



Draft Environmental Impact Report

SCH No. 2021080279

Fontana Corporate Center

City of Fontana, California



Lead Agency:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

June 2022

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SCH No. 2021080279**

**Fontana Corporate Center
City of Fontana, California**

Lead Agency

City of Fontana
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Fontana, CA 92355

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Lead Agency Discretionary Permits

Design Review Project (DRP 21-025)

June 2022



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- Appendix B1: Urban Crossroads, 2021a. *Fontana Corporate Center Air Quality Impact Analysis*. November 11, 2021.
- Appendix B2: Urban Crossroads, 2021b. *Fontana Corporate Center Mobile Source Health Risk Assessment*. November 29, 2021.
- Appendix C: Alden Environmental, Inc., 2021. *Fontana Gateway Industrial Center-Biological Resources*. October 13, 2021.
- Appendix D1: Brian F. Smith and Associates, Inc., 2021a. *Cultural Resources Study for the Fontana Corporate Center Project*. November 23, 2021.
- Appendix D2: Brian F. Smith and Associates, 2021b. *Paleontological Assessment for the Fontana Corporate Center Project*. August 4, 2021.
- Appendix E: Urban Crossroads, 2021c. *Fontana Corporate Center Energy Analysis*. November 11, 2021.
- Appendix F: NorCal Engineering, 2021. *Geotechnical Investigation – Proposed Warehouse Building Development North of Slover Avenue at Business Drive, Fontana, California*. March 3, 2021.
- Appendix G: Urban Crossroads, 2021d. *Fontana Corporate Center Greenhouse Gas Analysis*. November 11, 2021.
- Appendix H1: SCS Engineers, 2021a. *Phase I Environmental Site Assessment*. April 6, 2021.
- Appendix H2: SCS Engineers, 2021b. *Phase II Soil Vapor Investigation Report*. March 24, 2021.
- Appendix I1: Thienes Engineering, 2021a. *Preliminary Hydrology Calculations for Slover Avenue Industrial Buildings*. June 9, 2021.
- Appendix I2: Thienes Engineering, 2021b. *Storm Water Quality Management Plan (SWQMP) for Slover Avenue Industrial Buildings*. June 9, 2021.
- Appendix J: Urban Crossroads, 2021e. *Fontana Corporate Center Noise Impact Analysis*. November 23, 2021.
- Appendix K: Urban Crossroads, 2021f. *Fontana Corporate Center Traffic Study*. December 21, 2021.



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
§	Section
>	greater than
≥	greater than or equal to
AB	Assembly Bill
AB 32	California Global Warming Solutions Act of 2006
AB 341	Mandatory Commercial Recycling Program
AB 1493	Pavley Fuel Efficiency Standards
AB 939	California Solid Waste Integrated Management Act
ACMs	Asbestos Containing Materials
ACWM	Asbestos Containing Waste Materials
ADA	Americans with Disabilities Act
AERMOD	Air Quality Dispersion Modeling
ADT	Average Daily Traffic
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
A-P Act	Alquist-Priolo Earthquake Fault Zoning Act
APS	Alternative Planning Strategy
APSA	Aboveground Petroleum Storage Act
APN	Assessor Parcel Number
AQIA	Air Quality Impact Analysis
AQMP	Air Quality Management Plan
AR5	5 th Assessment Report
ASTM	American Society of Testing and Materials
BACM	Best Available Control Measure
BACT	Best Available Control Technology
BAU	Business as Usual
BMPs	Best Management Practices
C2H6	Ethane
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CadnaA	Computer Aided Noise Abatement



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
CalARP	California Accidental Release Prevention
CalEEMod™	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
Cal Pub Res. Code §42911	California Solid Waste Reuse and Recycling Act of 1991
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CAT	Climate Action Team
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCAA	California Clear Air Act
CCCC	California Climate Change Center
CD	consistency determination
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFCs	Chlorofluorocarbons
CFGC	California Fish and Game Code
Cfs	cubic feet per second
C2F6	Hexaflouroethane
CF4	Tetraflouromethane
CF3CH2F	HFC-134a
CGC	California Government Code
CH4	Methane
CHF3	HFC-23
CMP	Congestion Management Program
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNRA	California Natural Resources Agency
CO	Carbon Monoxide
CO2	Carbon Dioxide



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
CO ₂ e	Carbon Dioxide Equivalent
COHb	carboxyhemoglobin
COP	Conference of the Parties
CPUC	California Public Utilities Commission
CPEP	Clean Power and Electrification Pathway
CSU	California State University
CTR	California Toxics Rule
CUPAs	California Unified Program Agencies
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted Decibels
DEH	Department of Environmental Health
DEFRA	Department for Environment, Food, and Rural Affairs
DEIR	Draft Environmental Impact Report
DIF	Development Impact Fee
DMV	Department of Motor Vehicles
DOSH	Division of Occupational Safety and Health
DOE	Determination of Eligibility
DPM	Diesel Particulate Matter
DPR	Design Review Project
DTSC	Department of Toxic Substances Control
E+P	Existing plus Project Conditions
EDR	Environmental Data Resources
EIR	Environmental Impact Report
EMFAC	Emission Factor Model
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
EPS	Emission Performance Standard
ESA	Endangered Species Act
F	Fahrenheit
FAA	Federal Aviation Administration



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FFPD	Fontana Fire Protection District
FIRM	Flood Insurance Rate Map
FHWA	Federal Highway Administration
FIRM	Food Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Association
FUSD	Fontana Unified School District
FWC	Fontana Water Service
FYI	For Your Information
GBV	Ground-Based Vibration
GBN	Ground-Based Noise
GCC	Global Climate Change
GHG	Greenhouse Gas
GHGA	Greenhouse Gas Analysis Report
gpd	Gallons per Day
GPU	General Plan Update
GSA	Groundwater Sustainability Agencies
GSPs	Groundwater Sustainability Plans
GWP	Global Warming Potential
H2O	Water Vapor
HCP	Habitat Conservation Plan
HDT	Heavy Duty Trucks
HFCs	Hydrofluorocarbons
HMBEP	Hazardous Materials Business Emergency Plan
HMIS	Hazardous Materials Inventory Statements
HMMP	Hazardous Materials Management Plan
HMTA	Hazardous Materials Transportation Act
HMTAUSA	Hazardous Materials Transportation Uniform Safety Act
HRA	Health Risk Assessment
HSC	Health and Safety Code
HSWA	Hazardous and Solid Waste Amendments



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
HWCL	Hazardous Waste Control Law
I	Interstate
i.e.	that is
In.	inches
IPCC	Intergovernmental Panel on Climate Change
IRWMP	Integrated Regional Water Management Plan
ISO	Independent System Operator
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITP	Incidental Take Permits
I-G	General Industrial
I-10	Interstate 10
I-15	Interstate 15
I-210	Interstate 210
JPA	Joint Powers Authority
kBTU	kilo-British thermal units
kWh	kilowatt-hour
LBP	Lead based paint
lbs	pounds
LCA	Life-cycle analysis
LCD	Liquid Crystal Display
LCFS	low carbon fuel standard
Leq	equivalent continuous sound level
LHMP	Local Hazard Mitigation Plan
LOS	Level of Service
LRAs	Local Responsibility Areas
LSTs	Localized Significance Thresholds
Lw	sound power levels
m-2	heavy manufacturing zone
MATES	Multiple Air Toxics Exposure Study in the South Coast Air Basin
MBTA	Migratory Bird Treaty Act
MEIR	maximally exposed individual receptor



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
MEIW	maximally exposed individual worker
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
MMTCO _{2e}	million metric tons of carbon dioxide equivalent
MPO	Metropolitan Planning Organization
MTCO _{2e}	Metric Tons of Carbon Dioxide Equivalent
NAHC	Native American Heritage Commission
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCCP	Natural Community Conservation Planning Act
NDC	nationally determined contributions
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFA	no further action
NF ₃	Nitrogen Trifluoride
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
NMFS	National Marine Fisheries Service
NO	Nitric Oxide
NO ₂	Nitrogen Dioxide
NOX	Nitrogen Oxides
N ₂	Nitrogen
N ₂ O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPDES	National Pollutant Discharge Elimination System
NPS	Non-point source
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxics Rule
NVIA	Noise and Vibration Impact Assessment
O ₂	Oxygen
O ₃	Ozone
OEHHA	Office of Environmental Health Hazard Assessment



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
ONT	Ontario International Airport
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment
Pb	Lead
PFCs	Perfluorocarbons
PM	Particulate Matter
PM2.5	Fine Particulate Matter (2.5 microns or smaller)
PM10	Fine Particulate Matter (10 microns or smaller)
ppm	parts per million
PRC	Public Resources Code
PROWAG	Public Right of Way Accessibility Guidelines
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
REMEL	Reference Mean Emission Level
RMS	root mean square
ROGs	Reactive Organic Gasses
RPS	Renewable Portfolio Standards
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SF/s.f.	square foot or square feet
SARA	Superfund Amendments and Reauthorization Act
SAWPA	Santa Ana Watershed Project Authority
SBCFD	San Bernardino County Fire Department
SB	Senate Bill
SB 375	California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008
SCE	Southern California Edison
SCAB	South Coast Air Basin
SCAG	Sothern California Association of Governments
SCAQMD	Southern Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCH	California State Clearinghouse (Office of Planning and Research)
SCS	Sustainable Communities Strategy



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
SGMA	Sustainable groundwater management act
SHA	Safe Harbor Agreement
SHMA	Seismic Hazards Mapping Act
SHPO	State Historic Preservation Officers
SHPR	State Historical Resources Commission
SIP	State Implementation Plan
SNUR	Significant New Use Rule
SO ₂	Sulfur Dioxide
SO ₄	Sulfates
SOX	Sulfur Oxides
SRA	Source Receptor Area
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Regional Control Board
TAC	Toxic Air Contaminants
TEA-21	Transportation Equality Act for 21st Century
TIA	Traffic Impact Analysis
TRUs	Transportation Refrigeration Units
TSCA	Toxic Substances Control Act of 1976
µg	microgram
UBC	Uniform Building Code
USDA	U.S. Department of Agriculture
USFWS	United States Fish and Wildlife Service
USTs	Underground storage tanks
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WDR	Water discharge report
WMI	Watershed Management Initiative
WQMP	Water Quality Management Plan
WRI	World Resources Institute



ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
WUS	Waters of the U.S.
ZORI	Zones of Required Investigation



S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

The California Environmental Quality Act (CEQA) as codified in Public Resources Code Section 21000, *et seq.* requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

This Environmental Impact Report (EIR) (California State Clearinghouse [SCH] No. 2021080279) was prepared in accordance with CEQA Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed Fontana Corporate Center Project (hereinafter, the "Project" or "proposed Project"). This EIR does not recommend approval or denial of the Project; rather, this EIR is a source of factual information regarding potential impacts to the physical environment that may result from the Project's implementation. The Draft EIR will be available for public review for a minimum period of 45 days. After consideration of public comment, the City of Fontana will consider certifying the Final EIR and adopting required findings.

CEQA Guidelines Section 15063 grants Lead Agencies the ability to bypass preparation of an Initial Study and proceed with preparation of an EIR in instances where an EIR is clearly required for a project. In this instance, the City of Fontana in its capacity as Lead Agency for the proposed Project has determined that the Project clearly has the potential to result in significant environmental effects and that an EIR shall be prepared that addresses the following environmental considerations:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Energy
6. Geology and oils
7. Greenhouse Gas Emissions
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Noise
11. Transportation
12. Tribal Cultural Resources

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. Subject areas for which the impacts would be clearly less than significant and that do not warrant detailed analysis in this EIR are addressed in EIR Section 5.0, *Other CEQA Considerations*. For each of the aforementioned subject areas, this EIR describes: 1) the physical conditions that existed at the approximate time this EIR's NOP was published (August 13, 2021); 2) discloses the type and magnitude of potential environmental impacts resulting from Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that may result from the Project. A summary of the Project's significant environmental impacts and the mitigation measures imposed by the City of Fontana to lessen or avoid these impacts is included in this Executive Summary as Table S-1, *Mitigation Monitoring and Reporting Program*. The City of Fontana applies mitigation measures that it determines 1) are feasible and practical for project applicants to implement, 2) are



feasible and practical for the City to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Project's impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to impose mitigation measures that are duplicative of mandatory regulatory requirements.

S.2 PROJECT OVERVIEW

S.2.1 LOCATION AND SETTING

The Project Site is located in the City of Fontana, which is in southwestern portion of San Bernardino County, California. Fontana is located east of the Cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley. The Project Site is located immediately south of I-10, north of Slover Avenue, east of Commerce Way, and approximately 0.1-mile west of Mulberry Avenue.

S.2.2 PROJECT SUMMARY

For purposes of this EIR, the term "Project" refers to the discretionary action required to implement the proposed Fontana Corporate Center Project and all the activities associated with its implementation (including planning, construction, and ongoing operation). The Project includes and construction and operation of a two-building industrial complex containing a total of 355,370 s.f. of building floor area and associated facilities, including but not limited to a loading/unloading area with loading dock doors and trailer parking spaces, passenger vehicle parking, landscaping, and connections to existing utility infrastructure. The Project requires the City's approval of a Design Review Project (DRP-21-025). Refer to EIR Section 3.0, *Project Description*, for a detailed description of the Project.

S.2.3 PROJECT OBJECTIVES

The fundamental purpose and goal of the Fontana Corporate Center Project is to accomplish the orderly redevelopment of the Project Site with a modern industrial corporate center. The Project would achieve this goal through the following objectives.

1. To expand economic development and facilitate job creation in the City of Fontana by re-developing an underutilized property with a new, in-demand industrial use adjacent to an already-established industrial area.
2. To attract employment-generating businesses to the City of Fontana to reduce the need for members of the local workforce to commute outside the area for employment.
3. To develop a light industrial building that is designed to maximize economic competitiveness with similar industrial buildings in the local area and region.
4. To develop industrial buildings with loading bays in close proximity to designated truck routes and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.



5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.
6. To develop a project that has architectural design and operational characteristics that complement other existing and planned buildings in the immediate vicinity of the Project Site and minimize conflicts with other nearby land uses.
7. To develop a property that has access to available infrastructure, including roads and utilities.

S.3 EIR PROCESS

The City published a NOP and filed a copy with the California Office of Planning and Research (OPR) State Clearinghouse (SCH) to inform the general public, trustee and responsible agencies and other interested parties that an EIR would be prepared for the Project. The NOP was distributed for a 30-day public review period, which began on August 13, 2021. The City of Fontana received written comments on the scope of the EIR during those 30 days, which were considered by the City during the preparation of this EIR. The City also held an EIR scoping meeting open to the interested public agencies and members of the general public on September 1, 2021.

This EIR will be circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day review period. During the 45-day public review period, public notices announcing availability of the Draft EIR will be mailed to interested parties, an advertisement will be published in the Fontana Herald Newspaper (a newspaper of general circulation in the City of Fontana), and copies of the Draft EIR and its Technical Appendices will be available for review at the locations indicated in the public notices.

After the close of the 45-day Draft EIR public comment period, the City will prepare and publish responses to written comments it received on the environmental effects of the Project. Thereafter, the Final EIR will be considered for certification by the Fontana Planning Commission. Certification of the Final EIR would be accompanied by the adoption of written findings and a “Statement of Overriding Considerations” for any significant unavoidable environmental impacts identified in the Final EIR. In addition, pursuant to Public Resources Code Section 21081.6, because the Project will include mitigation measures, the City, as Lead Agency, must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR. The MMRP will ensure CEQA compliance during Project construction and operation.

S.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(2) requires the Lead Agency (City of Fontana) to identify any known issues of controversy in the Executive Summary. The City has not identified any environmental issues of controversy associated with the Project. Notwithstanding, the Lead Agency has identified several issues of local concern including, but not limited to, potential impacts to air pollutant and toxic air contaminant emissions, greenhouse gas emissions, noise, and transportation – and these issues are all addressed in this EIR.



Considering the foregoing, this EIR addresses all environmental issues that are known by the City and that were identified in the comment letters that the City received in response to the NOP and during the EIR scoping meeting (refer to *Technical Appendix A*). See Table 1-1, *Summary of NOP and Scoping Meeting Comments*, in Section 1.0 of this EIR for a summary of all comments received during all comments received by the City during the environmental scoping for the Project.

S.5 ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. As demonstrated in Section 4.0 of this EIR, implementation of the Project would not result in significant adverse environmental effects that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures; thus, there is no need to further evaluate alternative development scenarios. Notwithstanding, the EIR does address the following alternative, as required CEQA Guidelines Section 15126.6(e).

S.5.1 NO PROJECT ALTERNATIVE

This EIR analyses the “No Project” Alternative in which the Project does not proceed. The Project is consistent with the General Plan land use map and the Fontana Gateway Specific Plan and a land use revision is not required; therefore, for purposes of this alternatives analysis the “No Project” Alternative is considered to be the scenario where the existing Clark Pacific manufacturing buildings are retained and the facility continues to manufacture pre-cast concrete products into the future.

Implementation of the No Project Alternative would result in no physical environmental impacts to the Project Site beyond those that have historically occurred on the Project Site. All potentially significant effects of the Project would be avoided by the selection of this Alternative; however, this Alternative would fail to meet all of the Project’s objectives.

