geotechnical Report Compliance. The Project Applicant/developer shall incorporate the recommendations of the Geotechnical Investigation prepared by Southern California Geotechnical (Appendix G) into Project plans related to the proposed Project. The Project's building plans shall demonstrate that they incorporate all applicable recommendations of the Geotechnical Investigation and comply with all applicable requirements of the latest adopted version of the California Building Code.

Impact Finding: The Project would not 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 (DEIR Page 5.6-12).

The City hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: The Project site and adjacent parcels are relatively flat and do not contain any hills or steep slopes; therefore, no landslides on or adjacent to the project site would occur.

Based on the mapping performed by the County of San Bernardino and the subsurface conditions encountered at the boring locations, the Geotechnical Investigation concluded that the Project site is not susceptible to liquefaction. Therefore, the potential for lateral spreading on the site is considered very low. Additionally, CBC compliance requirements, as ensured through the City's permitting process, would ensure that lateral spreading and liquefaction impacts would be less than significant.

According to the Geotechnical Investigation, an estimated shrinkage potential of four to 14 percent is expected during removal and recompaction of the artificial fill and near-surface native soils. A subsidence of 0.1 feet is estimated to occur within the Project site. However, the risk of subsidence would be minimized through adherence to CBC grading and site preparation recommendations included in the Geotechnical Investigation, such as remedial grading and recompaction of soils. Mitigation Measure GEO-1 requires that the Project follows the recommendations included in the Geotechnical Investigation. Additionally, the Fontana Building and Safety Division requires compliance with CBC as a condition of approval. With implementation of Mitigation Measure GEO-1 and compliance with the requirements of the CBC, impacts related to subsidence would be less than significant.

The Geotechnical Investigation describes that native alluvium soils encountered beneath the artificial fill at all of the boring locations generally possess medium dense to very dense relative densities, with occasional loose soils in the upper five feet. As recommended by the Geotechnical Investigation, the recommended remedial grading would remove all undocumented fill soils, any soils disturbed during site stripping and demolition activities, and a portion of the near-surface native alluvial soils and replace these soils as compacted structural fill. As required by Mitigation Measure GEO-1, the project would comply with all the applicable recommendations of the Geotechnical Investigation and comply with all applicable requirements of the latest adopted version of the CBC. Excavation and recompaction of the artificial fill soils in compliance with the CBC as required through the City's permitting process would ensure that collapse related impacts would be less than significant.

Mitigation Measures:

PPP GEO-1: BCB Compliance: A listed previously.

Mitigation Measure GEO-1: Geotechnical Report Compliance. As listed previously.

Impact Finding: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (DEIR Page 5.6-14).

The City hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding:

The records search did not reveal any previously recorded fossil localities within the Project site. However, the records search did reveal two previous reports conducted in the vicinity of the Project, which identify previously recorded fossil localities within two miles of the Project site. This demonstrated that terrestrial vertebrate fossils occur at shallow depths from Pleistocene older alluvial fan sediments, like those within the Project site, across the Inland Empire. Therefore, the Resources Assessment prepared for the Project concluded that the Project site has a high sensitivity for paleontological resources.

Mitigation Measure PAL-1 requires preparation of a Paleontological Resources Impact Mitigation Program (PRIMP) and that ground disturbing activities at or below 5 feet bgs be monitored to identify and recover any significant fossil remains. With implementation of Mitigation Measure PAL-1, impacts to paleontological resources would be less than significant.

Mitigation Measures:

Mitigation Measure PAL-1: Paleontological Monitoring. Prior to the issuance of grading permits, the Project Applicant/developer shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to conduct monitoring during mass grading and excavation activities in undisturbed Pleistocene alluvial fan sediment, starting at a depth of five feet.

If a fossil(s) is found at shallower depths, earth disturbance activities should be halted within a radius of 50 feet from the location of the fossil, and the approved Project paleontologist shall be consulted to determine the significance of the fossilized remains. If the fossil is deemed significant by the paleontologist, full-time monitoring should be initiated at the Project. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.

Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the San Bernardino County Museum) with permanent curation and retrievable storage. Prior to curation, the City of Fontana shall be consulted on the repository/museum to receive the fossil material.

A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Fontana Planning Department, will signify completion of the program to mitigate impacts to paleontological resources.

Tribal Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) (DEIR Page 5.15-5).

The City hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: On June 2, 2022, a Sacred Lands File (SLF) search and a list of Native American tribes who may have knowledge of cultural resources in the Project area was requested from the Native American Heritage Commission (NAHC). On July 5, 2022, the NAHC responded with a list of Native American tribes and that the SLF search yielded negative results for known tribal cultural resources or sacred lands within a 1-mile radius of the Project site.

On August 24, 2022, the City sent letters to all of the Native American tribes that may have knowledge regarding tribal cultural resources in the Project area. The City consulted with each tribe that requested consultation. During the course of the tribal consultation process, no Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code Section 21074, are present on the Project Site or have been found previously on the Project Site. However, due to the Project Site's location in an area where Native American tribes are known to have a cultural affiliation, there is the possibility that archaeological resources, including tribal cultural resources, could be encountered during ground disturbing construction activities. As such, Project-specific mitigation measure Mitigation Measure CUL-1 would be implemented to require archaeological and Native American monitoring during any ground disturbing activities on the Project site and to avoid potential impacts to tribal cultural resources that may be unearthed by Project construction activities. With implementation of Mitigation Measure CUL-1, impacts to tribal cultural resources would be less than significant.

Mitigation Measures:

Mitigation Measure CUL-1: Archaeological Monitoring. As listed previously.

Impact Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

Resources Code Section 5024.1, that considers the significance of the resource to a California Native American tribe (DEIR 5.15-5 to 5.15-6).

The City hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: The Project site does not meet any of the criteria listed above from PRC Section 5024.1(c). As described in the previous response, there are no resources onsite that meet the criteria for the CRHR. None of the Native American tribes contacted by the City provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code Section 21074, are present on the Project Site or have been found previously on the Project Site. The Project site contains no known resources significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. However, Mitigation Measure CUL-1 is included to require an archaeological and Native American monitor to be present for all ground disturbing activities to monitor for any unexpected resources that may be unearthed during ground disturbing activities. With implementation of Mitigation Measure CUL-1, impacts to a tribal cultural resource would be less than significant.

As discussed in Section 5.4, *Cultural Resources*, in the unlikely event that human remains are encountered during grading or soil disturbance activities, the California Health and Safety Code Section 7050.5 Compliance with the established regulatory framework (i.e., California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, included as PPP CUL-1) would provide that any potential impacts to human remains and tribal cultural resources would be less than significant.

Regulatory Requirements:

PPP CUL-1: Human Remains. If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5. Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the San Bernardino County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Mitigation Measures:

Mitigation Measure CUL-1: Archeological Monitoring. As listed previously.

K. FINDINGS FOR GROWTH INDUCEMENT

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. DEIR Section 6 evaluates the potential for the Project to affect economic or

population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Employment Related Growth

The proposed Project would demolish the existing residences and associated structures and develop a new industrial building totaling approximately 490,565 square feet (SF) on the 19.08-acre site. Because the future tenant of the proposed warehouse is unknown, the number of jobs generated from the operation of the Project cannot be precisely determined. However, based on SCAG's employment generation factors of 1,195 SF of industrial space per employee, implementation of the proposed Project would create up to an additional 411 jobs in Fontana. This employment growth would be a small percentage (2.2%), of SCAG-projected employment growth (18,400 new jobs) in the City of Fontana between 2016 and 2045. Thus, the employment growth that would occur from the Project is within the growth projections used to prepare SCAG's 2020-2045 RTP/SCS.

