

**RESOLUTION NO. 2018-096**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2016021099) FOR THE FONTANA GENERAL PLAN UPDATE 2015-2035; ADOPTING ENVIRONMENTAL FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.**

**WHEREAS**, the City of Fontana (the “City”) proposes the Fontana General Plan Update 2015-2035 (the “Project” or the “General Plan Update”), an update to the City’s existing General Plan;

**WHEREAS**, the City proposed the General Plan Update after collaborating with the City’s residents and business owners to establish a vision and blueprint for development in the City through the proposed General Plan Update horizon year of 2035; and

**WHEREAS**, pursuant to Public Resources Code section 21067 of the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.; “CEQA”), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and the City’s Local CEQA Guidelines, the City is the lead agency for the proposed General Plan Update; and

**WHEREAS**, pursuant to CEQA and the State CEQA Guidelines, the City determined that a programmatic Environmental Impact Report (“EIR”) should be prepared in order to analyze all potential adverse environmental impacts that could potentially result from the adoption and implementation of the proposed General Plan Update; and

**WHEREAS**, the City issued a Notice of Preparation (“NOP”) of a Draft EIR (“DEIR”) for the proposed General Plan Update on or about February 29, 2016, and circulated the NOP for a 30-day public review period; and

**WHEREAS**, in the NOP, the City solicited comments from various public agencies, other entities, and members of the public; and

**WHEREAS**, on March 10, 2016, the City held a public scoping session meeting to further solicit comments on the scope of the EIR; and

**WHEREAS**, on or about June 9, 2018, the City initiated a 45-day public review and comment period of the DEIR for the proposed General Plan Update and released the DEIR for public review and comment; and

Resolution No. 2018-096

**WHEREAS**, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during this 45-day public review and comment period; and

**WHEREAS**, during the public comment period, copies of the DEIR were available for review and inspection at the following five locations: (1) City of Fontana, Community Development Department - Planning Division, 8353 Sierra Avenue, Fontana, CA 92335; and (2) Fontana Lewis Library and Technology Center, 8437 Sierra Avenue, Fontana, CA 92335; (3) Don Day Community Center, 14501 Live Oak Avenue, Fontana, CA 92337; (4) Fontana Community Senior Center, 16710 Ceres Avenue, Fontana, CA 92335 and (5) Jessie Turner Neighborhood Center, 15556 Summit Avenue, Fontana, CA 92336; and

**WHEREAS**, the City received eight (8) letters, emails, or telephone calls regarding the DEIR, including five letters from federal, state, regional, or local agencies and three letters from community or conservation organizations during the 45-day public review and comment period; and

**WHEREAS**, on or about August 21, 2018 the Planning Commission held a hearing on the proposed General Plan Update and verbal comments were made by six (6) individuals; and

**WHEREAS**, the City has prepared a Final EIR, which includes the comments received during the 45-day public review and comment period on the DEIR, written responses to those comments, and revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall hereinafter refer to the Draft EIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

**WHEREAS**, on September 12, 2018, the City, its expert consultant, and counsel with the City Attorney, met with a representative of the California Attorney General's Office with regards to the Environmental Justice goals and policies contained in the General Plan Update; and

**WHEREAS**, on September 25, 2018, the City Council's hearing on the General Plan Update and Final EIR were continued until November 13, 2018 so that staff could continue to discuss the Environmental Justice goals and policies contained in the General Plan Update with the California Attorney General's Office; and

**WHEREAS**, on October 8, 2018, the City released an Environmental Justice Component to be included in the General Plan Update as "Appendix Six" and noticed a Community Meeting for October 15, 2018 to take comments and questions on that Appendix Six; and

Resolution No. 2018-096

**WHEREAS**, on October 15, 2018, staff held a Community Meeting to take comments and questions on Appendix Six ; and

**WHEREAS**, all comments and questions received at the October 15, 2018 Community Meeting have been addressed in the Staff Report for the City Council's November 13, 2018 hearing on the proposed General Plan Update; and

**WHEREAS**, on November 13, 2018, the City Council held a public hearing on the proposed General Plan Update, at which all persons wishing to testify were heard; and

**WHEREAS**, the environmental impacts identified in the EIR that result in no impact or constitute a less than significant impact and do not require mitigation are described in **Section 3** hereof; and

**WHEREAS**, the environmental impacts identified in the EIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the incorporation of feasible Mitigation Measures identified in the EIR and set forth herein, are described in **Section 4** hereof; and

**WHEREAS**, a discussion regarding the proposed General Plan Update's potential cumulative impacts, if any, is provided in **Section 5** hereof; and

**WHEREAS**, a discussion regarding the significant and irreversible environmental changes, if any, that could potentially result from the proposed General Plan Update, but which would be largely mitigated, is provided in **Section 6** hereof; and

**WHEREAS**, a discussion regarding potential growth-inducing impacts, if any, resulting from the proposed General Plan Update is provided in **Section 7** hereof; and

**WHEREAS**, a discussion regarding alternatives to the proposed General Plan Update is provided in **Section 8** hereof; and

**WHEREAS**, the Mitigation Monitoring and Reporting Program setting forth the mitigation measures to which the City shall bind itself in connection with the proposed General Plan Update, is adopted in **Section 9** below, and is attached under separate cover; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the 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 Council and is deemed adequate for purposes of making decisions on the merits of the proposed General Plan Update; and

Resolution No. 2018-096

**WHEREAS**, the City has not received any comments or additional information, including but not limited to the October 8, 2018 Environmental Justice Component proposed to be included in the General Plan Update as Appendix Six, that constituted substantial new information requiring recirculation under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

**WHEREAS**, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

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

**THE CITY COUNCIL OF THE CITY OF FONTANA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1: RECITALS**

The recitals above are true and correct and are incorporated into this Resolution by reference as findings of fact.

**SECTION 2: SUMMARY OF FINDINGS**

At a session assembled on November 13, 2018, the City Council determined that, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the proposed General Plan Update are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures.

**SECTION 3: FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION**

Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the City Council hereby finds that the proposed General Plan Update would either have no impact or a less than significant impact to the following resource areas:

**A. AESTHETICS**

Resolution No. 2018-096

**1. Scenic Vistas**

Threshold: Would the proposed Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant impact. (DEIR, p. 5.1-7.)

Explanation: The northern and southern portions of the City have direct lines of sight to the San Gabriel Mountains and the Jurupa Hills, respectively, and the EIR analyzes the proposed General Plan Update's potential impacts to these scenic resources. The proposed General Plan Update would result in a less than significant effect on these scenic vistas because master planned communities developed in the north and the south of the City through the specific plan process since the 1980s are not expected to experience substantial land use changes over the next 20 years, as these areas are built out. View sheds in these areas will be largely unaffected by the implementation of the proposed General Plan Update, since few deviations in land use patterns are proposed in these areas. Proposed changes include enhancing connections to local destinations (e.g., parks, schools, retail centers) through safe pedestrian and bicycle routes, as well as walking trails. Such changes would be implemented at ground level and, therefore, would not interrupt views of the scenic resources to the north and south (namely, the mountains and hills). In addition, open spaces in these areas would be preserved, thereby eliminating the potential for structural development to obscure view sheds (only structures related to the management of resources would be permitted). Furthermore, the proposed General Plan Update's land use goals, policies, and actions will ensure that existing open space resources will be preserved. (DEIR, pp. 5.1-6 through 5.1-7.)

For the above-discussed reasons and the reasons discussed in the EIR, the proposed General Plan Update will result in a less than significant impact on scenic vistas, and no mitigation is thus required. (DEIR, pp. 5.1-6 through 5.1-7.)

**2. Scenic Resources within State Scenic Highways**

Threshold: Would the proposed Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and/or local scenic road?

Finding: Less than significant impact. (DEIR, p. 5.1-9.)

Explanation: There are no officially designated or eligible scenic highways within or adjacent to the City. Accordingly, and for the reasons further discussed in the EIR, implementation of the proposed General Plan Update would result in a less than significant impact to scenic resources within a state scenic highway, and no mitigation is required. (DEIR, pp. 5.1-8 through 5.1-9.)

**3. Existing Visual Character and Surroundings**

Resolution No. 2018-096

Threshold: Would the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings?

Finding: Less than significant impact. (DEIR, p. 5.1-15.)

Explanation: The proposed Project would allow for infill, redevelopment, and new construction which could alter – but not degrade – the visual character in areas in which that development would occur. The Land Use, Zoning, and Urban Design Element of the proposed General Plan Update provides specific strategies and recommendations to ensure that urban design applied to new and existing development would be visually appealing and compatible with existing development, and would enhance connectivity throughout the City. While the visual character could change with implementation of the proposed General Plan Update (e.g., infill development where no structures currently exist; new mixed-use development on underutilized land), such changes would be a beneficial aesthetic impact and an improvement to the views within the City, rather than an adverse impact.

Furthermore, few significant changes are expected in the land use patterns in the north and south of the City, and any changes will continue to be governed by the land use regulations and development standards for these areas. No changes are proposed to open space uses in the City.

Moreover, policies and actions included in the Land Use, Zoning, and Urban Design Element, the Community and Neighborhoods Element, and the Downtown Area Plan are consistent with the principles and goals stated in the General Plan Update for those chapters. Additionally, urban design that will shape the character of new construction for infill, redevelopment, and new development would be guided by the policies and actions in the General Plan Update, as well as the City's Zoning and Development Code.

While the proposed General Plan Update will not result in any significant aesthetic impact, the proposed General Plan Update incorporates a guide and performance standard that serves to minimize potential aesthetic impacts during construction of future projects pursuant to the proposed General Plan Update. As noted in the EIR:

*While no significant aesthetics impacts have been identified that require mitigation to less than significant levels, the following mitigation measures are considered as best practices to be applied to future projects, as necessary, to reduce impacts to less than significant levels. The following list of mitigation measures is not all inclusive of mitigation measures that may be adopted for future projects but serve as a guide and performance standards that constitute the minimum level of measures to reduce environmental impacts to acceptable levels.*

Resolution No. 2018-096

***MM-AES-1*** For future development associated with the project located in or adjacent to residentially zoned property, the following General Condition of Approval shall be imposed: Construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site to the extent practical. Staging areas shall be screened from view from residential properties with solid wood fencing or green fence. Construction worker parking may be located off-site with approval of the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the project site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

For the foregoing reasons and the reasons discussed in the EIR, the proposed General Plan Update will have a less than significant impact on the existing visual character and quality of the City and its surroundings, and no mitigation is needed. (DEIR, pp. 5.1-10 through 5.1-15.)

**4. Light and Glare**

Threshold: Would the proposed Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Finding: Less than significant impact. (DEIR, p. 5.1-16.)

Explanation: While the proposed General Plan Update could result in the creation of new light sources, the proposed General Plan Update would not create a new source of light or glare that would adversely affect daytime or nighttime views in the area.

Development resulting from implementation of the proposed General Plan Update would create new light sources in areas that were previously vacant or underutilized, and additional sources of light in previously developed areas in which infill or redevelopment occurred. New light sources are expected to be in the form of exterior building and signage illumination, street lighting, lighting associated with new transit shelters, and security lighting in parks and on trails. The light associated with increased vehicle traffic (i.e., headlights) in areas that were previously vacant also could be a new source of light and glare.

However, given the City's urbanized character and associated light and glare sources that currently exist, and given that development under the proposed General Plan Update would largely be located adjacent to existing development with light and

Resolution No. 2018-096

glare sources, development under the proposed General Plan Update would represent a continuation of existing lighting conditions that would be substantially similar to existing conditions. Moreover, future development in the City would be required to comply with existing City regulations relative to light and glare to address light and glare impacts to adjacent properties. For example, City regulations require lights be directed and shielded to prevent light and glare from spilling over onto adjacent properties (thereby avoiding an adverse effect), and lighting design must be compatible with the architectural style of related buildings. (DEIR, pp. 5.1-15 through 5.1-16.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.1-15 through 5.1-16.)

**B. AGRICULTURAL AND FORESTRY RESOURCES**

**1. Farmland Conversion**

Threshold: Would the proposed Project result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural land use?

Finding: No impact. (DEIR, p. 7-10.)

Explanation: The City's Resource Area (OS-R) zoning district includes agricultural land, which accounts for approximately 332 acres (less than 2%) of the Project area. The proposed General Plan Update does not propose any changes to this land use or the associated zoning code. Accordingly, no impact would result from implementation of the proposed General Plan Update. (DEIR, p. 7-10.)

**2. Agricultural Zoning**

Threshold: Would the proposed Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No impact. (DEIR, p. 7-10.)

Explanation: The City's Resource Area (OS-R) zoning district includes agricultural land, which accounts for approximately 332 acres (less than 2%) of the Project area. The proposed General Plan Update does not propose any changes to this land use or the associated zoning code. Accordingly, no impact would result from implementation of the proposed General Plan Update. (DEIR, p. 7-10.)

**3. Forestland Zoning**

## Resolution No. 2018-096

Threshold: Would the proposed Project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

Finding: No impact. (DEIR, p. 7-10.)

Explanation: No portion of the City is designated or zoned (or proposed to be designated or zoned) as forest land or timberland. Accordingly, the proposed General Plan Update would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 511104(g)). (DEIR, p. 7-10.)

### **4. Loss of Forest Land**

Threshold: Would the proposed Project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No impact. (DEIR, p. 7-10.)

Explanation: As discussed above, there are no areas of forest lands in the City. Therefore, no significant impacts would occur from the implementation of the proposed General Plan Update, and no mitigation is required. (DEIR, p. 7-10.)

### **5. Conversion**

Threshold: Would the proposed Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Finding: No impact. (DEIR, p. 7-10.)

Explanation: The City's Resource Area (OS-R) zoning district includes agricultural land, which accounts for approximately 332 acres (less than 2%) of the Project area. The proposed General Plan Update does not propose any changes to this land use or the associated zoning code. Additionally, no portion of the City is designated or zoned (or proposed to be designated or zoned) as forest land or timberland. Given the above, no impact would result from implementation of the proposed General Plan Update. (DEIR, p. 7-10.)

## **C. AIR QUALITY**

### **1. Applicable Air Quality Plans**

Threshold: Would the proposed Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less than significant impact. (DEIR, p. 5.2-21.)

## Resolution No. 2018-096

Explanation: The proposed General Plan Update would not conflict with or obstruct implementation of the 2016 Air Quality Management Plan (“AQMP”), the applicable air quality plan. Pursuant to the methodology provided in Chapter 12 of the 1993 South Coast Air Quality Management District (“SCAQMD”) CEQA Air Quality Handbook, consistency with the 2016 AQMP is affirmed when a project: (1) does not increase the frequency or severity of an air quality standards violation or cause a new violation and (2) is consistent with the growth assumptions in the AQMP.

Here, the proposed General Plan Update itself will not increase the frequency or severity of an air quality standards violation or cause a new violation because the proposed General Plan Update represents a programmatic proposal and would not directly result in construction of any development or infrastructure.