S.6 SUMMARY OF IMPACTS, MITIGATION MEASURES, AND CONCLUSIONS

Table S-1 provides a summary of the Project’s environmental impacts, as required by CEQA Guidelines Section 15123(a). Also presented are the mitigation measures recommended by the Lead Agency to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures, the Project would not result in any significant and unavoidable environmental effects.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.1 Aesthetics					
<u>Threshold a:</u> The Project Site is perceived as flat and does not have any special or unique scenic resources. Additionally, the Project Site does not provide picturesque views to the San Gabriel Mountains. As such the Project Site is not part of a scenic vista. Moreover, the development of the Project site would not obscure views of the San Gabriel Mountains substantially more as compared to existing conditions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> The Project Site does not have any special or unique scenic resources. Additionally, the Project site is not within the corridor of an officially designated State scenic highway. Implementation of the Project would not damage scenic resources within a State scenic highway.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold c:</u> The Project Site is within an urbanized area. The Project is designed in accordance with the applicable design regulations, governing scenic quality, within the Fontana Gateway Specific Plan and the City's Zoning and Development Code. The Project would not conflict with applicable zoning and other regulations governing scenic quality.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold d:</u> The Project would be required to adhere to the lighting requirements set forth in the City's Municipal Code. The City would confirm compliance with applicable lighting requirements during future review of building permit application/plans. Mandatory compliance with the City's Municipal Code Section 30-265 and 30-266 would ensure that the	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Project would not introduce permanent design features that would adversely affect day or nighttime views in the area. Additionally, the Project's building materials would consist of low reflective materials that minimize glare.					
4.2 Air Quality					
<u>Threshold a:</u> The Project would conflict with South Coast Air Quality Management District (SCAQMD) 2016 Air Quality Management Plan (AQMP) Consistency Criterion No. 1 because the Project's construction activities would exceed the SCAQMD regional threshold emissions for volatile organic compounds (VOCs). Impacts would be potentially significant, and mitigation is required. The Project would be consistent with 2016 AQMP Consistency Criterion No. 2.	MM 4.2-1 Prior to building permit issuance, the City of Fontana shall verify that a note is provided on all building plans specifying that only super-compliant" low VOC paint products (no more than 10 gram/liter of VOC) shall be used for interior and exterior surfaces and low VOC paint shall be used for parking lot surfaces.	Project Contractor	City of Fontana Community Development Department (Building and Safety)	Prior to building permit issuance.	Less-than-Significant with Mitigation.
<u>Threshold b:</u> Project-related activities would exceed the applicable SCAQMD regional thresholds for VOC emissions during construction. As such, Project-related emissions would contribute to the non-attainment of ozone and impacts would be potentially significant and mitigation is required.	MM 4.2-1 shall apply.	Refer to Air Quality Threshold a	Refer to Air Quality Threshold a	Refer to Air Quality Threshold a	Less-than-Significant with Mitigation.
<u>Threshold c:</u> Implementation of the Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
thresholds; and 3) would not cause or contribute to the formation of a CO “hot spot.” Impacts would be less than significant.					
<u>Threshold d:</u> The Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Project would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
4.3 Biological Resources					
<u>Threshold a:</u> The Project Site does not have habitat that is suitable for any plant or wildlife species identified as candidate, sensitive, or special status. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold b:</u> The Project Site does not have riparian and/or other sensitive natural habitats. No impact would occur	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold c:</u> The Project Site does not have any State- or federally-protected wetlands. No impact would occur	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold d:</u> The Project would not interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Project has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, should habitat removal occur during the nest season and nesting birds be present on-site. Impacts would be potentially significant and mitigation is required.	MM 4.3-1 Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 31 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements: a) A nesting bird survey shall be conducted on the Project Site and within suitable habitat located within a 500-foot radius of the Project Site by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.	Project Biologist	City of Fontana Community Development Department (Planning)	Three days prior to ground disturbing activities or vegetation clearing.	Less-than-Significant Impact with Mitigation.



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>b) If the survey identifies the presence of active nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival.</p> <p>c) If the biologist is not able to verify any of the conditions from sub-item “b,” above, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.</p>				
<p>Threshold e: The City has an established Tree Preservation Ordinance (Chapter 28, Article III) within the Municipal Code. The Project would remove eight mature ornamental trees from the Project Site. None of the trees proposed for removal meet</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact.</p>

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
the definition for heritage, significant, and/or specimen trees. The Project would not conflict with the City's Tree Preservation Ordinance. No impact would occur.					
<u>Threshold f:</u> The Project impact area is not within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact.
4.4 Cultural Resources					
<u>Threshold a:</u> The Project Site does not have any historic resources as defined by CEQA Guidelines Section 15064.5. No historic resources are present that could be altered or destroyed. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold b:</u> No known prehistoric resources are present on the Project Site and the likelihood of uncovering buried prehistoric resources on the Project Site is low due to the magnitude of historic ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities.	MM 4.4-1 Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant (if such tribal monitor chooses to participate in monitoring following adequate written notice to the Tribe). If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.	Project Contractor, Project Archaeologist	City of Fontana Community Development Department (Planning & Building and Safety)	Ongoing during construction	Less-than-Significant Impact with Mitigation.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>MM 4.4-2 Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p> <p>MM 4.4-3 Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.</p>				
<p><u>Threshold c:</u> In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 <i>et seq.</i> Mandatory compliance with State law</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact.</p>

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.					
4.5 Energy					
<u>Threshold a:</u> The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
4.6 Geology and Soils					
<u>Threshold a:</u> Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project precludes potential hazards related to seismic ground shaking.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a NPDES	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Project's owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.</p>					
<p><u>Threshold c:</u> There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the Site-specific geotechnical report during Project construction.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<p><u>Threshold d:</u> The Project Site contains soils with low susceptibility to expansion; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.</p>	No mitigation is required.	N/A	N/A	N/A	No Impact.
<p><u>Threshold e:</u> No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.</p>	No mitigation is required.	N/A	N/A	N/A	No Impact.
<p><u>Threshold f:</u> The Project would not impact any known paleontological resource or unique geological feature. However, the Project Site is underlain by older alluvium soils with a high sensitivity for paleontological resources. Accordingly,</p>	MM 4.6-1 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist ("paleontologist") has been retained by the Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and	Project Applicant	City of Fontana Community Development Department (Planning)	Prior to the issuance of a grading permit.	Less-than-Significant with Mitigation.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	be submitted to the City of Fontana prior to issuance of the first occupancy permit.				
4.7 Greenhouse Gas Emissions					
<u>Threshold a:</u> The Project would not exceed the significance threshold of 3,000 MTCO ₂ e per year. As such, the Project would generate a less-than-significant volume of GHG emissions and would not have a significant impact on the environment.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> The Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
4.8 Hazards and Hazardous Materials					
<u>Threshold a & b:</u> During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold c:</u> The Project site is not located within one-quarter mile of any existing or proposed school. 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. Impacts to schools located more than one-quarter mile of the Project site would be less than significant.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold d:</u> The Project Site is not located on any list of hazardous materials sites	No mitigation is required.	N/A	N/A	N/A	No Impact.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
complied pursuant to Government Code § 65962.5.					
<u>Threshold e:</u> The Project is consistent with the restrictions and requirements of the ONT ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold f:</u> The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold g:</u> The Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.	No mitigation is required.	N/A	N/A	N/A	No Impact.
4.9 Hydrology and Water Quality					
<u>Threshold a:</u> The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and SWQMP is required as part of the Project's implementation to address construction- and operational-related water quality.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> The Project would not physically impact any of the major groundwater recharge facilities in the Chino	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Groundwater Basin. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the Basin.					
<u>Threshold c:</u> The Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold d:</u> The Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold e:</u> The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
4.10 Noise					
<u>Threshold a:</u> The Project would generate short-term construction and long-term operational noise but would not generate noise levels that exceed the standards established by the Fontana General Plan or Municipal Code.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold c:</u> The proposed Project would be compatible with noise levels from the	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Ontario International Airport (ONT) and operation of the Project would not expose future employees on the Project Site to excessive noise levels.					
4.11 Transportation					
<u>Threshold a:</u> The Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b:</u> Due to the relatively small amount of net daily traffic that would be generated during Project operations, the Project would not cause or contribute to a substantial increase in the total citywide and/or regional VMT.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold c:</u> The Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold d:</u> Adequate emergency access would be provided to the Project Site during construction and long-term operation. The Project would not result in inadequate emergency access to the Site or surrounding properties.	No mitigation is required.	N/A	N/A	N/A	No Impact.
4.12 Tribal Cultural Resources					
<u>Threshold a:</u> The Project Site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and	MM 4.4-1 through 4.4-3 shall apply.	Refer to Cultural Resources Threshold b.	Refer to Cultural Resources Threshold b.	Refer to Cultural Resources Threshold b.	Less-than-Significant Impact with Mitigation.

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
adversely impact tribal cultural resources that may be buried at the Project Site.					



1.0 INTRODUCTION

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Fontana, acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed Fontana Corporate Center Project (hereinafter the “Project”). To implement the Project, the Project Applicant has requested the City of Fontana’s (hereinafter the “City”) approval of a Design Review Project (DRP No. 21-025). Other related discretionary and administrative actions that are required to construct and operate the Project also are described in this EIR.

When the term “Project” is used in this EIR, the term shall mean all aspects of the planning, construction, and operation of Fontana Corporate Center, including all discretionary and administrative approvals and permits required for its implementation. When the terms “Project Applicant” or “Applicant” are used, the terms shall mean CP Fontana, LLC, which is the entity that submitted applications for the Project as proposed and as evaluated in this EIR.

1.1 PURPOSES OF CEQA AND THIS EIR

As stated by CEQA Guidelines Section 15002(a), the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed development activities involving discretionary government approvals (including the approval of private development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why the governmental agency approved the project in the manner the agency chose (if the project involves significant environmental effects).

Following a preliminary review of the Project’s application materials, the City concluded that the Project and its associated implementing actions clearly have the *potential* to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City determined that a Project EIR, as described in CEQA Guidelines Section 15161, would be required.

Pursuant to CEQA Guidelines Section 15161, this Project EIR shall “...focus primarily on the changes in the environment that would result from the development project,” and “...examine all phases of the project including planning, construction, and operation.” Also, pursuant to CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of



alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 LIST OF PROJECT APPROVALS

The Project Applicant proposes to develop two new warehouse buildings on an approximately 18.5-acre property located immediately north of the intersection of Slover Avenue and Business Drive, south of the railroad easement, in the City of Fontana, San Bernardino County, California (hereinafter the “Project Site”). Implementation of the Project would require the demolition of several existing metal industrial buildings and small office buildings located on the eastern portion of the Project Site and construction of the two proposed warehouse buildings. The Project also includes the installation of associated site improvements, including drive aisles, landscaping, utility infrastructure, exterior lighting, walls/fencing, and signage.

The Project Applicant has filed applications for the following discretionary action, which are under consideration by the City of Fontana:

- **Design Review Project (DRP) No. 21-025** proposes a development plan for the Project Site that provides for the construction and operation of a corporate center complex with two warehouse buildings. The buildings are designated “Building 1” and “Building 2” for reference purposes in this EIR. The proposed corporate center would include 355,370 square feet (s.f.) of total building floor area at full buildout.

All components of the Project are described in detail in EIR Section 3.0, *Project Description*.

1.3 PRIOR CEQA REVIEW

The Project Site is located within the geographical limits of the City of Fontana and is covered by the City’s General Plan Update 2015-2035 (GPU), which provides the fundamental basis for the City’s land use and development policies. The City’s GPU was the subject of review under CEQA (State Clearinghouse [SCH] Number 2016021099). The City of Fontana approved the GPU and certified its Final Program EIR on November 13, 2018. The Program EIR contains information relevant to the Project Site. Thus, the Program EIR for the City’s GPU is herein incorporated by reference pursuant to CEQA Guidelines Section 15150 and is available for public review at the City of Fontana, Planning Division, 8353 Sierra Avenue, Fontana, CA 92335.

1.4 LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq.*).

Pursuant to Public Resources Code Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City is the Lead Agency under whose authority this EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City has the obligation to: (1) ensure that this EIR has been



completed in accordance with CEQA; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the Project that outweigh its unavoidable adverse effects (CEQA Guidelines Section 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City will have the legal authority to do any of the following:

- Approve the Project;
- Require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment;
- Deny approval of the Project in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or
- Approve the Project even though the Project could cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR fulfills the CEQA environmental review requirements for the proposed Design Review Project (DRP No. 21-025) and all other governmental discretionary and administrative actions related to the Project.

1.5 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resource Code Section 21104 requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency that have discretionary approval power over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.”

For the Project, the Santa Ana Regional Water Quality Control Board (RWQCB) is identified as a Trustee Agency that is responsible for the protection of California’s water resources and water quality. The Santa Ana RWQCB is responsible for issuance of a National Pollutant Discharge Elimination System (NPDES) Permit to ensure that during and after Project construction, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality. There are no other Trustee Agencies or Responsible Agencies identified for the Project. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the proposed Project.



1.6 EIR SCOPE, FORMAT, AND CONTENT

1.6.1 EIR SCOPE

The City filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project’s potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to potential Responsible Agencies, Trustee Agencies, and other interested parties on August 13, 2021, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

In addition, a publicly-noticed EIR Scoping Meeting was held on September 1, 2021. The EIR Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of environmental concerns to be addressed in this EIR.

The NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP and during the Scoping Meeting are summarized below in Table 1-1, *Summary of NOP and Scoping Meeting Comments*. The purpose of this table is to present a summary of the environmental topics that were expressed by public agencies, interested parties, and members of the general public to be of primary interest. Table 1-1 is not intended to list every comment received by the City during the NOP review period. Regardless of whether or not an environmental or CEQA-related comment is listed in the table, all relevant comments received in response to the NOP and during the EIR Scoping Meeting are addressed in this EIR.

Table 1-1 Summary of NOP and Scoping Meeting Comments

ENVIRONMENTAL TOPIC	COMMENT	LOCATION IN EIR WHERE COMMENT IS ADDRESSED
Air Quality	<ul style="list-style-type: none"> - Recommendation to use the SCAQMD’s CEQA Air Quality Handbook (1993), CARB Air Quality and Land Use Handbook, South Coast AQMD’s Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan, and SCAG’s Mitigation Monitoring and Reporting Plan for the 2020-2045 RTP/SCS when preparing the Project’s air quality analysis. - Recommendation to use the CalEEMod land use emissions software when preparing the Project’s air quality analysis. - Request to quantify criteria pollutant emissions and compare the results to applicable SCAQMD regional and localized significance thresholds (LSTs). - Request to identify any potential adverse air quality impacts that could occur from all phases of the Project (including construction and operation) and all air pollutant sources related to the Project. 	<ul style="list-style-type: none"> - 4.2, <i>Air Quality</i>



Table 1-1 Summary of NOP and Scoping Meeting Comments

ENVIRONMENTAL TOPIC	COMMENT	LOCATION IN EIR WHERE COMMENT IS ADDRESSED
	<ul style="list-style-type: none"> - Request that the EIR disclose the potential for the Project to result in adverse health effects related to diesel emissions, performing a mobile source health risk assessment. - Recommendation to identify South Coast AQMD as a Responsible Agency, in the event a permit is required from South Coast AQMD. - Request that the Project incorporate design/mitigation measures to reduce any significant air pollutant emissions. - Recommendation for the lead agency to review South Coast AQMD Rule 2305 and Rule 316. - Request that pollutants that pose a threat to the community are evaluated as part of the EIR. - Request that the DEIR quantify and discuss the potential cancer risks from project operation and project construction. - Request that the Project include all existing and emerging zero-emission technologies to minimize PM and NO_x emissions. 	
Land Use and Planning	<ul style="list-style-type: none"> - Request that the EIR be consistent with the SCAG 2020-2045 RTP/SCS Connect SoCal Goals and local land use plans. - Recommendation for the lead agency to review the Connect SoCal Demographics and Growth Forecast Technical Report and the Final Program EIR for Connect SoCal. 	- 5.0, <i>Other CEQA Considerations</i>
Tribal Cultural Resources	<ul style="list-style-type: none"> - Recommendation for early consultation with the California Native American Tribes affiliated with the Project area. - Recommendation to consult legal counsel to ensure compliance with AB 52 and SB 18. 	- 4.13, <i>Tribal Cultural Resources</i>

Upon consideration of all comments received by the City in response to the NOP and during the EIR Scoping Meeting, this EIR provides a detailed analysis of the Project’s potential to cause adverse effects under the following topics:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation
- Tribal Cultural Resources

The topics listed above are evaluated in EIR Section 4.0, *Environmental Analysis*.

During the course of conducting research of the Project’s potential environmental effects and preparing this EIR, the City concluded that the Project would clearly result in either (1) no impacts or (2) less-than-significant impacts under several environmental topic areas, including: agriculture and forestry resources, mineral



resources, population and housing, public services, recreation, utilities and service systems, and wildfire. Potential effects to these topic areas are summarized in EIR Section 5.0, *Other CEQA Considerations*.

1.6.2 EIR FORMAT AND CONTENT

This EIR contains all of the information required to be included in an EIR as specified by the CEQA Statute and Guidelines (California Public Resources Code, Section 21000 *et. seq.* and California Code of Regulations, Title 14, Chapter 5). Table 1-2, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this EIR.

In summary, the content and format of this EIR is as follows:

- **Section S.0, Executive Summary**, provides an overview of the EIR and CEQA process and provides a brief description of the Project, including its objectives, the location and regional setting of the Project Site, and potential alternatives to the Project as required by CEQA. The Executive Summary provides a summary of the Project’s impacts, mitigation measures, and conclusions, in a table that forms the basis of the Project’s MMRP.
- **Section 1.0, Introduction** provides introductory information about the CEQA process and the responsibilities of the City in its role as Lead Agency, a brief description of the Project, the purpose of the EIR, and an overview of the EIR format.
- **Section 2.0, Environmental Setting** describes the environmental setting, including descriptions of the Project Site’s physical conditions and surrounding context used as the baseline for analysis in this EIR.
- **Section 3.0, Project Description** includes a detailed Project Description that identifies the precise location and boundaries of the Project, a map showing the Project’s location in a regional perspective, a statement of the Project’s objectives, a general description of the Project’s technical, economic, and environmental characteristics, and a statement describing the intended uses of the EIR, including a list of agencies expected to use the EIR, and a list of approvals for which the EIR will be used. The Project Description contains a level of specificity commensurate with the level of detail proposed by the Project.
- **Section 4.0, Environmental Analysis** provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the Project. A determination concerning the significance of each impact is addressed and mitigation measures are presented when warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as “effects” or “impacts” interchangeably. CEQA Guidelines Section 15358 describe the terms “effects” and “impacts” as being synonymous.

In each subsection of Section 4.0, the existing conditions pertaining to the subject area being analyzed are discussed accompanied by a specific analysis of physical impacts that may be caused by implementing the Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct



Table 1-2 Location of CEQA Required Topics

CEQA REQUIRED TOPIC	CEQA GUIDELINES REFERENCE	LOCATION IN THIS EIR
Table of Contents	Section 15122	Table of Contents
Summary	Section 15123	Section S.0
Project Description	Section 15124	Section 3.0
Environmental Setting	Section 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	Section 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	Section 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented	Section 15126.2(d)	Subsection 5.2
Growth-Inducing Impact of the Project	Section 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	Section 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Project	Section 15126.6	Section 6.0
Effects Not Found to be Significant	Section 15128	Subsection 5.4
Organizations and Persons Consulted	Section 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	Section 15130	Section 4.0
Energy Conservation	Section 15126.2(b) & Appendix F	Subsection 4.5

impacts are those that would occur directly as a result of the Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines Section 15355 as “...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The analyses in Section 4.0 are based in part upon technical reports that are included in this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the Project and are cited in Section 7.0, *References*.