In addition, the site has been designated for Residential Trucking (R-T) by the City of Fontana General Plan. The proposed Project includes a GPA to change the land use designation of the site from R-T to I-G and a SPA to change the SWIP designation from RTD to SED. Because the Project includes a change from residential use to a non-residential use, the Project is subject to SB 330. SB 330 requires in part that where a development project results in reducing the number of housing units allowed under existing City zoning, the City must identify a way in which an equivalent number of units could be accommodated in the city. As discussed in Section 5.12, *Population and Housing*, the Project would participate in the City's recently adopted "No Net Loss Program" (Ordinance No. 1906) which provides that concurrent with the approval of any change in zone from residential use to a non-residential use, replacement units in the form of a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. By utilizing the City's "No Net Loss Program", the Project would be in compliance with SB 330. However, the potential impacts associated with the construction of this replacement housing are too speculative at this time as it is not known when or where these replacement units would be constructed. Potential impacts associated with the construction of replacement units would be analyzed pursuant to CEQA at the time a project is proposed. Therefore, implementation of the Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere.

Infrastructure Obstacles to Growth

The proposed Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable or to expand the development potential of redevelopment areas.

The proposed Project includes various roadway improvements to accommodate the safe passage and turning movements of the vehicles that would access the site. The Project does not propose roadway extensions into new undeveloped areas that would allow for additional growth and development. The Project also proposes installation of new potable water lines, sewer lines, and stormwater drainage facilities that would connect to surrounding, existing infrastructure in Poplar Avenue and Catawba Avenue in order to accommodate the demands of the Project. The Project would install onsite sewer infrastructure to connect to the existing 8-inch sewer lines in Poplar Avenue and Catawba Avenue including a sewer lift station in the northwest portion of the site to pump flows to the existing point of connection. The proposed infrastructure improvements have

been designed to serve only the demands of the Project. Therefore, the Project would not result in significant growth inducing impacts.

Impacts of Growth

The Project would implement economic activity that would result in an improvement in the jobs-household ratio by providing employment within the housing-rich City of Fontana, which is a benefit of the Project. In addition, the location of the new employment opportunities would be easily accessible from the I-10 and would also accommodate employees in surrounding areas. Further, most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Fontana and surrounding communities. The City of Fontana has an unemployment rate of 3.9 percent and neighboring cities have unemployment rates of 4.6 percent (City of Rialto), and 3.0 percent (City of Rancho Cucamonga) (State Employment Development Department 2023). Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs that would be generated from Project implementation would be filled by people within the City of Fontana and surrounding communities and would not induce an unanticipated influx of new labor into the region or the need for additional housing. Furthermore, the proposed Project would offer space for new manufacturing, research, warehouse, distribution, and light industrial companies. Thus, the Project would not result in the influx of new labor to serve the increased economic activities that would result from implementation of the Project.

L. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

Public Resources Code section 21002 states that “it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Section 15364 of the State CEQA Guidelines defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final Subsequent EIR, the following impacts cannot be fully mitigated to a less than significant level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

Air Quality:

Impact Finding: The Project would conflict with or obstruct implementation of an applicable air quality plan (DEIR Page 5.2-24). Impacts are significant and unavoidable.

Facts in Support of Finding: The SCAQMD’s 2022 AQMP is the applicable air quality plan for the proposed Project site. Pursuant to Consistency Criterion No. 1, the SCAQMD’s 2022 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the

regional population, housing, and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because SCAG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections.

The proposed Project would require a General Plan Amendment (GPA) to change the existing land use designation from Residential Trucking (R-T) to General Industrial (I-G) and a Specific Plan Amendment to change the site's existing SWIP designation from Residential Trucking District (RTD) to Slover East Industrial District (SED). Therefore, buildout of the Project site would be more labor-intensive under the proposed Project than under the existing General Plan and SWIP designations for the site. Accordingly, the 2022 AQMP does not reflect the proposed land use designation for the Project site and buildout of the site would result in greater employment increases than assumed by SCAQ's regional forecast projections and the AQMP growth projections. Therefore, the Project is inconsistent with the SCAQMD 2022 AQMP and would result in an impact related to Criterion No.1.

