

**FINDINGS OF FACT IN SUPPORT OF DETERMINATIONS
RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS**

CEQA Guidelines Sections 15090, 15091 and 15093

For

BRIDGE POINT RANCHO CUCAMONGA PROJECT

Final Environmental Impact Report

(State Clearinghouse No. 2020100056)

Lead Agency: City of Rancho Cucamonga

I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Environmental Impact Report (“EIR”) for the Bridge Point Rancho Cucamonga Project (“Project”), as well as additional facts found in the complete record of proceedings. The EIR is hereby incorporated by reference and is available for review at the City of Rancho Cucamonga Planning Department (10500 Civic Center Drive) and on the City’s website: <https://www.cityofrc.us/community-development/planning>

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by the California Environmental Quality Act (CEQA) “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. Specifically, Section 15091(a) of the CEQA guidelines states:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)).

For purposes of these Findings (including the table described below), the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise potentially significant effect to a less than significant level. Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been “avoided” (i.e., reduced to a less than significant level).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The EIR for the Project concluded the Project would not result in any significant and unavoidable impacts; thus, a Statement of Overriding Considerations is not required for the Bridge Point Rancho Cucamonga Project.

These Findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures as measures built into the design of the Project itself or as conditions of Project approval. (See Public Resources Code § 21081.6, subd. (b); Guidelines, § 15126.4, subd. (a)(2).) These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City Council adopts a resolution approving the Project.

In addition, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the City Council by the same Resolution that has adopted these Findings. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the EIR certification resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact. In the event of any conflict

between these Findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control.

II. FINDINGS CERTIFYING THE ENVIRONMENTAL IMPACT REPORT

When approving a project for which an EIR has been prepared, the lead agency must certify that the EIR complies with CEQA, that the EIR reflects the lead agency's independent judgment and analysis, and that the EIR was presented to the decision-making body of the lead agency, which reviewed and considered the information contained in the EIR before approving the project. (Public Resources Code § 21082.1, subd. (c); Guidelines, § 15090, subd. (a).)

The Rancho Cucamonga City Council hereby finds, determines and certifies that the EIR complies with CEQA, for reasons explained in the entire record of proceedings, including but not limited to the EIR itself, staff reports, oral testimony, and technical studies. The Council hereby finds, determines and certifies that that City Staff has reviewed the EIR as has an independent CEQA consultant under contract to the City and the EIR reflects the City's independent judgment and analysis. The Council also hereby finds, determines and certifies that the EIR was presented to the Council, and that the Council reviewed and considered the information in the draft and final EIR before approving the Project.

III. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

In compliance with Section 15201 of the CEQA Guidelines, the City has taken steps to provide opportunities for public participation in the environmental review process. A Notice of Preparation (NOP) was distributed on October 2, 2020, to potential Responsible Agencies, Trustee Agencies, and other interested parties for a 30-day public review period to solicit comments and to inform agencies and the public of the Project. The Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the NOP. The City received five responses to the NOP after the end of the scoping period. Table 2-1 of the Draft EIR summarizes the NOP comments addressing environmental and related issues. Additionally, the City of Rancho Cucamonga held a virtual scoping meeting for the Bridge Point Rancho Cucamonga Draft EIR on October 15, 2020. The public scoping meeting was held virtually in accordance with San Bernardino County Department of Public Health requirements in effect at the time. In addition to City staff and Project Applicant representatives, the meeting was attended by two members of the Laborers' International Union of North America (LIUNA). The LIUNA members indicated support for the Project. No comments on the scope of the Draft EIR were raised at the public scoping meeting.

Based on the NOP, and on public comments received during scoping, the City identified environmental issues for which the Project would result in no impacts or less than significant impacts, and therefore these issues were not discussed in detail in the EIR. This includes the entirety of the Agriculture and Forestry Resources, Mineral Resources, Public Services, Recreation, and Wildfire topical areas. Refer to Section 6.1, Effects Determined Not to be Significant, for a summary discussion of the environmental effects which were found not to be significant.

To address potentially significant environmental effects in the remaining topical areas, an EIR was prepared for this Project in accordance with CEQA, and taking into consideration input received during the EIR scoping process. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the Project. This Final EIR

could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA.

A Draft EIR was prepared and circulated for a 45-day public review period, beginning on May 7, 2021, and concluding on June 21, 2021. The Notice of Availability advertising the electronic location and availability of the Draft EIR was provided to the Governor's Office of Planning and Research via the CEQAnet Web Portal for distribution to relevant State agencies; published in the Inland Valley Daily Bulletin; mailed to all property owners within 660 feet of the project site; mailed to all responsible agencies, individuals and stakeholders who had requested notification; and, posted at the San Bernardino County Clerk of the Board of Supervisors. The Draft EIR was also available on the City's website, at City Hall, the Archibald Library, and the Paul A. Biane Library.

Three written comment letters from an agency, an organization, and an individual were received on the Draft EIR; one comment letter was received during the public review period and two comment letters were received after the end of the public review period. Responses to these comments, including comments received after the end of the public review period, were prepared and are included in the Final EIR. It should be noted that the existence of differing opinions arising from the same pool of information is not a basis for finding the EIR to be inadequate; when approving an EIR, an agency need not correctly resolve a dispute among experts about the accuracy of the EIR's environmental forecasts.

Additionally, pursuant to Section 15088 of the CEQA Guidelines, responses to comments from a public agency were transmitted 10 days prior to the public hearing for the Project and certification of the Final EIR. Although not required by the CEQA Guidelines, written responses were also provided to other commenters at the same time.

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these Findings:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
- All comments and correspondence submitted to the City during the public comment period on the Draft EIR, in addition to all other timely comments on the Draft EIR;
- The Final EIR for the Project, including the Planning and Historic Commission staff report, minutes of the Planning Commission public hearing; City Council staff report; minutes of the City Council public hearing; comments received on the Draft EIR; the City's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;
- The mitigation monitoring and reporting program (MMRP) for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City's General Plan and all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
- The City's Zoning Code;
- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to Guidelines Section 15091(e), the administrative record of these proceedings is located and available by appointment for review at 10500 Civic Center Drive, during normal business hours. The custodian of these documents and other materials is the City of Rancho Cucamonga Planning Department.

The City has relied on all of the documents listed above in reaching its decisions on the Project even if not every document was formally presented to the City Council or City Staff as part of the City files generated in connection with the Project. Documents set forth above that are not found in the Project files fall into two categories. The first category includes prior planning or legislative decisions of which the City was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-391; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) The second category includes documents that influenced the expert advice provided to City Staff or consultants, who then provided advice to the Planning Commission and the City Council as final decision maker. Such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

Based upon the evidence before it, the City finds that the Project will not result in any significant and unavoidable impacts; therefore, a statement of overriding considerations is not required.

The EIR's analysis of each topical issue describes applicable Regulatory Requirements (RR)s and Project-specific Mitigation Measures (MMs). These components are described below.

- **Regulatory Requirements.** RRs are based on federal, State, or local regulations or laws that are frequently required independently of CEQA review and also serve to offset or prevent specific impacts. The City may impose additional conditions on the Project during the approval process, as appropriate, including those that are standard to all projects, typical to a project of a particular nature, or specific to the proposal.
- **Mitigation Measures.** Where a potentially significant environmental effect has been identified and is not reduced to a level considered less than significant through the application of RRs, Project-specific MMs have been recommended in accordance with CEQA and are included in the Project’s Mitigation Monitoring and Reporting Program (MMRP).

The Findings below describe in detail the MMs in the EIR, since these measures prevent or reduce the significance of impacts that the Project would otherwise potentially have on the environment. These Findings refer to RRs to the extent that they are relevant to the City’s analysis of environmental effects, but the full text of the RRs is not provided below. For the details of applicable RRs, please see the appropriate text in the EIR, which these Findings incorporate by reference.

The Findings below describe numbered impacts (e.g., Impact 1.1) that were analyzed in detail in the EIR. Impacts are presented below in summary form. For a detailed description of impacts, please see the appropriate text of the EIR, which these Findings incorporate by reference. Based on the analysis of impacts in the EIR, the EIR concludes that so significant and unavoidable impacts would result from the Project.

A. PROJECT SUMMARY

The approximately 91.4 gross acre Project site is located at 12434 4th Street, in the City of Rancho Cucamonga, San Bernardino County, California. The Project site is bounded by 4th Street to the south (which is also the jurisdictional boundary between the City of Rancho Cucamonga and the City of Ontario) and 6th Street to the north, and generally located between Etiwanda Avenue to the east and Santa Anita Avenue to the west. The Project site is located within the City of Rancho Cucamonga Southeast Focus Area, as designated in the General Plan, which is comprised primarily of industrial land uses and is generally bound by I-15 to the west, the City’s jurisdictional boundaries to the east and south, and Foothill Boulevard Focus Area to the north.

The southern portion of the Project site is currently occupied by a 23,240 square foot (sf) retail building, a 1,431,000-sf warehouse building, and associated facilities. There are existing surface parking lots (auto and truck trailer) and vacant land (previously a vineyard) in the northern portion of the Project site. Big Lots vacated the Project site in February 2020, after which it was marketed for new tenants. Reoccupation of the existing buildings and on-going operations at the site were appropriately assumed for baseline conditions evaluated in the EIR. Geodis occupied the site from October 2020 to May 2021.

The Project includes redevelopment of the Project site with two new contemporary warehouse buildings (Buildings 1 and 2) with a combined building area, including the mezzanine space, of approximately 2,175,000 sf consisting of 2,134,000 sf of warehouse uses and 41,000 square feet of ancillary office space. The Project also includes construction of a new public roadway referred to as Street “A”, which would extend north-south along the eastern boundary of the Project site between 4th Street and 6th Street. Additional on-site improvements associated with the Project include, but are not limited to, surface parking areas (automobile and truck trailer spaces ancillary

to operation of the two buildings), vehicle drive aisles, landscaping, storm water quality/storage, utility infrastructure, and exterior lighting.