Where the analysis identifies a significant environmental effect, feasible mitigation measures are recommended. Pursuant to CEQA and the CEQA Guidelines, an EIR must propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. The requirement that EIRs identify mitigation measures realizes CEQA's policy that Lead Agencies adopt feasible measures when approving a project to reduce or avoid its significant environmental effects. Per Public Resources Code Section 21081.6 and CEQA Guidelines Section 15126.4, mitigation measures must be enforceable through conditions of approval, contracts or other means that are legally binding. Pursuant



to Public Resources Code Section 21081.6, incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable. This requirement is designed to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. In light of the foregoing, the identified mitigation measures are analyzed to determine whether they would effectively reduce or avoid any significant environmental effects. In most cases, implementation of the mitigation measures would reduce an identified significant environmental effect to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the Lead Agency pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations** includes specific topics that are required by CEQA. These include a summary of the Project’s significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not be significant during preparation of this EIR.
- **Section 6.0, Project Alternatives** describes and evaluates alternatives to the Project that could reduce or avoid the Project’s adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives, including a “No Project” alternative, that will foster informed decision making and public participation.
- **Section 7.0, References** cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

1.6.3 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15147 states that the “information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting information and analyses as appendices to the main body of the EIR.” CEQA Guidelines Section 15150 allows for the incorporation “by reference all or portions of another document... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR.

This EIR relies on a number of Project-specific technical appendices that are bound separately as *Technical Appendices*. The *Technical Appendices* are available for review at the City of Fontana, Community Development Department – Planning Division, 8353 Sierra Ave, Fontana, California 92335, during the City’s regular business hours or can be requested in electronic form on the City’s website at <https://www.fontana.org/2137/Environmental-Documents> or by contacting the City Community Development



Department. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

- A: Notice of Preparation and Written Comments on the NOP
- B1: Air Quality Impact Analysis
- B2: Health Risk Assessment
- C: Biological Resources Report
- D: Cultural Resources Report
- E: Energy Analysis
- F1: Geotechnical Report
- F2: Paleontological Assessment
- G: Greenhouse Gas Analysis
- H1: Phase I Environmental Site Assessment
- H2: Phase II Soil Vapor Investigation Report
- I1: Preliminary Hydrology Calculations
- I2: Storm Water Quality Management Plan
- J: Noise Impact Analysis
- K: Traffic Study

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's Technical Appendices are cited by a link to the online location where the document/website can be viewed. References relied upon by this EIR will be available for public review at the City of Fontana, Community Development Department – Planning Division, 8353 Sierra Ave, Fontana, California 92335.



2.0 ENVIRONMENTAL SETTING

2.1 REGIONAL SETTING AND LOCATION

The approximately 18.5-acre Project Site is located within the City of Fontana, which is located in the southwestern portion of San Bernardino County, California. Fontana is located east of the Cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley. The Project Site is located approximately 0.1-mile south of Interstate (I-10), approximately 0.6-mile east of the Etiwanda Avenue on/off-ramp and approximately 1.2 miles west of the Cherry Avenue on/off-ramp. The Site's location in a regional context is shown on Figure 3-1, *Regional Map*, in EIR Section 3.0, *Project Description*.

The Project Site is located in an urbanized area of southern California commonly referred to as the "Inland Empire." The Inland Empire is an approximate 28,000 square-mile region comprising San Bernardino County, Riverside County, and eastern Los Angeles County. According to the California Department of Finance, the estimated 2021 population of San Bernardino County was 2,175,909 persons (DOF, 2021, E-1). The Southern California Association of Governments (SCAG) forecast models predict that the population of San Bernardino County will grow to approximately 2.73 million persons by the year 2040 (SCAG, 2016).

2.2 LOCAL SETTING AND LOCATION

The Project Site is located immediately south of I-10, north of Slover Avenue, east of Commerce Way, and approximately 0.1-mile west of Mulberry Avenue as illustrated on Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*. The Project Site is associated with the address 13592 Slover Avenue and includes Assessor Parcel Numbers (APNs) 0238-062-36-0000 and 0238-062-39-0000.

2.3 SURROUNDING LAND USES

Existing land uses in the immediate vicinity of the Project Site are illustrated on Figure 2-1, *Surrounding Land Uses*, and are described below.

North: A railroad right-of-way and Loop Road, a dirt access road associated with the rail lines, adjoin the Property to the north. A Union Pacific railroad yard, identified on Google Maps as "Kaiser Railroad Yard" is located on the northern side of Loop Road. The I-10 Freeway is located to the north of the railroad yard.

South: Slover Avenue adjoins the Property to the south. Three warehouses are located south of Slover Avenue; 10509 Business Drive, 10550 Business Drive, and 13489 Slover Avenue. Tenants at the warehouses include Express Pipe and Supply, Industrial Insulation Inc., Trepcos West, and Cosmetic Industries.

West: Patrick Industries Inc. (13414 Slover Avenue), which manufactures building products and fixtures, adjoins the Property to the west.

East: A metal corrugated pipe manufacturer, Pacific Corrugated Pipe Company (13680 Slover Avenue) adjoins the Property to the east.



2.4 PLANNING CONTEXT

2.4.1 CITY OF FONTANA GENERAL PLAN

The City of Fontana’s prevailing planning document is its General Plan, dated November 13, 2018. As depicted on Figure 2-2, *Existing General Plan Land Use Designations*, the City’s General Plan designates the Project Site for “General Industrial (I-G)” land uses. The “I-G” land use designation is intended for uses such as manufacturing, warehousing, fabrication, assembly, processing, trucking, equipment, and automobile and truck sales and services with a maximum floor area ratio (FAR) of 0.6 (Fontana, 2018a, p. 15.26).

2.4.2 FONTANA GATEWAY SPECIFIC PLAN

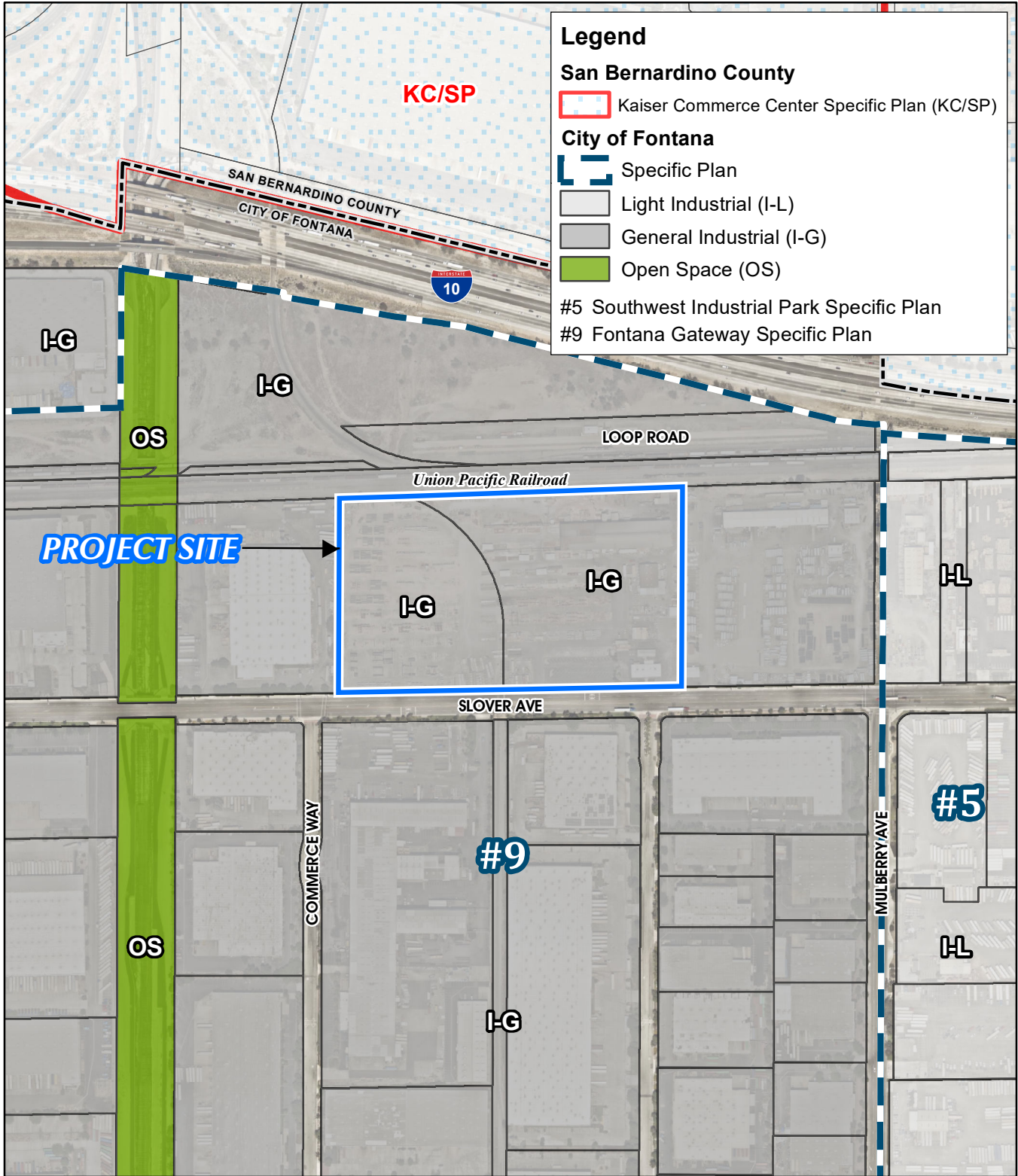
The Project Site is located within the geographic boundaries of the Fontana Gateway Specific Plan. The Fontana Gateway Specific Plan is a planned industrial land use encompassing approximately 755 acres in the southwest area of Fontana. The intent of the Fontana Gateway Specific Plan is to create a major employment center, providing jobs for existing City residents of nearby planned residential communities. As shown on Figure 2-3, *Existing Zoning Designations*, the Specific Plan designates the Project Site for General Industrial (M-2-G) land uses. The M-2-G area allows for mixed industrial land uses including manufacturing and warehousing facilities.

2.4.3 ZONING

The development and design regulations contained within Section 4.0 of the Fontana Gateway Specific Plan supersede the zoning standards contained within the City’s Zoning and Development Code (Municipal Code, Chapter 30), except in instances where the Specific Plan is silent and, then, applicable regulations and standards contained in the Zoning and Development Code prevail. The Fontana Gateway Specific Plan is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150 and is available for review at the City of Fontana Community Development Department, Planning Division, 8353 Sierra Avenue, Fontana California 92335.

2.4.4 ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN

The Ontario International Airport Land Use Compatibility Plan (ALUCP) identifies land use standards and design criteria for new development located in the proximity of the Airport to ensure compatibility between the airport and surrounding land uses and to maximize public safety. The Project Site is located within the airport influence area (AIA) of the Ontario International Airport and is subject to compliance with the Ontario International Airport ALUCP. Within the Project area, the ALUCP does not impose any land use or design restrictions and buildings are permitted to exceed heights of 200 feet (subject to compliance with local zoning ordinances). The Project Site is not located within any ONT Safety Zone, but is located within the Airspace Protection Zone and the Real Estate Transaction Disclosure Zone. The western portion of the Site is located within the FAA Height Notification Surface zone and the Airspace Obstruction Surface Zone. (City of Ontario, 2011)

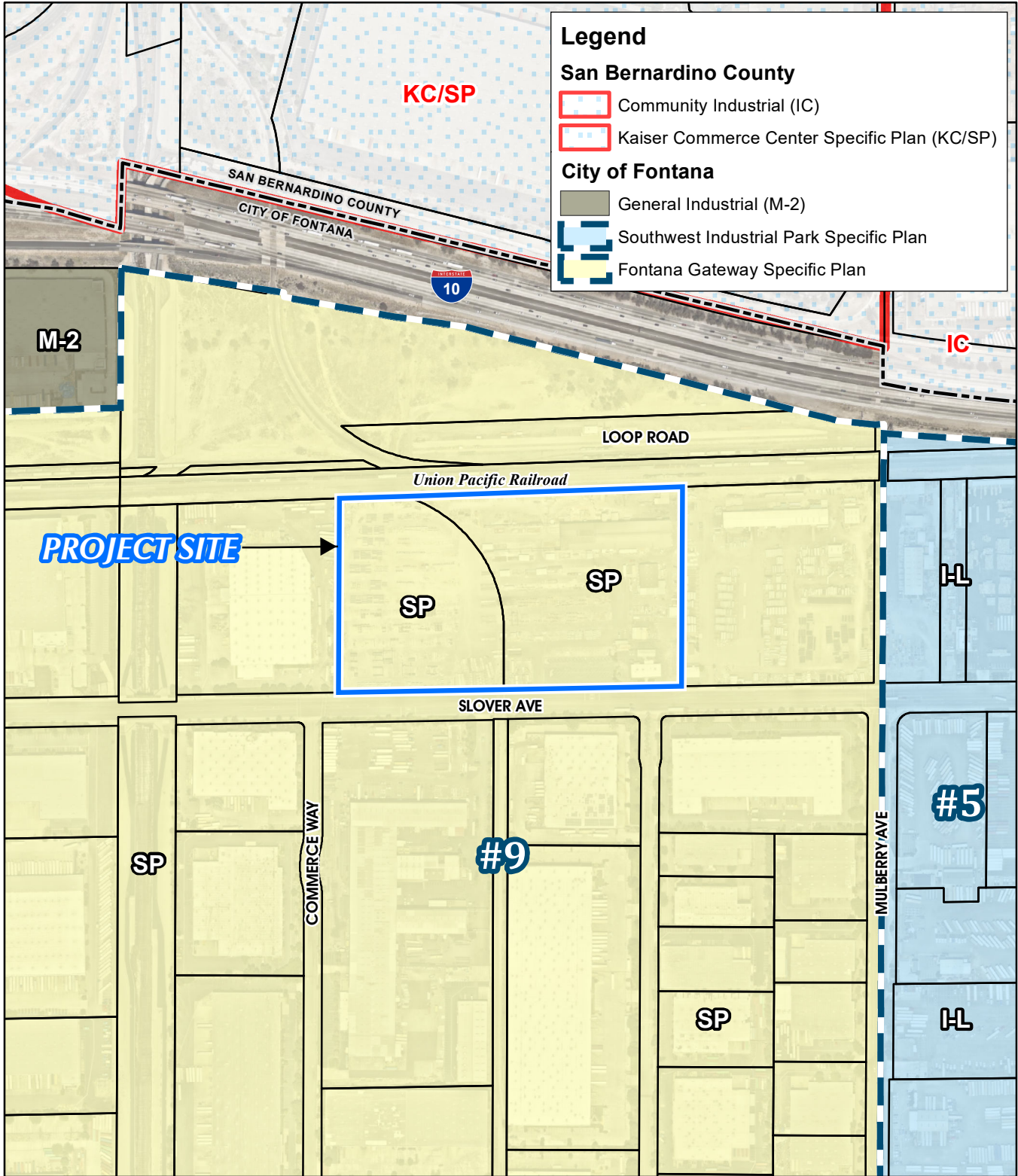


Source(s): City of Fontana (2021), ESRI, Nearmap Imagery (2021), SB County (2019)

Figure 2-2



Existing General Plan Land Use Designations



Source(s): City of Fontana (2021), ESRI, Nearmap Imagery (2021), SB County (2019)

Figure 2-3



Existing Zoning Designations



2.4.5 SCAG REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY

The SCAG is a Joint Powers Authority (JPA) established under California State law as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. (SCAG, 2021)

SCAG's 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) develops long-range regional transportation plans including a sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. The RTP/SCS provides objectives for meeting emissions reduction targets set forth by the California Air Resources Board (CARB); these objectives were provided in direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing, and environmental planning. The Subregional Sustainable Communities Strategies identifies the Project Site as being located in an area with a "Standard Suburban" land use pattern, which is defined as auto-oriented development with a minimal mix of land uses. (SCAG, 2016)

2.5 EXISTING PHYSICAL SITE CONDITIONS

CEQA Guidelines Section 15125(a)(1), recommends that the physical environmental condition that existed at the time an EIR's NOP is released for public review normally be used as the comparative baseline for the EIR analysis. The NOP for this EIR was released for public review on August 13, 2021, and the following pages include a description of the Project Site's physical environmental condition ("existing conditions") as of that approximate date. More information regarding the Project's Site's environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

2.5.1 LAND USE

Under existing conditions, the Project Site is currently occupied by a pre-cast concrete manufacturing facility operated by Clark Pacific. There are four main buildings on the property; a production building, wood shop, maintenance shop, and office. The remainder of the property is occupied by pre-cast concrete manufacturing activities/storage and associated parking areas.

Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The Project Applicant proposes to develop the approximately 18.5-acre property as a two-building warehouse facility. The principal discretionary actions required of the City of Fontana to implement the Project are described in detail in Section 3.0, *Project Description*, and are listed in Table 3-4, *Matrix of Approvals/Permits*. The Project is consistent with the existing General Plan and Fontana Gateway Specific Plan land use designations of "I-G" and "M-2-G", respectively.



2.5.2 AESTHETICS AND TOPOGRAPHIC FEATURES

The Project Site slopes very gradually from north to south and is perceived to be generally flat; the Site's high point is approximately 1,000 feet above mean sea level (amsl) in the northern portion of the Site and its low point as approximately 990 feet amsl in the southern portion of the Project Site. Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts the Project Site's existing topographic conditions. The Project Site is completely developed and minimal vegetation is located around the perimeter of the Project Site. There are no rock outcroppings or other unique topographic or aesthetic features present on the property.

2.5.3 AIR QUALITY AND CLIMATE

The Project Site is located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, the San Jacinto Mountains to the north and east, and San Diego County to the south. The SCAB is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), the agency charged with bringing air quality in the SCAB into conformity with federal and State air quality standards. Although the climate of the SCAB is characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. More than 90% of the SCAB's rainfall occurs from November through April. Temperatures during the year range from an average minimum of 36°F in January to over 100°F maximum in the summer. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed "Santa Ana(s)" each year. (Urban Crossroads, 2021a, p. 9-10)

At the regional level, air quality in the SCAB has improved over the past several decades; however, the SCAB is currently not in attainment of State and/or federal standards established for Ozone (O₃; one-hour (State standard only) and eight-hour), and particulate matter (PM₁₀ (State standard only) and PM_{2.5}). No areas of the SCAB exceeded federal or State standards for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), or carbon monoxide (CO). (Urban Crossroads, 2021a, p. 21)

Refer to EIR Subsections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.5.4 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES

The Project Site contains 10 total structures, including three buildings – a front office, workshop, and manufacturing plant – that were constructed in 1953. The remaining structures on the Project Site are of modern construction and were added to the Site over the years. The Project Site also contains a railroad spur that was constructed in 1953 to serve the manufacturing plant building. (BFSA, 2021, p. 3.0-46)

Eight recorded cultural resources, historic in age, are located within a one-mile radius of the Project Site; however, none are mapped within the Project boundaries. No prehistoric resources were identified on the Project Site during a pedestrian survey and, based on archaeological records from the South Central Coastal



Information Center (SCCIC) at California State University (CSU), Fullerton, no prehistoric artifacts have been previously recorded on the Project Site (BFSA, 2021, p. 1.0-15 and 16).