Overall, because SCAG's regional growth forecasts and the AQMP are based upon land uses designated in general plans, which would change to be more employee-intensive, the Project would result in an exceedance of SCAG's growth projections. Therefore, the proposed Project would result in a conflict with, or obstruct, implementation of the AQMP and impacts would be significant and unavoidable.

8. FINDINGS FOR SIGNIFICANT IRREVERSIBLE EFFECTS

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

As outlined in Section 6.3 of the DEIR, the Project site would be committed to high-cube warehousing and light industrial uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources (although such impacts are considered less than significant for purposes of CEQA) include:

- Changes in views from public vantage points associated with construction of the new building and associated improvements (see DEIR Section 5.1, *Aesthetics*).
- Increased traffic on area roadways (see DEIR Section 5.14, *Transportation*).

- Emissions of air pollutants associated with Project construction and operation (see DEIR Section 5.2, *Air Quality*).
- Consumption of non-renewable energy associated with Project development and operation due to use of trucks (see DEIR Section 5.5, *Energy*).
- Minor increased ambient noise due to operational activities and traffic associated with the Project (see DEIR Section 5.11, *Noise*).
- Construction of the proposed Project as described in Section 3.0, *Project Description*, would require use of energy produced from non-renewable resources and construction materials.

In regard to energy usage from the Project, as demonstrated in the analyses contained in DEIR Section 5.5, *Energy*, the Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during Project development and operation. The Project would incorporate energy-generating and conserving building design features, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments, and City of Fontana Municipal Code Chapter 9, Section V: Industrial Commerce Centers Sustainability Standards, which requires implementation of solar rooftops and other best practices to reduce emissions and energy consumption.

9. FINDINGS REGARDING ALTERNATIVES

Key provisions of the State CEQA Guidelines relating to an alternatives analysis (Section 15126.6 et seq.) are summarized below:

- The discussion of alternatives shall focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more-costly.
- The “No Project” alternative shall be evaluated along with its impact. The “No Project” analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a “rule of reason”; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative if its effects cannot be reasonably ascertained and its implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant project impacts. The range of alternatives

discussed in an EIR is governed by a “rule of reason,” which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

“ . . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.”

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)(1)) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative if its effects could not be reasonably identified and its implementation is remote or speculative.

For purposes of the EIR analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

Alternatives Considered and Rejected

Alternate Site Alternative: An alternate site for the Project was eliminated from further consideration. Based on a review of available sites for sale and the City of Fontana General Plan land use map, there are no other available, undeveloped properties of similar size (19.08 developable acres) that are zoned for industrial uses. There are no suitable sites within the control of the Project applicant. However, in the event land could be purchased of suitable size, the Project could have the same potential impacts to biological resources, cultural resources, paleontological resources, and tribal cultural resources. Additionally, the Project could have the same significant and unavoidable impact related to air quality and consistency with the SCAQMD 2022 AQMP if the potential alternative site requires a GPA or SPA to accommodate the Project; however, if a GPA or SPA is not required, impacts could be lessened to less than significant. Due to the unavailability of undeveloped properties with industrial designation of similar size as the Project site, it is likely that a GPA and/or SPA would be required, and therefore, impacts would remain similar to the proposed Project. Therefore, analysis of an alternative site for the proposed Project is neither meaningful nor necessary, because the impacts and need for mitigation resulting from the proposed Project would not be avoided or substantially lessened by its implementation. Given these reasons, it would be infeasible to develop and operate the Project on an alternate site with fewer environmental impacts while meeting Project objectives. Therefore, the Alternative Site Alternative was rejected from further consideration. (DEIR Page 8-3).