In addition to certification of the Project's Final EIR and these Findings of Fact, the Project also involves the following discretionary approvals as described in Section 1.4.4, Required Permits and Discretionary Actions, of the Final EIR: General Plan Amendment, Zoning Map Amendment, Site Plan and Architectural Review, Minor Use Permit, Tentative Parcel Map No. 20271, Development Agreement, and Tree Removal Permit.

B. FINDINGS WITH RESPECT TO EFFECTS DETERMINED TO HAVE NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION MEASURES

The City agrees with the characterization in the Final EIR with respect to impacts identified as "no impact" or "less than significant impact" and finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the Project are not significant or are less than significant, and do not require mitigation, as described in the Final EIR. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3); 15091.) Note that impacts are presented below in summary form. For a full description of impacts, see the appropriate text in the EIR, which the Council hereby incorporates by reference into these Findings.

1. Aesthetics

Impact 1.1: The Project, including site-adjacent improvements and the 6th Street at-grade crossing, would not have a substantial adverse effect on a scenic vista, resulting in a less than significant impact. Further, trees removed by the Project would be replaced in accordance with City's requirements (refer to RR 3-3 and RR 3-4).

Impact 1.2: The Project site is not within a State scenic highway and is not in proximity to a State scenic highway. The Project does not have the potential to degrade scenic resources within a State scenic highway and no impacts would occur.

Impact 1.3: The Project site is within an urbanized area of the City of Rancho Cucamonga. As such, the analysis for this threshold is based on the review of the potential for the Project to conflict with applicable zoning and other regulations governing scenic quality. The Project would not conflict with the applicable zoning and other regulations governing scenic quality, including Rancho Cucamonga Development Code standards and General Plan polices. No impact would occur.

Impact 1.4: The Project site is located in an urban area, which includes existing sources of light and glare. The Project involves redevelopment of the Project site and would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Impacts would be less than significant.

2. Agriculture and Forestry Resources

As identified in the NOP, there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, forest land, or timberland on or near the Project site. The Project would result in no impacts to agriculture and forestry resources.

3. Air Quality

Impact 2.3: The Project would not expose sensitive receptors (e.g., residents, workers or school children) to substantial pollutant concentrations, including localized criteria pollutant emissions during construction and operation, mobile source and construction-related diesel particulate matter (DPM) emissions, or carbon monoxide (CO) “Hot Spots”. Impacts would be less than significant.

Impact 2.4 The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, and would adhere to applicable regulatory requirements addressing odor emissions (refer to RR 2-1 and RR 2-5). Impacts would be less than significant.

4. Biological Resources

Impact 3.1: The Project site, site-adjacent improvement areas, and 6th Street at-grade crossing study area consist of two land cover types that would be classified as disturbed and developed. These areas do not support native plant communities, nor do they provide suitable habitat for sensitive plant or wildlife species. Therefore, the Project would not impact Candidate, Sensitive, or Special Status species. No impact would occur.

Impact 3.2 & 3.3: The Project site, site-adjacent improvement areas, and 6th Street at-grade crossing study area do not support riparian habitat; United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), or Regional Water Quality Control Board (RWQCB) jurisdictional areas; wetlands; or, sensitive natural communities. Therefore, no impact would occur. Potential indirect impacts to the ephemeral channel and water detention basin east of the Project site, which are not within the Project’s impact limits, would be less than significant with adherence to construction-related water quality protection requirements (outlined in RR 9-1).

Impact 3.4: The Project site, site-adjacent improvement areas and 6th Street at-grade crossing study area do not contain known native wildlife nursery sites and are not within a Wildlife Corridor or linkage. Vegetation and trees on the Project site, site-adjacent improvement areas, 6th Street at-grade crossing study area, and in the vicinity have the potential to provide suitable nesting opportunities for avian and raptor species. Compliance with the Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, 3511 and 3513 of the California Fish and Game Code, as outlined in RR 3-1 and RR 3-2 would ensure that potential impacts to nesting birds and raptors are less than significant.

Impact 3.5: The Project would result in the removal of heritage trees; however, the removal of any heritage trees would be conducted in compliance with the City’s tree protection policies/requirements, as outlined in RR 3-3 and RR 3-4. No impact would occur related to conflict with tree protection policies or ordinances.

Impact 3.6: The Project site is not within an adopted Habitat Conservation Plan; Natural Communities Conservation Plan; or other approved local, regional, or State habitat conservation plan area. Therefore, implementation of the Project would not conflict with the provisions of an adopted plan and no impacts would occur.

5. Cultural Resources

Impact 4.1: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the CEQA Guidelines.

Impact 4.3: Construction activities would not disturb known human remains. However, if human remains are encountered in subsurface soils, they would be handled in accordance with applicable State regulations (refer to RR 4-1), which detail the appropriate actions necessary in the event human remains are encountered. Potential impacts to human remains would be less than significant.

6. Energy

Impact 5.1 The Project would adhere to the state-mandated provisions of Title 24 Energy Efficiency Standards and the CalGreen Code, and the Rancho Cucamonga Development Code, and RR 5-1 (limits idling). The Project aims to achieve energy conservation goals within the State of California. As such, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during Project construction or operation. Impacts would be less than significant.

Impact 5.2: The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

7. Geology and Soils

Impact 6.1(i): The Project site is not in a fault hazard area; nor is the Project site within a mapped Alquist-Priolo Earthquake Fault Zone. The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact would occur.

Impact 6.1(ii): The Project site is within a seismically active region. As such, the Project's proposed structures may be subject to moderate to large seismic events, resulting in strong seismic ground shaking. As required by RR 6-1 and 6-2, the Project would be required to comply with the City's Building Regulations/2019 California Building Code (CBC) and the City's Grading Standards, and would be required to incorporate the recommendations from the Geotechnical Investigation, which would ensure that people and/or structures would not be exposed to potential substantial adverse effects from strong seismic ground shaking. Impacts would be less than significant.

Impact 6.1(iii): The Project is not located within an area of liquefaction susceptibility. The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. No impact would occur.

Impact 6.1 (iv): The Project site and surrounding areas are relatively flat. The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No impact would occur.

Impact 6.2: The Project site is in a soil erosion hazard area, where soils have a moderate to high erosion hazard and soil blowing hazard. Construction activities and operations would be conducted in adherence to City, regional, and State regulations related to management of windblown dust and other sources of soil erosion (RR 6-3 and RR 6-4). Additionally, construction activities would be

conducted in compliance regulations pertaining to protection of water quality. With adherence to existing regulations and requirements, there would be a less than significant impact related to erosion during construction and operation.

Impact 6.3: The near surface soils encountered at the on-site boring locations consist of artificial fill soils and native alluvium. Grading of the Project site would be performed in accordance with the City's building and grading standards and recommendations outlined in the Geotechnical Investigation (RR 6-1 and RR 6-2), and impacts related to instability of the site's geologic materials would be less than significant.

Impact 6.4: The Project site soils have low expansion potential and no soils would be imported to the Project site. No impact would occur related to expansive soils.

Impact 6.5: The Project would connect to the City-owned municipal wastewater conveyance system and would not utilize septic tanks for an alternative wastewater disposal system. The Project would have no impact related to the use of septic tanks and/or alternative wastewater systems.

8. Greenhouse Gas Emissions

Impact 7.1: Construction and operation of the Project, which would replace existing buildings, would not exceed the South Coast Air Quality Management District (SCAQMD)/City screening threshold for greenhouse gas (GHG) emissions and would not generate a net increase in GHG emissions, either directly or indirectly, that may significantly impact the environment. GHG emissions impacts would be less than significant. Notwithstanding, the Project Applicant has agreed to implement additional mitigation measures (revised MM 2-1 and new MM 2-2) identified in Section III.B.1, below, which would further reduce the Project's less than significant GHG emissions.

Impact 7.2: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, including Senate Bill (SB) 32 and the California Air Resources Board (CARB) 2017 Scoping Plan, the Southern California Association of Governments (SCAG), Connect SoCal, and the City of Rancho Cucamonga Sustainable Community Action Plan. This impact is less than significant and no mitigation is required. Notwithstanding, the Project Applicant has agreed to implement additional mitigation measures (revised MM 2-1 and new MM 2-2), which would further reduce the Project's less than significant GHG emissions.

9. Hazards and Hazardous Materials

Impact 8.1 & 8.2: Due to the lack of contaminants that exceed established standards for commercial/industrial uses, construction of the Project would not result in the exposure of the public to hazardous materials associated with potential Recognized Environmental Concerns (RECs). Further, no Asbestos Containing Materials (ACMs) or Lead Based Paint (LBP) occurs on-site. Construction and operation of the Project would involve handling of hazardous materials in limited quantities and typical to urban environments. Through compliance with existing regulations applicable to the Project (RR 8-1 through RR 8-3) the Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Impacts would be less than significant.

Impact 8.3: No existing or proposed schools are located within one-quarter mile of the Project site. The nearest school to the Project site (Sacred Heart Parish School) is located 1.5 miles to the north. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Additionally, the Project would not cause a significant human health or cancer risk to school children at the nearest school to the Project site (Sacred Heart Parish School) due to air pollutant emissions. Impacts would be less than significant.

Impact 8.4: The Project site is located on the State list of underground storage tanks (USTs) and leaking underground storage tanks (LUSTs) due to the previous presence of USTs on-site; the on-site USTs were removed in 1998. During the removal, no petroleum hydrocarbon staining or odors were noted beneath the USTs. The location of the Project on a site included on a list compiled pursuant to Government Code Section 65962.5 would not create a significant hazard to the public or the environment. No impact would occur and no mitigation is required.

