

**ORDINANCE NO. 1672**

**AN ORDINANCE OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT (SPA) NO. 12-001 TO ADD "CONSUMER RECYCLING FACILITIES" AS A CONDITIONALLY PERMITTED USE WITHIN THE SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN (SWIP SP). THE PROJECT ALSO INCLUDES MODIFICATIONS TO APPENDIX A (DEFINITIONS) OF THE SWIP SPECIFIC PLAN ASSOCIATED WITH RECYCLING FACILITIES.**

**THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES HERE BY ORDAIN AS FOLLOWS:**

**Section 1.** Specific Plan Amendment No. 12-001 shall be adopted as per the attached Southwest Industrial Park Specific Plan Amendment in Attachment Nos. 2, 3, &4.

**Section 2.** Any provision of this Ordinance which is declared by a court of competent jurisdiction to be void, invalid or unlawful may be stricken from this Ordinance and the remainder of this Ordinance enforced in accordance with its terms. The Council declares that it would have adopted this Ordinance, such severance notwithstanding.

**Section 3.** This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Herald News, a local newspaper of general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of November, 2012.

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

  
City Attorney

Ordinance No. 1672

I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 23<sup>rd</sup> day of October, 2012, and was finally passed and adopted not less than five (5) days thereafter on the 13<sup>th</sup> day of November, 2012, by the following vote:

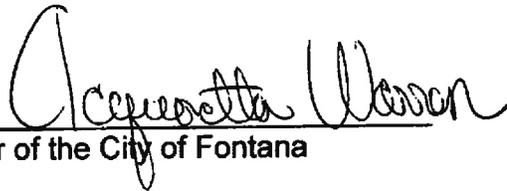
**AYES:** Mayor Warren, Mayor Pro Tem Roberts, Council Members Slowik, Tahan and Wibert

**NOES:**

**ABSENT:**



\_\_\_\_\_  
City Clerk of the City of Fontana



\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**



\_\_\_\_\_  
City Clerk

TO: HERALD NEWS

EMAIL: LEGALS@FONTANAHERALDNEWS.COM

FROM: FONTANA CITY CLERK'S DEPARTMENT

DATE: November 14, 2012

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO.1671

PUBLISH ONE TIME ONLY ON OR BEFORE November 23, 2012. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO. 1671.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on November 13, 2012 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted **Ordinance No. 1671** of the City Council of the City of Fontana, California, Amending Chapter 2, Article VII, Division 1 of the Fontana Municipal Code Regarding the City's Records Management Program.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335. .

CITY COUNCIL OF THE CITY OF FONTANA  
Acquanetta Warren, Mayor

Tonia Lewis  
City Clerk

P.O. #800496

Specific Plan Amendment (SPA) No. 12-001  
City Council Meeting  
October 23, 2012

### **Freeway Industrial/Commercial District (FID)**

This district is situated along the I-10 Freeway corridor, a crucial transportation corridor for this part of the City, the region, and the nation. This district includes approximately 267.6 acres fronting on both the north and south side of the freeway. The northern portion of approximately 45 acres is located north and south of Valley Boulevard and west of Beech Avenue, with the remaining 288.7 acres located south of the I-10 Freeway, north of Slover Avenue between Mulberry and Citrus Avenues. The Freeway Industrial/Commercial District is intended to better define Fontana's gateway along the I-10 Corridor and create a positive image of the City through heightened design and development standards to include enhanced landscapes, screening, setback, and fencing regulations. This district will encourage a mixture of commercial and light industrial land uses that require high visibility and close proximity to freeways. The district will also encourage activities that combine industrial and commercial uses, such as businesses that require a mixture of warehouse, showroom, and office spaces.

### **Slover West Industrial District (SWD)**

This land use district includes approximately 337.3 acres located east of Mulberry Avenue, west of Cherry Avenue, north of Santa Ana Avenue and south of Slover Avenue. This district would promote the continued use and expansion of existing industrial developments and logistics based warehousing and manufacturing facilities, along with strategically located service commercial uses.