2.5.5 GEOLOGY

Regionally, the Project Site is located in the Peninsular Ranges geomorphic province, a prominent natural geomorphic province that extends from the Santa Monica Mountains approximately 900 miles south to the tip of Baja California, Mexico, and is bounded to the east by the Colorado Desert. The Peninsular Ranges province is composed of plutonic and metamorphic rock, lesser amounts of Tertiary Volcanic and sedimentary rock, and Quaternary drainage in-fills and sedimentary veneers. The Project Site is underlain by Quaternary (Pleistocene to Holocene) younger alluvial fan deposits, which do not have the potential to contain significant paleontological resources (CDC, 2015; Fontana, 2018b, p. 5.4-8).

The geologic structure of the entire southern California area is dominated mainly by northwest-trending faults associated with the San Andreas system. Similar to other properties throughout southern California, the Project Site is located within a seismically active region and is subject to ground shaking during seismic events; however, no known active or potentially active faults exist on or near the Project Site nor is the Site situated within an “Alquist-Priolo” Earthquake Fault Zone (NorCal Engineering, 2021, p. 2).

The Project Site is underlain by fill soils and native soils (disturbed and undisturbed). Fill soils are found on the Project Site at depths ranging from 1 to 4.5 feet below ground surface. The observed fill soils are classified as silty sand with some gravel, small cobbles, with asphalt and concrete pieces. Native soils, classified as medium dense and damp silty sands with some gravel and occasional small cobbles, were encountered beneath the upper fill soils (NorCal Engineering, 2021, p. 4).

2.5.6 HYDROLOGY

The Project Site is located in the Santa Ana River watershed, which drains an approximately 2,650-square-mile area. The Santa Ana River starts in Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach.

Under existing conditions, the Project Site drains southerly towards Slover Avenue. The Site is divided east and west by an existing rail road spur. The eastern portion of the Site drains southwesterly towards the east side of the rail road spur. The western portion of the Site drains southeasterly towards the Slover Avenue. (Thienes, 2021, p. 6).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8634J, the Project Site is located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood. (FEMA, 2014)

Refer to EIR Subsection 4.6, *Hydrology and Water Quality*, for a more detailed discussion of the Project’s Site existing hydrology and water quality setting.



2.5.7 NOISE

Primary sources of noise in the Project Site's vicinity include transportation-related noise associated with surface streets and the abutting railroad. Urban Crossroads, Inc. collected 24-hour noise measurements at three locations in the Project vicinity on June 24, 2021, to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 64.0 equivalent level decibels (dBA L_{eq}) to 66.0 dBA L_{eq} and nighttime noise levels from 60.9 dBA L_{eq} to 62.3 dBA L_{eq} . (Urban Crossroads, 2021e, p. 20)

Refer to EIR Subsection 4.10, *Noise*, for a more detailed discussion of the Project's Site existing noise setting.

2.5.8 TRANSPORTATION

The Project Site is located immediately north of Slover Avenue, east of Commerce Way, west of Mulberry Avenue, and south of the Union Pacific railroad tracks and I-10. Existing traffic on nearby roadways consist of both passenger vehicles and trucks passing through the area and accessing nearby land uses.

The primary regional vehicular travel route to the Project area is I-10, which is located approximately 0.1-mile north of the Project Site. The Project Site is located approximately 0.9 roadway miles east of the Etiwanda Avenue on/off-ramp and approximately 1.4 roadway miles west of the Cherry Avenue on/off-ramp. I-10 provides access to I-15 (located approximately 1.9 miles to the west of the Project Site) and I-215 (located approximately 10.0 miles to the east of the Project Site). Both I-15 and I-215 provide access to/from SR-60 (located approximately 3.0 miles to the south of the Project Site).

There are no existing bicycle facilities within the study area; however, Slover Avenue from Mulberry Avenue eastward is a planned Class II bike facility. There are limited pedestrian facilities, such as sidewalks and crosswalks in the vicinity of the Project Site.

Public transit service in the region is provided by Omnitrans, a public transit agency that serves various jurisdictions within San Bernardino County (Urban Crossroads, 2021f, p. 22). There are no public transit routes that run adjacent to the Project Site under existing conditions (*ibid.*). The nearest transit routes to the Project Site are Route 290 which has a stop located at Ontario Mills shopping mall along Ontario Mills Parkway, approximately 2.1 miles northwest of the Project Site and Route 82 which has a stop located at Cherry Avenue and Jurupa Avenue, approximately 1.5 miles southeast of the Project Site (Google Earth, 2021).

Refer to EIR Subsection 4.13, *Transportation*, for a more detailed discussion of the Project Site's existing transportation setting.

2.5.9 UTILITIES AND SERVICE SYSTEMS

The Fontana Water Company (FWC) provides water service to the Project area and the City of Fontana provides wastewater conveyance service to the Project area, respectively. Under existing conditions, water mains and sewer are installed beneath Slover Avenue abutting the Project Site. The City of Fontana conveys wastewater flows to the Inland Empire Utility Agency for treatment at Regional Water Recycling Plants Nos. 1 and/or 4. Solid waste from the Project Site is expected to be disposed at the Mid-Valley Landfill.



2.5.10 VEGETATION COMMUNITIES

The Project Site is entirely developed and does not support any natural vegetation communities. No sensitive plant species were observed on the Project Site and none are anticipated to occur given the developed/disturbed condition of the site. Plant species observed on the Project Site are associated with landscaping and non-native ornamental trees on the Project Site perimeter. The ornamental trees are eucalyptus (*Eucalyptus* sp.) and Mexican fan palm (*Washingtonia robusta*). (Alden, 2021, p. 3)

Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project's Site existing biological setting.

2.5.11 WILDLIFE

No sensitive animal species were observed or detected on site during the site visit, and none is anticipated to occur given its developed/disturbed nature. Animals observed were limited to common, non-sensitive bird species including Anna's hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), rock dove (*Columba livia*), raven (*Corvus corax*), Eurasian collared dove (*Streptopelia decaocto*), and Allen's hummingbird (*Selasphorus sasin*). (Alden, 2021, p. 3)

Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project's Site existing biological setting.

2.5.12 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Project. Based on the existing conditions of the Project Site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Project Site does not contain any resources that are rare or unique to the region.



3.0 PROJECT DESCRIPTION

This section provides all of the information required of an EIR Project Description by CEQA Guidelines Section 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR (including a list of the government agencies that are expected to use this EIR in their decision-making processes); a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

3.1 PROJECT LOCATION

As shown on Figure 3-1, *Regional Map*, the Project Site is located in the southwestern portion of the City of Fontana, San Bernardino County, California. The City of Fontana is located east of the cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley, which is located in the northwestern portion of Riverside County. The Project Site is located approximately 0.1-mile south of Interstate (I-10), approximately 0.6-mile east of the Etiwanda Avenue on/off-ramp and approximately 1.2 miles west of the Cherry Avenue on/off-ramp.

At the local scale, the Project Site is located immediately south of I-10, north of the intersection of Slover Avenue and Business Drive, east of Commerce Way, and approximately 0.1-mile west of Mulberry Avenue (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The approximately 18.5-acre Project Site includes two individual parcels, including Assessor Parcel Numbers (APNs): 0238-062-36-0000 and 0238-062-39-0000. Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of existing land uses that abut the Project Site.

3.2 STATEMENT OF OBJECTIVES

The fundamental purpose and goal of the Fontana Corporate Center Project is to accomplish the orderly redevelopment of the Project Site with a modern industrial corporate center. The Project would achieve this goal through the following objectives.

1. To expand economic development and facilitate job creation in the City of Fontana by re-developing an underutilized property with a new, in-demand industrial use adjacent to an already-established industrial area.
2. To attract employment-generating businesses to the City of Fontana to reduce the need for members of the local workforce to commute outside the area for employment.
3. To develop a light industrial building that is designed to maximize economic competitiveness with similar industrial buildings in the local area and region.
4. To develop industrial buildings with loading bays in close proximity to designated truck routes and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.



5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.
6. To develop a project that has architectural design and operational characteristics that complement other existing and planned buildings in the immediate vicinity of the Project Site and minimize conflicts with other nearby land uses.
7. To develop a property that has access to available infrastructure, including roads and utilities.

3.3 PROJECT COMPONENTS

The proposed Project includes and construction and operation of a two-building industrial complex containing a total of 355,370 s.f. of building floor area and associated facilities, including but not limited to a loading/unloading area with loading dock doors and trailer parking spaces, passenger vehicle parking, landscaping, and connections to existing utility infrastructure. The Project requires the City’s approval of a Design Review Project (DRP-21-025). The City’s process for approving a Design Review Project is discussed in detail later in this Section (refer to Subsection 3.5, *Summary of Requested Actions*). The individual components of the Project are discussed below.

3.3.1 DESIGN REVIEW PROJECT NO. 21-025 (DRP 21-025)

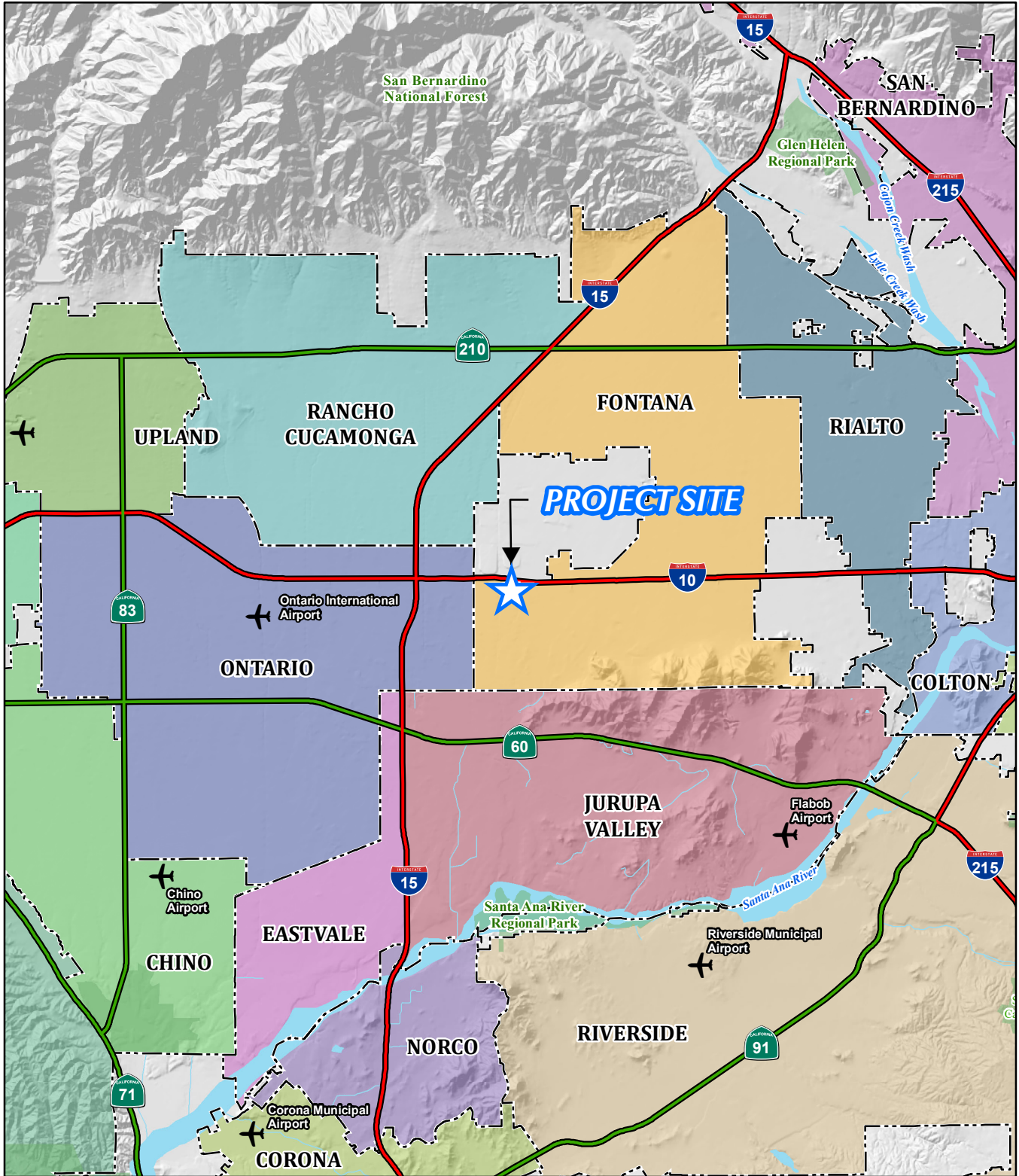
A. Site Layout & Architecture

DRP 21-025 proposes a re-development plan for the Project Site that provides for the construction and operation of an industrial corporate center containing two warehouse buildings. The DRP application materials depict a conceptual layout of the proposed buildings and associated physical design features, conceptual architecture design for the buildings, and a conceptual landscaping plan. The buildings are designated “Building 1” and “Building 2” for reference purposes in this EIR. The proposed corporate center would include 355,370 s.f. of total building floor area at full buildout. The proposed master plan for DRP 21-025 is illustrated on Figure 3-4, *Conceptual Master Site Plan*, and summarized in Table 3-1, *DRP 21-025 Summary*.

Table 3-1 DRP 21-025 Summary

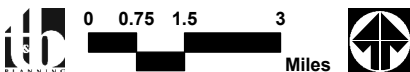
	Building 1	Building 2	Total
Office Floor Space	5,000 s.f.	5,000 s.f.	10,000 s.f.
Warehouse Floor Space	207,677 s.f.	137,693 s.f.	345,370 s.f.
Total Building Area	212,677 s.f.	142,693 s.f.	355,370 s.f.

The two buildings proposed by DRP 21-025 are described below. The future occupants of the buildings are not known at the time of writing this EIR.

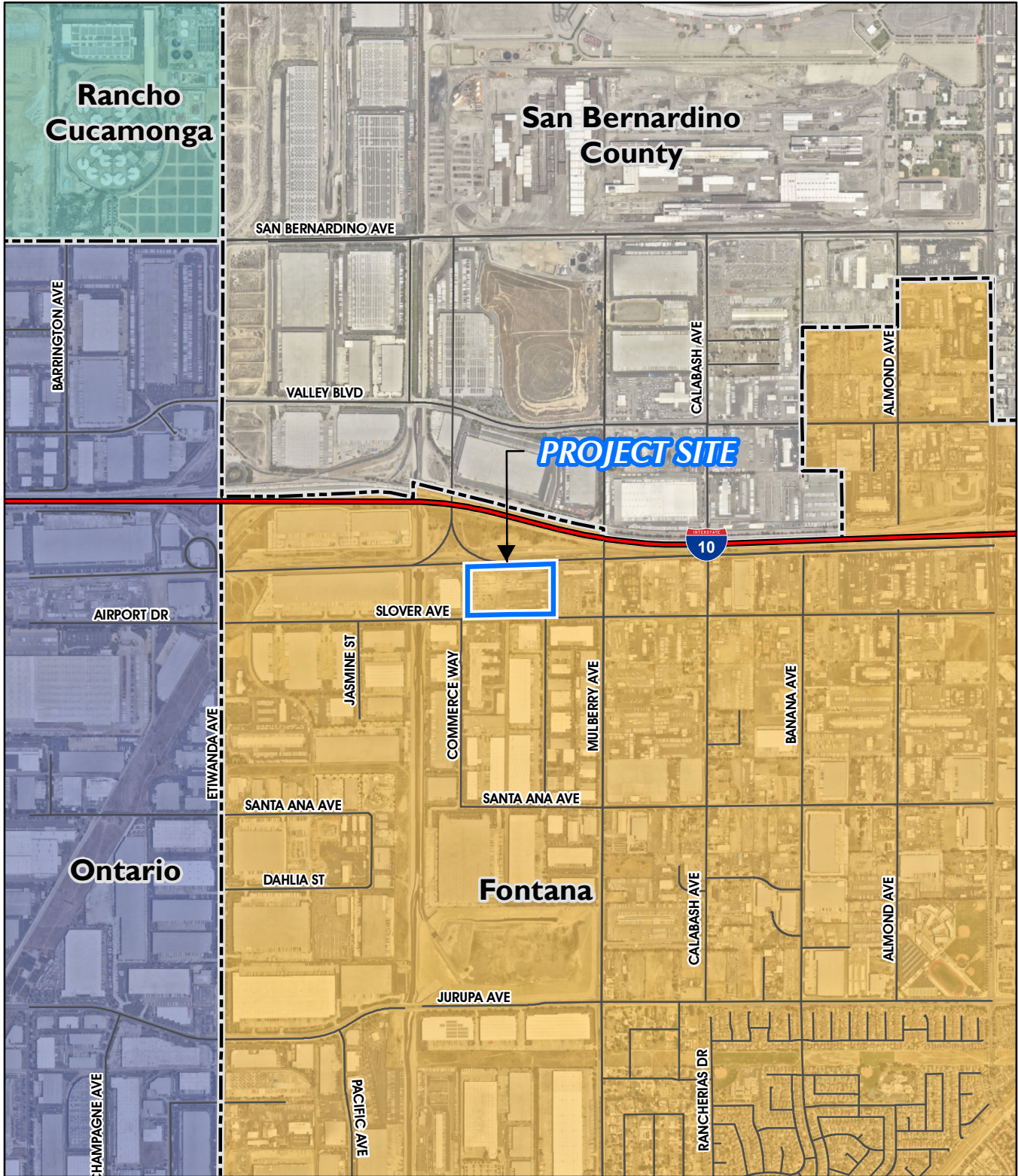


Source(s): ESRI, RCTLMA (2021), SB County (2020)