Impact 8.5: The Project site is located within the Airport Influence Area (AIA) for the Ontario International Airport (ONT). The Project site is located outside the safety zones for the ONT; however, it is within the Federal Aviation Administration (FAA) Height Notification Surface Zone and near the Airspace Obstruction Surface Zone. The proposed buildings would have a maximum height of 50-feet, would not require notification of the FAA, and would not cause an obstruction for aircraft operations. The Project site is also within the Overflight Notification Zone. Although no safety hazard would result, the Project would adhere to the requirements of the ONT Airport Land Use Compatibility Plan related to Real Estate Disclosure Policy (refer to RR 8-4). The Project would not result in airport-related safety hazards for people residing or working in the Project area. Impacts would be less than significant.

Impact 8.6: The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. The Project would not impair implementation of, or physically interfere with an adopted emergency response plan or an emergency evacuation plan. No impact would result and no mitigation is required.

Impact 8.7: The Project site is not located within a designated fire hazard area or a Very High Fire Hazard Severity Zone within a Local Responsibility Area. The Project would not expose people or structures to a significant risk associated with wildland fires. No impact would occur.

10. Hydrology and Water Quality

Impact 9.1: Short-term construction and long-term operation of development under the Project would generate pollutants that may enter stormwater. However, compliance with existing regulations, as identified in RR 9-1 through RR 9-3, would prevent the violation of water quality standards, ensure compliance with waste discharge requirements and prevent the degradation of stormwater quality and groundwater quality. Impacts would be less than significant and no mitigation is required.

Impact 9.2: The Project would result in net increase in water demand as compared to existing conditions; however, the net increase would represent less than one percent of water demand for Cucamonga Valley Water District (CVWD). Therefore, the Project would not deplete groundwater supplies. The Project site is not in an CVWD groundwater recharge area; therefore, implementation of the Project would not interfere with groundwater recharge. Impacts would be less than significant and no mitigation is required.

Impact 9.3: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, 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, or impede or redirect flood flows. Impacts would be less than significant and no mitigation is required.

Impact 9.4: The Project site is not within a 100-year flood zone, is not within a tsunami zone, and is not within proximity to an enclosed or partially enclosed body of water that is capable of producing seiches. Therefore, there would be no impact related to risk of release of pollutants due to Project inundation from a flood, tsunami or seiche. The Project site is not located within a dam inundation area and impacts would be less than significant. Mitigation is not required.

Impact 9.5: The Project site is within the Santa Ana River Basin and with adherence to RR 9-1 through RR 9-3, the Project would not conflict with the Santa Ana Basin Plan. The Chino and Cucamonga Groundwater Basins are “low priority” basins and not subject to the requirements of the Sustainable Groundwater Management Act. Therefore, the Project would not conflict with an adopted Groundwater Sustainability Plan. No impacts would occur.

11. Land Use and Planning

Impact 10.1: The Project site is surrounded by existing non-residential development. Redevelopment of the Project site, including construction of new Street A, would not physically divide an established community. No impact would occur.

Impact 10.2: Implementation of the Project would not result in conflicts with any local or regional land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project is consistent with the advisory Rancho Cucamonga General Plan (2010) Policy LU-7.1 because following the preparation of the Rancho Cucamonga General Plan (2010), the NRG Etiwanda Generating Station closed and there is no longer a need for the immediately surrounding areas to be developed with heavy industrial uses. No impacts would occur.

12. Mineral Resources

As identified in the NOP, the Project site is not located within an area known to be underlain by regionally-important mineral resources and is not identified as a locally-important mineral resource recovery site. Implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or to the residents of the State of California. No impact would result.

13. Noise

Impact 11.2: The Project would not result in the generation of excessive groundborne vibration or groundborne noise levels during construction or operation. This impact is less than significant and no mitigation is required.

Impact 11.3: The Project site is located within the ONT AIA but outside the 60 dBA CNEL airport noise impact zone. The Project would not expose people residing or working in the Project area to excessive noise levels. This impact is less than significant and no mitigation is required.

14. Population and Housing

Impact 12.1: The Project proposes to redevelop the Project site with two warehouse buildings and would not include the development of any residential uses. The Project would result in a net increase of approximately 277 employment opportunities. The Project would not directly or indirectly result in substantial unplanned population growth in the area. Impacts would be less than significant.

Impact 12.2: The Project site does not contain any residential structures under existing conditions. Therefore, the Project would not displace substantial numbers of existing housing or people and would not necessitate the construction of replacement housing elsewhere. No impact would occur.

15. Public Services

As identified in the NOP, the Project would not involve new residential uses or an increase in the City's population, and there is an existing demand for public services at the Project site associated with the existing development on-site. The Project would be developed in adherence to existing regulations relative to fire protection, and required development impact fees would be paid. The Project would not require the construction of new or alteration of existing public service facilities to maintain an adequate level of service to the Project area, and no physical environmental impacts would result. Impacts to public services would be less than significant.

16. Recreation

As identified in the NOP, the Project does not propose any uses that would directly generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. In addition, the Project does not propose to construct any new on- or off-site recreation facilities. Implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, or substantial adverse environmental effects related to the construction or expansion of recreational facilities. Impacts related to recreational facilities would be less than significant.

17. Transportation/Traffic

Impact 13.1: The Project site is within a Transit Priority Area, and the Project would be implemented in accordance with applicable regulations related to Transportation (refer to RR 13-2 and RR 13-3). The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. No impact would result.

Impact 13.2: The Project's VMT impact would be considered less than significant based on the City's Low VMT Area screening threshold. Further, the Project's VMT impact would be considered less than significant based on the comparison of baseline Project-generated VMT per service population to the City's baseline condition. Thus, the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). This impact is less than significant and no mitigation is required.

Impact 13.3: Construction activities within the public right-of-way would be conducted in accordance with requirements established by the cities of Rancho Cucamonga and Ontario (refer to RR 13-1 and RR 13-5) and Caltrans as appropriate, and Project-generated truck traffic during construction and operation would travel on designated truck routes, and would adhere to applicable regulations associated with truck travel (refer to RR 13-4). The Project does not involve the introduction of any design features or incompatible uses that would substantially increase hazards for motorists, pedestrians, or bicyclists, on the roadways surrounding the Project site. This impact would be less than significant.

Impact 13.4: Proposed construction activities would be conducted in compliance with requirements of the cities of Rancho Cucamonga and Ontario (refer to RR 13-1 and RR 13-5), and the Project circulation system would meet Rancho Cucamonga Fire Protection District (RCFPD) standards for access, width, and turning radii. The Project would provide adequate emergency access and impacts would be less than significant.

18. Tribal Cultural Resources

Impact 14.1.a: The Project would not cause a substantial adverse change in the significance of a tribal cultural resources that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). No impact would occur.

19. Utilities and Service Systems

Impact 15.1: The Project would increase the demand for utility services and in addition to complying with Title 24 Energy Efficiency Standards and the CALGreen Code, the Project would adhere to regulations addressing water conservation (refer to RR 15-2 and RR 15-3). Utility infrastructure installation and associated improvements would occur within the identified physical impact area for the Project (on-site and within the public right-of-way along adjacent streets) as addressed throughout the Draft EIR, and in compliance with applicable requirements of the utility providers (RR 15-1). No additional impacts would result. This impact would be less than significant and no mitigation is required.

Impact 15.2: Development allowed by the Project would require water supplies from the CVWD. The Project-specific Water Supply Assessment (WSA) demonstrates that CVWD has available water supplies to meet the water demands of the Project for the next twenty years through 2040, including demands during normal, single dry and multiple dry years. The CVWD has concurred with the findings of the WSA that available water supplies would be adequate to serve the Project. Impacts would be less than significant and no mitigation is required.

Impact 15.3: The Inland Empire Utilities Agency (IEUA) wastewater treatment facilities have sufficient capacity to serve the Project and existing commitments. This impact would be less than significant and no mitigation is required.

Impact 15.4: The Project's construction and operational refuse would be disposed of at the Mid Valley Landfill. Construction and operational activities would comply with applicable regulations addressing solid waste management (refer to RR 15-4 and RR 15-5). The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. This impact would be less than significant and no mitigation is required.

Impact 15.5: Construction and operation associated with implementation the Project would be conducted in compliance with applicable statues and regulations related to solid waste. No impact would occur and no mitigation is required.

20. Wildfire

As identified in the NOP, the Project site is not located within a very high fire hazard severity zone, and is surrounded by development, with no wildland areas in the immediate vicinity. As such, no impacts related to wildfire would occur.

C. FINDINGS WITH RESPECT TO EFFECTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The EIR identified certain potentially significant effects that could result from the Project. However, the City finds for each of the significant or potentially significant impacts identified in this section that based upon substantial evidence in the record, 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 Final EIR and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the Project. Impacts and Mitigation Measures are presented below in summary form. For a detailed description of impacts and Mitigation Measures, see the appropriate text in the EIR.

As stated in Part I of these Findings, above, the City hereby binds itself to implement these measures as measures built into the design of the Project itself or as conditions of Project approval.