### **Slover Central Manufacturing/Industrial District (SCD)**

This land use district includes approximately 489.8 acres located east of Cherry Avenue, west of Beech Avenue, south of Slover Avenue and approximately 1400 feet north of Jurupa Avenue. The intent of this land use district is to create an industrial area that capitalizes on the existing and proposed infrastructure (existing rail spurs, truck routes, and exiting/proposed freeway interchanges) that can support manufacturing and industrial uses. This district will allow development of manufacturing and other high intensity industrial uses that can capitalize on the existing and proposed transportation infrastructure to support this area of the City. In addition, this district will promote trucking related uses due to its close proximity to freeway interchanges and railway facilities.

### **Slover East Industrial District (SED)**

This land use district includes approximately 463.2 acres located east of Beech Avenue, west of Citrus Avenue, south of Slover Avenue and approximately 1400 feet north of Jurupa Avenue. Bordered by the SWIP Residential Trucking District to the east and Jurupa North Research and Development District to the south, this land use district is intended to promote the continued use and expansion of

**ATTACHMENT NO. 1**

existing industrial developments, logistics based warehousing and manufacturing uses, along with strategically located service commercial. The district will rely on its close proximity to truck routes and existing/proposed freeway interchanges to ensure access to developments proposed within this area of the Project.

Specific Plan Amendment (SPA) No. 12-001

City Council Meeting

October 23, 2012

**Freeway Industrial/Commercial District (FID)**  
**Table 6-2 – Allowable Land Uses and Permit Requirements**

<b>Land Use</b>	<b>Permit Requirement</b>
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
<b>Freeway Industrial/Commercial District</b>	
<b>Entertainment, Recreation and Public Assembly Uses</b>	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	M
<b>Industry, Manufacturing, and Processing Uses</b>	
Flex-Tech Multi-Use Facilities (3)	P
Handcraft Industry/Small-Scale Manufacturing	P
<b>Manufacturing, Light</b>	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Glass Product Fabrication	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
Research and Development	P
<b>Residential Uses</b>	
Caretaker Housing (2)	C
<b>Retail Uses</b>	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (4)	P
<b>Service Uses</b>	
Business Support Services	P
Catering Services	P
Financial Facilities	P
<b>Food Service</b>	
• Outdoor Dining	P
• Restaurants	P
Hotel	P
Motel (1)	C
Industrial Repair	C
Mini Storage Facility (not allowed adjacent to I-10 freeway)(4)	P
Offices	P
Personal Services	P

## Specific Plan Amendment (SPA) No. 12-001

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**Freeway Industrial/Commercial District (FID)**  
**Table 6-2 – Allowable Land Uses and Permit Requirements**

School, Commercial	M
<b>Motor Vehicle</b>	
Car Wash/ Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (4)	C
Specialty or Antique Automotive Sales	C
Truck Sales	C
Truck Stops (4)	C
Vehicle Auctions	P
<b>Distribution, Wholesaling and Warehousing Uses</b>	
Warehousing Facilities	P
<b>Transportation, Communications and Infrastructure Uses</b>	
Antennas	M
Broadcasting Offices or Studios	P
Parking Structures (4)	P
<b>Recycling Facility</b>	
<ul style="list-style-type: none"> <li>• <u>Consumer Recycling Facilities (not allowed on parcels fronting the I-10 freeway) (5)</u></li> </ul>	C
<b>Other Uses</b>	
Drive-Through Uses (4)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use)

- (1) Motels are only permitted at Truck Stop locations  
(2) See Section 6.4D  
(3) See Section 6.9E  
(4) See Section 6.9F  
**(5) See Section 6.9G**

Specific Plan Amendment (SPA) No. 12-001

City Council Meeting

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**Slover Central District (SCD)**  
**Table 9-2 – Allowable Land Uses and Permit Requirements**

<i>Land Use</i>	<i>Permit Requirement</i>
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required <b>Slover Central Manufacturing District</b>
<b>Entertainment, Recreation and Public Assembly Uses</b>	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
<b>Industry, Manufacturing, and Processing Uses</b>	
<b>Manufacturing, Light</b>	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
<b>General Manufacturing</b>	
• Concrete, Gypsum, and Plaster Product Manufacturing	P
• Food Products Manufacturing	P
• Glass Product	P
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
• Transportation Product Assembly	P
Research and Development	P
<b>Residential Uses</b>	
Caretaker Housing (2)	C
<b>Retail Uses</b>	
Factory/Warehouse Outlet Store	P
Retail Sales, General (1)	C