Alternative 2: No Project/Buildout of Existing Land Use Alternative. Under the RTD zone within the SWIP, Open Space/Park is a permitted use. This alternative assumes that all 40 existing single-family residential units that currently occupy the 19.08-acre Project site would be demolished and the site would be developed as 19.08 acres of public park. This alternative would also not require a GPA and/or SPA. For the Project site to be operated as a City park, the properties, which are currently under private ownership, would need to be acquired by the City. Overall, this alternative would also result in less than significant impacts related to cultural

resources, paleontological resources, and tribal cultural resources, and mitigation measures would continue to be required for construction activities. This alternative would likely require some tree removal, similar to the Project; therefore, impacts to biological resources would be less than significant with implementation of mitigation measure BIO-1. Use of the site as public park would result in fewer daily passenger vehicle trips than the proposed Project (according to the ITE 11th edition trip rates, public park would result in 0.78 trips per acre, or approximately 15 daily trips for the alternative). Overall, this alternative would result in fewer impacts than the Project. However, this alternative would fail to meet most of the project objectives and would be infeasible since the property is privately owned and not owned by the City. Therefore, the Buildout of Existing Land Use Alternative was rejected from further consideration. (DEIR Page 8-3).

Alternatives Selected for Analyses

Alternative 1: No Project/No Development Alternative.

This alternative consists of the Project not being approved, and the Project site would remain in its existing condition. The No Project/No Development Alternative allows decision-makers to compare the environmental impacts of approving the proposed Project to the environmental impacts that would occur if the property were to be left in its existing conditions for the foreseeable future. Under the existing conditions, the Project site is undeveloped and vacant. The Project site would continue to be disked for weed abatement. See Section 4, *Environmental Setting*, for additional details and figures regarding the existing conditions at the Project site. Thus, this alternative is intended to meet the requirements of CEQA Guidelines Section 15126.6(e) for evaluation of a no Project alternative. (DEIR Page 8-4).

Ability to Reduce Impacts: The No Project/No Development Alternative would result in continuation of the existing uses within the Project site, and the proposed development would not occur. As a result, this alternative would avoid the need for mitigation measures that are identified in Chapter 5.0 of this DEIR, which include measures related to biological resources, cultural resources, paleontological resources, and tribal cultural resources. This alternative would result in lessened impacts to all 16 of the 16 environmental topics analyzed in the DEIR (DEIR Table 8-3). However, the environmental benefits of the proposed Project would also not be realized including providing jobs onsite that would result in a better jobs-housing balance in Fontana, which is currently considered housing rich. (DEIR Page 8-4 to 8-8).

Ability to Achieve Project Objectives: As shown in DEIR Table 8-4, the No Project/No Development Alternative would not meet any of the Project objectives. (DEIR Page 8-8).

Finding: The City of Fontana finds that the No Project/No Build Alternative is infeasible based on several economic and social factors that do not meet Project Objectives. The No Project/No Development Alternative would not redevelop the Project site to construct a new industrial building that would support warehouse and office uses, would not provide new employment opportunities to the community of Fontana, and would not reduce the need for members of the local workforce to commute outside the Project vicinity to work. The No Project/No Build Alternative fails to meet any of the Project objectives and is rejected on that basis. Thus, the City Council rejects the No Project/No Build Alternative on the following grounds, each of which provide a separate and independent basis for the rejection: (1) the No Project/No Build Alternative would not achieve any

of the economic goals of the City; and (2) the No Project/No Build Alternative fails to meet any of the Project objectives.

Alternative 2: Reduced Project

Under this alternative, development of the Project would result in a 367,924 SF speculative warehouse building. Development under the Reduced Project Alternative would reduce Project square footage by approximately 25 percent, 122,641 fewer square feet. As with the Project, the entire 19.08-acre developable portion of the site would be developed, but the reduced square footage would allow for increased setbacks and truck parking. Areas planned for physical impact on and offsite would be identical to those required for development of the proposed Project.

Infrastructure and circulation improvements would still be required to adequately serve the development; however, stormwater facilities would be sized smaller due to the decrease in impervious areas. Like the proposed Project, this alternative would require a General Plan Amendment to change the land use designation from Residential Trucking (R-T) to General Industrial (I-G) and a Specific Plan Amendment (SPA) to change the Southwest Industrial Park Specific Plan (SWIP) designation from Residential Trucking District (RTD) to Slover East Industrial District (SED). (DEIR Page 8-8).