1. Air Quality

Threshold 2.1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: The air quality plan applicable to the Project is the South Coast Air Quality Management District (SCAQMD) Final 2016 Air Quality Management Plan (AQMP). The Project's net operational emissions would not exceed the applicable SCAQMD regional thresholds or LST thresholds, and the Project's construction and operational characteristics would not exceed the assumptions in the AQMP. However, prior to mitigation the Project's construction-related emissions would exceed the SCAQMD regional thresholds for NO_x. Thus, Project-related construction activities have the potential to result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 AQMP, resulting in a potentially significant impact. With the implementation of MM 2-1, which was expanded in the Final EIR to include additional construction-related mitigation requirements recommended by the CARB the Project would not conflict with the 2016 AQMP, and this impact would be less than significant. MM 2-1 reduces NO_x emissions by requiring the use of Tier 3 and Tier 4 equipment, restricting idling time for heavy construction equipment, requiring electrical hookups for zero near

zero construction equipment and use of commercially available electric powered equipment, and requiring use of Model Year 2014 or later heavy-duty trucks for dirt and material hauling.

To reduce the Project's less than significant operational air quality impacts identified in the Draft EIR, new MM 2-2 was also added in the Final EIR in response to CARB's recommendations. MM 2-2 reduces NOx emissions through Project design requirements (EV-ready truck dock positions), and operational requirements to be imposed on future building occupants related to transportation refrigeration units (TRUs), use of service equipment powered by alternative fuels, and idling times for trucks and support equipment.

MM 2-1 Prior to grading permit and building permit issuance, the City of Rancho Cucamonga shall verify that the following applicable notes are included on the grading plans and building plans. Project contractors shall be required to ensure compliance with these notes and permit periodic inspection of the construction-site by City of Rancho Cucamonga staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- During construction activity, Project construction contractors shall ensure that off-road diesel construction equipment complies with applicable California Air Resources Board (CARB) emissions standards or equivalent and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.
- The following off-road construction equipment shall be CARB Tier III certified or better, by construction phase as shown:
 - Demolition/Crushing:
 - Boom Lift
 - Concrete/Industrial Saws
 - Crusher
 - Skid Steer
 - Utilities/Infrastructure:
 - Trencher
 - Building Construction:
 - Forklifts
 - Generator Sets
 - Welders
 - Paving:
 - Pavers
 - Paving Equipment
 - Rollers
 - Architectural Coating
 - Air Compressors
- The following off-road construction equipment shall be CARB Tier IV Final certified or better, by construction phase as shown:
 - Demolition/Crushing:
 - Breakers
 - Excavators
 - Generator Sets
 - Rubber Tired Dozers

- Grading:
 - Crawler Tractors
 - Excavators
 - Graders
 - Rubber Tired Dozers
 - Scrapers
 - Utilities/Infrastructure:
 - Excavators
 - Skip Loaders/Backhoes
 - Building Construction
 - Cranes
 - Crawler Tractors
 - Laser Screed
 - Scissor Loaders/Backhoes
 - Skip Loaders/Backhoes
- Idling of heavy construction equipment shall be restricted to two minutes and electrical hook ups shall be provided to support use of zero and near-zero construction equipment and tools whenever feasible.
 - Off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction shall be electric powered, provided that it is commercially available, which may be plug-in (electric) or battery powered.
 - Heavy-duty trucks used for dirt and material hauling during construction shall meet the United States Environmental Protection Agency/California Air Resource Board truck engine standard for Model Year 2014 or later.

MM 2-2 The Project Applicant shall include the following operational requirements in the final building design or stipulate the operational requirements for building occupants, as appropriate:

Project Design

- Make truck dock positions EV-ready by installing conduits at truck dock positions for future accommodation of light-duty and/or heavy-duty electric trucks and charging stations.

Lease Agreement and Owner-Occupant Requirements

- Those loading docks used by trucks with transport refrigeration units (TRU) as determined by a cold storage tenant shall be equipped with electrical hookups (applicable to cold storage tenant lease agreements only).
- TRUs entering the Project site shall be plug-in capable (applicable to cold storage tenant lease agreements only).
- On-site TRU diesel engine run time shall be no longer than 15 minutes (applicable to cold storage tenant lease agreements only).
- Service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) shall be powered by alternative fuels, electrical batteries or other

alternative/non-diesel fuels (e.g., propane) that do not emit diesel particulate matter, and that are low or zero emission.

- Trucks and support equipment shall not idle longer than five minutes while on site.

Threshold 2.2: *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?*

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: Prior to mitigation and with adherence to applicable regulatory requirements (RR-1 through RR-5), the Project's construction activities would result in a cumulatively-considerable net increase of NO_x, which is an O₃ precursor, for which the Project region is nonattainment under an applicable federal or State ambient air quality standard, resulting in a potentially significant impact. As discussed above, this impact would be mitigated to a less than significant level with implementation of MM 2-1, as revised in the Final EIR, which is presented above because MM 2-1 includes requirements that serve to reduce NO_x emissions.

During operation, the Project would not result in a cumulatively-considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard, and impacts would therefore be less than significant. Notwithstanding the Project's less than significant impact, new MM 2-2 presented above would also be implemented to further reduce operational air pollutant emissions. As discussed above, MM 2-2 includes requirements that serve to reduce NO_x emissions.

2. Cultural Resources

Threshold 4.2: *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: The Project has a low potential to impact unknown archaeological resources; however, there is a potential to encounter subsurface archaeological resources during construction resulting in a potentially significant impact prior to mitigation. Implementation of MM 4-1 and MM 4-2, which identify actions to be taken during construction to protect unknown resources, would reduce this impact to a less than significant level. MM 4-1 requires that prior to the commencement of grading, a qualified archaeologist be retained to conduct contractor training so all personnel are aware of the potential for the presence of resources at the site and understand the protocols to follow in the event of a discovery. In the unlikely event that archaeological resources are unearthed, resulting in a potential loss of a previously unknown resource, MM 4-2 requires a qualified archaeologist must be retained to evaluate the find and make decisions on its disposition.

MM 4-1 Prior to site preparation or grading activities, construction personnel shall be instructed by a qualified Archaeologist of the potential for encountering unique archaeological resources and instructed on steps to take in the event such resources are encountered. This shall include the provision of written materials to familiarize personnel with the

range of resources that might be expected, the type of activities that may result in impacts, and the legal framework of cultural resources protection. All construction personnel shall be instructed to stop work in the vicinity of a potential discovery until a qualified Archaeologist assesses the significance of the find and implements appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of archaeological resources is prohibited.

MM 4-2 In the event that cultural resources are inadvertently unearthed during excavation and grading activities, the Contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The Property Owner/Developer shall retain a qualified Archaeologist (Project Archaeologist), subject to approval by the City of Rancho Cucamonga, to evaluate the significance of the find and to determine an appropriate course of action. All artifacts except for human remains and related grave goods or sacred objects belong to the Property Owner.

All artifacts discovered at the development site shall be inventoried and analyzed by the Project Archaeologist. Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts shall be subjected to curation or returned to the Property Owner, as deemed appropriate.

If any artifacts of Native American origin are discovered, the Property Owner/Developer and Project Archaeologist shall notify the City of Rancho Cucamonga Planning Department and the appropriate local Native American tribe identified by the Native American Heritage Commission. The significance of Native American resources shall be evaluated in accordance with the provisions of CEQA and shall consider the religious beliefs, customs, and practices of the tribe (refer to MM 14-1 through MM 14-6 in Section 4.14, Tribal Cultural Resources). All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling (see RR 4-1).

Once ground-altering activities have ceased or the Project Archaeologist determines that monitoring activities are no longer necessary, monitoring activities may be discontinued following notification to the City of Rancho Cucamonga Planning Department.

A report of findings, including an itemized inventory of recovered artifacts, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered artifacts. The report and inventory, when submitted to the City of Rancho Cucamonga Planning Department, shall signify completion of the program to mitigate impacts to archaeological and/or cultural resources. A copy of the report shall also be filed with the Archaeological Information Center (AIC) at the San Bernardino County Museum and the Native American tribe, as appropriate.

3. Geology & Soils

Threshold 6.6: *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: The Project site is underlain by native alluvial soils, which have a High paleontological sensitivity. The depth of proposed excavation for the Project is up to 26 feet. Therefore, there is a potential for significant paleontological resources to be unearthed during ground-disturbing activities, without mitigation. With the implementation of MM 6-1, which identifies actions to be taken during construction to protect paleontological resources that may be present, potential impacts to paleontological resources would be less than significant. MM 6-1 requires that full-time paleontological monitoring be required starting at a depth of 12 feet below the surface during grading, excavation, or utility trenching activities at the Project site. For grading and other earth disturbance activities at depths between five and 12 feet below the surface, periodic “spot checks” for potential paleontological resources is warranted and also required by MM 6-1. If significant fossils are discovered during a spot check, full-time monitoring is required. MM 6-1 further identifies steps to be taken in the event paleontological resources are encountered, including temporary halting construction activities or diverting equipment to allow for the removal of fossils in a timely manner; depositing fossils in an accredited institution, if warranted; and, preparation of a final monitoring and mitigation report.

MM 6-1 Prior to the issuance of grading permits, the Project Applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her trained paleontological monitor representative) during on-site subsurface excavation of Quaternary (i.e., early Holocene and late Pleistocene) alluvial-fan deposits, as outlined below. Selection of the paleontologist shall be subject to approval of the City of Rancho Cucamonga Planning Director, or designee, and no grading activities shall occur at the site until the paleontologist has been approved by the City. The PRIMMP shall include the requirements below.

- Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Monitoring shall be conducted full time in areas of grading or excavation activities that occur in undisturbed exposures of Quaternary (i.e., early Holocene and late Pleistocene) alluvial-fan deposits at a depth of 12 feet and below in order to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. For grading and other earth disturbance activities at depths between 5 and 12 feet below the surface, periodic spot checks for potential paleontological resources shall be conducted. Periodic monitoring shall consist of approximately 1 to 3 scheduled site visits per week by a paleontological monitor during construction ground disturbance. If significant fossils are discovered during a spot check, full-time monitoring should be initiated.
- Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to

contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.