Moreover, while implementation of the proposed General Plan Update may not be consistent with the growth projections utilized in the 2016 AQMP, implementation of the proposed General Plan Update is expected to improve air quality in the area. Specifically, the 2016 AQMP long-term emissions inventory is based on the growth and land use projections included in the Southern California Association of Governments’ (SCAG) 2016 Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS). According to the RTP/SCS, by 2040, the City of Fontana is projected to have a population of 280,900. With implementation of the General Plan Update, the City of Fontana planning area is estimated to grow to a total population of 315,852. This is an approximately 12% increase compared to the population forecast assumed in the RTP/SCS and has the potential to be inconsistent with the 2016 AQMP. However, the land use modifications and policies proposed as part of the proposed General Plan Update would result in an approximately 19% reduction in per capita vehicle miles traveled compared to 2040 buildout of the existing General Plan. Despite the projected population growth (including employment) associated with the General Plan Update, daily total vehicle miles traveled within the planning area would be reduced from 12,880,405 to 11,679,397, or an approximately 9% reduction.

The emissions inventory in the 2016 AQMP demonstrates that mobile source vehicle emissions represents the single largest category and approximately 56% of all emissions in the South Coast Air Basin (“SCAB”), where the City is located. As a result, the 9% reduction in daily total vehicle miles traveled under buildout for the proposed General Plan Update would have a substantial reduction in mobile source vehicle emissions which are the single largest contributor of criteria air pollutants in the SCAB.

While implementation of the proposed General Plan Update would result in projected population growth that exceeds the population estimates considered in the RTP/SCS, a considerable reduction of per capita and total criteria air pollutant emissions would occur compared to existing conditions. These emissions reductions would occur as a result of the proposed land use modifications and policies that would substantially decrease vehicle miles travelled within the City. The reduction in emissions from implementation of the proposed General Plan Update would be achieved despite the projected population growth.

## Resolution No. 2018-096

Moreover, while the proposed General Plan Update will not result in any significant air quality impacts that need to be mitigated, the proposed Project incorporates a series of guides and performance standards that serve to minimize air quality impacts. As noted in the EIR:

*While no significant air quality impacts have been identified that require mitigation to less than significant levels, the following mitigation measures are considered as best practices to be applied to future projects, as necessary. The following list of mitigation measures is not all inclusive of mitigation measures that may be adopted for future projects but serve as a guide and performance standards that constitute the minimum level of measures to reduce environmental impacts to acceptable levels.*

**MM-AQ-1** *In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant/developer and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.*

**MM-AQ-2** *To reduce energy demand associated with potable water conveyance, future projects shall implement the following, as applicable:*

- *Landscaping palette emphasizing drought tolerant plants*
- *Use of water-efficient irrigation techniques*
- *U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads*

**MM-AQ-3** *Future projects shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations).*

**MM-AQ-4** *The applicant/developer shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.*

**MM-AQ-5** *To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of*

## Resolution No. 2018-096

*diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP [On-Road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-In for NO<sub>x</sub>] funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.*

**MM-AQ-6** *The applicant/developer shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on such cleaning products.*

**MM-AQ-7** *All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.*

**MM-AQ-8** *In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.*

**MM-AQ-9** *All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City of Fontana verification. The following additional measures, as determined applicable by the City Engineer, shall be included as conditions of the Grading Permit issuance:*

- *Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
- *Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
- *Reroute construction trucks away from congested streets or sensitive receptor areas.*
- *Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.*

## Resolution No. 2018-096

- *Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.*
- *Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO<sub>x</sub> and PM emissions requirements.*
- *During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:*
  - *January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.*
  - *Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for similarly sized engine as defined by CARB regulations.*
  - *A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.*

**MM-AQ-10** *Prior to the issuance of any grading permits, all Applicants shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City Planning Staff.*

**MM-AQ-11** *All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Specifically, the following measures shall be implemented, as feasible:*

## Resolution No. 2018-096

- *Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.*
- *Construct or build with materials that do not require painting.*
- *Require the-use of pre-painted construction materials.*

**MM-AQ-12** *Projects that result in the construction of more than 19 single-family residential units, 40 multifamily residential units, or 45,000 square feet of retail/commercial/industrial space shall be required to apply paints either by hand or high volume, low pressure (HVLP) spray. These measures may reduce volatile organic compounds (VOC) associated with the application of paints and coatings by an estimated 60 to 75 percent. Alternatively, the contractor may specify the use of low volatility paints and coatings. Several of currently available primers have VOC contents of less than 0.85 pounds per gallon (e.g., Dulux professional exterior primer 100 percent acrylic). Top coats can be less than 0.07 pounds per gallon (8 grams per liter) (e.g., Lifemaster 2000-series). This latter measure would reduce these VOC emissions by more than 70 percent. Larger projects should incorporate both the use of HVLP or hand application and the requirement for low volatility coatings.*

**MM-AQ-13** *All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.*

**MM-AQ-14** *Prior to the issuance of grading permits or approval of grading plans for future development projects within the project area, future developments shall include a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following:*

- *Phase and schedule activities to avoid high-ozone days and first-stage smog alerts.*
- *Discontinue operation during second-stage smog alerts.*
- *All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas.*
- *Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.*
- *Moisten soil each day prior to commencing grading to depth of soil cut.*
- *Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site.*
- *Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.*
- *Wash mud-covered tires and under carriages of trucks leaving construction sites.*

Resolution No. 2018-096

- *Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.*
- *Securely cover all loads of fill coming to the site with a tight-fitting tarp.*
- *Cease grading during periods when winds exceed 25 miles per hour.*
- *Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.*
- *Use low-sulfur diesel fuel in all equipment.*
- *Use electric equipment whenever practicable.*
- *Shut off engines when not in use.*

**MM-AQ-15** *All industrial and commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes.*

**MM-AQ-16** *The City of Fontana shall require that both industrial and commercial uses designate preferential parking for vanpools.*

**MM-AQ-17** *The proposed commercial and industrial areas shall incorporate food service.*

**MM-AQ-18** *All industrial and commercial site tenants with 50 or more employees shall be required to post both bus and Metrolink schedules in conspicuous areas.*

**MM-AQ-19** *All industrial and commercial site tenants with 50 or more employees shall be requested to configure their operating schedules around the Metrolink schedule to the extent reasonably feasible.*

**MM-AQ-20** *All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.*

**MM-AQ-21** *All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping.*

**MM-AQ-22** *All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.*

**MM-AQ-23** *Prior to approval of future development projects within the project area, the City of Fontana shall conduct project-level environmental review to determine potential vehicle emission impacts associated with the project(s). Mitigation measures shall be developed for each project as it is considered to mitigate potentially significant impacts to the extent feasible. Potential mitigation measures may require that facilities with over 250 employees (full or part-time employees at a worksite for a consecutive six-month period calculated as a monthly average), as required by the Air Quality Management Plan, implement*

## Resolution No. 2018-096

*Transportation Demand Management (TDM) programs.*

**MM-AQ-24** *New warehouse facilities or distribution centers that generate a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week shall not be located closer than 1,000 feet from any existing or proposed sensitive land use such as residential, a hospital, medical offices, day care facilities, and/or fire stations (pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook), unless the increase in health risk for such sensitive receptors due to an individual project is shown to be less than the South Coast Air Quality Management District's thresholds of significance (Maximum Incremental Cancer Risk  $\geq 10$  in 1 million; Cancer Burden  $> 0.5$  excess cancer cases [in areas  $\geq 1$  in 1 million]; and Chronic & Acute Hazard Index  $\geq 1.0$  [project increment]). With regard to expansions/modifications of existing warehouse facilities or distribution centers, this mitigation measure shall be applied to the resulting incremental net increase in truck trips or TRU operations, and any resulting net increase in health risk impacts, as compared to those existing at the time an expansion/modification project is proposed.*

(DEIR, pp. 5.2-31 through 5.2-35.) MM-AQ-1 through MM-AQ-24 shall hereinafter collectively be referred to as "Air Quality Guides and Performance Standards."

For the foregoing reasons and the reasons discussed in the EIR, implementation of the proposed General Plan Update would be consistent with the AQMP and impacts would be less than significant. (DEIR, pp. 5.2-19 through 5.2-21.)

## 2. Air Quality Standards

Threshold: Would the proposed Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Less than significant impact. (DEIR, p. 5.2-25.)

Explanation: Implementation of the proposed General Plan Update would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. To the contrary, air pollutant emissions under the proposed General Plan Update, in comparison to the 2003 General Plan, would result in an estimated reduction in all criteria air pollutants with the exception of PM<sub>2.5</sub>. The estimated increase of 6.28 pounds per day of PM<sub>2.5</sub> emissions, however, are below the applicable SCAQMD threshold of significance of 55 pounds per day. Moreover, the proposed General Plan Update will result in a substantial reduction in emissions associated with the reduction in vehicle miles traveled achieved by the proposed goals and policies of the proposed General Plan Update. (DEIR, pp. 5.2-21 through 5.2-25.)

As discussed above, the proposed Project also incorporates the Air Quality Guides and Performance Standards (MM-AQ-1 through MM-AQ-24) to minimize any potential air quality impacts.

## Resolution No. 2018-096

For the reasons discussed above and in the EIR, the proposed General Plan Update would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Potential impacts would therefore be less than significant. (DEIR, pp. 5.2-21 through 5.2-25.)

### 3. Cumulative Increase of Criteria Pollutant

Threshold: Would the proposed Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Finding: Less than significant impact. (DEIR, p. 5.2-25.)

Explanation: The South Coast Air Basin is currently in nonattainment status for O<sub>3</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>. Compared to the 2003 General Plan, the proposed General Plan Update would reduce long-term criteria air pollutant emissions for O<sub>3</sub>, PM<sub>10</sub> and all other long-term criteria air pollutant emissions with the exception of PM<sub>2.5</sub>. The estimated increase of 6.28 pounds per day of PM<sub>2.5</sub> emissions, however, are below the applicable SCAQMD threshold of significance of 55 pounds per day.

As discussed above, the proposed General Plan Update also incorporates the Air Quality Guides and Performance Standards (MM-AQ-1 through MM-AQ-24) to minimize any potential air quality impacts.

For the foregoing reasons and the reasons discussed in the EIR, the proposed General Plan Update is thus not anticipated to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Potential impacts would therefore be less than significant. (DEIR, p. 5.2-25.)

### 4. Exposure of Substantial Pollutant Concentrations to Sensitive Receptors

Threshold: Would the proposed Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant impact. (DEIR, p. 5.2-30.)

Explanation: The proposed General Plan Update would not authorize any specific construction. Future development associated with buildout of the proposed General Plan Update would be required to prepare an air quality impact analysis for individual development projects where possible emissions could impact sensitive receptors. Such analyses would include project-specific mitigation measures, as appropriate. As discussed above, the proposed General Plan Update also incorporates the Air Quality Guides and Performance Standards (MM-AQ-1 through MM-AQ-24) to minimize any potential air quality impacts. Moreover, future construction activities will be subject to routine control measures as required by SCAQMD Rules 402, 403, 1108,

Resolution No. 2018-096

and 1113.

The proposed General Plan Update, if implemented, could result in the addition of 377 acres of new industrial land use compared to the current General Plan. However, the heaviest industrial land uses, which most commonly contribute to toxic air contaminants, are concentrated in the southwest corner of the City in areas designated for industrial development and away from sensitive receptors, such as residential areas. The City also has policies in place restricting the location of residences near heavy industrial areas.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.2-28 through 5.2-30.)

**5. Objectionable Odors**

Threshold: Would the proposed Project create objectionable odors affecting a substantial number of people?

Finding: Less than significant impact. (DEIR, pp. 5.2-30 through 5.2-31.)

Explanation: The proposed General Plan Update would not authorize any specific construction. Moreover, under the proposed General Plan Update, the heaviest industrial land uses, which most commonly contribute to odors, are concentrated in the southwest corner of the City in areas designated for industrial development and away from sensitive receptors, such as residential areas. The City also has policies in place restricting the location of residences near heavy industrial areas.

With regards to future development that may arise with implementation of the proposed General Plan Update, any future potential sources of odors would have to be considered in light of potential impacts to surrounding land uses. Pursuant to existing environmental regulations, projects would be evaluated on a case-by-case basis with regard to potential impacts related to odors. While siting is the primary way to prevent exposure to odors, odors can also be mitigated in similar fashion to air pollutant emissions (e.g., filtering). Moreover, as discussed above, the proposed General Plan Update also incorporates the Air Quality Guides and Performance Standards (MM-AQ-1 through MM-AQ-24) to minimize any potential air quality impacts.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.2-30 through 5.2-31.)

**D. BIOLOGICAL RESOURCES**

**1. Riparian Habitat**

Threshold: Would the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans,

## Resolution No. 2018-096

policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Finding: No impact. (DEIR, p. 5.3-48.)

Explanation: The California Natural Diversity Database (“CNDDDB”) inventories occurrences of rare, threatened, endangered, and sensitive animals, plants, and natural communities in California. The CNDDDB identified five sensitive natural communities within the Planning Area: California Walnut Woodland, Coastal and Valley Freshwater Marsh, Riversidean alluvial fan sage scrub, Southern Riparian Forest, and Southern Sycamore Alder Riparian Woodland. These communities and remaining natural riparian habitat all occur within portions of the San Gabriel Mountains foothills and Jurupa Hills to the north and south of the City, respectively. Goal 1 of the proposed General Plan Update element governing Conservation, Open Space, Parks, and Trails, however, is to continue to preserve sensitive natural open space in the foothills of the San Gabriel mountains and Jurupa Hills. (DEIR, p. 5.3-45.)

