

Final Program Environmental Impact Report

WALNUT VILLAGE SPECIFIC PLAN

for the City of Fontana

SCH No.2023050271

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Section 1.0 Introduction

1.1 INTRODUCTION

The City of Fontana (City) has prepared this Final Environmental Impact Report (FEIR) in compliance with the California Environmental Quality Act (CEQA) for the Update Walnut Specific Plan Project (Project). The City is required, after completion of a Draft Program EIR (DPEIR) (State Clearinghouse No. 2022120083), to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project and provide the general public with an opportunity to comment on the DPEIR. This FEIR has been prepared to respond to comments received on the DPEIR, which was circulated for public review from March 18, 2024, through May 1, 2024 (45 days). However, the City received no public comments during the public review period of the DPEIR. As such, recirculation of the DEIR is not required.

CEQA Guidelines §15132 indicates that the contents of a FEIR shall consist of:

- (a) The DEIR or a revision of the draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

Since the City did not receive comments from the public, interested organizations, or public agencies. The requirement of Section 21092.5 of CEQA to send responses to the public agency comments received on the DPEIR at least 10 days prior to Project approval is not warranted.

1.2 ORGANIZATION OF EIR

This FEIR provides the requisite information required under CEQA and is organized as follows:

- **Section 1.0: Introduction.** This section provides an introduction to the FEIR, including the requirements under CEQA, the organization of the document, as well as a brief summary of the CEQA process activities to date.
- **Section 2.0: Comments on the Draft EIR and Responses to Comments.** This section provides a list of public agencies, organizations, and individuals commenting on the DEIR, provides a copy of each written comment received, and any response required under CEQA.
- **Section 3.0: Errata to the Draft EIR.** This section presents clarifications, amplifications, and insignificant modifications to the EIR, identifying revisions to the text of the document.

As previously discussed, the City received no comments on the DEIR. As such, **Section 2.0** will not include comments and responses to comments and **Section 3.0** will not include modifications and revisions to the DPEIR.

1.3 CEQA PROCESS HISTORY

The City has complied with relevant Public Resources Code provisions and CEQA Guidelines regarding the preparation and processing of the Project EIR. A brief summary of the Project's CEQA process is as follows:

- Pursuant to CEQA Guidelines Section 15082, a Notice of Preparation (NOP) informing interested parties and agencies of the Project was distributed on May 5, 2023, with a minimum 30-day public review period ending on June 4, 2023. The NOP and comment letters received are provided in Appendix A, Notice of Preparation and Scoping Materials of the Draft EIR.
- Written and verbal comments were given at a public scoping meeting for the Project that was held virtually on May 24, 2023, at 6pm (<https://tinyurl.com/25mbtm7w>). Additionally, a second scoping meeting was held on June 1, 2023 at 5PM.
- Following a Notice of Completion (NOC), the DEIR and Notice of Availability was distributed for public review and comment for a 45-day period, beginning March 18, 2024. The public review period closed on May 1, 2024. No comments were received during this 45-day review period.

1.4 CHANGES TO THE DRAFT EIR

CEQA Guidelines §15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

“(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, 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 include, 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 environmental impacts of the project, but the project's proponents decline to apply it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded*

(Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).

- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

As previously stated, the City did not receive comments on the DPEIR and no changes have been made to the DPEIR. As such, DPEIR recirculation pursuant to California Public Resources Code §21092.1 and CEQA Guidelines §15088.5 is not warranted.

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Section 2.0 Comments and Responses to Draft EIR

2.1 INTRODUCTION

Per CEQA Guidelines §15132 an FEIR, must include comments and recommendations received on the DEIR during the public review period as well as the responses to the comments received. The City circulated the DPEIR for a 45-day review period as required by CEQA, which ran from March 18, 2024, through May 1, 2024. During this review period, the City did not receive comments on the DPEIR. The requirement of Section 21092.5 of CEQA to send responses to the public agency comments received on the DPEIR at least 10 days prior to Project approval is not required.

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Section 3.0 Errata to the Draft EIR

3.1 INTRODUCTION TO THE ERRATA

In accordance with Section 15132 of the CEQA Guidelines, the FEIR for the Updated Walnut Village Specific Plan Project includes the DPEIR, dated March 2024, as well as any proposed revisions or changes to the DEIR.

As discussed in **Section 1.0, Introduction**, any changes to the DPEIR that result from public comments warrants a recirculation of the DPEIR pursuant to CEQA Guidelines Section 15088.5. However, the City did not receive comments during the 45-day public review period that ran from March 18, 2024 through May 1, 2024. Additionally, no additional information or changes were added to the DPEIR. As such, the completion of an errata to the DPEIR is not warranted.