## Specific Plan Amendment (SPA) No. 12-001

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<b>Slover Central District (SCD)</b>	
<b>Table 9-2 – Allowable Land Uses and Permit Requirements</b>	
<b>Service Uses</b>	
Animal Kennel Services	P
Industrial Repair	P
Mini Storage Facility (1)	P
<b>Motor Vehicle</b>	
Registered Vehicle Storage (3)	C
Service Stations (1)	P
Vehicle Auctions	P
<b>Distribution, Wholesaling and Warehousing Uses</b>	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
<b>Transportation, Communications and Infrastructure Uses</b>	
Antennas	M
Parking Structures (1)	P
<b>Recycling Facility</b>	
• <u>Consumer Recycling Facility (4)</u>	<u>C</u>
• <u>Non-Consumer Recycling Facility (4)</u>	<u>C</u>
Truck, Truck Trailer Storage	C
<b>Other Uses</b>	
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use).

(1) See Section 9.9E

(2) See Section 9.4D

(3) See Section 9.4G

(4) **See Section 9.4H**

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<b>Slover East District (SED)</b>	
<b>Table 10-2 – Allowable Land Uses and Permit Requirements</b>	
<b>Land Use</b>	<b>Permit Requirement</b>
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
<b>Slover East Industrial District</b>	
<b>Entertainment, Recreation and Public Assembly Uses</b>	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
<b>Industry, Manufacturing, and Processing Uses</b>	
Handcraft Industry/ Small-Scale Manufacturing	P
Manufacturing, Light	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
General Manufacturing	
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
Research and Development	P
<b>Residential Uses</b>	
Caretaker Housing (1)	C
<b>Retail Uses</b>	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (2)	P
<b>Service Uses</b>	
Animal Kennel Services	P
Business Support Services	P
Food Service	
• Outdoor Dining	P
• Restaurants	P
Industrial Repair	P
Mini Storage Facility (2)	P
Motor Vehicle	
Car Wash/ Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (2)	C
Registered Vehicle Storage (3)	C
Vehicle Auction	P

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<b>Slover East District (SED)</b>	
<b>Table 10-2 – Allowable Land Uses and Permit Requirements</b>	
<b>Land Use</b>	<b>Permit Requirement</b>
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
<b>Slover East Industrial District</b>	
School, Commercial	<b>M</b>
School, Trucking	<b>C</b>
<b>Distribution, Wholesaling and Warehousing Uses</b>	
Industrial Equipment, Materials, and Supplies	<b>C</b>
Logistics and Distribution Facilities	<b>P</b>
Petroleum/Hazardous Material Storage	<b>C</b>
Warehousing Facilities	<b>P</b>
<b>Transportation, Communications and Infrastructure Uses</b>	
Antennas	<b>M</b>
Broadcasting Offices or Studios	<b>P</b>
Parking Structures (2)	<b>P</b>
<b>Recycling Facility</b>	
• <b>Consumer Recycling Facility (4)</b>	<b>C</b>
• <b>Non-Consumer Recycling Facility (4)</b>	<b>C</b>
Truck and/or Trailer Storage	<b>C</b>
<b>Other Uses</b>	
Drive-Through Uses (2)	<b>M</b>
Outdoor Display & Sales	<b>M</b>
Public Facilities	<b>P</b>
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use).

(1) See Section 10.4D

(2) See Section 10.9E

(3) See Section 10.4G

(4) See Section 10.4H

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**Slover West District  
Table 11-2 Allowable Land Use and Permit Requirements**

<b>Land Use</b>	<b>Permit Requirement</b>
	"P" = Use Permitted by Right "C" = Conditional Use Permit Required "M" = Minor Use Permit Required
<b>Slover West Industrial District</b>	
<b>Entertainment, Recreation and Public Assembly Uses</b>	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
<b>Industry, Manufacturing, and Processing Uses</b>	
Handcraft Industry/ Small-Scale Manufacturing	P
<b>Manufacturing, Light</b>	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
<b>General Manufacturing</b>	
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
Research and Development	P
<b>Residential Uses</b>	
Caretaker Housing (1)	C
<b>Retail Uses</b>	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (2)	P
<b>Service Uses</b>	
Animal Kennel Services	P
Business Support Services	P