Ability to Reduce Impacts: All mitigation measures would still be applicable to this alternative; however, this alternative would result in lessened impacts to 6 of the 16 environmental topics analyzed in this DEIR (see Table 8-2). This alternative would not avoid the Project's significant and unavoidable impact related to consistency with the SCAQMD AQMP. (DEIR Page 8-8 to 8-12).

Ability to Achieve Project Objectives: As shown in DEIR Table 8-3, the Reduced Project Alternative would partially meet the majority of Project objectives, but not to the same extent as the proposed Project. This alternative would develop a property, surrounded by existing industrial uses with nearby access to the freeway, by adding employment-generating uses and would attract new businesses and employment. Furthermore, the Reduced Alternative would reduce the need for the local workforce to commute outside of the Project vicinity. This alternative would develop a speculative warehouse building within close proximity to I-10. However, this alternative would not meet the main Project objectives to the extent that the proposed Project would (DEIR Page 8-12).

Finding: The City of Fontana finds that the Reduced Development Footprint Alternative is infeasible based on several economic and social factors. A key consideration for the City is to increase utilization of underutilized parcels and provide high quality employment opportunities. The Reduced Development Footprint Alternative would result in the construction of approximately 25 percent less of warehouse space than the Project. The volume of impacts would be less with the Reduced Intensity Alternative in comparison to the Project. However, all mitigation measures would still be required to reduce potentially significant impacts to less than significant levels. This Alternative would reduce potential impacts related to 6 of the 16 environmental topics analyzed in this DEIR. However, similar to the Project, the impacts would remain less than significant. This alternative would meet most of the Project objectives, but not to the same extent as the proposed Project. Thus, the City Council rejects the Reduced Development Footprint Alternative on the following grounds, each of which provide a separate and independent basis for the rejection: (1) the Reduced Development Footprint Alternative reduces the utilization of the

Project site by reducing the amount of development without eliminating the need for a similar level of mitigation and; (2) the Reduced Development Footprint Alternative fails to meet the Project objectives to the fullest extent.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

Therefore, pursuant to CEQA, because the No Project/No Development Alternative has been identified as the Environmentally Superior Alternative, the Environmentally Superior Alternative among the other alternatives would be Alternative 2: Reduced Project Alternative, which would involve developing the Project site with a 367,924 SF industrial warehouse building.

Alternative 2: Reduced Project Alternative would result in lessened impacts to 6 of the 16 environmental topics analyzed in this EIR. However, this alternative would be required to implement applicable mitigation measures regarding biological resources, cultural resources, geology and soils, and tribal cultural resources. Moreover, the Reduced Project Alternative would not meet the Project objectives to the same extent as the Project.

CEQA does not require the Lead Agency (the City of Fontana) to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the Project, and make findings that the benefits of those considerations outweigh the harm.

10. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Introduction

The City of Fontana is the Lead Agency under CEQA for preparation, review and certification of the EIR for the Poplar South Distribution Center Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed Project. In making this determination the City is guided by CEQA Guidelines Section 15093, Statement of Overriding Considerations, which states:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or

other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed Project against the unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed Project, none of which both meets the Project objectives to the same extent as the Project and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Fontana, as the Lead Agency for this Project, and having reviewed the EIR for the Poplar South Distribution Center Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

B. Overriding Considerations

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse transportation impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the Project, each of which standing alone is sufficient to support approval of the Project, in accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093. The specific economic, legal, social, technological, or other benefits of the Project are as follows:

- The Project's proposed General Plan Amendment and Specific Plan Amendment would make efficient use of the property by adding to its potential for employment-generating uses as well as make the property more consistent and compatible with its surrounding industrial uses that were recently built or recently approved for construction in south Fontana.
- The Project will provide a high-quality industrial building near available infrastructure, including roads and utilities, that will help meet demand for logistics business in the City and surrounding region.
- The Project encourages economic growth and diversity within the City by providing a flexible industrial facility for a business withing to invest in the City.
- The Project will provide a number of temporary construction jobs and approximately 411 permanent jobs once constructed which will positively benefit the jobs-household ratio by providing employment within the housing-rich City of Fontana.