Moreover, while the proposed General Plan Update will not result in any substantial adverse effect on any riparian habitat or other sensitive natural community, the proposed General Plan Update incorporates a series of guides and performance standards to minimize impacts on biological resources. As noted in the EIR:

***MM-BIO-3*** *The City of Fontana Planning Division shall require that all future project applicants prepare a Biological Assessment in conjunction with a project-level analysis. The Biological Assessment shall include a vegetation map of the proposed project area, analysis of the impacts associated with plant and animal species and habitats, and conduct habitat evaluations for burrowing owl, Delhi Sands flower-loving fly, San Diego pocket mouse, western mastiff bat, western yellow bat, and San Diego desert woodrat. If any of these special are determined to be present, then coordination with the U.S. Fish and Wildlife Service and/or California Department of Fish and Game shall be concluded to determine what, if any, permits or clearances are required prior to development.*

*Each project-level Biological Assessment shall include an analysis of potential impacts to rare plants and rare natural communities in accordance with the California Department of Fish and Game’s November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. For those projects located in the Delhi Sands flower-loving fly Recovery Unit, the project-level Biological Assessment shall include focused surveys. The Biological Assessment shall prescribe actions necessary to mitigate the impacts identified for a particular project. Such actions shall include either avoidance of a sensitive resource, or payment of in-lieu fees that shall be used to purchase off-site replacement habitat. In instances where transplantation/relocation, off-site preservation, or fee payment is selected, habitat mitigation ratios shall be a minimum of 1:1, unless a greater ratio is required by a state or federal wildlife agency. The requirements of the Biological*

Resolution No. 2018-096

*Assessment shall be a condition of approval of the individual development project.*

**MM-BIO-4** *Prior to any ground disturbance, trees scheduled for removal shall be evaluated by a City-approved biologist for roosting bats. If a roost is present the biologist will develop a plan to minimize impacts to the bats to the greatest extent feasible.*

**MM-BIO-5** *The City shall encourage the preservation of natural habitat in conjunction with private or public development projects.*

**MM-BIO-6** *Mitigation shall be provided for removal of any natural habitat, including restoration of degraded habitat of the same type, creation of new or extension of existing habitat of the same type, financial contribution to a habitat conservation fund administered by a Federal, State, or local government agency, or by a non-profit agency conservancy.*

**MM-BIO-7** *Local CEQA procedures shall be applied to identify potential impacts to rare, threatened and endangered species.*

**MM-BIO-8** *Evidence of satisfactory compliance shall be provided by Project Applicant with any required State and/or Federal permits, prior to issuance of grading permits for individual projects.*

**MM-BIO-9** *Any development that results in the potential take or substantial loss of occupied habitat for any threatened or endangered species shall conduct formal consultation with the appropriate regulatory agency and shall implement required mitigation pursuant to applicable protocols. Consultation shall be on a project-by-project basis and measures shall be negotiated independently for each development project.*

**MM-BIO-10** *For future development proposals that could potentially affect jurisdictional drainages or wetlands (to be determined by the City of Fontana Planning Division), the project applicant shall prepare a jurisdictional delineation to determine the extent of jurisdictional area, if any, as part of the regulatory permitting process.*

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.3-48.)

**2. Wetlands**

Threshold: Would the proposed Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Resolution No. 2018-096

Finding: No impact. (DEIR, p. 5.3-49.)

Explanation: Based on a review of the U.S. Fish and Wildlife Service (“USFWS”) National Wetlands Inventory online mapper (USFWS 2018) and surveys conducted by Michael Baker International biologists in 2015, no wetlands located within the proposed General Plan Update’s planning area are subject to land use changes. Therefore, implementation of the proposed General Plan Update would not have a substantial adverse impact on any wetlands as defined by Section 404 of the Clean Water Act. (DEIR, p. 5.3-49.)

**3. Movement of Fish or Wildlife**

Threshold: Would the proposed Project 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?

Finding: No impact. (DEIR, p. 5.3-49.)

Explanation: Due to development of the valley floor surrounding the Jurupa Hills, wildlife movement within the proposed General Plan Update’s planning area is limited to an east-west orientation along the foothills of the San Gabriel Mountains north of I-15 (Michael Baker International 2015). This area will be protected by Goal 1 of the proposed General Plan Update element governing Conservation, Open Space, Parks, and Trails, and the area is not subject to land use changes. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.3-49.)

**4. Local Policies and Ordinances Protecting Biological Resources**

Threshold: Would the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: No impact. (DEIR, p. 5.3-49.)

Explanation: Development allowed by the proposed General Plan Update would be required to comply with proposed General Plan policies and existing City policies related the protection of biological resources. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.3-49.)

**5. Adopted Habitat Conservation Plans**

## Resolution No. 2018-096

Threshold: Would the proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: No impact. (DEIR, p. 5.3-48 through 5.3-49.)

Explanation: No formal HCP exists that includes the proposed General Plan Update's planning area. However, in 2004, the City commissioned the North Fontana Conservation Program to address potential impacts to sensitive Riversidean alluvial fan sage scrub habitats and special status species that may occur within the North Fontana Conservation Program Area in the San Gabriel Mountains foothills. To enforce the intent of the then upcoming MSHCP during the period of time required for its preparation and adoption, the City Council approved City Ordinance No. 1464 on December 7, 2004. This ordinance established a tiered mitigation fee program for development within the subject area. In addition, the ordinance stipulates that the payment of mitigation fees pursuant to the policy shall not apply to the adoption or amendment of the City's General Plan. Moreover, Goal 1 of the General Plan Update element governing Conservation, Open Space, Parks, and Trails will protect the area encompassed within the North Fontana Conservation Program Area. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.3-48 through 5.3-49.)

## E. CULTURAL RESOURCES

### 1. Historical and Archaeological Resources

Threshold: Would the proposed Project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines?

Finding: Less than significant impact. (DEIR, p. 5.4-14.)

Explanation: The goals, policies, and actions of the proposed General Plan Update will not cause significant impacts to cultural or archaeological resources. Future development projects will be subject to applicable regulations in the City's Municipal Code dealing with cultural resources and to relevant federal and state laws and regulations. (DEIR, p. 5.4-14.) Moreover, while no significant cultural resource impacts have been identified that require mitigation to less than significant levels, the proposed Project incorporates a series of guides and performance standards that serve to minimize impacts on cultural and archaeological resources. These include the following, as noted in the EIR:

***MM-CUL-1*** A qualified archaeologist shall perform the following tasks, prior to construction activities within project boundaries:

## Resolution No. 2018-096

- *Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, a field survey for historical resources within portions of the project site not previously surveyed for cultural resources shall be conducted.*
- *Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, the San Bernardino County Archives shall be contacted for information on historical property records.*
- *Subsequent to a preliminary City review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission shall be contacted for information regarding sacred lands.*
- *All historical resources within the project site, including archaeological and historic resources older than 50 years, shall be inventoried using appropriate State record forms and guidelines followed according to the California Office of Historic Preservation's handbook "Instructions for Recording Historical Resources." The archaeologist shall then submit two (2) copies of the completed forms to the San Bernardino County Archaeological Information Center for the assignment of trinomials.*
- *The significance and integrity of all historical resources within the project site shall be evaluated, using criteria established in the CEQA Guidelines for important archaeological resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.*
- *Mitigation measures shall be proposed and conditions of approval (if a local government action) recommended to eliminate adverse project effects on significant, important, and unique historical resources, following appropriate CEQA and/or National Historic Preservation Act's Section 106 guidelines.*
- *A technical resources management report shall be prepared, documenting the inventory, evaluation, and proposed mitigation of resources within the project site, following guidelines for Archaeological Resource Management Reports prepared by the California Office of Historic Preservation, Preservation Planning Bulletin 4(a), December 1989. One copy of the completed report, with original illustrations, shall be submitted to the San Bernardino County Archaeological Information Center for permanent archiving.*
- *If human remains are encountered on the project site, the San Bernardino County Coroner's Office shall be contacted within 24 hours of the find, and all work shall be halted until a clearance is given by that office and any other involved agencies.*
- *All resources and data collected within the project site shall be permanently curated at an appropriate repository within the County.*

**MM-CUL-2** *If any prehistoric archaeological resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities and to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Fontana shall:*

Resolution No. 2018-096

- *Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.*
- *Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities at a theme or focal point.*
- *Pursue educating the public about the area's archaeological heritage.*
- *Proposal mitigation measures and recommend conditions of approval (if a local government action) to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.*
- *Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving.*

**MM-CUL-3** *Where consistent with applicable local, State and federal law and deemed appropriate by the City, future site-specific development projects shall consider the following:*

- *In the event Native American cultural resources are discovered during construction for future development, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this period;*
- *Initiate consultation between the appropriate Native American tribal entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) and the City/project applicant; Transfer cultural resources investigations to the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) as soon as possible;*
- *Utilize a Native American Monitor from the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) where deemed appropriate or required by the City, during initial ground disturbing activities, cultural resource surveys, and/or cultural resource excavations.*

(DEIR, p. 5.4-17 through 5.4-18.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.4-14.)

## **2. Paleontological Resource or Geologic Feature**

Resolution No. 2018-096

Threshold: Would the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant impact. (DEIR, p. 5.4-16.)

Explanation: No specific development project is part of the proposed General Plan Update and future projects will undergo environmental and development review at the time of a development application. Future projects would be assessed for the potential to impact paleontological resources based on the location of the future projects with respect to the sensitivity of the underlying geologic formations to contain fossils as well as the depth of excavation of the facilities associated with the future projects. Moreover, the General Plan Update goals, policies, and actions commit the City to preserve and protect significant historic and cultural resources. (DEIR, p. 5.4-16.)

Furthermore, while no significant cultural resource impacts have been identified that require mitigation to less than significant levels, the proposed General Plan Update incorporates a series of guides and performance standards that serve to minimize impacts on paleontological resources. These include the following, as noted in the EIR:

***MM-CUL-4*** *A qualified paleontologist shall conduct a pre-construction field survey of any project site within the area that is underlain by older alluvium. The paleontologist shall submit a report of findings that provides specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate.*

***MM-CUL-5*** *Should mitigation monitoring of paleontological resources be recommended for a specific project within the project site, the program shall include, but not be limited to, the following measures:*

- *Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.*
- *Should fossils be found within an area being cleared or graded, earth-disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find.*
- *All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum).*
- *A summary report shall be submitted to City of Fontana. Collected specimens shall be transferred with copy of report to San Bernardino County Museum.*

(DEIR, p. 5.4-19.)

For the foregoing reasons and the reasons discussed in the EIR, impacts

## Resolution No. 2018-096

associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.4-16.)

### 3. Human Remains

Threshold: Would the proposed Project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant impact. (DEIR, p. 5.4-17.)

Explanation: No specific development project is part of the proposed General Plan Update. Projects proposed in the future will be subject to environmental review by the City and subject to federal and state law regarding disturbance of human remains. As stated previously, the proposed General Plan Update's goals, policies, and actions commit the City to preserve and protect significant historic and cultural resources. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.4-17.)

## F. GEOLOGY AND SOILS

### 1. Exposure to Potential Risk of Loss, Injury, or Death

Threshold: Would the proposed Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; (iv) landslides; and/or (v) soil erosion?

Finding: Less than significant impact. (DEIR, p. 5.5-9.)

Explanation: The proposed General Plan Update would not expose people or structures to potential substantial adverse effects related to the rupture of a known earthquake fault, strong seismic ground shaking, seismic-related landslides, or soil erosion. Compliance with federal, state, county, and local regulations relating to geologic hazards would reduce the potential risk of potential impacts from geologic hazards to a less than significant level.

The 2016 California Building Code ("CBC") Title 24 Section 3417: Earthquake Evaluation and Design for Retrofit of Existing Buildings and the 2016 International Building Codes ("IBC") regulate the infrastructure in the City of Fontana. Furthermore, adherence to the mitigation program included in the City's Local Hazard Mitigation Plan ("LHMP") to protect life, property and the environment would further reduce potential impacts relative to geologic resources and geologic hazards. The intent of hazard mitigation is to reduce and/or eliminate loss of life and property. With the approved and adopted LHMP, the City of Fontana is eligible for federal disaster mitigation funds/grants aimed to reduce and or eliminate/risk.

## Resolution No. 2018-096

Because the City is in Seismic Zone 4 of the 2016 CBC, structures would be designed in accordance with parameters given within Chapter 16 of the current CBC. In addition, as required by CBC Chapter 16, Division IV for the construction of new buildings and/or structures, specific engineering design and construction measures would be implemented to anticipate and avoid the potential for adverse impacts to human life and property caused by seismically induced ground shaking. Thus, the majority of earthquake-related hazards would be minimized by engineering design, compliance with local, state, and/or federal regulations pertaining to geological hazards, or avoidance of high hazard areas. Moreover, the proposed General Plan Update includes goals, policies, and actions that would further reduce risks from geologic hazards.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.5-8 through 5.5-9.)

### 2. Soil Stability

Threshold: Would the proposed Project 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?

Finding: Less than significant impact. (DEIR, p. 5.5-10.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects. However, given the relatively stable geology and soils within the City, it is unlikely that there would be a potential risk that represents a significant change or increase from the conditions that are currently present.

Compliance with federal, state, and local regulations would minimize the risks associated with the potential risk from landslides, subsidence, liquefaction, or collapse relative to existing conditions. San Bernardino County has adopted the 2016 CBC to regulate development in the hillside areas in the City and County. According the City of Fontana 2017 LHMP, there have been no reported historical occurrences of landslides in the City of Fontana. The only areas susceptible to landslips are the southern Jurupa hillsides and the northern part of the City close to the San Bernardino National Forest, but there is a low probability of this hazard affecting these areas in the future. Therefore, future development under the proposed General Plan Update would result in a less than significant impact relative to these potential risks.

Adherence to building codes and development that includes site specific geotechnical studies that would be prepared for each specific future project as mandated by the CBC would identify and minimize risks from areas of unstable soils by ensuring the incorporation of recommendations from the site-specific geotechnical investigations into the design or plan of those future projects. Overall, the proposed General Plan Update's planning area would not be located on a geologic unit or soil that

Resolution No. 2018-096

is unstable. In addition, the proposed General Plan Update includes goals, policies, and actions that would further reduce risks from geologic hazards. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.5-10.)

**3. Expansive Soil**

Threshold: Would the proposed Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Finding: Less than significant impact. (DEIR, p. 5.5-10.)

Explanation: The proposed General Plan Update does not propose, approve, consider or analyze specific development projects. However, given the relatively stable geology and soils within the City, it is unlikely that there would be a potential risk that represents a significant change or increase from the conditions that are currently present. Moreover, the proposed General Plan Update includes goals, policies, and actions that would further reduce risks from geologic hazards. For the foregoing reasons and the reasons discussed in the EIR, impacts are less than significant. (DEIR, p. 5.5-10.)

**4. Septic Tanks**

Threshold: Would the proposed Project 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?

Finding: Less than significant impact. (DEIR, p. 5.5-10.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; therefore, the actual potential for future construction sites or developments associated with the proposed General Plan Update are unknown. The City of Fontana has limited septic systems and given the relatively stable geology and soils within the City, it is unlikely that there would be a potential risk that represents a significant change or increase from the conditions that are currently present. Overall, the City of Fontana is served by a sewer system and the use of septic systems or other alternative wastewater disposal systems would be managed on a case-by-case basis. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.5-10.)

Resolution No. 2018-096

## **G. GREENHOUSE GAS EMISSIONS**

### **1. Greenhouse Gas Emissions**

Threshold: Would the proposed Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant impact. (DEIR, pp. 5.6-13 through 5.6-17.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects. Future development consistent with the proposed General Plan Update, however, would include activities that emit greenhouse gas emissions over the short and long term. A summary of short- and long-term emissions and the analysis for each are included below.

#### *Short-Term Emissions*

Development consistent with the proposed General Plan Update would include construction activity such as demolition, grading, paving, and building. These construction activities would give rise to short-term greenhouse gas (“GHG”) emissions. GHG emissions would also result from worker and vendor trips to and from project sites and from demolition and soil hauling trips.

These short-term GHG emissions, however, are not likely to have a significant impact on the environment. Such emissions generally account for less than one percent of a project’s annual greenhouse gas emissions inventory. Moreover, short-term climate change impacts due to future construction-related activities would be subject to State requirements for GHG emissions and would be assessed on project-by-project basis. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.6-13.)