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<b>Slover West District</b>	
<b>Table 11-2 Allowable Land Use and Permit Requirements</b>	
<b>Food Service</b>	
• Outdoor Dining	P
• Restaurants	P
Industrial Repair	P
Mini Storage Facility (2)	P
<b>Motor Vehicle</b>	
Registered Vehicle Storage (3)	P
Service Stations (2)	C
Vehicle Auction	P
<b>Distribution, Wholesaling and Warehousing Uses</b>	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
<b>Transportation, Communications and Infrastructure Uses</b>	
Antennas	M
Broadcasting Offices or Studios	P
Parking Structures (2)	P
<b><u>Recycling Facility</u></b>	
• <b><u>Consumer Recycling Facility (4)</u></b>	<u>C</u>
• <b><u>Non Consumer Recycling Facility (4)</u></b>	<u>C</u>
Truck, Truck Trailer Storage	C
<b>Other Uses</b>	
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use).

(1) See Section 11.4D

(2) See Section 11.9E

(3) See Section 11.4G

**(4) See Section 11.4H**

Specific Plan Amendment (SPA) No. 12-001

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**Consumer/Non-Consumer Recycling Facility Development Standards****The placement, construction and operation of consumer/non-consumer recycling facilities, shall be subject to the following development standards:**

- a. **All uses shall be conducted on a single lot and entirely within a completely enclosed building that is attached to a permanent foundation, except for approved uses that require outdoor activities. A building shall be provided on the same parcel or on an adjacent parcel associated with the same business.**
- b. **Recyclable materials or any equipment used in operation of the recycling facility shall not be located in the front yard. Materials or equipment may be located in side and rear yards, provided that they are outside the required side and rear setback areas identified in the Intensity and Dimensional Standards.**
- c. **Storage of recyclable materials or any equipment used in operation of the recycling facility shall be screened by a solid masonry wall of minimum height six (6) feet and a maximum of eight (8) feet where appropriate. The approving authority may determine through the design review process that the use requires a solid masonry wall higher than six (6) feet. All materials shall not be visible above the constructed masonry wall.**
- d. **The recycling facility shall be surfaced with asphalt or an equally serviceable hard pavement surface. The surface shall be maintained in good condition.**
- e. **Recycling facilities shall be maintained in good repair and in a litter-free condition.**
- f. **Recycling facilities shall be designed in a manner consistent with the Design Guidelines of the land use district in which it is located.**
- g. **Signage required for a recycling facility shall comply with the Sign Standards of the Southwest Industrial Specific Plan.**
- h. **Recycling facilities which are operated by an on-site attendant and located within 100 feet of a property zoned or occupied for residential uses shall operate only during the hours of 8:00 a.m. to 6:00 p.m., unless otherwise established in the conditional use permit.**
- i. **No recycling facilities shall be located on a property adjacent to the I-10 freeway.**

## Specific Plan Amendment (SPA) No. 12-001

City Council Meeting

October 23, 2012

- **Recycling Facility.** A facility where waste and other discarded materials are sorted, cleaned, treated or reconstituted for the purpose of using the altered form. Includes scrap metal dealers, aluminum collection centers, and paper recycling centers.
  - **Consumer Recycling Facility.** *A facility where waste and other discarded materials are sorted, cleaned, treated or reconstituted for the purpose of using the altered form. Includes, aluminum collection centers, and paper, bottle, can, newspaper, and glass recycling centers. Consumer Recycling Facilities does not include the following:*
    - *auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap as identified in Section 423930 of the North American Industry Classification System (NAICS).*
    - *Solid Waste Collection or any similar activities as described in Section 562111 of the NAICS.*
    - *Other waste collection or any similar activities as described in Section 562119 of the NAICS.*
    - *Materials Recovery Facilities or any similar activities as described in Section 562920 of the NAICS.*
    - *Waste Treatment and Disposal or any similar activities as defined in Section 56221 of the NAICS; and*
    - *Hazardous Waste Collection or any similar activities as defined in Section 562112 of the NAICS.*
  - **Non-Consumer Recycling Facility.** A facility where waste and other discarded materials are sorted, cleaned, treated or reconstituted for the purpose of using the altered form. Includes all activities as defined in "Consumer Recycling Facility", and the following:
    - *auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap as identified in Section 423930 of the North American Industry Classification System (NAICS).*
    - *Solid Waste Collection or any similar activities as described in Section 562111 of the NAICS.*
    - *Other waste collection or any similar activities as described in Section 562119 of the NAICS.*
    - *Materials Recovery Facilities or any similar activities as described in Section 562920 of the NAICS.*