Figure 3-1



Regional Map

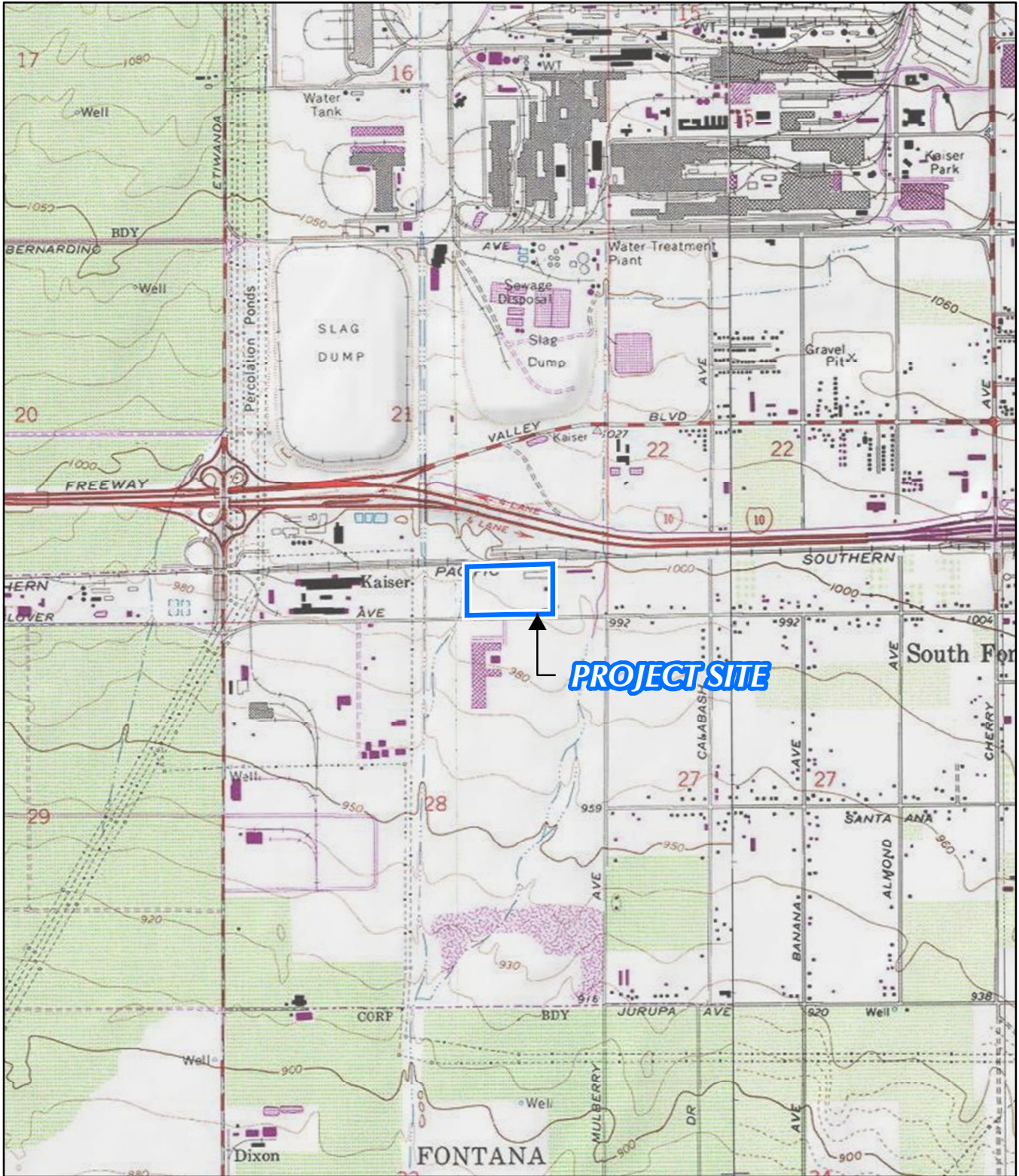


Source(s): ESRI, Nearmap Imagery (2021), RCTLMA (2021), SB County (2019)

Figure 3-2



Vicinity Map



Source(s): ESRI, USGS (2019)

Figure 3-3



USGS Topographic Map



Building 1

Building 1 is designed as a rectangular-shaped building in the eastern portion of the Project Site, with its longer sides oriented perpendicular to the Project Site's northern and southern boundaries. A walled truck court with 30 loading docks and 50 trailer parking spaces would be provided on the west side of the building, facing interior to the Project Site. Building 1 would contain 212,677 s.f. of floor area, including 207,677 s.f. of warehouse space and 5,000 s.f. of supporting office space. Approximately 194 automobile parking spaces are distributed on the east, west, and south sides of the building. A 30-foot-wide emergency vehicle accessible area surrounds the building. Access to/from Building 1 would be provided from two private driveways connecting to Slover Avenue. The western driveway for Building 1 would prohibit left-in access based on its proximity to the adjacent railroad crossing. The eastern most driveway would accommodate full access. The conceptual site plan for Building 1 is illustrated on Figure 3-5, *Conceptual Site Plan – Building 1*.

The maximum height of Building 1 is designed to reach 46.5 feet above the finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would extend to 48.5 feet above the finished floor elevation. The building would be constructed of concrete tilt-up panels and low-reflective, blue glass. The building's exterior color palette would be comprised of various shades of white and gray with wood siding. Decorative building elements include panel reveals, parapets, mullions, and canopies at office entries. Conceptual architectural elevations for Building 1 are illustrated on Figure 3-6, *Conceptual Architectural Elevations – Building 1*.

Building 2

Building 2 is designed as a rectangular-shaped building that would be located in the western portion of the Project Site, with its longer sides oriented perpendicular to the Project Site's northern and southern boundaries. A walled truck court with 17 loading docks and 8 trailer parking spaces would be provided on the east side of the building, facing interior to the Project Site. Building 2 would contain 142,693 s.f. of floor area, including 137,693 s.f. of warehouse space and 5,000 s.f. of supporting office space. Approximately 135 automobile parking spaces are distributed around all four sides of the building. A 30-foot-wide emergency vehicle accessible area surrounds the building. Access to/from Building 2 would be provided from two private driveways connecting to Slover Avenue. The western driveway for Building 2 would be restricted to right-in/right-out access based on its proximity to Commerce Way. The eastern driveway would prohibit left-out access based on its proximity to the adjacent railroad crossing. The conceptual Site plan for Building 1 is illustrated on Figure 3-7, *Conceptual Site Plan – Building 1*.

The typical height of Building 2 is designed to reach 46.0 feet 6.0 inches above the finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would reach 48.0 feet 6.0 inches above the finished floor elevation. Building 2 would be constructed of concrete tilt-up panels and low-reflective, blue glass. The building's exterior color palette would be comprised of various shades of white and gray with wood siding. Decorative building elements include panel reveals, parapets, mullions, and canopies at office entries. Conceptual architectural elevations for Building 2 are illustrated on Figure 3-8, *Conceptual Architectural Elevations – Building 2*.



B. Conceptual Landscape Plan

All existing trees and other vegetation on the Project Site would be removed and replaced with the plant material specified in the *Conceptual Landscape Plan* that is illustrated on Figure 3-9. Proposed landscaping would be ornamental in nature and would feature drought-tolerant trees, shrubs, and accent plants in addition to a variety of groundcovers. As shown on Figure 3-9, trees, shrubs, and groundcover are proposed along the development's street frontage with Slover Avenue and along the property boundary. Landscaping also would be concentrated at building entries and in and around automobile parking areas. Prior to the issuance of building permits to construct Buildings 1 and 2, the Project Applicant would be required to submit final planting and irrigation plans to the City of Fontana for review and approval. The plans are required to comply with the "Landscape and Water Conservation Ordinance" from Chapter 28, Article IV, Sections 28-91 through 28-115 of the Fontana Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (City of Fontana, 2016, Sections 28-91 through 28-115).

3.4 TECHNICAL CHARACTERISTICS OF THE PROJECT

3.4.1 PUBLIC ROADWAY IMPROVEMENTS

Slover Avenue is the existing public street abutting the Project Site to the south. The Project would not result in the alteration of the segment of Slover Avenue that abuts the Project Site except for the construction of the four proposed driveways shown in Figure 3-4. The Project also would result in the closure of the four existing driveways on the Project Site connecting to Slover Avenue, which would require the installation of new sidewalk, curb, and gutter improvements at the locations where the driveways would be removed. The Project would not impact the railroad tracks that bisect the Site and the existing crossing guard arms would be protected.

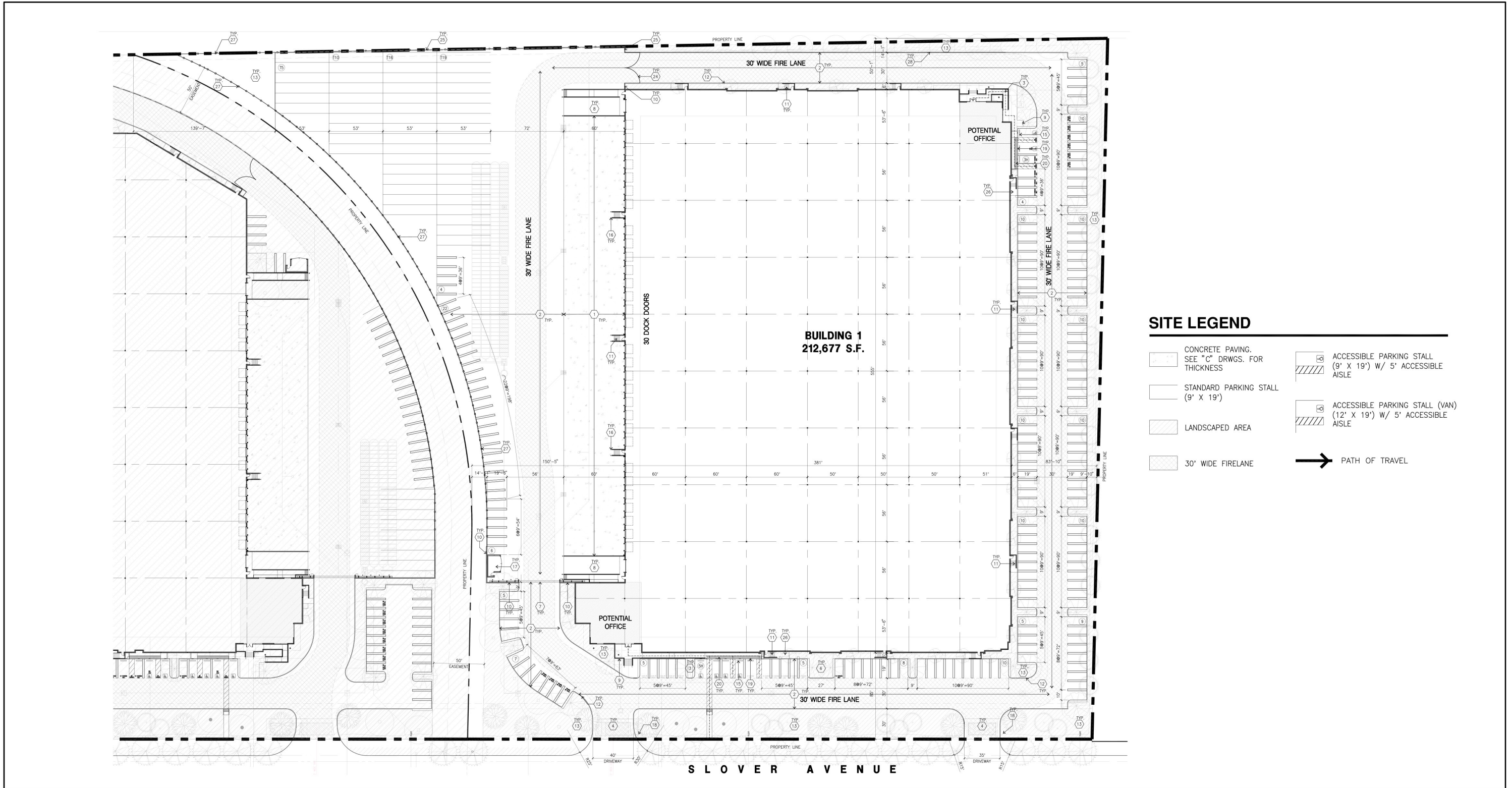
3.4.2 UTILITY IMPROVEMENTS

Water Infrastructure

The Fontana Water Company (FWC) would provide water service to the Project. The Project requires a new 12-inch-diameter water main beneath Slover Avenue with a length of approximately 1,252.5-linear-feet, as shown on Figure 3-10, *Conceptual Utility Plan*. The new water main would connect to a 10-inch-diameter water main beneath Slover Avenue that terminates approximately 94.5 feet west of the Project Site (at Commerce Way) under existing conditions. Multiple connections would be made to the new water main beneath Slover Avenue to service Buildings 1 and 2 for indoor, outdoor (i.e., landscape irrigation), and fire protection (i.e., indoor fire sprinklers, fire hydrant) services. The new water main would be constructed by the Fontana Water Company.

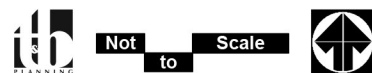
Sanitary Sewer Infrastructure

The City of Fontana would provide wastewater conveyance and treatment services to the Project. Buildings 1 and 2 would utilize two existing sewer laterals that connect to an 8-inch-diameter sanitary sewer line beneath Slover Avenue (see Figure 3-10). All connections to existing sanitary sewer lines would be constructed in accordance with City standards.



Source(s): HPA Architecture (June 2022)

Figure 3-5




Conceptual Site Plan – Building 1

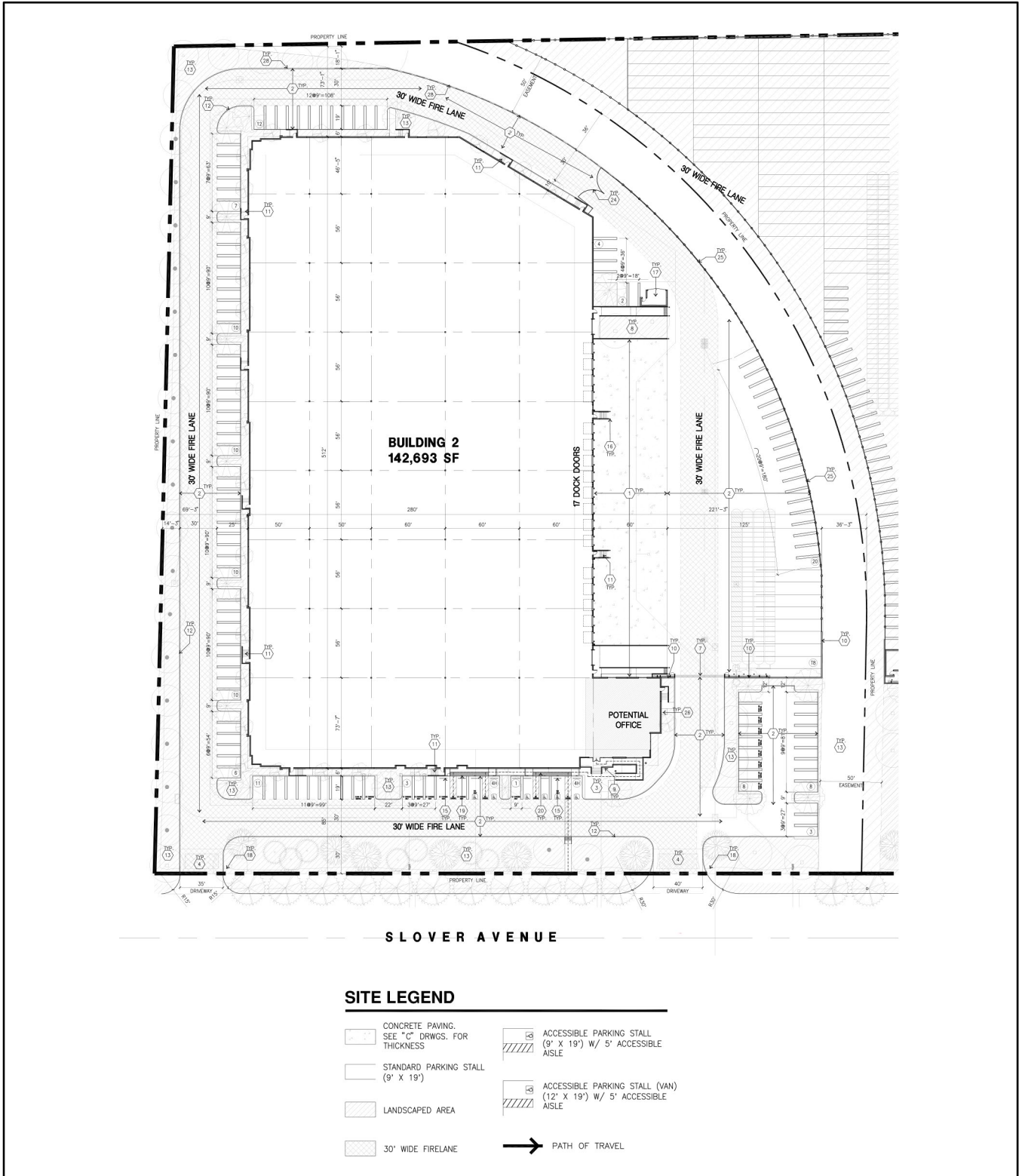


Source(s): HPA Architecture (06-09-2021)

Figure 3-6

 Not to Scale

Conceptual Architectural Elevations – Building 1



Source(s): HPA Architecture (June 2022)