- Recovered specimens shall be prepared to a point of identification and permanent preservation, including screen-washing sediments to recover small invertebrates and vertebrates, if indicated by the results of test sampling. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.
- All fossils shall be deposited in an accredited institution, such as the San Bernardino County Museum, that maintains collections of paleontological materials. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the Project Applicant.
- The Project Paleontologist shall prepare of a final monitoring and mitigation report of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to (and accepted by) the City of Rancho Cucamonga, shall signify satisfactory completion of the Project program to mitigate impacts to any nonrenewable paleontological resources.

4. Noise

Threshold 11.1: Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: During the Project's construction phase, the Project would result in a temporary increase in noise levels along the eastern property boundary, which is shared with the West Valley Detention Center. The construction noise levels would exceed the City of Rancho Cucamonga construction noise level standard of 65 dBA Leq. With implementation of MM 11-1 and MM 11-2, construction-related noise impacts at the eastern property boundary would be reduced 62.1 dBA Leq, which would not exceed the City's standard, resulting in a less than significant impact with mitigation. MM 11-2 requires installation of a temporary noise barrier at the eastern property line during construction, and MM 11-2 requires use of properly operating and maintained mufflers and directing stationary construction equipment away noise sensitive receivers.

The Project would not result in a permanent increase in daytime or nighttime noise levels during operation in excess of established noise standards. This impact is less than significant, and no mitigation is required.

MM 11-1 Prior to issuance of grading or building permits, the City of Rancho Cucamonga shall review the plans to ensure the plans require the installation of a minimum 6-foot-high temporary construction perimeter noise barrier along the Project site's boundary with the San Bernardino County West Valley Detention Center. The location and following specifications for the noise control barrier shall also be included on the plans:

- The noise control barriers must present a solid face from top to bottom.
- The noise barrier shall be constructed using one of the following materials with no decorative cutouts or line-of-sight openings between shielded areas and the noise source:
 - An acoustical blanket (e.g., vinyl acoustic curtains, quilted blankets, or equivalent) attached to the construction-site perimeter fence or equivalent temporary fence posts.
 - Any combination of construction materials satisfying a weight of at least 4 pounds per square foot of face area.
- The noise barriers shall be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.

The required barrier shall be installed prior to any construction activities commencing on-site and shall remain in place until construction activities have been completed. The construction contractor shall allow for periodic inspection by the City of Rancho Cucamonga to ensure that the required noise barrier remains in place until completion of construction activities on-site.

MM 11-2 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. The construction contractor shall allow for periodic inspection by the City of Rancho Cucamonga to ensure compliance with these requirements.

5. Tribal Cultural Resources

Threshold 14.1.b: *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings: The Project has a low potential to impact unknown tribal cultural resources; however, there is a potential to encounter subsurface tribal cultural resources during

construction resulting in a potentially significant impact prior to mitigation. Implementation of MM 14-1 through MM 14-6, required during the City's consultation with the Gabrieleño Band of Mission Indians – Kizh Nation, would reduce this impact to a less than significant level. MM 14-1 through MM 14-6 require monitoring of ground-disturbing activities, outline the parameters for the monitoring activities, and identify actions that should be taken if tribal cultural resources or Native American human remains are encountered. These measures further ensure the proper identification and subsequent treatment of any tribal cultural resources and/or Native American human remains that may be encountered during ground-disturbing activities associated with the development of the Project. If human remains are encountered in subsurface soils, implementation of RR 4-1, which outlines state-required actions required to be taken in the event human remains of Native American origin are discovered, would also ensure potential impacts are less than significant.

MM 14-1 Prior to the commencement of any ground disturbing activity at the Project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 - SB18 (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the City of Rancho Cucamonga prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor shall complete daily monitoring logs that shall provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project site have little to no potential for impacting tribal cultural resources. Upon discovery of any tribal cultural resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All tribal cultural resources unearthed by project activities shall be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe shall retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

- MM 14-2** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.
- MM 14-3** Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant shall immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD).
- MM 14-4** If the Gabrieleño Band of Mission Indians – Kizh Nation is designated MLD, the Koonas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.
- MM 14-5** Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe

does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

MM 14-6 Native American and Archaeological monitoring during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of TCR's shall be taken. The Native American monitor must be approved by the Gabrieleño Band of Mission Indians-Kizh Nation. Principal personnel for Archaeology must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California.

IV. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE CHANGES AND GROWTH-INDUCING IMPACTS

A. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Specifically, Section 15126.2(d) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Generally, a project would result in significant irreversible environmental changes if the following occurs:

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

Determining whether the Project may result in significant irreversible effects requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The southern portion of the Project site

is developed with industrial uses, associated facilities, and landscaping, and the northern portion of the Project site consists of a surface parking area and vacant land (a former vineyard). The Rancho Cucamonga General Plan anticipates that development within the Southeast Focus Area will eventually support urban uses that would generate jobs and revenue. Thus, the Project would alter the Project site by replacing the existing warehouse and retail buildings, which were originally constructed in 1983, with two new contemporary high-cube industrial warehouse buildings. There are no non-renewable resources present at the Project site; therefore, conversion of the land from its current state to a high-cube industrial warehouse development would have no direct effect on any such resources at the Project site.

Construction of the Project would require the commitment and reduction of nonrenewable and/or slowly renewable resources, including petroleum fuels and natural gas (e.g., for construction, vehicle operations) as well as lumber, sand/gravel, steel, copper, lead, and other metals (for use in building and internal roadway construction and utility infrastructure). Construction of the Project would not involve the use of large sums or sources of renewable energy. Additionally, the Project is required by law to comply with federal, state, and local building requirements addressing energy conservation, compliance with these requirements reduces a building operation's energy volume that is produced by fossil fuels.

Non-renewable natural resources that would be consumed over the operating life of the Project could include fuels (e.g., petroleum) for both on-site workers who would commute to the Project site and for the vehicles that would deliver goods to/from the Project site. Depending on the specific occupants of the Project's future buildings, various non-renewable natural resources could be consumed during operations, including metals (such as lead, copper, etc.). There also could be a variety of ancillary maintenance and fueling activities for equipment used inside the future buildings and in the truck loading areas of the industrial buildings. These activities could involve the use of liquid fuels such as gasoline and diesel, propane, or other gases. The consumption of non-renewable resources to construct and operate the Project over the long-term would likely commit subsequent generations to the same use of the land and similar patterns of energy consumption, although the Project is expected to generate a significant amount of solar energy through a commitment to construct a rooftop solar system under the proposed Development Agreement. It is improbable that the site would revert to permanently undeveloped conditions due to the large capital investment that would already have been committed. However, the Project is not expected to reduce the availability of any natural resources as a result of long-term operational activities.

An analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment is provided in the EIR. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all occupants that occupy the Project's buildings. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

Lastly, an increased commitment of public services (e.g., police and fire) would also be required. However, as discussed above, the Project would not require the construction of new or alteration of existing fire or police protection facilities to maintain an adequate level of service to the Project area, and no physical environmental impacts would result.

In summary, Project development is an irreversible commitment of the land, energy resources, and public services.

B. GROWTH-INDUCING IMPACTS

CEQA requires an EIR include a discussion of ways in which the proposed project could induce growth. The CEQA Guidelines identify a project as growth-inducing if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment (CEQA Guidelines, Section 15126.2[e]). New employees from the future high-cube warehouse uses proposed by the Project represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts.

To address this issue, potential growth-inducing effects are examined through analysis of the following questions:

1. Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?
2. Would this project result in the need to expand one or more public services to maintain desired levels of service?
3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
4. Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?

A project could indirectly induce growth by reducing or removing barriers to growth or by creating a condition that attracts additional population or new economic activity. However, a project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. This issue is presented to provide additional information on ways in which the Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the Project examined in the EIR.

- 1. Would this Project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the Project area or through changes in existing regulations pertaining to land development)?** Urban development in the City of Rancho Cucamonga and existing development in the Southeast Focus Area, described in Section III.A, are already served by an extensive network of utility/service systems and the other infrastructure necessary to accommodate or serve the existing conditions and planned growth. The existing utility/service systems can be readily upgraded and/or extended onto the future development sites. Further, future development would be reviewed on a project-by-project basis prior to the time of proposed construction in order to determine the utility/service systems necessary to serve the proposed land uses. The Project would not involve the construction of any off-site infrastructure; existing and planned

utility infrastructure and facilities are available adjacent to the Project site. New utility infrastructure would be required to serve the proposed development and would connect to existing utilities. The utility infrastructure installed as part of the Project would be sized and located expressly to serve the Project and would not, therefore, induce growth in the Project vicinity.

The Project would not involve the construction of any major roadways. A new public street referred to as “Street A” would be constructed along the eastern boundary of the Project site to provide a connection between 4th Street and 6th Street to alleviate vehicular trips on nearby streets. Additionally, as shown in the General Plan Circulation Plan, the Project includes the connection of 6th Street over the railroad tracks west of the Project site to complete 6th Street between Santa Anita Avenue and Etiwanda Avenue. These roadway improvements would not induce growth in the Project vicinity.

As previously discussed, the Project site is currently designated for Light Industrial and Heavy Industrial uses. The Project implements growth and development anticipated in the Southeast Focus Area, as identified in the Rancho Cucamonga General Plan. However, a General Plan Amendment and Zoning Map Amendment are requested for the northern portion of the Project site for consistency of land use designations across the Project site and to create a uniform set of development standards to follow. The Project is not, therefore, considered to be growth-inducing with respect to the removal of obstacles to growth.