**NOTICE OF DETERMINATION**

**TO:** Clerk of the Board  
County of San Bernardino  
385 North Arrowhead, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415

Community Development  
Department  
8353 Sierra Avenue  
Fontana, CA 92335

**FROM:** City of Fontana

**SUBJECT:** Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

**Project Title:** Specific Plan Amendment No. 12-001

**State Clearinghouse Number:** SCH 2009091089

**Contact Person:** Shawnika Johnson, Assistant Planner

**Telephone Number:** (909) 428-8860

**Project Location (Include County):** The approximately 3,111-acre SWIP Specific Plan Update and Annexation Area is located in the southwest portion of the City of Fontana and in clued approximately 472 acres currently in County of San Bernardino, California. The project site is generally located along I-10, east of Interstate 15 (I-15), and north of State Route 60 (SR-60). Fontana is bounded by unincorporated San Bernardino County to the north and east, Rancho Cucamonga and Ontario to the west, and unincorporated Riverside County to the south.

The project site is an irregularly-shaped area, generally situated along the I-10 corridor. The majority of the site is located south of I-10, with the exception of two small areas extending to the north of the freeway. The project site is bounded by Mulberry Avenue to the west, Citrus Avenue to the east, Philadelphia Avenue to the south, and I-10 to the north. Two areas of the proposed Specific Plan (126 acre Speedway Industrial District and approximately 55 acres of the Freeway Industrial District) are located immediately north of the I-10 Freeway.

**Project Description:** Specific Plan Amendment (SPA) No. 12-001 adds "consumer recycling facilities" as a conditionally permitted use within the Southwest Industrial Park (SWIP) Specific Plan. The project also includes modifications to Appendix A (Definitions) of the SWIP Specific Plan associated with recycling facilities.

**This is to certify that the City of Fontana, as Lead Agency, approved the above described project on October 23, 2012, and made the following determinations:**

1. The project will have a significant effect on the environment.
2. The environmental impacts associated with this proposal were previously analyzed in the Final Environmental Impact Report (State Clearinghouse No. 2009091089) certified by the City Council on May 8, 2012. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), an Environmental Checklist (Form J-1) for Sections 15162-15164 (findings for projects with a previously approved FEIR) was completed and found that the previously certified EIR adequately identifies the impacts associated with the proposed project, and that no previously reviewed impact areas have changed.

3. The location and custodian of the documents which comprise the record of proceedings for the Environmental Impact Report are specified as follows:

**Custodian:** City of Fontana, City Clerk

**Location:** 8353 Sierra Avenue  
Fontana, California 92335

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date Received for Filing:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Environmental Checklist for Sections 15162- 15164 Findings  
(For projects with a previously approved EIR or Negative Declaration)**

**FOR PURPOSES OF CONSIDERATION OF SPECIFIC PLAN AMENDMENT NO. 12-001, A PROPOSED TEXT AMENDMENT TO THE SOUTHWEST INDUSTRIAL PARK  
SPECIFIC PLAN**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate level of additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND), Mitigated Negative Declaration (MND), or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Checklist has been prepared to assist the City in determining whether any additional environmental documentation is needed for the subject discretionary action. This Environmental Checklist is intended to be used to determine the appropriate level of second tier environmental review, if any, and is not intended to be used for the projects not previously analyzed.