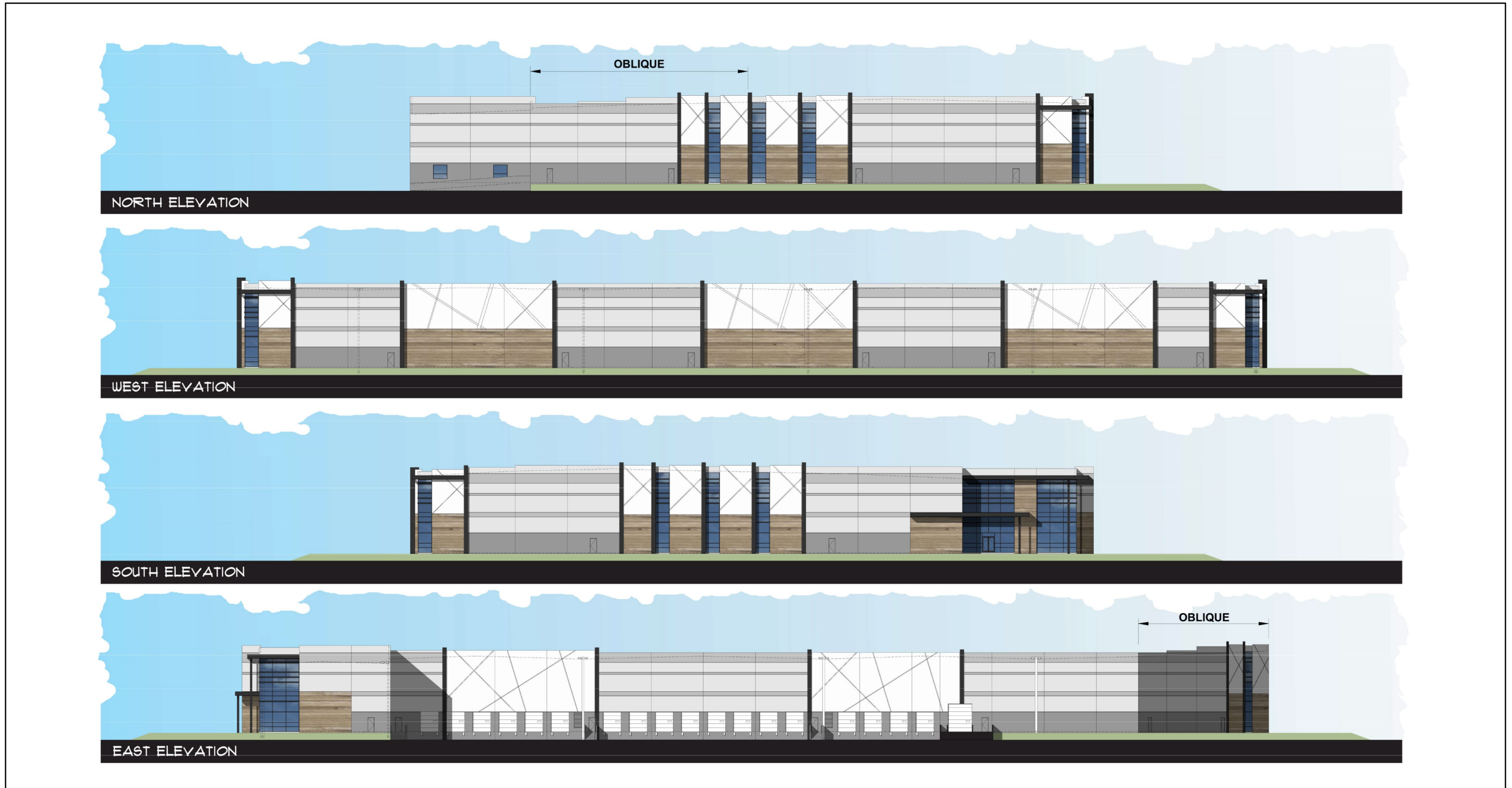
Figure 3-7



Not to Scale

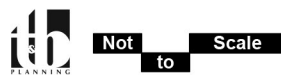


Conceptual Site Plan – Building 2

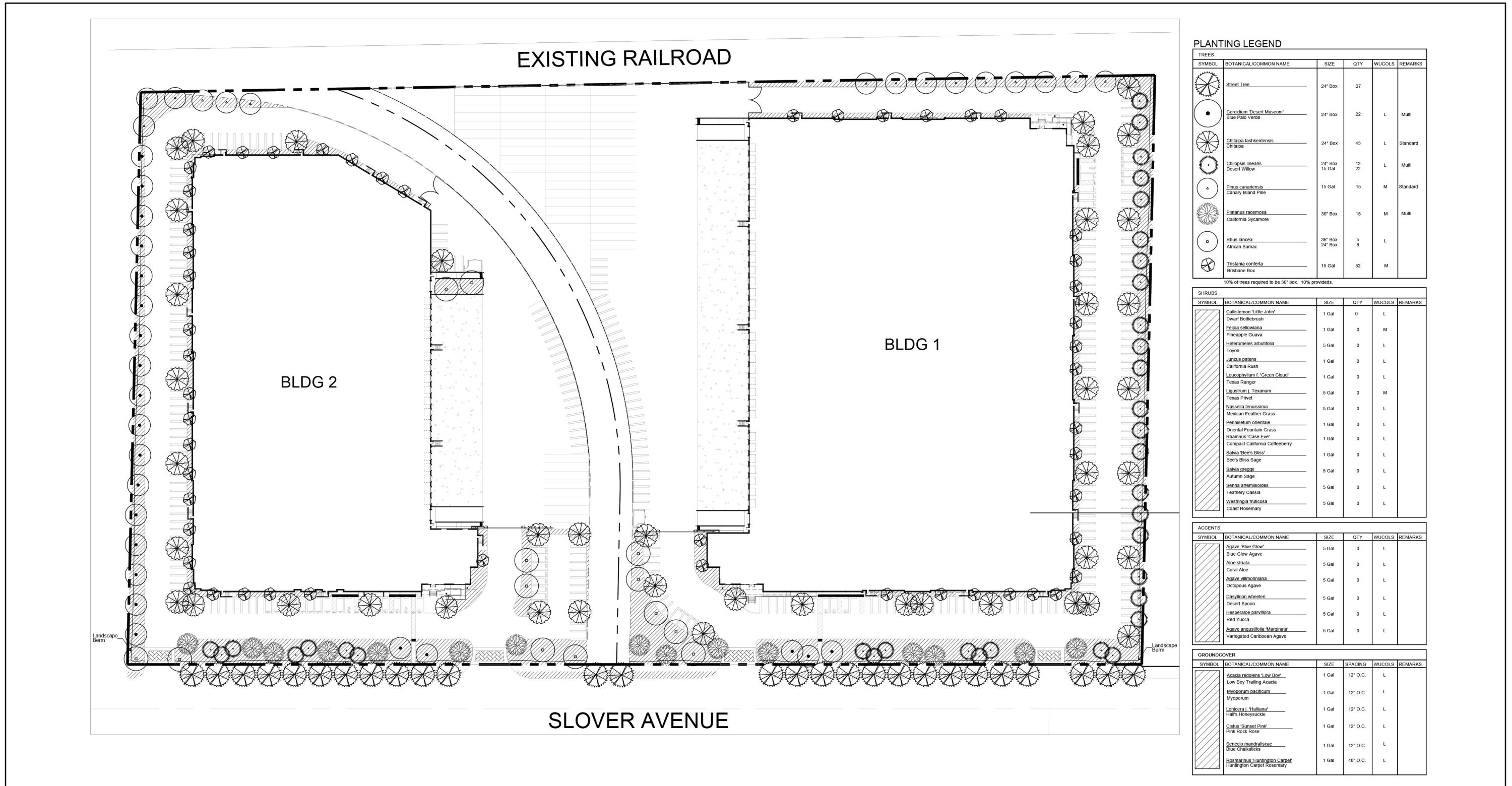


Source(s): HPA Architecture (06-09-2021)

Figure 3-8

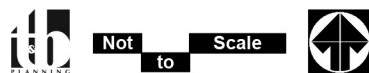
 Not to Scale

Conceptual Architectural Elevations – Building 2

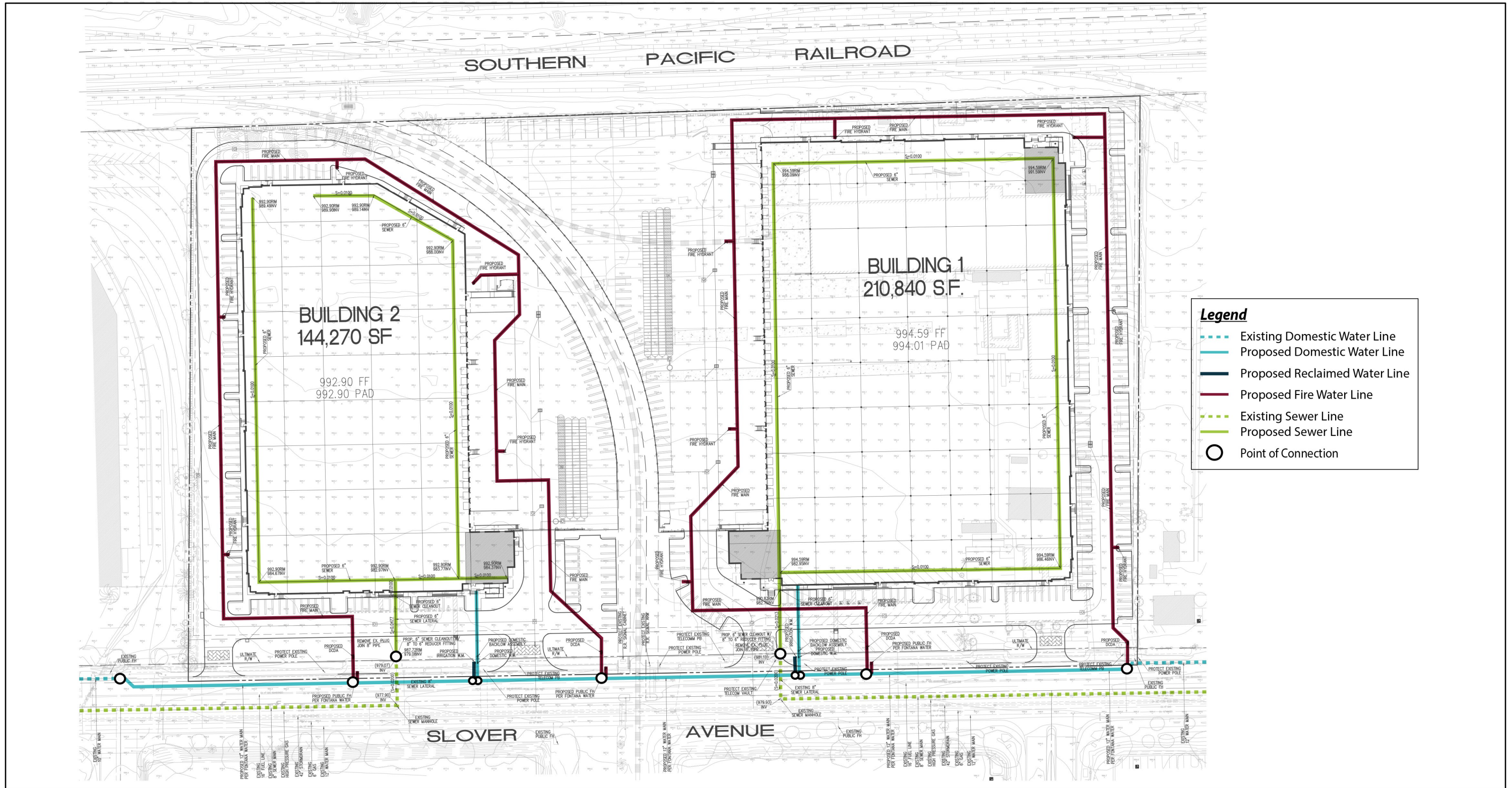


Source(s): Hunter Landscape (June 2022)

Figure 3-9

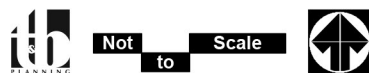


Conceptual Landscape Plan



Source(s): Thienes Engineering (June 2022)

Figure 3-10



Conceptual Utility Plan



Stormwater Drainage Infrastructure

An on-site storm drain system is proposed to be installed as part of the Project, consisting of a network of catch basins, underground storm drain pipes, and subsurface infiltration chambers that would collect, treat, and temporarily store stormwater runoff (as needed) before discharging treated flows from the property. “First flush” stormwater runoff flows (i.e., typically the first 3/4-inch of initial surface runoff after a rainstorm, which contains the highest proportion of waterborne pollution) for Buildings 1 and 2 would be passed through a hydrodynamic separator unit to screen, separate and trap trash, debris, sediment, and hydrocarbons and then conveyed to proposed infiltration chambers located beneath portions of the parking areas of the respective buildings. Stormwater runoff captured after the first flush would be discharged off-site via proposed connections to the existing public storm drain systems located beneath Slover Avenue. An illustration of the proposed stormwater drainage plan is provided on Figure 3-11, *Conceptual Stormwater Drainage Plan*.

Dry Utilities

The Project would protect all existing power poles along the Project Site’s frontage with Slover Avenue. The Project also would protect all existing telecommunications vaults and pull boxes along the Project Site’s frontage with Slover Avenue.

3.4.3 CONSTRUCTION CHARACTERISTICS

The Project Applicant anticipates that the construction process will span a length of approximately 13 months. Demolition of on-site structures would occur first, followed by site preparation, then mass-grading and installation of underground infrastructure and retaining walls. Next, fine grading would occur, surface materials would be poured, and the proposed building would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing, screen walls, lighting, signage, and other site improvements would be installed. The estimated Project construction schedule, organized by construction stage, is summarized in Table 3-2, *Construction Schedule*. For purposes of analysis in this EIR, construction is assumed to commence in September 2022 and last through September 2023.

Table 3-2 Construction Schedule

Construction Phase	Duration
Demolition/Crushing	20 days
Site Preparation	10 days
Grading	30 days
Building Construction	220 days
Paving	20 days
Architectural Coating	40 days
Total	13 months

The construction equipment fleet that is estimated to be used for Project construction is summarized in Table 3-3, *Construction Equipment Fleet*.



Table 3-3 Construction Equipment Fleet

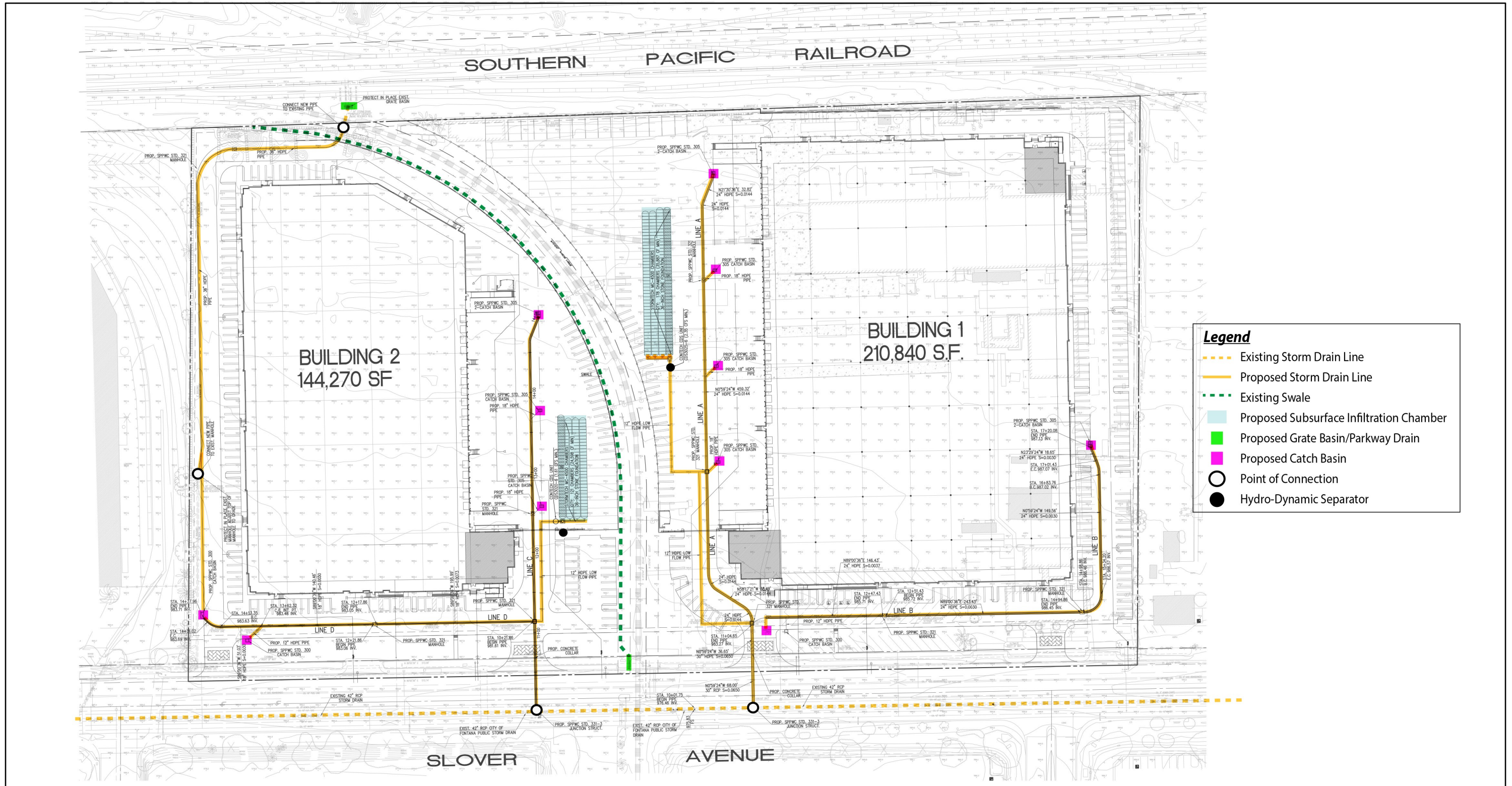
Phase Name	Equipment ¹	Amount	Hours Per Day
Demolition/Crushing	Concrete/Industrial Saws	1	8
	Crushing/Proc. Equipment	1	8
	Excavators	3	8
	Rubber Tired Dozers	2	8
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	2	8
	Excavators	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
	Scrapers	2	8
Building Construction	Cranes	2	8
	Forklifts	5	8
	Generator Sets	2	8
	Tractors/Loaders/Backhoes	5	8
	Welders	2	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

¹ In order to account for fugitive dust emissions, Crawler Tractors were used in lieu of Tractors/Loaders/Backhoes. Source: (Urban Crossroads, 2019a, pp. 41-42)

Construction workers would travel to the site by passenger vehicle and materials deliveries would occur by medium- and heavy-duty trucks. Construction equipment is expected to operate on the Project site up to eight hours per day, six days per week. Even though construction activities are permitted to occur between 7:00 a.m. to 6:00 p.m. on Mondays through Fridays, and 8:00 a.m. to 5:00 p.m. on Saturdays pursuant to the Fontana Municipal Code Section 18-63(b)(7)), as is typical to a construction site, construction equipment is not in continual use and some pieces of equipment are used only periodically throughout a typical day of construction. Thus, eight hours of daily use per piece of equipment is a reasonable assumption.

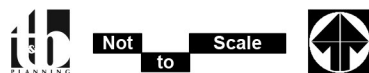
Physical disturbances necessary to implement the Project are depicted on Figure 3-12, *Proposed Physical Disturbance Area*. As shown, proposed grading activities would result in physical disturbance to a total of approximately 17.9 acres. Underground utilities would be installed to an approximate depth of three to six feet below grade. Underground infiltration chambers for the on-site stormwater drainage system would be installed to an approximate depth of three feet below grade. No other on- or off-site physical impacts are anticipated as part of the Project.