#### *Long-Term Emissions*

As discussed in the Air Quality section above, according to the RTP/SCS, by 2040, the City of Fontana is projected to have a population of 280,900 (SCAG, 2016). With implementation of the General Plan Update, the City of Fontana planning area is estimated to grow to a total population of 315,852. This is an approximately 12% increase compared to the population forecast assumed in the RTP/SCS. However, the land use modifications and policies proposed as part of the proposed General Plan Update would result in an approximately 19% reduction in per capita vehicle miles traveled compared to 2040 buildout of the existing General Plan. Despite the projected population growth (including employment) associated with the proposed General Plan Update, daily total vehicle miles traveled within the planning area would be reduced from 12,880,405 to 11,679,397, or an approximately 9% reduction.

According to the CARB’s 2017 Climate Change Scoping Plan, the transportation sector remains the largest source of GHG emissions in the State, accounting for 37% of

## Resolution No. 2018-096

the inventory. A typical passenger vehicle emits approximately 4.6 metric tons of CO<sub>2</sub> per year (EPA 2018). This number can vary based on a vehicle's fuel, fuel economy, and the number of miles driven per year. The 9% reduction in daily total vehicle miles traveled under buildout for the proposed General Plan Update would have a substantial reduction in overall greenhouse gas emissions compared to the existing General Plan, even after accounting for land-use-specific emissions under the proposed General Plan Update. (DEIR, p. 5.6-14 through 5.6-18.)

Moreover, while no significant GHG impacts have been identified that require mitigation to less than significant levels, the proposed General Plan Update incorporates the following guide and performance standard as a best practice to be applied to future projects, as necessary:

***MM-GHG-1*** *Prior to the issuance of building permits, future development projects shall demonstrate the incorporation of project design features that achieve a minimum of 28.5 percent reduction in GHG emissions from non-mobile sources as compared to business as usual conditions. With regard to expansions/modifications of existing facilities, this mitigation measure shall be applied to the resulting incremental net increase in enclosed floor area. Future projects shall include, but not be limited to, the following list of potential design features (which include measures for reducing GHG emissions related to Transportation and Motor Vehicles).*

#### *Energy Efficiency*

- *Design buildings to be energy efficient and exceed Title 24 requirements by at least 5 percent.*
- *Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight.*
- *Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use. Install light colored "cool" roofs and cool pavements.*
- *Provide information on energy management services for large energy users.*
- *Install energy efficient heating and cooling systems, appliances and equipment, and control systems (e.g., minimum of Energy Star rated equipment).*
- *Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces).*
- *Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.*
- *Limit the hours of operation of outdoor lighting.*

#### *Renewable Energy*

- *Install solar panels on carports and over parking areas. Ensure all industrial buildings are designed to have "solar ready" roofs.*
- *Use combined heat and power in appropriate applications.*

#### *Water Conservation and Efficiency*

## Resolution No. 2018-096

- *Create water-efficient landscapes with a preference for a xeriscape landscape palette.*
- *Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.*
- *Design buildings to be water-efficient. Install water-efficient fixtures and appliances (e.g., EPA WaterSense labeled products).*
- *Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.*
- *Restrict the use of water for cleaning outdoor surfaces and vehicles.*
- *Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site).*
- *Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.*
- *Provide education about water conservation and available programs and incentives.*

### *Solid Waste Measures*

- *Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).*
- *Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.*
- *Provide education and publicity about reducing waste and available recycling services.*

### *Transportation and Motor Vehicles*

- *Limit idling time for commercial vehicles, including delivery and construction vehicles.*
- *Promote ride sharing programs (e.g., by designating certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides).*
- *Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.*
- *Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).*
- *Promote "least polluting" ways to connect people and goods to their destinations.*
- *Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.*
- *Incorporate bicycle-friendly intersections into street design.*

## Resolution No. 2018-096

- *For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking).*
- *Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.*

(DEIR, p. 5.6-23 through 5.6-24.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.6-14 through 5.6-18.)

### **2. Conflict with Applicable Plan, Policy, or Regulations**

Threshold: Would the proposed Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

Finding: Less than significant impact. (DEIR, p. 5.6-23.)

Explanation: The proposed General Plan Update will not conflict with the implementation of regional transportation-related GHG targets outlined in SCAG's RTP/SCS because the land use modifications and reduction in vehicle miles traveled result in lower emissions than those forecasted in the RTP/SCS. Moreover, the proposed General Plan update would not conflict with any of CARB's 2017 Scoping Plan or any applicable regulation related to GHG reductions. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.6-20 through 5.6-23.)

## **H. HAZARDS AND HAZARDOUS MATERIALS**

### **1. Hazardous Materials Sites**

Threshold: Would the proposed Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant impact. (DEIR, p. 5.7-6.)

Explanation: Implementation of the proposed General Plan Update will not directly result in any specific development project; individual projects would undergo environmental review as they are proposed. Moreover, compliance with federal, state, county, and local regulations relating to the use, storage, handling, transport, and disposal of hazardous materials would reduce the potential risk of hazardous materials exposure to a less than significant level. Furthermore, household hazardous materials or wastes, such as paint, chemicals, oil, anti-freeze, pesticides, and cleaners are

## Resolution No. 2018-096

required to be disposed of at the City's Household Hazardous Waste facility, in accordance with State and the City's Local Hazard Mitigation Plan ("LHMP"). (DEIR, pp. 5.7-5 through 5.7-6.)

Moreover, while no significant impacts relating to hazards or hazardous materials have been identified that require mitigation to less than significant levels, the proposed General Plan Update incorporates the following guide and performance standards as best practices to be applied to future projects, as necessary:

***MM-HAZ-1*** *The City shall require that new proposed facilities involved in the production, use, storage, transport or disposal of hazardous materials be located a safe distance from land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities, such as schools, child-care centers, and senior centers, shall not be located near existing sites that use, store, or generate hazardous materials.*

***MM-HAZ-2*** *The City shall assure the continued response and capability of the San Bernardino County Fire Department/Fontana Fire Protection District to handle hazardous materials incidents in the City and along the sections of freeways that extend across the City.*

***MM-HAZ-3*** *The City shall require all businesses that handle hazardous materials above the reportable quantity to submit an inventory of the hazardous materials that they manage to the San Bernardino County Fire Department - Hazardous Materials Division in coordination with the Fontana Fire Protection District.*

***MM-HAZ-4*** *The City shall identify roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, child care centers or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area.*

***MM-HAZ-5*** *A Phase I Site Assessment shall be prepared in accordance with American Society of Testing and Materials Standards and Standards for Practice for All Appropriate Inquiries prior to issuance of a Grading Permit for future development. The Phase I Environmental Site Assessment shall investigate the potential for site contamination, and will identify Specific Recognized Environmental Conditions (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.) that may require remedial activities prior to land acquisition or construction.*

(DEIR, p. 5.7-13.)

## Resolution No. 2018-096

For the foregoing reasons the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-5 through 5.7-6.)

## **2. Accident Conditions Involving the Release of Hazardous Materials**

Threshold: Would the proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment?

Finding: Less than significant impact. (DEIR, p. 5.7-6.)

Explanation: Implementation of the proposed General Plan Update will not directly result in any specific development project; individual projects would undergo environmental review as they are proposed. Moreover, compliance with federal, state, county, and local regulations relating to the use, storage, handling, transport, and disposal of hazardous materials would reduce the potential risk of hazardous materials exposure to a less than significant level. (DEIR, pp., 5.7-5 through 5.7-6.)

Should previously unknown hazardous material contamination from historical use of a property be discovered during future development activities, existing federal, state, and local regulations would require delineation of properties containing hazardous substances and remediation of those properties to a level approved by the designated enforcement agency. As such, impacts associated with hazardous materials would be less than significant with compliance with existing regulations pertaining to hazardous materials contamination.

In addition, the proposed General Plan Update includes goals, policies, and actions that could further reduce risk of improper use, storage, and/or transport of hazardous materials, in addition to MM-HAZ-1 through MM-HAZ-2, discussed above. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-5 through 5.7-6.)

## **3. Hazards within One-Quarter Mile of an Existing or Proposed School**

Threshold: Would the proposed Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant impact. (DEIR, pp. 5.7-7 through 5.7-8.)

Explanation: Implementation of the proposed General Plan Update will not directly result in any specific development project; individual projects would undergo

## Resolution No. 2018-096

environmental review as they are proposed. Moreover, compliance with federal, state, county, and local regulations relating to the use, storage, handling, transport, and disposal of hazardous materials would reduce the potential risk of hazardous materials exposure to a less than significant level. (DEIR, pp. 5.7-7 through 5.7-8.)

In addition, the proposed General Plan Update includes goals, policies, and actions that could further reduce risk of improper use, storage, and/or transport of hazardous materials, including MM-HAZ-1 through MM-HAZ-2, discussed above. In particular, MM-HAZ-1 and MM-HAZ-4 specifically relate to schools. MM-HAZ-1 and MM-HAZ-4 provide:

***MM-HAZ-1*** *The City shall require that new proposed facilities involved in the production, use, storage, transport or disposal of hazardous materials be located a safe distance from land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities, such as schools, child-care centers, and senior centers, shall not be located near existing sites that use, store, or generate hazardous materials.*

***MM-HAZ-4*** *The City shall identify roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, child care centers or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area.*

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-7 through 5.7-8.)

#### 4. Site Location

Threshold: Would the proposed Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: Less than significant impact. (DEIR, pp. 5.7-5 through 5.7-6.)

Explanation: Implementation of the proposed General Plan Update will not directly result in any specific development project; individual projects would undergo environmental review as they are proposed. Moreover, compliance with federal, state, county, and local regulations relating to the use, storage, handling, transport, and disposal of hazardous materials would reduce the potential risk of hazardous materials exposure to a less than significant level. Regardless, no new development under the General Plan Update is proposed in locations that are currently identified on the Cortese List, which is the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (DEIR, pp. 5.7-5 through 5.7-6.)

## Resolution No. 2018-096

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-5 through 5.7-6.)

### **5. Public Airports**

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Finding: Less than significant impact. (DEIR, p. 5.7-9.)

Explanation: Implementation of the proposed General Plan Update will not directly result in any specific development project; individual projects would undergo environmental review as they are proposed. The southern half of the City is located within the boundaries of the airport influence area of the LA/Ontario International Airport Land Use Compatibility Plan ("Airport Compatibility Plan"). The proposed General Plan Update, however, is consistent with the Airport Compatibility Plan, as required by California Government Code Section 65302.3. Moreover, proposed development under the proposed General Plan Update within the noise contours of the Airport Compatibility Plan would be substantially similar to existing development (i.e., industrial uses). For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-8 through 5.7-9.)

### **6. Private Airstrips**

Threshold: For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Finding: No impact. (DEIR, pp. 5.7-8 through 5.7-9.)

Explanation: There are no private airstrips located within or in the vicinity of the City. For the foregoing reason and the reasons discussed in the EIR, there would be no impact associated with this issue, and no mitigation is required. (DEIR, pp. 5.7-8 through 5.7-9.)

### **7. Emergency Response Plans**

Threshold: Would the proposed Project impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?

Finding: Less than significant impact. (DEIR, p. 5.7-10.)

Explanation: The General Plan Update does not propose changes to circulation

## Resolution No. 2018-096

in the City or to physical orientation of the Project area that could interfere with the City's emergency response or evacuation procedures. In addition, the General Plan Update does not propose to change or eliminate existing emergency response facilities such as fire stations. Furthermore, goals, policies, and actions in the Community Mobility and Circulation Element do not involve modifications to roadways in any manner that would impede response to an emergency. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.7-10.)

## 8. Wildland Fires

Threshold: Would the proposed Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: Less than significant impact. (DEIR, p. 5.7-12.)

Explanation: The City's LHMP, implementation of the proposed General Plan Update's policies and actions relative to development in fire-prone areas, and compliance of future development with the City's Zoning and Development Code and with existing state and local regulations will minimize potential impacts related to this issue to a less than significant level.

For example, the City's LHMP discusses the placement of conditions of approval on projects when necessary to incorporate fire safety mitigation measures for projects with special hazards, such as those in wildfire prone areas. Moreover, Goal 2 of the Public and Community Services Department Element of the proposed General Plan Update provides for the City to continue its partnership with the San Bernardino County Fire Department to "[e]nsure continuing fire protection as the City's population grows and natural fire events may increase in number or intensity due to changing climate." Furthermore, Goal 7 of the Noise and Safety Element of the proposed General Plan Update provides that the "City shall require all new development in areas with a high fire hazard to provide fire-retardant landscaping and project design to reduce their fire hazard, and the City shall take measures to reduce the risk of fire at the Wildland/Urban Interface."

In addition, a Fire Hazard Overlay District (included in the City's Zoning and Development Code) in the northern and southern portions of the City are subject to regulations to mitigate risk from wildfire. The overlay district provides requirements for fire resistive construction, fuel modification areas, development property line setbacks, and vegetation clearances from roadways and buildings. Beyond that, the State of California Department of Forestry and Fire Protection (CalFIRE) has created, and continues to revise, a map of all Fire Hazard Severity Zones (FHSZ) within the state, including those in the City. The "Very High FHSZ" can be used to enforce enhanced regulations from the State Fire Marshal published within the California Building Code that relates to ignition and ember resistive building construction within the City.

## Resolution No. 2018-096

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-10 through 5.7-11.)

### **I. HYDROLOGY AND WATER QUALITY**

#### **1. Water Quality Standards**

Threshold: Would the proposed Project violate any water quality standards or waste discharge requirements?

Finding: Less than significant impact. (DEIR, p. 5.8-10.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; therefore, the actual potential for future construction sites or developments associated with the proposed General Plan Update are unknown. Still, the proposed General Plan Update's potential to violate water quality standards or waste discharge requirements is less than significant for a number of reasons. Notably, National Pollutant Discharge Elimination System ("NPDES") regulations applicable to the Planning Area are designed to reduce non-point-source pollutant loading through implementation of Best Management Practices ("BMPs") and other control measures that minimize or eliminate pollutants from urban runoff, thereby protecting downstream water resources. The City of Fontana implements NPDES provisions through the requirements of its municipal separate storm sewer systems ("MS4s") permit, which is applicable to all portions of the City. (DEIR, p. 5.8-10.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.7-10.)

#### **2. Groundwater Supplies**

Threshold: Would the proposed Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

Finding: Less than significant impact. (DEIR, pp. 5.8-10 through 5.8-11.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; therefore, the actual potential for future construction sites or developments associated with the proposed General Plan Update are unknown. Still, the proposed General Plan Update's potential for impacts to groundwater levels within the region is less than significant for a number of reasons.

Notably, the Santa Ana River Watershed, including the Santa Ana Groundwater Basin, are managed by an adjudication and subject to the terms of the 1969 Stipulated Agreement managed by the Santa Ana River Watermaster. The Santa Ana River

## Resolution No. 2018-096

Watershed includes programs for the long-term management of area groundwater basins. The primary means of ensuring long-term groundwater level maintenance includes careful monitoring to ensure groundwater levels are managed within a safe basin operating range and implementation of water conservation programs. The proposed General Plan Update supports water conservation through use of natural and drought-tolerant vegetation and through water recycling. Additionally, water conservation programs of the General Plan Update are designed to ensure groundwater resources are recharged both through natural and assisted means. Water conservation helps to maintain groundwater levels by reducing the need to extract from them. (DEIR, pp. 5.8-10 through 5.8-11.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.8-10 through 5.8-11.)