1. Background on the previously *certified EIR*:

An EIR for the Southwest Industrial Park (SWIP) Specific Plan Update and Annexation (State Clearinghouse No. 2009091089) was certified by the City Council on May 8, 2012. The certified EIR found significant and unavoidable impacts to Aesthetics, Light, and Glare (scenic vistas and cumulative impacts); Air Quality (short term, long term, cumulative impacts, and consistency with the Air Quality Management Plan); Noise (long term and cumulative impacts); Public Services, Utilities, and Infrastructure (parks and recreation and cumulative impacts); and, Traffic and Circulation (increased traffic volume and cumulative impacts). These effects could not be mitigated or avoided to a level below significance. The EIR was certified and a Statement of Overriding Considerations (SOC) for the project was adopted by the City Council on May 8, 2012. Other effects not found to be significant, or reduced to "less than significant" with mitigation incorporated, include Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, and Transportation and Traffic. A Notice of Determination was filed and posted with the County of San Bernardino on May 10, 2012, and again on June 15, 2012 (after the first and second readings of the associated ordinances, respectively).

2. Lead agency name and address:  
City of Fontana, Community Development  
8353 Sierra Avenue  
Fontana, CA 92335-3528

- a. Contact Shawnika, Johnson, Assistant Planner  
b. Phone number: (909) 350-8860  
c. E-mail: sejohnso@fontana.org

3. Project applicant's name and address:

City of Fontana  
8353 Sierra Avenue  
Fontana, California 92335

4. Summary of the activities authorized by present permit/entitlement Application(s):

General Plan Amendment No. 09-009, Zone Change No. 09-004, and Specific Plan No. 09-002 (Southwest Industrial Park Specific Plan) were an update and expansion of an existing Specific Plan and was approved on May 8, 2012.

The proposed Specific Plan Amendment No. 12-001 would amend the definition of "Recycling Facility" and add that use to the Freeway Industrial/Commercial District (FID) of the SWIP Specific Plan with specific development standards.

5. Does the project for which a subsequent discretionary action is now proposed differ substantially in any way from the previously approved project?

No. The proposed discretionary action is a text amendment to the previously approved Southwest Industrial Park Specific Plan (SWIPSP) Update to clarify a use definition and associated development standards and to amend the use table of the FID

6. SUBJECT AREAS DETERMINED TO HAVE NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

√ **NONE**

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gases	Hydrology/Water Quality	Land Use/Planning
Hazards & Haz. Materials	Noise	Population/Housing
Mineral Resources	Recreation	Transportation/Traffic
Public Services	Mandatory Findings of Significance	Stormwater/Water Quality Management Program
Utilities/Service Systems		

**DETERMINATION:**

On the basis of this analysis, the Community Development Department/Planning Division has determined that:

No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted certified EIR is adequate without modification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Senior Planner  
Title

## INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would

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substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162, described above, calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

### I. AESTHETICS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to aesthetic resources to change substantially from those analyzed in the adopted and certified EIR.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The mitigation measures identified in the certified EIR would remain the same and the proposed text amendment to the SWIPSP would not cause these mitigation measures to be infeasible or inadequate. Some impacts were considered significant and unavoidable and a Statement of Overriding Considerations (SOC) was adopted. The proposed project would not alter these findings.*

## **II. AGRICULTURAL AND FORESTRY RESOURCES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland as shown on the City of Fontana Important Farmland Map and/or conflict with existing zoning for agricultural use or Williamson Act contract?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to agricultural resources to change substantially from those analyzed in the certified EIR. In fact, all effects to agricultural resources were found not to be significant in the certified EIR and this Specific Plan amendment does not change the "no impact" status.*

## **III. AIR QUALITY**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to air quality to change substantially from those analyzed in the certified EIR.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The air quality mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment. Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project would not alter these findings.*

#### **IV. BIOLOGICAL RESOURCES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to biological resources to change substantially from those analyzed in the certified EIR.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The biological resources mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.*

**V. CULTURAL RESOURCES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to cultural resources to change substantially from those analyzed in the certified EIR.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The cultural resources mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.*

**VI. URBAN STORMWATER RUNOFF**

Does the project comply with the County of San Bernardino Stormwater Program, California Regional Water Quality Control Board Santa Ana Region, National Pollutant Discharge Elimination Systems (NPDES) Permit and Waste Water Requirements?