2. **Would this Project result in the need to expand one or more public services to maintain desired levels of service?** Consistent with the existing condition, the Project would create the typical range of service calls for the RCFPD and SBSB that occur with the proposed industrial uses. The Project would not necessitate the construction of new or the expansion of existing public service facilities in order to maintain desired levels of service. No demand for other public services (e.g., schools, parks, libraries) would occur with the Project and the facilities or associated resources of these services do not need to be expanded. In addition, the City has funding mechanisms in place through existing regulations and standard practices to accommodate future growth and the demand for public services. This Project would not, therefore, have significant growth inducing consequences with respect to public services.
3. **Would this Project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?** During Project construction, a number of designs, engineering, and construction-related jobs would be created. This would last until Project construction is completed. This would be an indirect, growth-inducing effect of the Project. As the Project is built and occupied, Project employees would seek shopping, entertainment, employment, home improvement, auto maintenance, and other economic opportunities in the surrounding area. This would represent an increased demand for such economic goods and services and could, therefore, encourage the creation of new businesses and/or the expansion of existing businesses that address these economic needs. However, it is expected that any such development would occur consistent with planned growth identified in the Rancho Cucamonga General Plan and the General Plans of nearby cities, including Ontario and Fontana.

The Project is located near existing commercial and retail areas that would help serve the needs of Project employees. However, the Project would not increase the residential population in the City and would not directly induce or cause substantial unexpected growth in the area.

Once operational, the Project could result in a net increase of approximately 277 employment opportunities in the City, and the number of jobs that would result from operation of the Project is within the growth projections for the City and region, including the growth assumptions in SCAG's current Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS; referred to as Connect SoCal). It is expected that the short-term construction jobs and new positions during Project operation would be filled by workers who already reside in the local area or region. Operation of the Project is not anticipated to generate a substantial permanent increase in population in the City, and the increase in demand for additional goods and services would be limited to those associated with employee demands.

4. **Would this Project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?** The Project involves a General Plan Amendment and Zoning Map Amendment to provide a consistent land designation for the Project site. However, no changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, fire codes) are proposed or required to implement this Project. Regulatory requirements and mitigation measures have been identified to ensure that implementation of the Project complies with applicable City plans, policies, and ordinances, ensure that there are no conflicts with adopted land development regulations, and environmental impacts are minimized. The Project does not propose any precedent-setting actions that, if approved, would specifically allow, or encourage other projects and resultant growth to occur. Furthermore, the Project is not extending any infrastructure or facilitating further development. Accordingly, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and Zoning allow is speculative. CEQA does not require the analysis of speculative effects (CEQA Guidelines Section 151454). If any other property owner were to propose redevelopment of a property in the Project vicinity or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

V. FINDINGS REGARDING PROJECT ALTERNATIVES

Although the Project would not result in any significant and unavoidable impacts, CEQA requires evaluations of alternatives that can reduce the significance of identified Project impacts that will not be avoided or substantially lessened by mitigation measures and can "feasibly attain most of the basic objectives of the proposed Project." Thus, overall Project objectives were considered by the City in evaluating the alternatives.

The objectives that have been established for the Bridge Point Rancho Cucamonga Project are listed below.

1. Ensure that development of the Project site is accomplished consistent with applicable goals and policies of the City of Rancho Cucamonga as set forth in the *Rancho Cucamonga General Plan*.
2. Maximize redevelopment of the existing underutilized Project site and generate increased property tax revenue for the City of Rancho Cucamonga in order to support the City's ongoing municipal operations.
3. Maximize development of Class A high cube warehouse industrial buildings in the City of Rancho Cucamonga that are designed to meet contemporary industry standards for operational

design criteria, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.

4. Create employment-generating businesses in the City of Rancho Cucamonga to reduce the need for members of the local workforce to commute outside the area for employment, and to improve the jobs to housing balance.
5. Develop a project with an architectural design and operational characteristics that complement other existing buildings in the immediate vicinity and minimize conflicts with other nearby land uses.
6. Maximize industrial warehouse buildings in close proximity to an already-established industrial area, designated truck routes, and the State highway system in order to avoid or shorten truck-trip lengths on other roadways, and avoid locating industrial warehouse buildings in close proximity to residential uses.
7. Develop properties that have access to available infrastructure, including roads and utilities to be used as part of the Southern California supply chain and goods movement network.

The following findings and brief explanation of the rationale for the findings regarding Project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(a)(3) of the CEQA Guidelines.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the Project, while avoiding or substantially lessening the Project's significant and unavoidable impacts. As noted above, the Project would not result in any significant and unavoidable impacts.

Four alternatives to the Project were defined and analyzed.

No Project/No Action Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate a "no project" alternative to allow decision makers to compare the impacts of approving a project with the impacts of not approving that project. Section 15126.6(e)(3) of the CEQA Guidelines describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is other than a land use/regulatory plan (such as a specific development on an identifiable property), the no project alternative is the circumstance under which the project does not proceed.

Under the No Project/No Action Alternative, the existing warehouse building, retail building, and associated facilities on the Project site would be retained, but they would not be reoccupied and would remain vacant with no associated operations. As described previously, the Project site is currently occupied by a former Big Lots warehouse building and retail building which is currently vacant. The Project site includes 23,240- sf retail building and a 1,431,000-sf warehouse building. The No Project/No Action represents both types of no project alternatives outlined in the CEQA Guidelines: (1) continuation of development consistent with the existing land use and zoning

designations, and (2) assumes the Project does not proceed (leaving the existing warehouse building and retail building on-site).

Findings Regarding Environmental Impacts

The Project would not result in any significant and unavoidable impacts; therefore, the No Project/No Action Alternative would not avoid or substantially lessen a significant and unavoidable impact. The No Project/No Action Alternative would avoid the Project's less than significant impacts; however, it also has potential for negative effects associated with urban blight and safety and security issues.

Findings Regarding Project Objectives

The No Project/No Action Alternative would not meet the Project objectives, would not realize any of the Project's design benefits associated with new development and would not meet current City design standards.

No Project/No Development Alternative– Reuse of Existing Buildings

The Project site is currently occupied by a 1,431,000- sf former Big Lots warehouse building and a 23,240- sf for Big Lots retail building. Big Lots vacated the Project site in February 2020, and the Project site was reoccupied by Geodis from October 2020 to May 2021. Although the buildings are currently vacant, uses that are consistent with the City's zoning and adhere to applicable regulations could reoccupy the buildings. Under No Project/No Development – Reuse of Existing Buildings Alternative (No Project/No Development Alternative), the existing warehouse building, retail building, and associated facilities on the Project site would be retained and reoccupied for use consistent with that allowed by right pursuant to Section 17.30, Allowed Land Use by Base Zoning District, of the City's Development Code. This includes, but is not limited to, ongoing warehouse and retail uses. It is expected that, depending on the type of use that would occupy the existing buildings, tenant improvements could be needed to accommodate reuse of the buildings; however, these improvements would not require approval of discretionary actions. With respect to roadway and utility infrastructure, this Alternatives analysis assumes that existing circulation patterns would be maintained, and existing utility infrastructure would continue to serve the site. This alternative would not involve implementation of the roadway and infrastructure improvements proposed as part of the Project, including construction of a public roadway that would be implemented with the Project (Street A), and construction of an at-grade crossing of 6th Street at the railroad tracks.

The No Project/No Development Alternative represents both types of no project alternatives outlined in Section 15126.6(e)(3) of the CEQA Guidelines, discussed previously: (1) continuation of development consistent with the existing land use and zoning designations, and (2) assumes the Project does not proceed (leaving the existing warehouse building and retail building on-site).

Findings Regarding Environmental Impacts

The Project would not result in any significant and unavoidable impacts; therefore, the No Project/No Development Alternative would not avoid or substantially lessen a significant and unavoidable impact. Project-level mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: air quality (due to construction-related emissions), cultural resources (due to the potential to encounter previously undiscovered cultural resources), geology and soils (due to the potential to encounter previously undiscovered paleontological resources), noise (due to construction-related noise), and tribal

cultural resources (due to the potential to encounter undiscovered tribal cultural resources). These potentially significant impacts are associated with construction activities, not operation of the Project and therefore would not apply to the No Project/No Development Alternative.

As described above, the No Project/No Development Alternative would have a similar lack of impacts, or less than significant impacts, as the Project related to aesthetics, biological resources, geology and soils (related to seismic ground shaking and soil conditions), hazards and hazardous materials, hydrology/drainage and groundwater, land use and planning, operational noise, population and housing, transportation, and utilities and service systems. Therefore, the No Project/No Development Alternative would not avoid or substantially lessen Project impact related to these issues.

The Project and No Project/No Development Alternative would also have less than significant impacts for the following topics; however, the No Project/No Development Alternative would have less impacts: construction-related air quality emissions, biological resources, cultural resources, GHG emissions, geology and soils (related to paleontological resources), and tribal cultural resources. Notably, the No Project/No Development Alternative would avoid potentially significant impacts related to cultural resources, paleontological resources, and tribal cultural resources that require Project-level mitigation to reduce the impact to a less than significant level.

The Project and No Project/No Development Alternative would have less than significant impacts for the following topics; however, the No Project/No Development Alternative would have potentially greater impacts: energy conservation; conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs; and water quality impacts during operations.

Findings Regarding Project Objectives

The discussion below addresses the ability of the No Project/No Development Alternative to attain the Project objectives.