### **3. Drainage Pattern, Runoff Water, and Water Quality**

Threshold: Would the proposed Project substantially degrade water quality, or 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 (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or (iii) 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?

Finding: Less than significant impact. (DEIR, p. 5.8-10.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; therefore, the actual potential for future construction sites or developments associated with the proposed General Plan Update are unknown.

NPDES regulations applicable to the Planning Area are designed to reduce non-point-source pollutant loading through implementation of BMPs and other control measures that minimize or eliminate pollutants from urban runoff, thereby protecting downstream water resources. The City of Fontana implements NPDES provisions through the requirements of its MS4 permit, which is applicable to all portions of the City. BMPs implemented to address residential pollutant sources generally revolve around educational programs. Commercial and industrial development is subject to annual inspections to ensure implementation of BMPs and educational programs. Implementation of the requirements of the MS4 permit and other regulations would ensure that the volume and rate of stormwater runoff from future development would not exceed local drainage volume and flow requirements and would prevent downstream flooding. (DEIR, pp. 5.8-10.) Moreover, the proposed General Plan Update includes Goals, Policies, and Actions that would further reduce impacts to hydrologic resources (Goals 1 and 6 of the proposed General Plan Update's Infrastructure and Green Systems Element). (DEIR, pp. 5.8-9.)

## Resolution No. 2018-096

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.8-10.)

### **4. Flood Hazard Area Zones**

Threshold: Would the proposed Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Finding: Less than significant impact. (DEIR, p. 5.8-11.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects. The proposed General Plan Update itself does not place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Future development could result in the construction of certain structures and infrastructure that would be exposed to flood conditions from the 100-year flood event as mapped by the Federal Emergency Management Agency in the Flood Insurance Rate Map for the area. The City, however, has specific ordinances that require permits for such development, and the conditions in these permits are designed to reduce the potential risk and impacts of flooding. (DEIR, pp. 5.8-11.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.8-11.)

### **5. Risk of Loss, Injury, or Death as a Result of Flooding**

Threshold: Would the proposed Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Finding: Less than significant impact. (DEIR, p. 5.8-11.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; therefore, the actual potential for future construction sites or developments associated with the proposed General Plan Update are unknown. The City, however, is not located in a mapped dam inundation area. Moreover, the City has specific ordinances that require permits for development, and these permits include conditions that are designed to reduce the potential risk and impacts of flooding. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.8-11.)

## **J. LAND USE**

Resolution No. 2018-096

**1. Divide a Community**

Threshold: Would the proposed Project physically divide an established community?

Finding: Less than significant impact. (DEIR, p. 5.9-9.)

Explanation: The proposed General Plan Update will not directly or indirectly lead to the division of an established community since it does seek to trigger the development of major new infrastructure (such as major roads or freeways, power easements or water conveyance facilities) which could physically divide existing developed areas of the City. For the foregoing reason and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.9-9.)

**2. Conflict with Plans**

Threshold: Would the proposed Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed Project adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant impact. (DEIR, p. 5.9-11.)

Explanation: None of the changes in the General Plan Update would conflict with plans, policies, or regulations of other agencies that have jurisdiction within the planning area. In fact, some of the changes in the General Plan Update are proposed to reflect and address new policies and regulations of other agencies such as those relating to climate-change. For the foregoing reason and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.9-11.)

**3. Habitat Conservation Plans**

Threshold: Would the proposed Project conflict with any applicable habitat conservation plan or natural community conservation plan?

Finding: Less than significant impact. (DEIR, p. 5.9-11, FEIR, p. 4.5.)

Explanation: None of the land use changes proposed in the General Plan Update would conflict with the North Fontana Program, since no land use changes are proposed in affected areas. Therefore, impacts would be less than significant. (DEIR, pp. 5.9-11, FEIR, p. 4.5.)

**K. MINERAL RESOURCES**

**1. Known and Locally Important Resources**

Resolution No. 2018-096

Threshold: Would the proposed Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Threshold: Would the proposed Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Finding: Less than significant impact. (DEIR, p. 7-10.)

Explanation: The proposed General Plan Update does not contain policies that conflict with the recovery of future mineral resources. Therefore, significant mineral resource deposits, should they be unearthed in the future, would continue to be protected over the long term. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 7-10.)

**L. NOISE**

**1. Noise Levels in Excess of Established Standards**

Threshold: Would the proposed Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Less than significant impact. (DEIR, p. 5.10-4.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects. The City will assess potential noise impacts from future specific development projects when reviewing such projects in the future. Moreover, as described in the DEIR, the proposed General Plan Update includes Goals, Policies, and Actions that pertain to protecting new development from noise impacts through compatible use with surrounding areas, road maintenance, and setbacks. (DEIR, p. 5.10-4 through 5.10-5.)

Moreover, while no significant impacts relating to noise have been identified that require mitigation to less than significant levels, the proposed General Plan Update incorporates the following guide and performance standards as best practices to be applied to future projects, as necessary:

***MM-NOI-1*** *Prior to issuance of a grading permit, a developer shall contract for a site-specific noise study for the parcel. The noise study shall be performed by an acoustic consultant experienced in such studies and the consultant's qualifications and methodology to be used in the study must be presented to City staff for consideration. The site-specific acoustic study shall specifically identify potential noise impacts upon any proposed sensitive uses (addressing General*

## Resolution No. 2018-096

*Plan buildout conditions), as well as potential project impacts upon off-site sensitive uses due to construction, stationary and mobile noise sources. Mitigation for mobile noise impacts, where identified as significant, shall consider facility siting and truck routes such that project-related truck traffic utilizes existing established truck routes. Mitigation shall be required if noise levels exceed 65 dBA, as identified in Section 30-182 of the City's Municipal Code.*

**MM-NOI-2** *To reduce impacts related to heavy construction equipment moving and operating on site during project construction, grading, demolition, and paving prior to issuance of grading permits, the applicant shall ensure that the following procedures are followed:*

- *Construction equipment, fixed or mobile, shall be properly outfitted and maintained with feasible noise-reduction devices to minimize construction generated noise.*
- *Laydown and construction vehicle staging areas shall be located away from noise sensitive land uses if feasible.*
- *Stationary noise sources such as generators shall be located away from noise sensitive land uses, if feasible.*
- *Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent 24 hours a day to report noise and other nuisance-related issues, if necessary. The point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust after hours, on weekends, and on holidays. In the event that the City of Fontana receives a pattern of noise complaints, appropriate corrective actions shall be implemented, such as on-site noise monitoring during construction activities, and a report of the action shall be provided to the reporting party.*

(DEIR, p. 5.10-9 through 5.10-10.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.10-4 through 5.10-5.)

## **2. Groundborne Vibration**

Threshold: Would the proposed Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant impact. (DEIR, p. 5.10-4.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects. Future construction activities would be assessed in conjunction with the City's routine review of site-specific geotechnical studies and the recommended grading and foundation design measures. For future projects subject to

## Resolution No. 2018-096

review under CEQA, measures to mitigate potentially significant vibration impacts would be considered in the project planning process, prior to project approvals. (DEIR, p. 5.10-7.)

Moreover, potential vibration impacts from future development would be less than significant with compliance with the City's Noise Ordinance, California Building Code standards, and applicable regulations. For example, the City's Development Code provides that "no person shall create or cause to be created any activity which causes a vibration which can be felt beyond the property line of any residentially zoned property with or without the aid of an instrument" (Article VII – Industrial Zoning Districts, Division 6 – Performance Standards, Noise and Vibration). (DEIR, p. 5.10-7.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.10-7.)

### 3. Long-Term Noise

Threshold: Would the proposed Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed Project?

Finding: Less than significant impact. (DEIR, pp. 5.10-7 through 5.10-8.)

Explanation: The proposed General Plan Update contains several goals, policies, and actions to minimize noise impacts to people and the environment, as discussed in the DEIR. (DEIR, p. 5.10-5 through 5.10-6.) Moreover, the City's noise ordinance contains standards for mobile noise sources and outdoor and indoor noise limits for residential uses, places of worship, educational facilities, hospitals, hotels/motels, and commercial and other land uses. Continued enforcement of these policies and standards would reduce potential permanent ambient noise impacts. (DEIR, p. 5.10-7.)

While the proposed General Plan Update does not consider or analyze specific development projects, each future project would be evaluated on a case-by-case basis pursuant to CEQA.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.10-7.)

### 4. Short-Term Noise

Threshold: Would the proposed Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less than significant impact. (DEIR, p. 5.10-8.)

## Resolution No. 2018-096

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; rather, each future project would be evaluated on a case-by-case basis consistent with CEQA. Moreover, future construction projects within the City will also be subject to the measures outlined in the City of Fontana Municipal Code of Ordinances (Chapter 18) and assessed in conjunction with the City's review of site-specific noise impact analyses. Noise levels at sensitive receptors would be analyzed on a case-by-case basis and appropriate mitigation applied to restrict noise levels to acceptable levels. In the event significant impacts are anticipated, appropriate mitigation would be developed at that time. In addition, the General Plan Update's Noise and Safety Element contains several goals, policies, and actions to minimize noise impacts to people and the environment in the vicinity of sources of noise, as discussed in the DEIR. (DEIR, p. 5.10-8.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.10-8.)

## 5. Public Airports

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant impact. (DEIR, pp. 5.10-8 through 5.10-9.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; rather, each future project would be evaluated on a case-by-case basis consistent with CEQA.

Furthermore, in accordance with "Goal 1" of the General Plan Update Noise and Safety Element ("The City of Fontana Protects its sensitive land uses from excessive noise through diligent planning through 2035"), no changes will occur to land uses in areas that are susceptible to a 65 dBA CNEL or greater. This includes preventing new residents or workers from being exposed to excessive noise levels associated with air traffic. (DEIR, p. 5.10-9.)

Moreover, the *LA/Ontario International Airport Land Use Compatibility Plan* adopted in 2011 concluded that "[t]here were no areas identified [within Fontana] as having a residential land use designation within the noise impact zones. Therefore, there is no potential for displacement of future residential development... the land uses that fall within the noise impact zone are industrial land uses." Indeed, while portions of the City of Fontana are located within the LA/Ontario International Airport flight path, such areas are industrial, which is not considered a sensitive land use. (DEIR, pp. 5.10-8 through 5.10-9.)

## Resolution No. 2018-096

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.10-8 through 5.10-9.)

### **6. Private Airstrips**

Threshold: For a project within the vicinity of a private airstrip, would the proposed Project expose people residing or working in the project area to excessive noise levels?

Finding: Less than significant impact. (DEIR, pp. 5.10-8 through 5.10-9.)

Explanation: The proposed General Plan Update does not consider or analyze specific development projects; rather, each future project would be evaluated on a case-by-case basis consistent with CEQA.

Furthermore, in accordance with “Goal 1” of the General Plan Update Noise and Safety Element (“The City of Fontana Protects its sensitive land uses from excessive noise through diligent planning through 2035”), no changes will occur to land uses in areas that are susceptible to a 65 dBA CNEL or greater. This includes preventing new residents or workers from being exposed to excessive noise levels associated with air traffic. (DEIR, p. 5.10-9.) For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.10-8 through 5.10-9.)

## **M. POPULATION AND HOUSING**

### **1. Population Growth**

Threshold: Would the proposed Project induce substantial population growth in an area, either directly or indirectly?

Finding: Less than significant impact. (DEIR, p. 5.11-2.)

Explanation: The focus for growth in the proposed General Plan Update is in the Downtown Core of the City and “Livable Corridors” as described in Chapter 14 - Downtown Area Plan. Moreover, the proposed General Plan Update would not designate formerly undeveloped lands needing major infrastructure expansions (e.g., water, sewer, wastewater) for development. Instead, the proposed General Plan Update has been developed to: 1) accommodate anticipated growth in existing developed areas that are adequately served by infrastructure, 2) revive underutilized parcels and uses, and 3) preserve and enhance residential opportunities and options within the City.

Due to the focused nature of the proposed General Plan Update on the Downtown Core and Livable Corridors and the fact that no infrastructure improvements are proposed for the areas where new residential development would occur, the

## Resolution No. 2018-096

General Plan Update is predicted to accommodate anticipated population growth within the City in an orderly manner.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.11-2 through 5.11-3.)

### **2. Displacement of Housing**

Threshold: Would the proposed Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Finding: Less than significant impact. (DEIR, p. 5.11-6.)

Explanation: The propose General Plan Update would not result in the displacement or demolition of residential structures because it does not authorize specific construction projects, development plans, or other land-altering activity. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.11-6.)

### **3. Displacement of Persons**

Threshold: Would the proposed Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: Less than significant impact. (DEIR, p. 5.11-6.)

Explanation: The propose General Plan Update would not result in the displacement of substantial numbers of people because it does not authorize any construction or redevelopment activity that would displace people. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.11-6.)

## **N. PUBLIC SERVICES**

### **1. Fire Protection Services**

Threshold: Would the proposed Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?

Finding: Less than significant impact. (DEIR, p. 5.12-7.)

## Resolution No. 2018-096

Explanation: Buildout of the General Plan would occur over two decades. Thus, any increase in demand for fire protection services would occur gradually as additional development and associated population growth is added to the City. Potential impacts of new and expanded fire protection facilities will be analyzed on a project-specific basis through the City's development review process as required by the zoning ordinance. In addition, future proposed project(s) will have an accompanying environmental analysis as required by CEQA to disclose any potential significant impacts and identify mitigation measures necessary to reduce significant impacts. (DEIR, p. 5.12-7.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-7.)

### **2. Police Services**

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?

Finding: Less than significant impact. (DEIR, p. 5.12-3 through 5.12-4.)

Explanation: Buildout of the General Plan would occur over two decades. Thus, any increase in demand for police services would occur gradually as additional development and associated population growth is added to the City. Potential impacts of new and expanded police facilities will be analyzed on a project-specific basis. In addition, future proposed project(s) will have an accompanying environmental analysis as required by CEQA to disclose any potential significant impacts and identify mitigation measures necessary to reduce significant impacts. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-7.)

### **3. Education**

Threshold: Would the proposed Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

Finding: Less than significant impact. (DEIR, p. 5.12-30.)

Explanation: Buildout of the General Plan would occur over two decades. Thus, any increase in demand for educational services would occur gradually as additional

## Resolution No. 2018-096

development and associated population growth is added to the City. Potential impacts of new and expanded school facilities will be analyzed on a project-specific basis. In addition, future proposed project(s) will have an accompanying environmental analysis as required by CEQA to disclose any potential significant impacts and identify mitigation measures necessary to reduce significant impacts.