*Yes. The proposed project is a text amendment to the SWIPSP and does not propose any new development. Any new development proposed indirectly as a result of this text amendment would require separate entitlement applications and other permits through the City and other agencies prior to construction and occupancy. These projects are required to comply with the County of San Bernardino Stormwater Program, California Regional Water Quality Control Board Santa Ana Region, NPDES Permit and Waste Water Requirements when applicable.*

**VII. GEOLOGY AND SOILS**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having 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?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to the geology and soils to change substantially from those analyzed in the certified EIR. In fact, all effects to geology and soils were found not to be significant in the certified EIR and this Specific Plan amendment does not change the "no impact" and "less than significant impact" status.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. All impacts to geology and soils were found to be "less than significant" or "no impact" without any mitigation measures required. The proposed Specific Plan text amendment would not change the status of these impact findings.*

#### **VIII. GREENHOUSE GASES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional*

*development standards. There is no new information that would cause one or more of the effects of greenhouse gases to change substantially from those analyzed in the certified EIR. Mitigation measures were included in the EIR to reduce the impact to "less than significant" and these measures would remain unchanged with the proposed Specific Plan amendment.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to the adopted Specific Plan update. The text changes would not substantially alter the adopted mitigation measures for greenhouse gases.*

#### **IX. HAZARDS AND HAZARDOUS MATERIALS**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location 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; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of 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?

*No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects of hazardous materials to change substantially from those*

*analyzed in the certified EIR. All identified mitigation measures would remain unaffected by this Specific Plan amendment.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The hazardous materials mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.*

#### **X. HYDROLOGY AND WATER QUALITY**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; 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; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; 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; and/or inundation by seiche, tsunami, or mudflow?

*No. The EIR was certified on May 8, 2012. At that time, all effects to Hydrology and water Quality were found to have "no impact" or a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "no impact" or "less than significant" status regarding the effects to the groundwater table,*

*drainage patterns, erosion, or flooding, that expose people or structures to a significant risk.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. No mitigation measures were incorporated in the certified EIR for hydrology and water quality. "No impact" or "less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.*

#### **XI. HYDROLOGY AND WATER QUALITY**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding?

*No. The EIR was certified on May 8, 2012. At that time, all effects to hydrology and water Quality were found to have "no impact" or a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "no impact" or "less than significant" status regarding the effects to the groundwater table, drainage patterns, erosion, or flooding, that expose people or structures to a significant risk.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially

reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. No mitigation measures were incorporated in the certified EIR for hydrology and water quality. "No impact" or "less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.*

## **XII. LAND USE AND PLANNING**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

*No. The EIR was adopted and certified on May 8, 2012. At that time, all effects to land use and planning were found to have a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "less than significant" status regarding the effects zoning and development nor would the proposed project physically divide an established community.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. No mitigation measures were incorporated in the certified EIR for land use and planning. "Less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.*

## **XIII. MINERAL RESOURCES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the

region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

*No. The EIR was certified on May 8, 2012. At that time, all effects to mineral resources were found to have "no impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances changes the "no impact" status regarding the availability of known mineral resources or loss of valuable or locally important mineral resources as identified in the general or specific plan.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. No mitigation measures were incorporated in the certified EIR for mineral resources. "No impacts" are anticipated by the SWIPSP Update. The proposed project would not alter these findings.*

#### **XIV. NOISE**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: 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; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects 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, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

*No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more effects from noise. Mitigation measures were incorporated to reduce some impacts to "less than significant." Some*

*impacts were considered significant and unavoidable and a SOC was adopted. The proposed project would not alter these findings.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.*

## **XV. POPULATION AND HOUSING**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

*No. Since the previous EIR was certified there have been no changes to the project or circumstances or new information that would affect population or housing. All impacts were found to be "less than significant" and no mitigation was incorporated. The proposed project would not alter these impact findings.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. No mitigation measures were incorporated in the certified EIR for population and housing and the proposed project would not substantially change the SWIPSP Update that would require any new mitigation measures.*

## **XVI. PUBLIC SERVICES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse

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physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

*No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more substantial adverse physical impacts to public services. Mitigation measures were incorporated to reduce some impacts to "less than significant." Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project, a text amendment to the adopted specific plan, would not alter these findings.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.*

## **XVII. RECREATION**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in 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; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