- The Project will provide a variety of employment opportunities in the City of Fontana thereby reducing the need for members of the local workforce to commute outside the area for employment.
- The Project will stimulate regional economic growth while also incorporating a number of plans, programs, policies and mitigation measures that promote environmental sustainability and the preservation of natural resources.

11. ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM

The City has prepared a Mitigation Monitoring and Reporting Program (“MMRP”) pursuant to Section 21081.6 of CEQA, and that MMRP is included in the Final EIR. The MMRP is designed to detail compliance with changes in the Project and Mitigation Measures imposed on the Project throughout Project implementation. The measures in the MMRP are fully enforceable through permit conditions, agreements, or other measures.

Pursuant to CEQA Section 21081.6, the City Council hereby adopts the MMRP attached to Final EIR. Implementation of the Mitigation Measures contained in the MMRP is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth herein and the MMRP, the MMRP shall control.

12. CONCLUSION

The City Council finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 has been received by the City after circulation of the Draft EIR which would require recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings, including but not limited to the findings and conclusions reached herein.

EXHIBIT B

**TABLE 4-1: MITIGATION MONITORING AND REPORTING PROGRAM
SOUTH POPLAR DISTRIBUTION CENTER PROJECT EIR**

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AIR QUALITY			
<p>PPP AQ-1: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> - All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. - The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. - The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less. 	In construction plans and specifications. Prior to grading and building permits.	City of Fontana Building & Safety Department	
<p>PPP AQ-2: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	In construction plans and specifications. Prior to building permits.	City of Fontana Building & Safety Department	
<p>PPP AQ-3: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	In construction plans and specifications. During Project operation. Prior to grading and building permits.	City of Fontana Building & Safety Department	
<p>PPP AQ-4: Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. The Project is required to obtain a permit from SCAQMD for the proposed diesel fire pump and would be required to comply with Rule 1470, regulating the use of diesel-fueled internal combustion engines.</p>	In construction plans and specifications. During Project operation. Prior to grading and building permits.	City of Fontana Building & Safety Department and SCAQMD	
BIOLOGICAL RESOURCES			

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and San Bernardino County Environmental Planning & Maintenance Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.	Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Within 3 days of vegetation removal.	City of Fontana Planning Department, qualified biologist and San Bernardino County Environmental Planning & Maintenance Division	
PPP BIO-1: California Fish and Game Code, Sections 3503.5, 3511, 3515. Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Activities that result in the abandonment of an active bird of prey nest may also be considered in violation of this code. In addition, California Fish and Game Code, Section 3511 prohibits the taking of any bird listed as fully protected, and California Fish and Game Code, Section 3515 states that it is unlawful to take any non-game migratory bird protected under the MBTA.	In construction plans and specifications. During Project construction activities.	City of Fontana Planning Department and qualified biologist	
CULTURAL RESOURCES			
Mitigation Measure CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for	Retain archaeological monitor and submit letter. Prior to the issuance of the first grading permit.	City of Fontana Planning Department.	

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth. Additionally, tribal monitor(s) shall be required on-site during all ground-disturbing activities.</p> <p>Archaeological and Native American monitoring and excavation during construction shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.</p> <p>Upon discovery of any tribal cultural or archaeological resources, construction activities shall be halted within 60 feet of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.</p> <p>Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p>			
<p>PPP CUL-1: Human Remains. If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5. Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the San Bernardino County Coroner has made</p>	<p>In construction plans and specifications. During construction activities.</p>	<p>City of Fontana Planning Department</p>	