Moreover, the two school districts which serve the City – the Fontana Unified School District and the Etiwanda School District – will collect development impact fees new residential, commercial, and industrial development. This collection of fees by school districts is sufficient to address potential impacts to school facilities that result from long-term growth in the community. (DEIR, pp. 5.12-29 through 5.12-30.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-30.)

### 4. Parks

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

Finding: Less than significant impact. (DEIR, p. 5.12-35.)

Explanation: Based on future populations projections associated with the planning horizon of the proposed General Plan Update, there would be no need for new or altered parks under the proposed General Plan Update.

The performance objective or standard for parks and recreation is 5 acres of parkland for every 1,000 residents (two acres of community parks for every 1,000 residents and three acres of neighborhood parks for every 1,000 residents). The City population in 2035 is expected to be 269,066. With a standard of 5 acres per 1,000 residents, the City would need 1,345 acres of park land. The City currently, however, has approximately 1,621 acres total in parks and land for public use, enough to meet this performance standard. (DEIR, pp. 5.12-34 through 15.12-35.)

Moreover, to the extent new parks or trails will be built within the City in the future, the potential impacts of such parks or trails will be analyzed on a project-specific basis prior to the construction of such facilities, consistent with CEQA. (DEIR, p. 5.12-35.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-34 through 15.12-35.)

Resolution No. 2018-096

**O. RECREATION**

**1. Existing Facilities**

Threshold: Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: Less than significant impact. (DEIR, p. 5.12-37.)

Explanation: The proposed General Plan Update includes Goals, Policies, or Actions to ensure that the proposed General Plan Update's impact on parks or other regional recreational facilities is less than significant. For example, the proposed General Plan Update calls for the City to (i) continue to use a minimum standard of 5 acres of public parkland per 1,000 persons; (ii) pursue park development where parkland is insufficient; and (iii) provide sufficient funding to support adequate park maintenance. (DEIR, p. 5.12-36.) With implementation of the proposed General Plan Update's policies, parks and recreational facilities are not anticipated to incur substantial physical deterioration. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-36 through 15.12-37.)

**2. New Recreational Facilities**

Threshold: Does the proposed Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: Less than significant impact. (DEIR, p. 5.12-35.)

Explanation: Since the proposed General Plan Update does not specifically propose construction of new recreational facilities, the proposed General Plan Update is considered to have a less than significant impact relating to this issue. The proposed General Plan Update does include a policy for the City to find funding to construct the San Sevaine Trail, and to design and construct the Eastside Trial. (DEIR, p. 5.12-35.) The potential impacts of these trails will be analyzed on a project-specific basis prior to the construction of such facilities, consistent with CEQA. (DEIR, p. 5.12-35.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-34 through 15.12-35.)

**P. TRANSPORTATION AND TRAFFIC**

**1. Air Traffic Patterns**

## Resolution No. 2018-096

Threshold: Would the proposed Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Finding: Less than significant impact. (DEIR, p. 5.13-36.)

Explanation: There are no airports within the City. The proposed General Plan Update would not result in the development of a new airport within the City or even within San Bernardino County. Nor will the proposed General Plan Update introduce new land uses that could present safety hazards to air traffic. There are no components of the proposed General Plan Update that directly apply to air traffic patterns.

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.13-36.)

### **2. Design Feature Hazards**

Threshold: Would the proposed Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant impact. (DEIR, p. 5.13-37.)

Explanation: There are no components of the General Plan Update that directly apply to hazards due to design features or incompatible uses. Moreover, future projects under the proposed General Plan Update would not substantially increase hazards due to design features or incompatible uses and would not introduce design features incompatible with current circulation patterns. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.13-37.)

### **3. Emergency Access**

Threshold: Would the proposed Project result in inadequate emergency access?

Finding: Less than significant impact. (DEIR, p. 5.13-37.)

Explanation: Future development will be subject to the provisions of the City's Fire Code with regard to providing adequate emergency access. The General Plan Update does not include policies that would change standards related to emergency access, nor would it interfere with policy implementation. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.13-37.)

Resolution No. 2018-096

**4. Alternative Transportation**

Threshold: Would the proposed Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Finding: Less than significant impact. (DEIR, p. 5.13-38.)

Explanation: The City's Active Transportation Plan ("ATP") details the City's existing active transportation (bicycle and pedestrian) network and also offers many future improvements which will enhance this network while simultaneously supporting the General Plan Update goals and policies. The Goals, Policies, and Actions of the proposed General Plan Update have been formulated to support the City's vision to take advantage of more transportation choices, to walk and bike to nearby parks, schools and stores, and use transit and ride sharing. The proposed General Plan Update does not include policies that would reduce access to transit, pedestrian, or bicycle facilities, nor would it interfere with ATP policy implementation. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.13-38.)

**Q. UTILITIES**

**1. Wastewater**

Threshold: Would the proposed Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Finding: Less than significant impact. (DEIR, p. 5.12-20.)

Explanation: The Inland Empire Utilities Authority ("IEUA") supplies the City with wastewater treatment services. The IEUA will be responsible for ensuring their facilities meet the requirements of the Regional Water Quality Control Board ("RWQCB"). The proposed General Plan Update calls for all new developments to meet current building codes. Additionally, all new developments will be subject to development fees, a portion of which would go toward sewer improvements. The City collects development impact fees for sewer expansion to help mitigate impacts to sewer. The proposed General Plan Update also aims to promote innovative and resource-efficient systems. It does not include any goals, policies or actions that would promote exceedances to wastewater requirements. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-20.)

**2. New Infrastructure and Adequate Capacity**

## Resolution No. 2018-096

Threshold: Would the proposed Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant impact. (DEIR, p. 5.12-16 through 5.12-17.)

Explanation: The proposed General Plan Update does not require and will not result in the construction of new water or wastewater treatment facilities, nor does the proposed General Plan Update require expansion of existing facilities. Notably, the City does not own or maintain the water supply infrastructure, and much of the anticipated growth in the City is directed to areas in and around the urban core of the City where water delivery infrastructure already exists.

Moreover, as discussed in the DEIR, the water purveyors that supply water to the City have indicated the ability to serve the population through existing entitlements and it is not anticipated that major water infrastructure will be required. Existing infrastructure will be required to be maintained and upgraded over time and service extensions to new service areas will be required. These routine maintenance and improvements would occur in a manner that is planned according to capital improvement plans implemented by the water purveyors. The effects of those projects will be evaluated at such time as they are proposed, consistent with CEQA. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-16 through 5.12-17.)

### **3. Storm Water Drainage Requirements**

Threshold: Would the Project result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Finding: Less than significant impact. (DEIR, p. 5.12-26.)

Explanation: The proposed General Plan Update does not propose to change drainage patterns within the Planning Area and does not approve any specific development or stormwater upgrades or improvements. (DEIR, p. 5.12-24 through 5.12-26.) Rather, the proposed General Plan Update proposes policies and actions to limit the additional amount of stormwater from new development and protect water quality throughout the City and its Sphere of Influence.

The proposed General Plan Update includes several goals, policies and actions toward responsible stormwater management. As discussed in Goal 6 of the proposed General Plan Update's Stormwater Goals, Policies and Actions element, these policies include continuing "to implement the Water Quality Management Plan for stormwater management that incorporates low-impact and green infrastructure standards" and promoting "natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater." (DEIR, p.

## Resolution No. 2018-096

5.12-25.) Future stormwater conveyance facilities may be required to extend or expand storm drain facilities per the City's Master Plan of Drainage. However, the environmental impacts of such projects would be addressed on a project-specific basis, consistent with CEQA. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-24 through 5.12-26.)

### 4. Water Supply

**Threshold:** Would the proposed Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

**Finding:** Less than significant impact. (DEIR, p. 5.12-15.)

**Explanation:** The Fontana Water Company ("FWC"), which provides water to most of the City, prepares a Urban Water Management Plan ("UWMP") which includes data regarding water demand in the City. Pursuant to the UWMP, the projected water demand in the FWC service area for the year 2035 is approximately 51,211 acre feet ("AF") of water. In the 2015 UWMP, December 2017 Update, the UWMP has identified a "reasonably available volume" of water of 53,711AF in 2035, which exceeds the forecasted demand. It is thus anticipated that adequate water supplies are available through existing water entitlements as well as future conservation and reuse programs for the projected growth in population over the General Plan Update planning horizon. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-12 through 5.12-16.)

### 5. Wastewater Treatment Capacity

**Threshold:** Would the proposed Project 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?

**Finding:** Less than significant impact. (DEIR, p. 5.12-19.)

**Explanation:** IEUA, the City's wastewater treatment provider, has adequate capacity to serve the City's population through 2035. The City's population in 2035 is forecasted to be 269,066 people in 70,560 households, which is an increase from the 2015 population by almost 60,000 people, or about 17,200 households.

IEUA, which provides wastewater treatment facilities to the City, has capacity to serve the City's projected population through 2035. Wastewater in Fontana is directed to and treated at IEUA's Regional Plants 1 and 4 ("RP-1" and "RP-4," respectively). The treatment capacity of RP-1 is 44 million gallons per day ("gpd"), and it currently treats

## Resolution No. 2018-096

approximately 28 million gpd, or approximately 65% of its capacity. The treatment capacity of RP-4 is 14 million gpd, and it typically treats approximately 10 million gpd or approximately 71% of capacity. Moreover, the proposed General Plan Update includes goals and policies relating to water conservation that will reduce the per capita demand on the wastewater system due to diversion (graywater, recycled water), and reductions in water use from conservation efforts. (See DEIR, pp. 5.12-18 through 5.12-19.)

For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-12 through 5.12-16.)

### 6. Solid Waste Facilities

Threshold: Would the proposed Project be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs?

Finding: Less than significant impact. (DEIR, p. 5.12-22 through 5.12-23.)

Explanation: The proposed General Plan Update would not have a significant impact to solid waste service or facilities because no specific land development activity is proposed. Moreover, while the proposed General Plan allows for up to 95 million square feet of new commercial and industrial uses and the City's population is forecasted to increase by nearly 60,000 people by 2035, this increase in population and developed area may not necessarily correlate to an increase in solid waste disposal over the same period. For example, as discussed in the DEIR, San Bernardino County's population grew 8% between 2005 and 2014, but the County saw a 35% decrease in solid waste disposal during this same time period. (DEIR, p. 5.12-21.) A community Indicators Report published by San Bernardino County in 2015 suggests "that in the face of population growth, economic factors and diversion programs are driving the decline" in solid waste disposal. (DEIR, p. 5.12-22.) Moreover, the proposed General Plan Update outlines a series of goals, policies, and actions relating to solid waste, including a policy to "[c]ontinue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost." (DEIR, p. 5.12-22.) For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, pp. 5.12-21 through 5.12-23.)

### 7. Solid Waste Reduction

Threshold: Would the proposed Project fail to comply with applicable federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant impact. (DEIR, p. 5.12-23.)

Resolution No. 2018-096

Explanation: The City provides its residents with recycling and diversion information through the County of San Bernardino’s Solid Waste Management Division. The City contracts with Burrtec Industries to collect municipal solid waste. Burrtec delivers solid waste to the Mid-Valley Landfill, which operates under a permit from San Bernardino County Department of Public Health, Solid Waste Management Division which requires regular reporting and monitors compliance. The proposed General Plan Update is not anticipated to negatively affect the ability of the solid waste handler or receiver site to comply with regulations. For the foregoing reasons and the reasons discussed in the EIR, impacts associated with this issue are considered to be less than significant for the proposed General Plan Update, and no mitigation is required. (DEIR, p. 5.12-23.)

**SECTION 4: FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT.**

The City Council hereby finds that feasible Mitigation Measures have been identified in the DEIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

**A. BIOLOGICAL RESOURCES**

**1. Candidate, Non-listed Sensitive, or Special-Status Animal and Plant Species**

Threshold: Would the Project 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?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 5.3-48.) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: One species of concern that is known to occur in areas that may be affected by the proposed Project is the burrowing owl. This species is known to nest in existing burrows, culverts, or other appropriately-sized holes on disturbed, vacant, or agricultural lands. Therefore, it could theoretically inhabit any such land in the Planning Area. Any future development of these types of areas could potentially impact this species. To ensure that potential impacts to burrowing owls are mitigated to a less than significant level, the following mitigation measure has been identified:

## Resolution No. 2018-096

*MM-BIO-1*

1. *Prior to initial grading or clearing of areas of suitable habitat within the Planning Area (e.g., a vacant site with a landscape of grassland or low-growing, arid scrub vegetation or agricultural use or vegetation), a qualified biologist shall conduct a pre-construction survey, in accordance with the CDFG Staff Report on Burrowing Owl Mitigation, to determine the presence or absence of burrowing owl within the proposed area of impact.*

2. *Results of surveys, including mitigation recommendations (i.e., a Burrowing Owl Mitigation and Monitoring Report) shall be incorporated into the project-level CEQA compliance documentation.*

3. *Construction grading/clearing of areas of suitable habitat should occur between September 1 and January 31 to avoid impacts to breeding owls. If occupied burrows are discovered, they shall not be removed during nesting season (February 1 through August 31), unless a qualified biologist can determine that either the owls have not laid eggs or are incubating eggs, or that any young from the burrows are able to forage independently. If initial grading is scheduled to occur during nesting season, the following measures shall be implemented.*

4. *If removal of occupied burrows is necessary, passive relocation outside of nesting season shall be implemented under the supervision of the qualified biologist. This shall include covering/excavation of burrows and installation of one-way doors as necessary. One-way doors will allow owls inside the burrow to exit but not allow them to re-enter. The biologist shall wait a minimum of one week before the burrow may be excavated to allow the owls time to leave the area.*

Additionally, the Planning Area also supports a wide variety of potential nesting habitat for raptors and passerines. Nesting birds can be adversely affected from noise or human activity generated during construction, resulting in decreased reproductive success or abandonment of a nest or an area defined as nesting habitat. Any future development within the Planning Area that resulted in such adverse effects may be considered in violation of the Migratory Bird Treat Act (MBTA) of 1918, which would be considered a significant impact. To ensure that potential impacts to nesting birds are mitigated to a less than significant level, the following mitigation measure has been identified:

*MM-BIO-2*

*To avoid impacts to nesting birds and to comply with the MBTA, clearing of vegetation and removal of trees should occur between non-nesting (or non-breeding) season for birds (generally, September 1 to January 31). If this avoidance schedule is not feasible, the alternative is to carry out such activities under the supervision of a qualified biologist. This shall entail the following:*

1. *A qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiating ground disturbance activities. The survey*

## Resolution No. 2018-096

*will consist of full coverage of the proposed disturbance limits and up to a 500-foot buffer area, determined by the biologist and taking into account the species nesting in the area and the habitat present.*

2. *If no active nests are found, no additional measures are required.*
3. *If “occupied” nests are found, their locations shall be mapped, species documented, and, to the degree feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area will be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area.*
4. *No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.*

The City finds that Mitigation Measures MM-BIO-1 and MM-BIO-2 are feasible, are adopted, and will further reduce impacts to candidate, non-listed sensitive, or special-status animal and plant species. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to candidate, non-listed sensitive, or special-status animal and plant species, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to candidate, non-listed sensitive, or special-status animal and plant species. (DEIR, pp. 5.3-47 through 5.3-48.)