*No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more substantial adverse physical impacts to parks and recreation. Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project, a text amendment to the adopted specific plan, would not alter these findings.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.*

### **XVIII. TRANSPORTATION/TRAFFIC**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: 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; 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; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

*No. Most identified impacts to Transportation/Traffic are considered significant and unavoidable even with the incorporated mitigation measures. There are no impacts to adopted policy, plans, or programs supporting alternative transportation. Also, no impacts are anticipated for air traffic patterns. For those impacts that are considered significant and unavoidable, an SOC was adopted with the certified EIR. Since adoption, there have been no substantial changes or new information that would change these determinations. Additionally, the proposed project, a text amendment to the adopted SWIPSP Update, would not alter any of these findings.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.*

### **XIX. UTILITIES AND SERVICE SYSTEMS**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

*No. Since certification of the EIR, there is no new information or changes in circumstances that affect the mitigation measures for utilities and service systems. The impacts remain "less than significant" with incorporation of the identified mitigation. The proposed project, a text amendment to the SWIPSP Update, will not cause any of the determinations in the EIR to change.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. All identified mitigation measures would remain in effect.*

**XX. STORMWATER /WATER QUALITY MANAGEMENT PROGRAM (WQMP) –**

Does the project comply with the County of San Bernardino Watershed Protection, Stormwater Management and Discharge Control Program (WQMP)?

*Not applicable. The proposed project is a text amendment to the adopted SWIPSP Update.*

**SECTION B –**  
**ADDITIONAL INFORMATION REQUIREMENTS:**

Fill in this section of the form when any question has been answered "Additional Information Required from Applicant." Additional information can take the form of

additional detail in the project description, technical studies, etc. Please list the additional information to be requested of the applicant and be as specific as possible. These requirements will be requested from the applicant in writing by the assigned Planner as part of project preliminary review:

*There is no new information.*

### **SECTION C –**

#### **DRAFT PROPOSED ON- AND OFF-SITE IMPROVEMENTS ANTICIPATED:**

List the potential road and flood control or other improvements that the Engineering Department will recommend as conditions of approval. Particular emphasis should be placed on potential off-site improvements such as road widening, intersectional improvements, and sight distance improvements, which may have other environmental effects. These proposed conditions are subject to change based upon project changes, new information, or new analysis by staff or the project decision-making authority:

*There are no proposed on- and/or off-site improvements anticipated with the proposed text amendment to the SWIPSP Update.*

#### **XX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

*No. the proposed project is a text amendment to Southwest Specific Plan (SWIP) Update that was adopted on May 8, 2012. The proposed project does not degrade the quality of the environment for any protected wildlife species or habitat. The proposed project does not change any of the previously analyzed cumulatively considerable impacts nor adversely affect human beings either directly or indirectly.*

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

*No. The proposed project is a text amendment to a recently adopted specific plan in order to clarify the definition of "Recycling Facilities" and to add this use to the Freeway Industrial/Commercial District of the Southwest Industrial Park Specific Plan. All mitigation measures originally certified in the EIR remain unchanged.*

Attachments (On file at the City of Fontana City Clerk's Office)

- Previous environmental documentation (including any previous addenda, Negative Declarations, or EIRs (including Supplemental of Subsequent EIRs)
- Filed and Posted Notice of Determination and Fish and Game filing fee receipt
- Environmental findings
- Statement of Overriding Considerations

**XXI. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM**

California Department of Fish and Game. Fish and Game Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines 2011

California Environmental Quality Act. 2004. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Solid Waste Management Act, 1989

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

City of Los Angeles, L.A. CEQA Thresholds Guide, Section C Geology, D Water Resources

City of Fontana Open Space and Conservation Element of the General Plan (Chapter 9)

City of Fontana Public Facilities, Services and Infrastructure Element of the General Plan  
(Chapter 8)

City of Fontana Zoning and Development Code

County of San Bernardino Stormwater Program, California Regional Water Quality

Control Board Santa Ana Region, National Pollutant Discharge Elimination Systems  
(NPDES) Permit and Waste Water Requirements

City of Fontana Important Farmland Map

Order No. R8-2002-0012, NPDES No. CAS 618036, California Regional Water Quality  
Control Board, Santa Ana Region

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code