1. **Ensure that development of the Project site is accomplished consistent with applicable goals and policies of the City of Rancho Cucamonga as set forth in the Rancho Cucamonga General Plan.** The No Project/No Development Alternative would not involve redevelopment of the Project site, rather it would involve the reuse of existing buildings and facilities at the Project site for continued warehouse and retail uses. Additionally, the No Project/No Development Alternative would not further achievement of planning objectives outlined in the Rancho Cucamonga General Plan. Therefore, while the No Project/No Development Alternative meets the intent of this Project objective, it does not meet it to the same extent as the Project.
2. **Maximize redevelopment of the existing underutilized Project site and generate increased property tax revenue for the City of Rancho Cucamonga in order to support the City's ongoing municipal operations.** The No Project/No Development Alternative would involve reuse of the existing buildings and would not maximize redevelopment of the underutilized Project site. While the No Project/No Development Alternative would generate revenue consistent with previous use of the site, it would not generate increased revenues. Therefore, the No Project/No Development Alternative would not meet this objective.

3. **Maximize development of Class A high cube warehouse industrial buildings in the City of Rancho Cucamonga that are designed to meet contemporary industry standards for operational design criteria, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.** The reuse of the existing buildings on-site, which involves operation of a retail building, and leaving the northern portion of the Project site undeveloped, would not meet this Project objective, which is associated with maximizing development of the Project site through redevelopment and the operation of contemporary high cube warehouse industrial buildings.
4. **To create employment-generating businesses in the City of Rancho Cucamonga to reduce the need for members of the local workforce to commute outside the area for employment, and to improve the jobs to housing balance.** The Project would generate more employment opportunities than what would be generated through reuse of the existing buildings. Therefore, the No Project/No Development Alternative would not achieve this objective to the same extent as the Project.
5. **To develop a project with an architectural design and operational characteristics that complement other existing buildings in the immediate vicinity and minimize conflicts with other nearby land uses.** Retention of the existing buildings under the No Project/No Development Alternative would not conflict with existing architecture or the operations of nearby uses and would achieve this objective.
6. **To maximize industrial warehouse buildings in close proximity to an already-established industrial area, designated truck routes, and the State highway system in order to avoid or shorten truck-trip lengths on other roadways, and avoid locating industrial warehouse buildings in close proximity to residential uses.** The reuse of the existing buildings on-site, which involves operation of a retail building, and leaving the northern portion of the Project site undeveloped, would not maximize the amount of available industrial warehouse uses, and would not meet this Project objective.
7. **To develop properties that have access to available infrastructure, including roads and utilities to be used as part of the Southern California supply chain and goods movement network.** The No Project/No Development Alternative would involve the use of existing buildings and facilities at the Project site for continued warehouse and retail uses. Although existing uses under the No Project/No Development Alternative would continue to operate with service from existing roadways and infrastructure, due to the reduction in warehouse uses, and lack of contemporary buildings, the No Project/No Development Alternative would not meet the intent of this objective to the same extent as the Project relative to supporting goods movement in Southern California.

Existing Warehouse and Additional Parking Alternative

Under the Existing Warehouse and Additional Parking Alternative, the existing 1,431,000 sf warehouse building would be retained and operated as a warehouse, and the underutilized northern portion of the Project site would be developed with 530 new trailer parking stalls. The existing warehouse would be modified to include up to 54 additional loading dock doors. Additionally, it is also expected that internal improvements to the existing building would be needed to accommodate a tenant. Truck trailer parking would continue to be provided east of the warehouse building. The existing retail building and landscaping in the southern portion of the Project site would be removed and this area would be developed with surface parking (495 parking stalls with a combination of existing and new parking stalls). New landscaping would be installed on-site. This Alternative

would require installation of a retaining wall between the existing warehouse building in the southern portion of the Project site and new truck trailer parking area in the northern portion of the Project site. Existing circulation patterns would be maintained, and existing utility infrastructure would continue to serve the site. As with the Project, this Alternative would include replacement of existing sidewalks on 4th Street and 6th, and implementation of on-street bikeways along these roadways. In addition to the new truck trailer parking in the northern portion of the Project site, this Alternative would involve construction of the northern portion of Street A, which would terminate with a cul-de-sac before extending into the southern portion of the Project site, and retention of the existing rail spur. Should redevelopment of the southern portion of the Project site be considered in the future, extension of Street A to 4th Street could be completed. Additionally, this Alternative does not involve the construction of an at-grade crossing of 6th Street at the railroad tracks.

For purposes of analysis, it is anticipated that operations under this Alternative could also occur 24 hours per day/7 days per week, consistent with the Project. This Alternative would generate less PM peak hour trips and average daily trips (ADT) compared to reuse of the existing buildings (with no modifications), and a slight increase in AM peak hour trips. Additionally, due to the overall reduction in building intensity, this Alternative would generate less vehicle trips compared to the Project. The Project would result in a net increase of 176 actual AM peak hour trips, 104 actual PM peak hour trips, and 976 ADT. When considering passenger car equivalent (PCE) trip generation, the Project would result in a net increase of 189 actual AM peak hour trips, 110 actual PM peak hour trips, and 1,278 ADT.

The Existing Warehouse and Additional Parking Alternative would be consistent with the existing land use and zoning designations for the Project site, and associated development standards. Therefore, a General Plan amendment, and Zoning Map amendment would not be required. Further, it is not anticipated that the Project Applicant would enter into a Development Agreement with the City. This Alternative would require a site plan and architectural review, a Tentative Parcel Map, and a tree removal permit.

Findings Regarding Environmental Impacts

The Project would not result in any significant and unavoidable impacts; therefore, the Existing Warehouse and Additional Parking Alternative would not avoid or substantially lessen a significant and unavoidable impact. Project-level mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: air quality (due to construction-related emissions), cultural resources (due to the potential to encounter undiscovered cultural resources), geology and soils (due to the potential to encounter paleontological resources), noise (due to construction-related noise), and tribal cultural resources (due to the potential to encounter undiscovered tribal cultural resources). These potentially significant impacts are associated with construction activities, not operation of the Project.

As described above, the Project and the Existing Warehouse and Additional Parking Alternative would be required to comply with applicable regulations and would also implement the same mitigation measures required for the Project. Therefore, this Alternative would have a similar lack of impacts, or less than significant impacts, for each topical issue. However, due to the reduction in construction activities and overall building space, the Existing Warehouse and Additional Parking Alternative would have reduced impacts associated with air pollutant emissions, GHG emissions, noise, and utilities and services systems.

Findings Regarding Project Objectives

The discussion below addresses the ability of the Existing Warehouse and Additional Parking Alternative to attain the Project objectives.

1. **Ensure that development of the Project site is accomplished consistent with applicable goals and policies of the City of Rancho Cucamonga as set forth in the Rancho Cucamonga General Plan.** The Existing Warehouse and Additional Parking Alternative would not conflict with applicable goals and policies of the City of Rancho Cucamonga as set forth in the Rancho Cucamonga General Plan and therefore would meet this objective.
2. **Maximize redevelopment of the existing underutilized Project site and generate increased property tax revenue for the City of Rancho Cucamonga in order to support the City's ongoing municipal operations.** The Existing Warehouse and Additional Parking Alternative would involve reuse of the existing warehouse building on-site and construction of a surface parking area for truck trailer parking in the northern portion of the site. While this Alternative would generate increased property tax revenue compared to existing conditions, it would not maximize redevelopment of the underutilized site. Therefore, the Existing Warehouse and Additional Parking Alternative would not meet this objective.
3. **Maximize development of Class A high cube warehouse industrial buildings in the City of Rancho Cucamonga that are designed to meet contemporary industry standards for operational design criteria, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.** The reuse of the existing warehouse building and addition of trailer dock doors and additional parking under the Existing Warehouse and Additional Parking Alternative would not meet this Project objective, which is associated with the operation of contemporary high cube warehouse buildings, and maximizing development on-site. Redevelopment of the Project is necessary to accomplish this objective.
4. **To create employment-generating businesses in the City of Rancho Cucamonga to reduce the need for members of the local workforce to commute outside the area for employment, and to improve the jobs to housing balance.** The Project would generate more employment opportunities than what would be generated through reuse of the existing building with additional parking under the Existing Warehouse and Additional Parking Alternative, due to the greater amount of building area proposed by the Project. Therefore, the Existing Warehouse and Additional Parking Alternative would meet the objective but not to the same extent as the Project as it would not generate additional new jobs.
5. **To develop a project with an architectural design and operational characteristics that complement other existing buildings in the immediate vicinity and minimize conflicts with other nearby land uses.** Retention of the existing use/building under the Existing Warehouse and Additional Parking Alternative would not conflict with existing architecture or the operations of nearby uses. Therefore, the Existing Warehouse and Additional Parking Alternative would meet this objective.
6. **To maximize industrial warehouse buildings in close proximity to an already-established industrial area, designated truck routes, and the State highway system in order to avoid or shorten truck-trip lengths on other roadways, and avoid locating industrial warehouse buildings in close proximity to residential uses.** The reuse of the existing warehouse building and addition of surface parking under the Existing Warehouse and Additional Parking

Alternative would not maximize the amount of available industrial warehouse uses, and would not meet this Project objective.

- 7. To develop properties that have access to available infrastructure, including roads and utilities to be used as part of the Southern California supply chain and goods movement network.** The Existing Warehouse and Additional Parking Alternative would involve the use of the existing warehouse building and addition of parking for continued warehouse uses. Although the existing warehouse building would continue to operate with service from existing roadways and infrastructure, due to the reduction in warehouse space, and lack of contemporary buildings, the Existing Warehouse and Additional Parking Alternative would not meet the intent of this objective to the same extent as the Project relative to supporting goods movement in Southern California.

Existing Warehouse and Additional Warehouse Alternative

Under the Existing Warehouse and Additional Warehouse Alternative, the existing 1,431,000 sf warehouse building on the Project site would be retained and would operate as a high-cube warehouse, the existing retail building would be removed, and the underutilized northern portion of the Project site would be developed with a new 713,200 sf high-cube warehouse building and associated parking and facilities. Collectively with the existing warehouse and additional warehouse, this Alternative would have 2,144,200 sf of building area, compared to 2,175,000 sf with the Project, a reduction of 30,800 sf.