## **B. TRANSPORTATION AND TRAFFIC**

### **1. Conflict with Applicable Circulation Plan**

Threshold: Would the proposed Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 5.13-34.) Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: As detailed in the DEIR, while the proposed General Plan Update is generally consistent with applicable, plans, ordinances or policies related to traffic, Citrus Avenue between Arrow Boulevard and Foothill Boulevard is forecast to operate at Level of Service (“LOS”) “F” under proposed General Plan Update buildout conditions.

## Resolution No. 2018-096

To ensure that potential traffic-related impacts are mitigated to a less than significant level, the following mitigation measure has been identified:

***MM-TRA-1*** To mitigate the impact of additional traffic volumes on the segment of Citrus Avenue between Foothill Boulevard and Arrow Boulevard, roadway modifications to provide sidewalks where currently missing, the addition of Class II bicycle lanes in accordance with the City's [Active Transportation Plan (ATP)], and additional traffic calming measures as necessary to reduce traffic volumes to a level appropriate for the roadway's designation as a Secondary Highway will be constructed. Additionally, the roadway could be modified by removing on-street parking and constructing raised medians to increase the roadway's vehicular capacity.

The City utilizes a [Development Impact Fee (DIF)], paid by new development as it occurs in the City, to fund projects such as the above mitigation measure.

Although significant transportation impacts will be mitigated to less than significant levels through implementation of the above mitigation measure, the following mitigation measures are considered as best practices to be applied to future projects as may be necessary to reduce impacts to less than significant levels. This following list of mitigation measures is not all inclusive of mitigation measures that may be adopted for future projects but serve as a guide and performance standards that constitute the minimum level of measures to reduce environmental impacts to acceptable levels.

***MM-TRA-2*** Prior to the issuance of building permits, the project applicant shall participate in the City of Fontana's Development Impact Fee (DIF) program by paying the requisite DIF fee at the time of the building permit.

The Measure I fee program relies upon local jurisdictions to implement mitigation programs by collecting fees for regional improvements; however, the San Bernardino County Transportation Authority (SBCTA) does not dictate how individual jurisdictions allocate their costs for regional improvements to new development. Instead, each jurisdiction, including the City of Fontana, is required to develop its own schedule of fees and implementation programs (often through a capital improvement program (CIP)) that can demonstrate achievement of contribution levels set in the Nexus Study for each jurisdiction.

The Nexus study is based on having each jurisdiction subject to the Nexus Study fund its share of needed regional improvements by developing the facilities within its own jurisdiction. The Nexus Study does not rely on the exchange of impact fees between jurisdictions as a means of mitigating impacts of development occurring within one jurisdiction on the regional transportation facilities of another jurisdiction. As a result, there is no allocation of arterial improvement costs to jurisdictions outside the jurisdiction in which proposed development project is located. Impacts of development throughout the region

## Resolution No. 2018-096

*addressed in the Nexus Study are instead mitigated by requiring each jurisdiction to be responsible for needed arterial improvements within its own jurisdiction, including the share of improvements in traffic generated in other jurisdictions. Thus, as development occurs within the various jurisdictions subject to Nexus Study fees, all of the regional improvements included within the Nexus Study throughout the County of San Bernardino will eventually be built*

**MM-TRA-3** *Prior to issuance of a grading permit, applicants for future development associated with proposed projects shall prepare site-specific traffic studies, to the satisfaction of the City's Engineering Department. As determined by these subsequent traffic studies, traffic improvements identified as mitigation measures shall be implemented as a condition of the approved future development project, either through direct construction by the project applicant and/or through development impact fees.*

**MM-TRA-4** *The City of Fontana shall perform monitoring of traffic generation and phasing of development within the project area to defer or eliminate identified improvements due to potential circulation impact changes or reduced land use intensities. This monitoring shall be achieved through project-specific traffic studies tied to future development within the Specific Plan Update area with land use in excess of 100,000 square feet of non-residential land use.*

(DEIR, pp. 5.33-38 through 5.13-39.)

With the implementation of the mitigation measure identified above (MM-TRA-1), which consists of traffic calming treatments to reduce traffic volumes and/or an increase in vehicular capacity obtained by constructing a raised median, the impact to this segment of Citrus Avenue would be less than significant. (DEIR, p. 5.13-34.)

## **2. Conflict with Applicable Congestion Management Program**

Threshold: Would the proposed Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Finding: Less than significant with mitigation incorporated. (DEIR, p. 5.13-35.) Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Under the San Bernardino Congestion Management Program ("CMP"), the minimum acceptable Level of Service ("LOS") is defined as LOS "E," with certain exceptions. As detailed in the DEIR and discussed above, Citrus Avenue between Arrow Boulevard and Foothill Boulevard is forecast to operate at Level of Service ("LOS") "F" under proposed General Plan Update buildout conditions. (DEIR, p. 5.13-34 through 5.13-35.) As discussed above, with the implementation of MM-TRA-1,

## Resolution No. 2018-096

which consists of traffic calming treatments to reduce traffic volumes and/or an increase in vehicular capacity obtained by constructing a raised median, the impact to this segment of Citrus Avenue would be less than significant. (DEIR, p. 5.13-34.)

## **SECTION 5: FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS**

Consistent with CEQA's requirements, the EIR for the proposed General Plan Update includes an analysis of cumulative impacts. The affected environment for most of the resource areas described below was determined to be the City of Fontana, the City of Ontario, and nearby unincorporated areas of San Bernardino County. Fourteen pending and approved projects were identified as cumulative projects. (See EIR, pp. 4.0-2 and -3; and EIR Table 4.0-1.)

The City Council hereby finds as follows:

### **A. AESTHETICS**

The proposed General Plan Update introduces two new walkable mix-use land use designations that could result in multiple-story structures. However, proposed General Plan Update policies, implementing zoning regulations, and established City design review practices would ensure that any new development would be consistent with the existing character of the neighborhoods.

Future development within the planning area would be subject to the policies of the proposed General Plan Update and existing development standards. This includes policies and programs that support preserving neighborhood character, promoting quality design, and minimizing lighting impacts. The proposed policies and programs would ensure that cumulative aesthetic effects would not be cumulatively considerable when considered with past, current, and future probable projects. (DEIR, p. 7-1.)

### **B. AIR QUALITY**

The context for assessing cumulative air quality impacts is the South Coast Air Basin in terms of national and State criteria pollutant standards. The immediate vicinity of the City is the context for localized levels of criteria pollutants and toxic emissions. The proposed General Plan Update would not conflict with the regional Air Quality Management Plan ("AQMP") prepared by the South Coast Air Quality Management District ("SCAQMD"). In addition, policies in the proposed General Plan Update have been included to ensure that individual projects would be consistent with the AQMP, emission thresholds, and SCAQMD rules. Proposed mixed-use/residential incentive higher-density development policies would implement an important regional strategy to encourage more compact urban/infill development in areas with good access to transit, which helps reduce total vehicle trips and average trip distances. This would help reduce vehicle emissions. The City would continue to evaluate short-term, construction-related impacts and long-term impacts for discretionary land use projects so that best available control measures can be applied, where warranted, to minimize the effects of

## Resolution No. 2018-096

individual development projects. Thresholds recommended by the SCAQMD would continue to be the preferred criteria for determining the level of impact significance at the project level of review.

The proposed General Plan Update would not authorize any particular project or any exemptions from or conflicts with the AQMP and would not result in any direct air quality impacts. Impacts at the program level would not be significant. Therefore, long-term cumulative air quality impacts to the region would not be cumulatively considerable. (DEIR, p. 7-2.)

### **C. BIOLOGICAL RESOURCES**

The context for assessing cumulative impacts to biological resources includes sensitive species and their habitat throughout the City and adjacent areas. Future new development within the City, as would be changed by the proposed General Plan Update, is restricted to infill properties. These properties have been and will continue to be designated for urban commercial use; the land use will not change until the landowners are ready to develop the lands. Since these lands have the potential to support burrowing owls, an owl assessment would have to be performed prior to development. If habitat is found, the landowner would have to mitigate any loss of habitat in accordance with requirements of the City's Multiple Habitat Species Conservation Plan ("MSHCP") and the California Department of Fish and Wildlife.

To address the long-term, cumulative loss of sensitive habitat and associated species in the City, the City would continue to implement existing federal and State regulations related to species and habitat protection and conservation. Since the proposed General Plan Update is consistent with existing federal and State regulations, the proposed General Plan Update's contribution to the long-term loss of sensitive habitat and species would not be considerable. In particular, the proposed General Plan Update provides for continued preservation and restoration of natural habitat and landforms. Therefore, the proposed General Plan Update's impact on biological resources would not be cumulatively considerable. (DEIR, p. 7-2.)

### **D. CULTURAL RESOURCES**

Since the Planning Area is almost entirely built out and development consists of infill, the chance of exposing hidden cultural resources is remote. Additionally, the existing and proposed General Plan Update policies provide an ongoing program to ensure proper identification, evaluation, and recovery and/or protection of potentially important historical, archaeological, and paleontological resources that may be disturbed during future development activities. Existing State law requires immediate County Coroner notification upon discovery of human remains and also notification of affected Native American tribes if the remains are suspected to be of Native American origin. Surrounding jurisdictions are subject to similar regulations, including coroner notification upon discovery of human remains. Long-term development throughout the City has low potential to impact subsurface archaeological and/or paleontological remains.

## Resolution No. 2018-096

With regard to historical properties, the proposed General Plan Update's policies recognize the importance of preserving the City's heritage. With continued implementation of City policies and practices, the proposed General Plan Update's impact on cultural resources would not be cumulatively considerable. (DEIR, p. 7-3.)

**E. GEOLOGY, SOILS, AND SEISMICITY**

Future development within the Planning Area would increase the number of people exposed to earthquake-induced ground-shaking and other seismically induced ground hazards, such as liquefaction. The context for assessing cumulative geologic impacts is regional, considering the majority of California is subject to some type of geologic hazard. The specific types and extent of geologic hazards and constraints are due to localized conditions that are routinely addressed at the project-level of analysis. The proposed General Plan Update includes policies related to risk management from natural disasters. Therefore, cumulative geologic hazards impacts would not be cumulatively considerable. (DEIR, p. 7-3.)

**F. GREENHOUSE GAS EMISSIONS**

Climate change is inherently a discussion of cumulative impacts due to its global impacts. Development that occurs as a result of implementation of the proposed General Plan Update would include activities that emit greenhouse gases over the short- and long-term. While one project could not be said to cause global climate change, individual projects contribute cumulatively to greenhouse gas emissions that result in climate change. Pursuant to proposed General Plan policies, CEQA, and SCAQMD regulations, individual development projects would be required to perform project-specific air quality analyses to determine potential impacts and mitigation measures to ensure individual projects would not result in short- or long-term climate change impacts. The proposed General Plan Update would not conflict with the implementation of regional transportation-related GHG targets outlined in SCAG's RTP/SCS because the land use modifications and predicted 9% reduction in vehicle miles traveled will result in lower emissions than those forecasted in the RTP/SCS, nor would it conflict with any of the other provisions of the Scoping Plan or applicable regulation related to GHG reductions. Potential impacts would therefore be less than significant. (DEIR, p. 7-3.)

**G. HAZARDS AND HAZARDOUS MATERIALS***Hazardous Materials*

The context for assessing cumulative hazardous materials impacts involves existing and potential development within the City and those surrounding areas that could result in the transport, use, or disposal of hazardous materials or wastes. Typical uses would include industrial activities, utility providers, and waste management services. As development occurs within the City and surrounding jurisdictions, particularly in industrial land use designations, the use, transport, and disposal of hazardous materials and wastes would increase. Concurrently, as the population and

## Resolution No. 2018-096

employment base increase in the area, the potential for exposure of people to hazardous materials and wastes becomes greater.

Regulation of hazardous substances and wastes, including manufacturing, storage, processing, transportation, and disposal activities, would continue to be governed mainly by federal and State agencies. The Fontana Fire Department would continue to conduct inspections and review hazardous materials storage and containment provisions at local businesses. The proposed General Plan Update would not conflict with any such authorities or standard practices involving responses to hazardous materials releases. Proposed General Plan Update land use and circulation policies would not provide for any new or more dangerous types of hazardous materials or wastes to be generated, stored, or transported within the planning area or outside of the City. The proposed General Plan Update contains policies regarding hazardous materials treatment, transport, handling, and disposal. Therefore, the proposed General Plan Update would not result in a cumulatively considerable contribution to the regional increase in the use, transport, disposal, or exposure to hazardous materials or wastes. (DEIR, p. 7-4.)

### *Wildfires*

Most of the City is developed, and areas that are not developed do not contain highly flammable vegetation. The context for assessing wildfire hazards exists wherever the urban environment interfaces with wildlands. Cumulative wildfire impacts can occur as development in fire hazard areas increase, not only because the number of people and structures exposed to wildfires is increasing but also because increased density supports the spreading of wildfires. With implementation of and compliance with required fire codes, the proposed General Plan Update would not contribute to cumulatively considerable impacts related to wildfires. (DEIR, p. 7-4.)

## **H. HYDROLOGY AND WATER QUALITY**

### *Groundwater Levels*

The proposed General Plan Update's development capacity is anticipated to be within the anticipated water supply production pursuant to the County of San Bernardino's Urban Water Management Plan (UWMP) in accordance with the safe yield amounts. The proposed General Plan Update includes policies and programs designed to enhance groundwater recharge in the City, primarily through conservation and modified drainage practices. In addition, the proposed General Plan Update includes policies to promote water conservation and water recycling. For the foregoing reasons and the reasons discussed in the EIR, the proposed General Plan Update would not have a cumulatively considerable impact on groundwater resources. (DEIR, p. 7-5.)

### *Drainage and Water Quality*

The proposed General Plan Update supports low-impact development and appropriate drainage practices to prevent erosion, sedimentation, and flooding. This,

## Resolution No. 2018-096

coupled with existing regulations such as the National Discharge Elimination System (NPDES), would ensure that long-term changes to the drainage pattern do not substantially impact downstream water bodies or surrounding properties. For the foregoing reasons and the reasons discussed in the EIR, the proposed General Plan Update's impact on regional drainage and water quality impacts would not be cumulatively considerable. (DEIR, p. 7-5.)

### *Flooding*

The proposed General Plan Update and the Municipal Code do not allow the placement of homes within flood zones. All significant structures built within the City would be subject to the Floodplain Management Regulations that require hydrological evaluation to ensure that minimal diversion of floodwaters occurs, and development standards are implemented to prevent flooding of on- and off-site uses. These regulations specifically prohibit construction of structures that could cause or divert floodwaters without appropriate site planning and structural design. The policies of the General Plan Update and the Municipal Code would ensure that cumulatively considerable flooding impacts to future homes or other structures would not occur. (DEIR, p. 7-5.)