As shown on Figure 3-13, *Conceptual Grading Plan*, the proposed Project would result in approximately 36,569 cubic yards of cut and 36,569 cubic yards of fill. Based on the expected shrinkage and compaction of on-site soils, earthwork activities are expected to balance and no import or export of soil materials would be

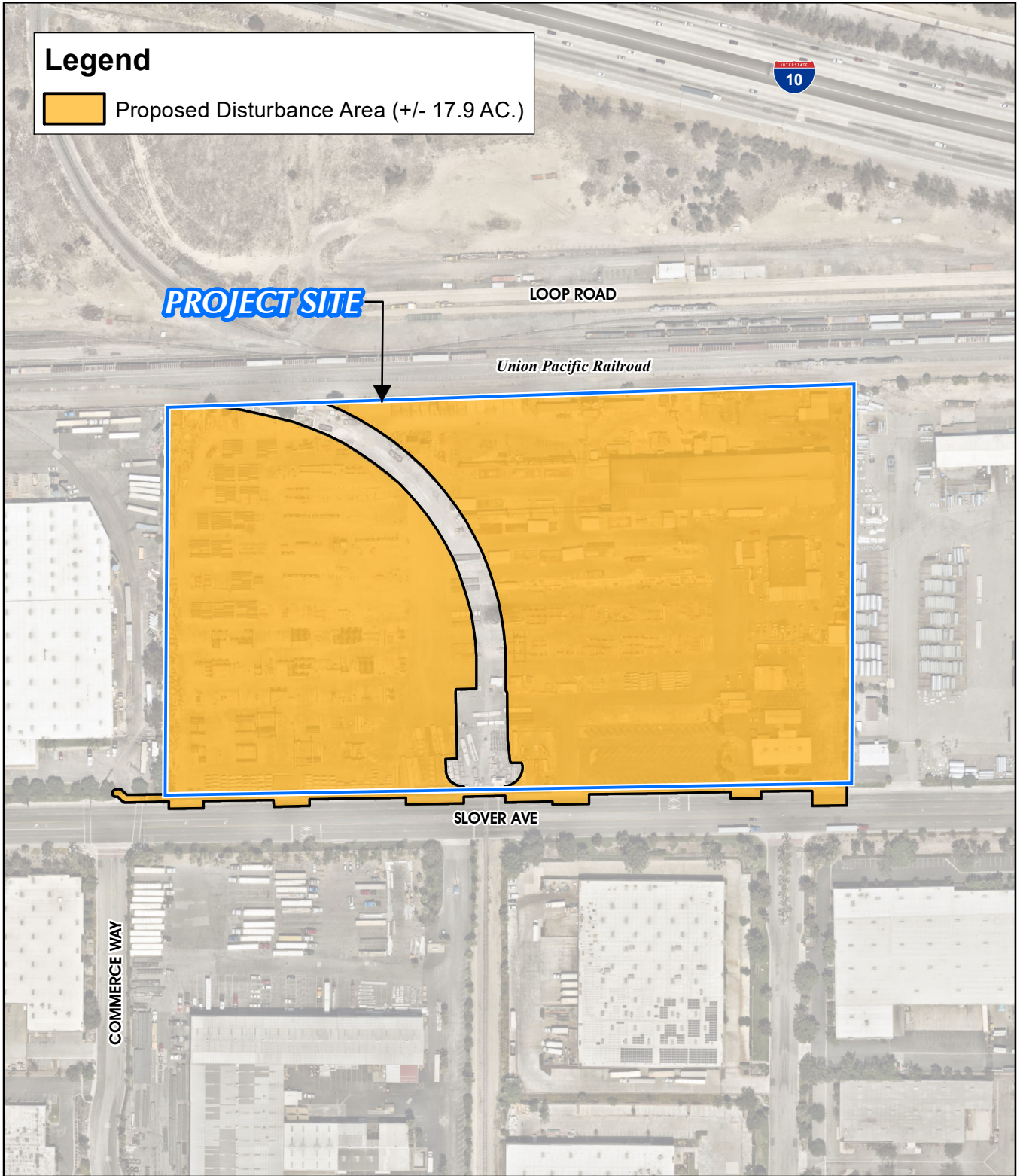


Source(s): Thienes Engineering (June 2022)

Figure 3-11



Conceptual Stormwater Drainage Plan

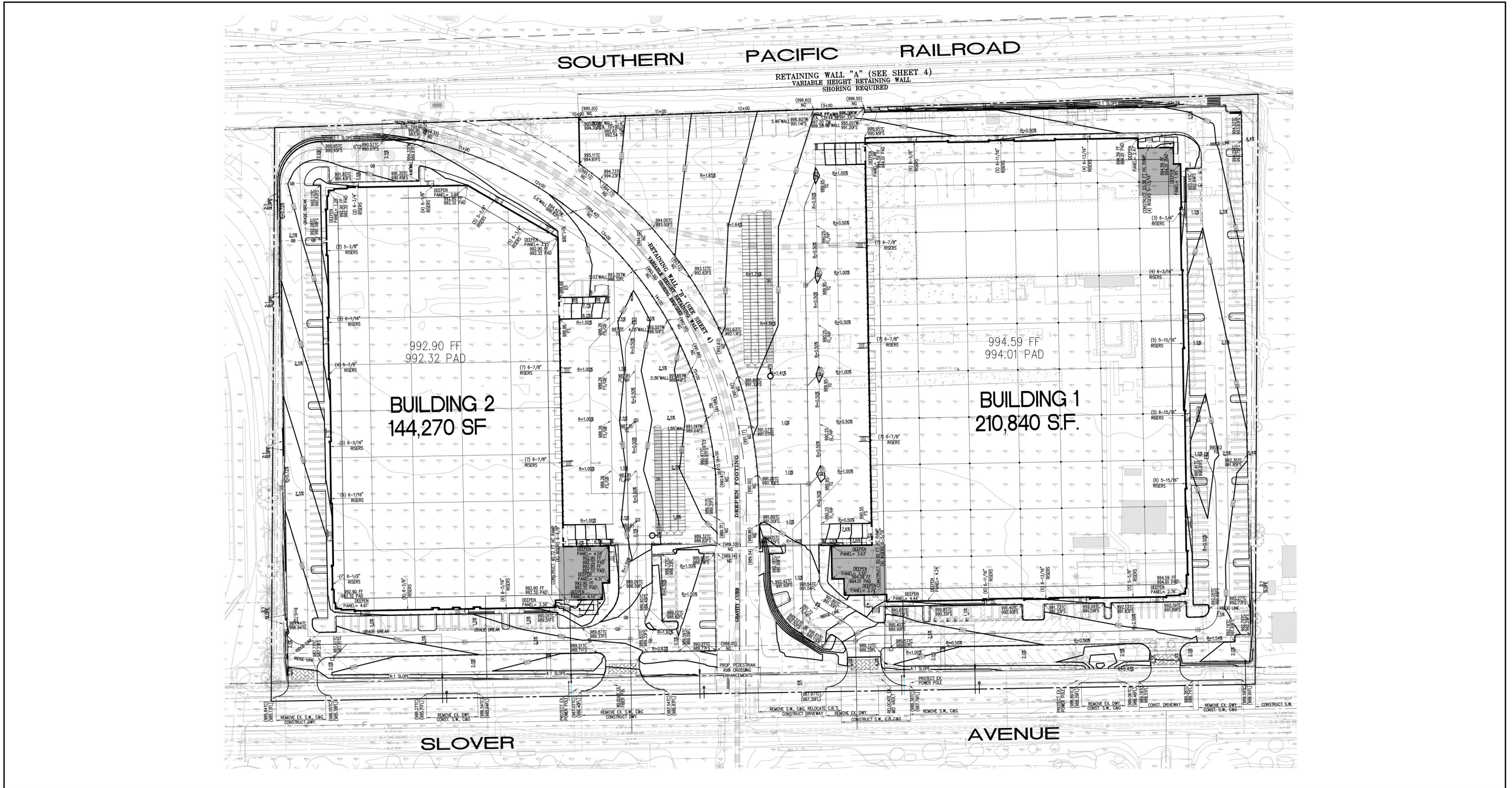


Source(s): ESRI, Nearmap Imagery (2021), SB County (2019)

Figure 3-12

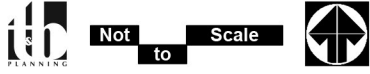


Proposed Physical Disturbance Area



Source(s): Thienes Engineering, Inc. (June 2022)

Figure 3-13



Conceptual Grading Plan



required. When grading is complete, the property would be in a generally flat condition, with the highest point of the Project Site located in the northeastern portion (approximately 993 feet above mean sea level [amsl]) and the lowest point located in the southwestern portion of the Site (approximately 988 feet amsl); the Project Site would have a slight downward slope from north to south. The Project's grading concept utilizes retaining walls along a portion of the northern Project Site boundary (maximum wall height of approximately 8 feet) and along a portion of the existing railroad tracks that bisect the Project Site (abutting the west side of the tracks, maximum wall height of approximately 5.5 feet).

3.4.4 OPERATIONAL CHARACTERISTICS

The Project would operate as an indoor storage facility; no outdoor materials storage is proposed for the Project Site. The buildings' interior floor space could be subdivided with partitions/walls to allow the buildings to be occupied by more than one user. The Project is proposed as a speculative development and the user(s) of the buildings are not known at this time. No cold storage or refrigerated uses are proposed for the Project. Hazardous materials storage is not expected to occur within the building or on the Project Site; however, small quantities of hazardous chemicals and/or materials – including but not limited to aerosols, cleaners, fertilizers, lubricants, paints or stains, fuels, propane, oils, and solvents – could be utilized during routine Project operations and maintenance.

The buildings are designed such that business operations would be conducted within the enclosed buildings, with the exception of traffic movement, parking, and the loading and unloading of tractor trailers at designated loading bays. The outdoor cargo handling equipment used during loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats) would be zero emission. As a practical matter, dock doors on warehouse buildings are not occupied by a truck at all times of the day. There are typically many more dock door positions on warehouse buildings than are needed for receiving and shipping volumes. The dock doors that are in use at any given time are usually selected based on interior building operation efficiencies. In other words, trucks ideally dock in the position closest to where the goods carried by the truck are stored inside the warehouse. As a result, many dock door positions are frequently inactive throughout the day. For purposes of evaluation in this EIR, it is assumed that the buildings would be operational 24 hours per day, seven days per week, with exterior loading and parking areas illuminated at night. Lighting would be subject to compliance with Fontana Municipal Code Section 30-260, which states that exterior lighting shall be energy-efficient, shielded, or recessed, and directed downward and away from adjoining properties.

3.5 SUMMARY OF REQUESTED ACTIONS

The City has primary approval responsibility for the proposed Project. As such, the City serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Section 15050. The City's Planning Commission is the decision-making authority for the Project and will consider the Project and make a decision to approve, approve with changes, or deny the Project. The City will consider the information contained in this EIR and the Project's Administrative Record in its decision-making processes.

In the event of approval of the Project and certification of the EIR, the City would conduct administrative reviews and grant ministerial permits and approvals for plans that substantially conform to the plans approved by the Planning Commission in order to implement Project requirements and conditions of approval. In the



event of substantial modifications to the plans approved by the Planning Commission, the modified plans will be reviewed and considered before the responsible City hearing body subject to the applicable provisions outlined in the Fontana Municipal Code.

A list of the actions under City jurisdiction is provided in Table 3-4, *Project-Related Approvals/Permits*. In addition, additional discretionary and/or administrative actions may be necessary from other government agencies to fully implement the Project. Table 3-4 lists the government agencies that are expected to use the Project’s EIR during their consultation and review of the Project and its implementing actions and provides a summary of the subsequent actions associated with the Project.

Table 3-4 Project-Related Approvals/Permits

Public Agency	Approvals and Decisions
City of Fontana	
Proposed Project – City of Fontana Discretionary Approvals	
City of Fontana Planning Commission	<ul style="list-style-type: none"> • Approve, conditionally approve, or deny DRP 21-025
Subsequent City of Fontana Discretionary and Ministerial Approvals	
City of Fontana Subsequent Implementing Approvals	<ul style="list-style-type: none"> • Approve Final Maps, parcel mergers, or parcel consolidations as may be appropriate. • Approve precise Site plan(s) and landscaping/irrigation plan (s), as may be appropriate. • Approve Conditional or Temporary Use Permits, if required. • Issue Grading Permits. • Issue Building Permits. • Approve Sewer Infrastructure Plans. • Issue Encroachment Permits. • Accept public right-of-way dedications. • Approve Water Quality Management Plan (WQMP). • Approval of connections to the municipal sewer system.
Other Agencies – Subsequent Approvals and Permits	
Fontana Water Company	<ul style="list-style-type: none"> • Approvals for construction of water infrastructure and connection to water distribution system.
Santa Ana Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> • Issuance of a Construction Activity General Construction Permit. • Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit. • Approval of WQMP.
Union Pacific Railroad	<ul style="list-style-type: none"> • Coordination of activities adjacent to or within railroad right-of-way.



4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines Sections 15126-15126.4, this EIR Section includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could occur from planning, constructing, and/or operating the proposed Project.

The City of Fontana distributed a NOP for this EIR to public agencies and interested individuals and posted the NOP on its website to solicit input on the scope of environmental study for the Project. The City of Fontana also held an EIR Scoping Meeting to solicit input from the general public on the scope of environmental study for the Project. Taking all known information and public comments into consideration, 12 primary environmental subject areas are evaluated in detail in this Section 4.0, as listed below. Each subsection evaluates several specific topics related to the primary environmental subject. The title of each subsection is not limiting; therefore, refer to each subsection for a full account of the subject matters addressed therein.

- | | | | |
|-----|----------------------|------|---------------------------------|
| 4.1 | Aesthetics | 4.7 | Greenhouse Gas Emissions |
| 4.2 | Air Quality | 4.8 | Hazards and Hazardous Materials |
| 4.3 | Biological Resources | 4.9 | Hydrology and Water Quality |
| 4.4 | Cultural Resources | 4.10 | Noise |
| 4.5 | Energy | 4.11 | Transportation |
| 4.6 | Geology and Soils | 4.12 | Tribal Cultural Resources |

After conducting preliminary research and in consideration of all comments received by the City on the scope of this EIR and documented in the City’s administrative record, the City determined that the Project clearly had no potential to result in significant impacts to eight (8) environmental subjects: Agriculture and Forestry Resources; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems; and Wildfire. These eight subjects are discussed in Section 5.0, *Other CEQA Considerations*.

4.0.2 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a project. As noted in CEQA Guidelines Section 15130(a), “an EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable.” “A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts” (CEQA Guidelines Section 15130(a)(1)). As defined in CEQA Guidelines Section 15355:

‘Cumulative Impacts’ refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.



(b) *The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: “1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency [‘the list of projects approach’], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact [‘the summary of projections approach’].”

The summary of projections approach is used in this EIR, except for the evaluation of cumulative transportation effects (for purposes of demonstrating General Plan policy compliance) and vehicular-related air quality, greenhouse gas, and noise impacts, for which the analysis combines the summary of projections approach with the manual addition of past, present, and reasonably foreseeable projects (“combined approach”) The City determined the combined approach to be appropriate because long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effect for all subject areas, with the exception of transportation (and vehicular-related air quality, greenhouse gas, and noise effects), which requires a greater level of detailed study. With the combined approach, the cumulative impact analyses for the air quality, greenhouse gas, noise, and transportation issue areas overstate the Project’s potential cumulatively considerable impacts relative to analyses that rely solely on the list of projects approach or solely on the summary of projections approach; therefore, the combined approach provides a conservative, “worst-case” analysis for the Project’s cumulative air quality, greenhouse gas, noise, and transportation impacts.

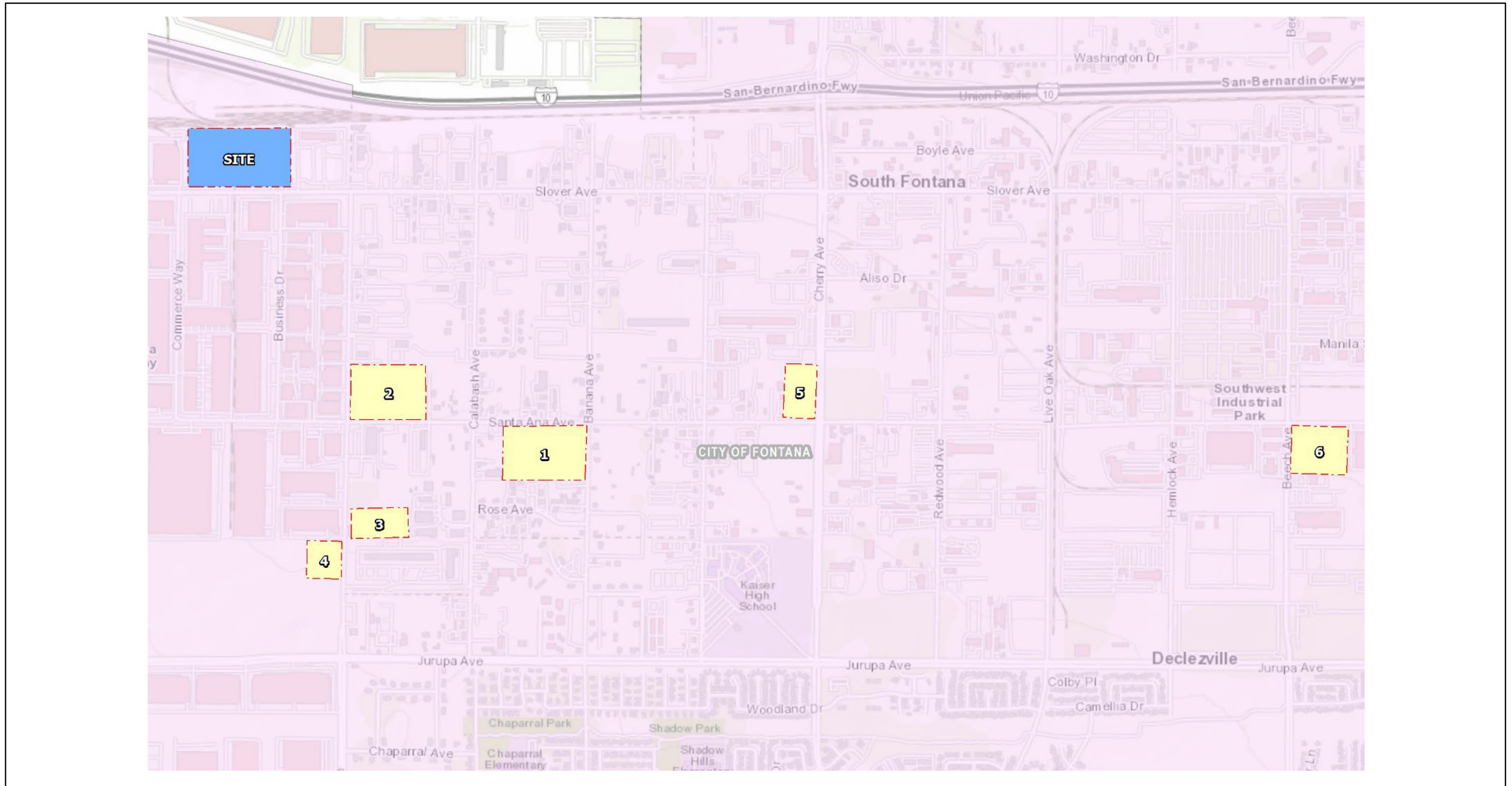
The list of projects used to supplement the summary of projections approach includes known approved and pending development projects in proximity to the Project Site, which the six (6) other past, present, and reasonably foreseeable projects described in Table 4.0-1, *Cumulative Development Land Use Summary*, and illustrated on Table 4.0-1, *Cumulative Development Land Use Summary*.