Similar to the Existing Warehouse and Additional Parking Alternative, the existing warehouse would be modified to include up to 54 additional loading dock doors and additional truck trailer parking would be provided east of the existing building. A retaining wall would be installed along the northeastern portion of this truck trailer parking area. It is also anticipated that internal improvements to the existing building would be needed to accommodate a tenant. In addition to removal of the retail building in the southern portion of the Project site, existing landscaping in this area would be removed to accommodate additional surface parking (495 parking stalls consisting of a combination of existing and new parking stalls).

The new 713,200 sf high-cube warehouse building in the northern portion of the Project site would include an 8,000- sf mezzanine area, and up to 16,000 sf of office space. There would be 88 dock doors and 89 trailer stalls on the north and south sides of the building, and automobile parking (258 stalls) would be provided near potential office areas. Approximately 100,000 sf of new landscaping would be installed around the building. This Alternative would require installation of a retaining wall between the existing and proposed buildings.

With respect to circulation and utility infrastructure improvements, existing circulation patterns would be maintained, and existing utility infrastructure would continue to serve the site. Similar to the Project, this Alternative would include replacement of existing sidewalks on 4th Street and 6th Street, and implementation of on-street bikeways along these roadways. Short- and long-term bicycle parking would be provided for both buildings. The existing rail spur on-site (south of 6th Street) would be retained. This Alternative would also include construction of the northern portion of Street A, which would terminate with a cul-de-sac before extending into the southern portion of the Project site, and retention of the existing rail spur. Should redevelopment of the southern portion of the Project site be considered in the future, extension of Street A to 4th Street could be completed. This Alternative does include the construction of an at-grade crossing of 6th Street at the railroad tracks, as proposed with the Project.

For purposes of analysis, it is anticipated that operations under this Alternative could also occur 24 hours per day/7 days per week, consistent with the Project. This Alternative would increase peak hour and ADT compared to reuse of the existing buildings (with no modifications). Additionally, due to the overall reduction in building intensity, this Alternative would generate slightly less vehicle trips compared to the Project. The Project would result in a net increase of 176 actual AM peak hour trips, 104 actual PM peak hour trips, and 976 ADT. When considering passenger car equivalent (PCE) trip generation, the Project would result in a net increase of 189 actual AM peak hour trips, 110 actual PM peak hour trips, and 1,278 ADT.

The Existing Warehouse and Additional Warehouse Alternative would involve uses allowed by the existing land use and zoning designations for the Project site. However, as with the Project, a General Plan amendment and Zoning Map amendment would be required for the northern portion of the Project site, changing the designation from Heavy Industrial to General Industrial. This Alternative would also require site plan and architectural review, a Tentative Parcel Map, and a tree removal permit. It is also anticipated that the Project Applicant would enter into a Development Agreement with the City.

Findings Regarding Environmental Impacts

The Project would not result in any significant and unavoidable impacts; therefore, the Existing Warehouse and Additional Warehouse Alternative would not avoid or substantially lessen a significant and unavoidable impact. Project-level mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: air quality (due to construction-related emissions), cultural resources (due to the potential to encounter undiscovered cultural resources), geology and soils (due to the potential to encounter paleontological resources), noise (due to construction-related noise), and tribal cultural resources (due to the potential to encounter undiscovered tribal cultural resources). These potentially significant impacts are associated with construction activities, not operation of the Project.

Both the Project and the Existing Warehouse and Additional Warehouse Alternative would be required to comply with applicable regulations and would also implement the same mitigation measures required for the Project. Therefore, this Alternative would have a similar lack of impacts, or less than significant impacts for each topical issue. However, due to the reduction in construction activities due to the reuse of the existing warehouse building, and slight reduction in overall building space, the Existing Warehouse and Additional Warehouse Alternative would have reduced impacts associated with air pollutant emissions, GHG emissions, and noise.

Findings Regarding Project Objectives

The discussion below addresses the ability of the Existing Warehouse and Additional Warehouse Alternative to attain the Project objectives.

1. **Ensure that development of the Project site is accomplished consistent with applicable goals and policies of the City of Rancho Cucamonga as set forth in the Rancho Cucamonga General Plan.** The Existing Warehouse and Additional Warehouse Alternative would not conflict with applicable goals and policies of the City of Rancho Cucamonga as set forth in the Rancho Cucamonga General Plan and therefore would meet this Project objective.
2. **Maximize redevelopment of the existing underutilized Project site and generate increased property tax revenue for the City of Rancho Cucamonga in order to support the City's ongoing municipal operations.** The Existing Warehouse and Additional Warehouse

Alternative would involve reuse of the existing warehouse building on-site and construction of a new building in the underutilized northern portion of the site. Due to the similarity in overall building space as the Project, and because this Alternative would also increase property tax revenue, this Alternative would meet this Project objective.

3. **Maximize development of Class A high cube warehouse industrial buildings in the City of Rancho Cucamonga that are designed to meet contemporary industry standards for operational design criteria, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.** The reuse of the existing warehouse building and construction of a new building in the underutilized northern portion of the Project site under the Existing Warehouse and Additional Warehouse Alternative would meet this Project objective, but not to the same extent as the Project. Modifications to the existing building would not meet contemporary industry standards to the same extent as a new warehouse building.
4. **To create employment-generating businesses in the City of Rancho Cucamonga to reduce the need for members of the local workforce to commute outside the area for employment, and to improve the jobs to housing balance.** As with the Project, the Existing Warehouse and Additional Warehouse Alternative would generate new employment opportunities and would meet this Project objective, but not to the same extent as the Project.
5. **To develop a project with an architectural design and operational characteristics that complement other existing buildings in the immediate vicinity and minimize conflicts with other nearby land uses.** Retention of the existing warehouse building and construction of a new warehouse under the Existing Warehouse and Additional Warehouse Alternative would not conflict with existing architecture or the operations of nearby uses. Therefore, the Existing Warehouse and Additional Warehouse Alternative would meet this Project objective.
6. **To maximize industrial warehouse buildings in close proximity to an already-established industrial area, designated truck routes, and the State highway system in order to avoid or shorten truck-trip lengths on other roadways, and avoid locating industrial warehouse buildings in close proximity to residential uses.** The Project site is within an established industrial area near designated truck routes and the State highway system. The reuse of the existing warehouse building and construction of a new building on the underutilized northern portion of the Project site under the Existing Warehouse and Additional Warehouse Alternative would meet this Project objective.
7. **To develop properties that have access to available infrastructure, including roads and utilities to be used as part of the Southern California supply chain and goods movement network.** The Existing Warehouse and Additional Warehouse Alternative would involve the use of the existing warehouse building and construction of new warehouse building, and would continue to operate with service from existing roadways and infrastructure. Additionally, the buildings would be used as part of the Southern California supply chain and goods movement network. Therefore, the Existing Warehouse and Additional Warehouse Alternative would meet this Project objective.

Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. As discussed above, the No Project/No Development Alternative, which involves reuse of the existing building and facilities on-site would result in greater operational impacts than the Project for certain

environmental issues, less construction-related impacts, and no change from current conditions for other environmental issues. However, Section 15126.6(e)(2) of the CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Project would result in potentially significant impacts during construction for the following topics, and Project-level mitigation measures are required to reduce these potentially significant impacts to levels considered less than significant: air quality (due to construction-related emissions), cultural resources (due to the potential to encounter undiscovered cultural resources), geology and soils (due to the potential to encounter paleontological resources), noise (due to construction-related noise), and tribal cultural resources (due to the potential to encounter undiscovered tribal cultural resources). For all other topics, the Project, which would be implemented in compliance with applicable regulations, would result in no impact or a less than significant impact. The Project would not result in any significant and unavoidable impacts; therefore, no alternative is needed to reduce or avoid such impacts. Therefore, for purposes of this discussion, for an alternative to be superior to the Project, it would need to reduce construction-related impacts.

The Existing Warehouse and Additional Parking Alternative would be the environmentally superior alternative to the Project due to the reduction in construction activities, and reductions in overall building space. Specifically, this alternative would involve modifications to and reuse of the existing warehouse building, and construction of a new parking area in the northern portion of the Project site, rather than construction of two new industrial warehouse buildings. This Alternative would generate approximately 884 fewer daily trips compared to the Project. The Existing Warehouse and Additional Parking Alternative would have reduced impacts associated with air pollutant emissions, GHG emissions, noise, and utilities and services systems.

The Existing Warehouse and Additional Parking Alternative would meet some, but not all of the Project objectives, or would not meet the Project objectives to the same extent as the Project. This is primarily because the Project objectives are related to maximizing industrial development on the Project site that is consistent with the City's General Plan, and to constructing contemporary buildings.

VI. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The City Council recognizes that the Final EIR contains minor additions to the Draft EIR in the form of revised and new feasible mitigation measures to further reduce the Project's less than significant air pollutant and GHG emissions and additional information clarifying the prior tenants and ongoing operations at the site.

CEQA case law emphasizes that "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936 (internal citations omitted).) Here, the changes made to the Draft EIR in the Final EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper without requiring or necessitating recirculation.

The City Council finds that none of the revisions to the Draft EIR made by, or discussion included in, the Final EIR involves "significant new information" triggering recirculation because the changes do not result in any new significant environmental effects, substantial increase in the severity of previously identified significant effects, or feasible mitigation or project alternatives that the Project Applicant declines to adopt that would clearly lessen the environmental effects of the project. Notably, based on recommendations from CARB MM 2-1 was expanded in the Draft EIR and MM 2-2 was added to further reduce the Project's construction-related and operational air pollutant emission. Under such circumstances, the City Council hereby finds that recirculation of the EIR is not required.