### **I. LAND USE**

The proposed General Plan Update would not physically divide any established community within the City. The proposed General Plan Update introduces two new walkable mixed-use land use designations that would not contribute to cumulatively considerable impacts involving physical division of established communities. (DEIR, p. 7-6.)

### **J. NOISE**

Implementation of the proposed General Plan Update would not generate new stationary noise sources outside of the City and would not, therefore, result in cumulatively considerable noise impacts involving stationary sources. Additional traffic volumes associated with future growth in the City would combine with regional traffic on major, inter-jurisdictional roads and highways leading to Fontana that would contribute to cumulative effects involving roadway noise. However, as discussed in the EIR, the level of traffic noise attributable to Fontana-based trips would not result in cumulatively considerable changes in roadway noise levels in the context of regional traffic growth. (DEIR, p. 7-6.)

### **K. POPULATION AND HOUSING**

Under the proposed General Plan Update, no permanent or temporary housing units would need to be or are proposed to be removed, relocated, or otherwise displaced. The proposed General Plan Update would not contribute to cumulative impacts involving displacement of housing or persons since proposed General Plan Update policies allow for an increase in new housing construction relative to current

## Resolution No. 2018-096

conditions. Based on the proposed General Plan Update land use plan and the intensity levels specified therein, the ultimate population, employment capacity, and number of dwelling units would increase when compared to existing conditions; however, these increases are not considered cumulatively considerable. (DEIR, p. 7-6.)

**L. PUBLIC SERVICES, UTILITIES, AND RECREATION***Public Services*

The context for analyzing impacts related to public services is the relationship between local and regional population and urban growth and the concurrent need of individual service providers to expand facilities to meet the increasing demand. The proposed General Plan Update includes policies designed to ensure that appropriate levels of service are provided by requiring funding, facilities expansion, and service enhancements commensurate with long-term development in the City. The proposed General Plan Update would not result in a considerable contribution to cumulative impacts associated with the expansion of and need for public services. (DEIR, p. 7-6.)

*Utilities and Service Systems*

The context for assessing cumulative impacts to utilities and service systems varies depending on the service area and capacity of the utility which may vary from the City, San Bernardino County, or (in terms of water) even statewide. Long-term maintenance and potential expansion of water, wastewater, flood control, and solid waste disposal facilities will be required as the region continues to grow and existing infrastructure ages. Utility providers currently impose development impact fees, connection fees, and service fees designed to maintain and incrementally expand infrastructure to meet existing and growing demand. Future development in the City's vicinity and throughout the region would be subject to such fees in accordance with applicable ordinances and service master plans. The proposed General Plan Update would not have a cumulatively considerable impact on these facilities because the proposed General Plan Update includes policies that support water conservation, wastewater reuse, and recycling that would reduce impacts on regional utilities. These policies, coupled with existing regulations, would not have a cumulatively considerable impact on utilities and service systems. (DEIR, p. 7-7.)

*Recreation*

Local and community recreation resources are typically provided for the benefit of those in the vicinity of the resources and generally do not result in cumulative impacts. The context for assessing cumulative impacts to parks and recreation resources are at the regional level, where multi-jurisdictional growth would put pressure on the availability and condition of parks and recreation facilities. Incremental residential growth in the City and in its surroundings would increase the demand for local, community, and regional recreation resources. The proposed General Plan Update land use plan does not allocate specific land for parks and recreation uses but includes policies for collecting fees from new development to develop and maintain community

## Resolution No. 2018-096

park facilities. Given the City's record of commitment to park facilities maintenance and the considerable acreage of regional and institutional parkland nearby that supplement City-owned parks, the potential impact of the General Plan Update on recreation is not considered cumulatively considerable. (DEIR, p. 7-7.)

### **M. TRANSPORTATION AND TRAFFIC**

Based on data from the San Bernardino Transportation Analysis Model (SBTAM), there would be fewer trips and less total vehicle miles traveled (VMT) under the proposed General Plan Update in comparison to the current General Plan. The proposed General Plan Update would result in approximately 19 percent lower VMT per capita in comparison to the current General Plan based on the SBTAM data.

Based on the traffic analysis discussed in the DEIR, the proposed General Plan Update would result in potentially significant impacts to traffic conditions at Citrus Avenue, between Arrow Boulevard and Foothill Boulevard, which is forecast to operate at Level of Service ("LOS") "F" under proposed General Plan Update buildout conditions. However, with the implementation MM-TRA-1 (the mitigation measure discussed above), the impact to this segment of Citrus Avenue would be less than significant. (DEIR, p. 5.13-34.) Moreover, with this mitigation measure the proposed General Plan Update will not have a cumulatively considerable traffic impact. (DEIR, pp. 7-7 through 7-8.)

### **SECTION 6: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

An irreversible commitment of non-renewable natural resources is inherent in any development project(s), or in the case of the General Plan Update, several development projects over a long period of time. The potential future development associated with implementation of the General Plan Update would consume limited, slowly renewable and non-renewable resources. Such resources used for future construction projects would include, but are not limited to, lumber and other related forest products; sand and gravel; native topsoil; a variety of metals used in the manufacture of building materials such as steel, copper piping and wiring; and hydrocarbon-based fuel sources that require extraction and chemical alteration and/or combustion of natural resources such as oil, natural gas, coal, and shale. As such, future construction activities related to implementation of the General Plan Update would result in the short-term, yet irretrievable, commitment of nonrenewable energy resources.

Resources that would be continually consumed with implementation of the General Plan Update include water, electricity, natural gas, and fossil fuels. However, the amount and rate of consumption of these resources would not result in the inefficient or wasteful use of such resources. With respect to operational activities, compliance with all applicable building codes, as well as the City's General Plan policies and standard conservation features, would ensure that natural resources are conserved to the maximum extent possible. Although nominal, the energy requirements associated with implementation of the General Plan Update would, nonetheless, represent a long-

## Resolution No. 2018-096

term commitment of non-renewable resources.

Given the above, potential future development associated with the General Plan Update would result in the short- and long-term commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses through and potentially after the planning horizon. However, continued use of such resources would be nominal and would not conflict with the City's growth forecasts. Therefore, although irreversible changes would result from implementation of the General Plan Update, such changes would not be considered significant. (DEIR, p. 7-9.)

### **SECTION 7: FINDINGS REGARDING GROWTH-INDUCING IMPACTS**

Growth inducement has the potential to result in an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. The proposed General Plan Update does not itself induce population growth; rather, it provides a plan for the anticipated future growth of the City. Indeed, the opportunities for housing development provided in the proposed General Plan Update are consistent with SCAG growth projections for 2036. The focus of the City's proposed General Plan Update is to provide a framework in which the growth can be managed and to tailor it to suit the needs of the community and surrounding area.

Implementation of the proposed General Plan Update would be in accordance with local and regional planning efforts to accommodate population and employment growth in proximity to transit and services, and where public services, utilities, and other municipal infrastructure have sufficient capacity and/or existing connections. As described in Chapter 14, Downtown Area Plan, of the proposed General Plan Update, the focus for growth in the City is in the central part of the City, or what are envisioned as "Livable Corridors." These Livable Corridors are imagined for Sierra Avenue from Baseline to I-10, Foothill Boulevard through the entire City, and Valley Boulevard for several blocks east and west of Sierra Boulevard. The two corresponding zoning categories for these corridors are Walkable-Mixed Use, or WMXU. WMXU-1 allows residential densities ranging from 24 to 39 du per acre and non-residential uses have a maximum Floor Area Ratio of 2.0. WMXU-2 allows residential densities ranging from 12 to 24 du per acre and allows non-residential uses up to an FAR of 1.0.

Additionally, the proposed General Plan Update would trigger growth if it would result in infrastructure with excess capacity, or, if it would remove an obstacle to growth in an area, such as providing infrastructure that was previously not available. New infrastructure (including the addition of new roadways), however, is not directly proposed under the General Plan Update. Therefore, there would be no impact relative to growth inducement resulting from infrastructure with excess capacity. (DEIR, p. 7-8.)

### **SECTION 8: FINDINGS REGARDING ALTERNATIVES**

The EIR discusses two alternatives to the proposed General Plan Update – the

## Resolution No. 2018-096

No Project Alternative and the Compact Scenario Alternative. (See DEIR, pp. 6-1 through 6-10.) Ultimately, the EIR concludes that there is no environmentally superior alternative to the proposed General Plan Update as no significant unmitigable impacts would result from the proposed General Plan Update. (DEIR, p. 6-10.) Because there are no significant unmitigable impacts that would result from the proposed General Plan Update, the City is not required to make findings rejecting the two alternatives analyzed in the EIR. (DEIR, p. 6-10.)

Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. An agency need not make findings rejecting alternatives described in the EIR if all of the project's significant impacts will be avoided or substantially lessened by mitigation measures. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477; *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3rd 692.)

Here, no significant unmitigable impacts would result from the proposed General Plan Update; therefore, the City is not required to make findings rejecting the alternatives analyzed in the EIR. Likewise, because mitigation measures proposed in the EIR reduce impacts to less than significant levels, the City is not required to make findings on the feasibility of alternatives analyzed in the EIR. (DEIR, pp. 6-1 through 6-2.)

### **SECTION 9: ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as **Exhibit "A."** Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the proposed General Plan Update. In the event of any inconsistencies between the Mitigation Measures set for herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

### **SECTION 10: CERTIFICATION OF THE EIR**

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 the City's Local CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the City Council.

The City Council declares that no evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the City Council after circulation of the Draft EIR which would require recirculation, including, but not limited to, the information contained in the October 8, 2018 Environmental Justice Component proposed to be included in the General Plan Update as Appendix Six.

Resolution No. 2018-096

Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

**SECTION 11: CUSTODIAN OF RECORD**

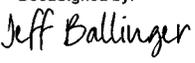
The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 8353 Sierra Avenue, Fontana, CA. The custodian for these records is the Community Development Department. This information is provided in compliance with Public Resources Code section 21081.6.

**SECTION 12: NOTICE OF DETERMINATION**

A Notice of Determination shall be filed with the County of San Bernardino and the State Clearinghouse within 5 (five) working days of final Project approval.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of November 2018.

**READ AND APPROVED AS TO LEGAL FORM:**

DocuSigned by:  
  
9656A1483C6E407  
\_\_\_\_\_  
City Attorney

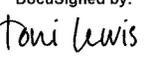
I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting on the 13<sup>th</sup> day of November, 2018, by the following vote to wit:

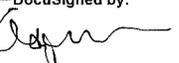
**AYES:** Mayor Warren, Mayor Pro Tem Roberts, Council Members Tahan, and Armendarez

**NOES:** Council Member Sandoval

**ABSENT:**

**ABSTAIN:**

DocuSigned by:  
  
EBCDCEDA17754E5  
\_\_\_\_\_  
City Clerk of the City of Fontana

DocuSigned by:  
  
9B476DADB90D46B  
\_\_\_\_\_  
Mayor of the City of Fontana

Resolution No. 2018-096

**ATTEST:**

DocuSigned by:  
*Toni Lewis*  
EBCDCEDA17754E5

---

City Clerk

### Certificate Of Completion

Envelope Id: 586CDEE0B2C044B9A54810873D3E0A1F  
 Subject: Please DocuSign: Reso 2018-096 Attach 1 EIR and MMRP.pdf  
 Source Envelope:  
 Document Pages: 71  
 Certificate Pages: 5  
 AutoNav: Enabled  
 EnvelopeId Stamping: Enabled  
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:  
 City Clerk  
 8353 Sierra Avenue  
 Fontana, CA 92335  
 clerks@fontana.org  
 IP Address: 192.146.186.96

### Record Tracking

Status: Original  
 11/27/2018 7:29:12 AM

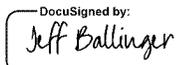
Holder: City Clerk  
 clerks@fontana.org

Location: DocuSign

### Signer Events

Jeff Ballinger  
 jeff.ballinger@bbklaw.com  
 Security Level: Email, Account Authentication (None)

### Signature

DocuSigned by:  
  
 9856A1483C8E407...

### Timestamp

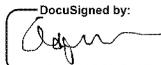
Sent: 11/27/2018 7:29:17 AM  
 Viewed: 11/27/2018 2:16:31 PM  
 Signed: 11/27/2018 2:16:45 PM

Signature Adoption: Pre-selected Style  
 Using IP Address: 74.116.243.2

### Electronic Record and Signature Disclosure:

Accepted: 2/6/2017 5:14:58 PM  
 ID: 49bce3bd-df4d-4cff-8659-0af6d478de62

Acquanetta Warren  
 awaren@fontana.org  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 9B476DADB90D46B...

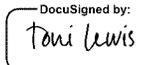
Sent: 11/27/2018 2:16:48 PM  
 Viewed: 11/27/2018 2:25:33 PM  
 Signed: 11/27/2018 2:27:17 PM

Signature Adoption: Drawn on Device  
 Using IP Address: 174.212.11.66  
 Signed using mobile

### Electronic Record and Signature Disclosure:

Accepted: 11/27/2018 2:25:33 PM  
 ID: f3d49ef3-5fb2-4923-a990-08b4f4037c30

Toni Lewis  
 tlewis@fontana.org  
 City Clerk  
 City of Fontana  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 EBBCDFDA17754F5...

Sent: 11/27/2018 2:27:20 PM  
 Viewed: 11/27/2018 5:11:54 PM  
 Signed: 11/27/2018 5:13:09 PM

Signature Adoption: Pre-selected Style  
 Using IP Address: 192.146.186.96

### Electronic Record and Signature Disclosure:

Not Offered via DocuSign

### In Person Signer Events

### Signature

### Timestamp

### Editor Delivery Events

### Status

### Timestamp

### Agent Delivery Events

### Status

### Timestamp

### Intermediary Delivery Events

### Status

### Timestamp

### Certified Delivery Events

### Status

### Timestamp

### Carbon Copy Events

Evelyne Ssenkoloto  
essenkol@fontana.org  
Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Susana Gallardo  
sgallardo@fontana.org

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Kimberly Solorio  
ksolorio@fontana.org

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Kathy Kasinger  
kkasinger@fontana.org

Security Level: Email, Account Authentication  
(None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

### Status

**COPIED**

**COPIED**

**COPIED**

**COPIED**

### Timestamp

Sent: 11/27/2018 5:13:11 PM

Sent: 11/27/2018 5:13:11 PM

Sent: 11/27/2018 5:13:11 PM

Sent: 11/27/2018 5:13:11 PM  
Viewed: 11/28/2018 7:19:39 AM

### Notary Events

### Signature

### Timestamp

### Envelope Summary Events

### Status

### Timestamps

Envelope Sent  
Certified Delivered  
Signing Complete  
Completed

Hashed/Encrypted  
Security Checked  
Security Checked  
Security Checked

11/27/2018 5:13:11 PM  
11/27/2018 5:13:11 PM  
11/27/2018 5:13:11 PM  
11/27/2018 5:13:11 PM

### Payment Events

### Status

### Timestamps

**Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact City of Fontana:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

**To advise City of Fontana of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

**To request paper copies from City of Fontana**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with City of Fontana**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.