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.</p>			
ENERGY			
<p>PPP E-1: CalGreen Compliance: The Project is required to comply with the CalGreen Building Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of Fontana Building & Safety Department</p>	
GEOLOGY AND SOILS			
<p>PPP GEO-1: CBC Compliance. The project is required to comply with the California Building Standards Code as included in Chapter 5, Article III, Section 6-51 of the Fontana Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be incorporated into grading plans and building specifications as a condition of construction permit approval.</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of Fontana Building & Safety Department</p>	
<p>MM PAL-1: Paleontological Monitoring. Prior to the issuance of grading permits, the Project Applicant/developer shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to conduct monitoring during mass grading and excavation activities in undisturbed Pleistocene alluvial fan sediment, starting at a depth of five feet.</p> <p>If a fossil(s) is found at shallower depths, earth disturbance activities should be halted within a radius of 50 feet from the location of the fossil, and the</p>	<p>Retain Paleontologist and submit PRIMP to city. Prior to grading and building permits.</p>	<p>City of Fontana Planning Department</p>	

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>approved Project paleontologist shall be consulted to determine the significance of the fossilized remains. If the fossil is deemed significant by the paleontologist, full-time monitoring should be initiated at the Project. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.</p> <p>Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the San Bernardino County Museum) with permanent curation and retrievable storage. Prior to curation, the City of Fontana shall be consulted on the repository/museum to receive the fossil material.</p> <p>A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Fontana Planning Department, will signify completion of the program to mitigate impacts to paleontological resources.</p>			
GREENHOUSE GAS EMISSIONS			
<p>PPP GHG-1: City of Fontana's Industrial Commerce Centers Sustainability Standards. Prior to issuance of a business license, the City of Fontana Planning Director shall ensure that the proposed Project implements the requirements set forth in the City of Fontana's Industrial Commerce Centers Sustainability Standards that are applicable to the Project.</p>	Prior to issuance of business license.	City of Fontana Planning Department	
HAZARDS AND HAZARDOUS MATERIALS			

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
PPP HAZ-1: SCAQMD Rule 1403. Prior to issuance of a Demolition Permit, the Project Applicant/Developer shall submit verification to the County Building Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos is found, the Project Applicant/Developer shall follow all procedural requirements and regulations of SCAQMD 1403. Rule 1403 regulations require the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	Prior to issuance of a demolition permit.	City of Fontana Planning Department and County Building Division	
PPP HAZ-2: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the project developed as required by the County of San Bernardino's Hazardous Materials Division in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.	In construction plans and specifications. During construction.	City of Fontana Planning Department	
PPP HAZ-3: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The San Bernardino County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Materials Release Response Plans and Inventory Program, (2) California Accidental Release Prevention (CalARP) Program, (3) Aboveground Petroleum Storage Act Program, and (4) UST Program (5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs (6) Hazardous Materials Management Plan and Hazardous Material Inventory Statement Program.	In construction plans and specifications. During construction.	City of Fontana Planning Department	
HYDROLOGY AND WATER QUALITY			
PPP HYD-1: Comply with NPDES. Since this Project is one acre or more, the permit holder shall comply with all of the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) and shall conform	In construction plans and specifications. Prior to	City of Fontana Planning Department	

Plan, Policy, Program / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
to NPDES Best Management Practices for Stormwater Pollution Prevention Plans during the life of this permit.	grading and building permits.		
PPP HYD-2: NPDES/SWPPP. Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of submitting a Notice of Intent (NOI), develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	In construction plans and specifications. Prior to grading and building permits.	City of Fontana Planning Department	
PPP HYD-3: WQMP. Pursuant to City Municipal Code Section 30-526, Infrastructure, the Project Applicant shall prepare a Water Quality Management Plan (WQMP) that is consistent with the San Bernardino County Flood Control District Standards and follows the WQMP guidance.	In construction plans and specifications. Prior to grading and building permits.	City of Fontana Planning Department	
NOISE			
PPP NOI-1: Construction Noise. As required by Fontana Municipal Code Section 18-63(b)(7), construction activities shall only take place between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. Construction activities conducted outside of these hours would require previous approval from the City of Fontana.	In construction plans and specifications. During construction activities.	City of Fontana Planning Department	
PUBLIC SERVICES			
PPP PS-1: School Impact Fees. Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall provide payment of the appropriate fees set forth by the Fontana Unified School District related to the funding of school facilities pursuant to Government Code Section 65995 et seq.	Prior to the issuance of certificate of occupancy or prior to building permit final inspection	City of Fontana Planning Department	