Table 4.0-1 Cumulative Development Land Use Summary

TAZ	Project	Land Use	Quantity ¹
1	Birtcher Commerce Center	Warehousing	256.379 TSF
		High-Cube Cold Storage	85.460 TSF
2	Fontana Trailer Storage Yard	Truck Trailer Storage Yard	17.4 AC
3	MG Home International Warehouse	Warehouse	15.570 TSF
4	Calabash Industrial Building	Warehouse	64.692 TSF
5	Cherry Av. Warehouse	Warehouse	174.280 TSF
6	Beech & Santa Ana Warehouse	Warhouse	174.000 TSF

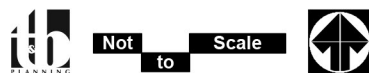
¹ TSF = Thousand Square Feet; AC = Acres

Source: (Urban Crossroads, 2021f, 44)



Source(s): Urban Crossroads (December 2021)

Figure 4.0-1



Cumulative Development Location Map



For the cumulative impact analyses that rely on the summary projections approach (i.e., all issue areas with the exception of transportation and vehicular-related air quality, greenhouse gas, and noise – as described in the preceding pages), the cumulative study area primarily includes the City of Fontana, unincorporated community of Bloomington, City of Rialto, and the City of Jurupa Valley. These jurisdictions encompass the southwestern area of San Bernardino County and northwestern area of Riverside County, and have similar environmental characteristics as the Project area. The selected study area encompasses the central San Bernardino Valley, which is largely bounded by prominent topographic landforms, such as the San Gabriel Mountains and San Bernardino Mountains to the north, the San Jacinto Mountains to the east, the Temescal Mountains and Santa Ana Mountains to the south, and the Pomona Valley to the west. This study area exhibits similar characteristics in terms of climate, geology, and hydrology and, therefore, is likely to also have similar biological, archaeological, and tribal cultural resource characteristics as well. This study area also encompasses the service areas of the Project Site’s primary public service and utility providers. Areas outside of this study area either exhibit topographic, climatological, or other environmental circumstances that differ from those of the Project area, or are simply too far from the proposed Project Site to produce environmental effects that could be cumulatively-considerable when considered together with the Project’s impacts. Exceptions include the cumulative air quality analysis, which considers the entire South Coast Air Basin (SCAB); the greenhouse gas emissions and global climate change analysis, which affects all areas on the planet; and the analysis of potential cumulative hydrology and water quality effects, which considers other development projects located within the Santa Ana River Basin watershed.

Environmental impacts associated with buildout of the Project’s cumulative study area were evaluated in CEQA compliance documents prepared for the respective General Plans of each of the above-named jurisdictions. The location where each of these CEQA compliance documents is available for review is provided below. All of the CEQA compliance documents listed below are herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

- City of Fontana General Plan EIR (SCH No. 2016021099), available for review at the City of Fontana Planning Division, 8353 Sierra Avenue, Fontana, California 92335;
- San Bernardino Countywide Plan EIR (SCH No. 2017101033), available for review at the County of San Bernardino Land Use Services Department – Planning Division 385 North Arrowhead Avenue, 1st Floor, San Bernardino, California 92415;
- City of Rialto General Plan EIR (SCH No. 2008071100), available for review at the City of Rialto Planning Division, 150 S. Palm Avenue, Rialto, California 92376; and
- County of Jurupa Valley General Plan EIR (SCH No. 2016021025), available for review at the City of Jurupa Valley Planning Department, 8930 Limonite Avenue, Jurupa Valley, California 92509.

4.0.3 ANALYSIS FORMAT

Subsections 4.1 through 4.12 of this EIR evaluate the 12 environmental subjects warranting detailed analysis as determined by the City in consideration of preliminary research findings, public comments, and technical study. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting is discussed first, followed by a discussion of the potential environmental impacts that



would result from implementation of the Project (which is based on specified thresholds of significance used as criteria to determine whether potential environmental effects are significant).

The thresholds of significance used in this EIR are based on the thresholds approved by the City in their *Local Guidelines for Implementing the California Environmental Quality Act* (see CEQA Guidelines Section 15064.7). The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, is significant, or is less than significant.

Serving as the CEQA Lead Agency for this EIR, the City is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City, taking into consideration the City's *Local Guidelines for Implementing the California Environmental Quality Act* (April 2019), the City's General Plan, the Fontana Municipal Code and adopted City policies, the judgment of the technical experts that prepared this EIR's Technical Appendices, performance standards adopted, implemented, and monitored by regulatory agencies, and significance standards recommended by regulatory agencies.

As required by CEQA Guidelines Section 15126.2(a), Project-related effects on the environment are characterized in this EIR as direct, indirect, cumulatively considerable, short-term, long-term, on-site, and/or off-site impacts. A summarized "impact statement" is provided in each subsection following the analysis. Each subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Project and its implementing actions are required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. For any impact identified as significant and unavoidable, the City would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.



4.1 AESTHETICS

This Subsection describes the aesthetic qualities and visual resources present on the Project Site and in the Site's vicinity, and evaluates the potential effects that the Project may have on these resources. Descriptions of existing visual characteristics, both on-Site and in the vicinity of the Project Site, and the analysis of potential impacts to aesthetic resources are based on field observations and Site photographs collected by T&B Planning, Inc. in August 2021 (T&B Planning, 2021); analysis of aerial photography (Google Earth, 2021); and the Project's proposed site, architecture, and landscaping plans (as described in Section 3.0, *Project Description*, of this EIR). This Subsection also is based on information contained in the Aesthetics section of the certified Final Program EIR prepared for the City's General Plan (SCH No. 2016021099) (Fontana, 2018a), and the City of Fontana Municipal Code (Fontana, 2021a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.1.1 EXISTING CONDITIONS

A. Project Site and Surrounding Areas

The Project Site is located in the southeastern portion of the City of Fontana, San Bernardino County, California. The Project Site is located immediately north of Slover Avenue, east of Commerce Way, and east approximately 0.1-mile west of Mulberry Avenue. Under existing conditions, the area surrounding the Project Site is fully developed with industrial land uses, primarily warehousing and manufacturing facilities, as described below and under EIR Subsection 2.3, *Surrounding Land Uses*.

North: A railroad right-of-way and Loop Road, a dirt access road associated with the rail lines, adjoin the Property to the north. A Union Pacific railroad yard, identified on Google Maps as "Kaiser Railroad Yard" is located on the northern side of Loop Road. The I-10 Freeway is located to the north of the railroad yard.

South: Slover Avenue adjoins the Property to the south. Three warehouses are located south of Slover Avenue; 10509 Business Drive, 10550 Business Drive, and 13489 Slover Avenue. Tenants at the warehouses include Express Pipe and Supply, Industrial Insulation Inc., Trepcos West, and Cosmetic Industries.

West: Patrick Industries Inc. (13414 Slover Avenue), which manufactures building products and fixtures, adjoins the Property to the west.

East: A metal corrugated pipe manufacturer, Pacific Corrugated Pipe Company (13680 Slover Avenue) adjoins the Property to the east.

Topographically, the Site is perceived as flat but, actually, slopes gently from a high point of approximately 1,000 feet amsl in the northern portion of the Site to approximately 990 feet amsl in the southern portion of the Project Site. There are no rock outcroppings or unique topographic features on the Project Site. Minimal vegetation, primarily turf and shrubs with a few trees (including palms and cypress), is located around the perimeter of the Project Site. An approximate 6-foot-tall solid masonry wall is installed along the southern Project Site boundary.



Pursuant to CEQA Guidelines Section 15125 and as explained in Section 2.0 of this EIR, the physical environmental condition for purposes of establishing the setting of this EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released on August 13, 2021. As of that approximate date, the Project Site is currently occupied by the Clark Pacific pre-cast concrete manufacturing facility. There are four main buildings on the property; a production building, wood shop, maintenance shop, and office. The remainder of the property is occupied by pre-cast concrete manufacturing activities and associated parking areas. Figure 4.1-1 through Figure 4.1-3 illustrate the photographic inventory of the Project Site and are relied upon herein to describe the Project Site's aesthetic condition and character. These photographs provide a representative visual depiction of the Site's visual characteristics as seen from surrounding public viewing areas, which consist of public roads adjacent to the Project Site. The Site photographs presented on the following pages were stitched together from multiple individual photographs in order to provide wider panoramic views of the Project Site and its surroundings. The photographs were all taken during the same session and reflect a field of view approximately five (5) feet above the ground.

B. Scenic Vistas and Scenic Resources

The Project Site is located within a relatively flat valley floor surrounded by rugged hills and mountains. As shown on Figure 4.1-1 through Figure 4.1-3, the Project Site does not contain any scenic resources, such as buildings or landscaping of aesthetic value, or any landforms of visual interest.

Major scenic resources in Fontana that contribute to scenic vistas include the San Gabriel Mountains to the north of the City, and Jurupa Hills to the south of the City (Fontana, 2018a, p. 7.6). The San Gabriel Mountains are located approximately 7.4 miles north of the Project Site and are visible under clear weather conditions. The lower elevations of the San Gabriel Mountains are obscured from public viewing areas abutting the Project Site by the existing buildings and outdoor storage areas for the Clark Pacific manufacturing facility on-Site. Views of the upper elevations of the San Gabriel Mountains are partially obscured by on-Site buildings; views of the San Gabriel Mountains, also, can sometimes be obscured from the Project Site and its surroundings during hazy conditions that are common to the Inland Empire Area. The Jurupa Hills are located approximately 2.1 miles southeast of the Project Site and not visible from public viewing areas abutting the under existing conditions due to existing development on the south side of Slover Avenue.

C. Light and Glare

Artificial light is associated with the evening and nighttime hours, and sources may include streetlights, illuminated signage, and vehicle headlights. Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light from highly polished surfaces, such as window glass or reflective materials, and, to a lesser degree, from broad expanses of light-colored surfaces. Glare can also be produced during evening and nighttime hours by artificial light directed toward a light-sensitive land use.

The Project Site contains sources of artificial, exterior lighting under existing conditions since it is currently operating as a pre-cast concrete manufacturing facility. Artificial lighting sources include building-mounted fixtures and pole-mounted flood light fixtures within the Project Site, street lights along Slover Avenue, and from developed properties to the east, west and south.



View 1: South of the Project Site, along Slover Ave., looking Northeast.



View 2: South of the Project Site, at the intersection of Slover Ave. and Union Pacific Railroad, looking Northwest.

Key Map



Figure 4.1-1



Not to Scale

Site Photographs 1 & 2



View 3: South of the Project Site, at the intersection of Slover Ave. and Union Pacific Railroad, looking North.



View 4: South of the Project Site, at the intersection of Slover Ave. and Union Pacific Railroad, looking Northeast.

Key Map



Figure 4.1-2



Not to Scale

Site Photographs 3 & 4



Key Map



View 5: South of the Project Site, along Slover Ave., looking Northwest.

Figure 4.1-3



Not to Scale

Site Photographs 5



4.1.2 REGULATORY SETTING

The following is a brief description of local environmental laws and related regulations governing the protection of prehistoric- and historic-period cultural resources.

A. State Plans, Policies, and Regulations

1. California Scenic Highways

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program, established in 1963 through Senate Bill 1467, Streets and Highways Code, Sections 260 through 263 to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. Existing law provides Caltrans with full possession and control of all State highways, while this legislation places the Scenic Highway Program under the stewardship of Caltrans. The legislation further declares the intent of the State to assign responsibility for the regulation of land use and development along scenic highways to the appropriate State and local governmental agencies. Scenic highways are classified as either Officially Designated or Eligible for designation and Caltrans maintains the lists of these highways. (Caltrans, 2021)

There are no officially-designated scenic road or highway corridors within the City of Fontana (Caltrans, 2021).

B. Local Plans, Policies, and Regulations

1. City of Fontana General Plan

The City of Fontana General Plan guides future development within the City. The General Plan's Community and Neighborhood Element, Conservation, Open Space, Parks and Trails Element, and Land Use, Zoning, and Urban Design Element identify attributes that contribute form, character and quality of life in the communities and neighborhoods where people live and provide goals, policies and programs that are intended to preserve the City's character and scenic resources while improving overall community design.

2. Fontana Gateway Specific Plan

The Fontana Gateway Specific Plan guides developed within a 755-acre industrial area situated in the southwest portion of the City. The City prepared the Fontana Gateway Specific Plan in order to ensure responsible development through development and design regulations based on a comprehensive land use planning approach. The Specific Plan contains detailed development and design regulations and to provide for an orderly development of the Specific Plan area and to upgrade the gateway image of the City. It serves as a regulatory document through implementation of the development criteria set forth. Development plans, tentative parcel maps, and tract maps submitted within the planning area must be consistent with the Specific Plan's development and design regulation in order to obtain approval.



3. *City of Fontana Municipal Code*

The City of Fontana Municipal Code Sections 30-265 and 30-266 identify outdoor lighting standards for the City. Lighting in the City of Fontana is required by the Municipal Code to utilize energy efficient fixtures that do not flash or blink and are not of high intensity of brightness. In addition, lighting is required to be designed to provide safe and adequate lighting while minimizing light spillage.

4.1.3 METHODOLOGY FOR EVALUATING AESTHETICS IMPACTS

The analysis of aesthetics impacts will focus on changes to scenic vistas, viewsheds, and scenic resources, visual character, and the introduction of new sources of light and glare.

The analysis of potential impacts to scenic vistas, viewsheds, and scenic resources will identify whether the Project would block or otherwise substantially and adversely affect a unique view of a scenic vista(s) or scenic resource as seen from a public viewing location(s), such as a public road, park, trail, and/or other publicly-owned property at which the general public is legally authorized to use or congregate. Effects to scenic vistas from private properties will not be considered because the City's General Plan calls for the protection of public views and the City does not have any ordinances or policies in place that protect views from privately-owned property.

The U. S. Census Bureau defines an "urbanized area" as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum population density requirements while also being adjacent to territory containing non-residential urban land uses. The Project Site is located in an urbanized area and is within the boundaries of the Census-defined Riverside-San Bernardino urban area (USCB, 2012); therefore, the analysis of potential impacts to visual character will consider whether the Project design conflicts with applicable zoning and other applicable regulations governing scenic quality.

Lastly, the analysis of light and glare will consider if the Project would directly expose the Project area with bright lights or create unwanted light in the night sky including light trespass, sky glow, or over-lighting, the Project would adversely affect day or nighttime views in the area.

4.1.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse aesthetics effects that could result from development projects. The Project would result in a significant impact to aesthetics if the Project or any Project-related component would:

- a. *Have a substantial adverse effect on a scenic vista;*
- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*
- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible*



vantage point.) *If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or*

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

4.1.5 IMPACT ANALYSIS

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

Scenic vistas are generally described in two ways: (1) panoramic views (visual access to a large geographic area, for which the field of view can be wide and extend into the distance); and (2) focal views (visual access to a particular object, scene, or feature of interest).

Figure 4.1-1 through Figure 4.1-3 depict the Project Site under existing conditions. As shown, the Project Site is perceived as flat land that is currently occupied by the Clark Pacific pre-cast concrete manufacturing facility. The Project Site does not contain any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees nor does the Project Site provide picturesque views to the San Gabriel Mountains. As such, the Project Site is not considered to be part of a scenic vista and development of the Site would not result in a substantial adverse effect to an on-site scenic vista.

The City of Fontana General Plan does not identify any scenic vistas or scenic corridors on the Project Site or in the vicinity of the Project Site (Fontana, 2018b, p. 5.1-1). Scenic resources within and surrounding the City of Fontana include the San Gabriel Mountains, which are located approximately 7.4 miles north of the Project Site and the Jurupa Hills, which are located approximately 2.1 miles southeast of the Project Site. Views of the Jurupa Hills are not available from the immediate Project area; therefore, development of the Project would have no impact to scenic views of the Jurupa Hills. The San Gabriel Mountains are partially visible from the Slover Avenue segment that abuts the Project Site (while looking north); however, views of the Mountains are largely obstructed by existing on-Site structures and improvements (i.e., manufacturing equipment, equipment and materials storage areas, walls). The proposed warehouse buildings would not obscure views of the San Gabriel Mountains substantially more than views of the Mountains are already obscured under existing conditions, and views of the San Bernardino Mountains would continue to be available above the building. Therefore, the visibility – or lack thereof – of the San Gabriel Mountains from public viewing areas along the Project Site frontage would not change substantially with implementation of the Project. Accordingly, given that the Project Site is not a scenic vista, is not located near a designated scenic resource, and unique, prominent and scenic views would not be obscured by the Project, implementation of the Project would not have a substantial adverse effect on a scenic vista and less-than-significant impacts would occur.

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

The evaluation of scenic resources is focused on whether identified scenic resources on the Project Site or within the vicinity of the Project would be substantially directly or indirectly damaged by the Project. As shown in Figure 4.1-1 through Figure 4.1-3 the entire Project Site is developed/disturbed and used as a manufacturing facility for pre-cast concrete products (with on-Site buildings and outdoor storage areas for



equipment and materials). The Project Site does not contain any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees.

The Project Site is not located near any designated State scenic highway (Caltrans, 2021). The closest State-Eligible scenic highway to the Project Site is a segment of I-91 that is located approximately 12.7 miles south of the Site (ibid.) Due to distance and intervening topography and development, the Project Site is not visible from this State-Eligible segment of I-91. Accordingly, implementation of the Project would not adversely impact the viewshed within a scenic highway corridor.

Threshold c: *Would the Project in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The Project Site is located in an area that meets the U.S. Census Bureau’s definition of an “urbanized area” and is planned for urban uses by the City General Plan and the Fontana Gateway Specific Plan; therefore, for purposes of evaluation herein the Project is considered to be located in an urbanized area.

The Project’s design, including site layout, architecture, and landscaping is discussed and illustrated in detail in EIR Section 3.0, *Project Description*. As previously described, the proposed warehouse building would be constructed to an approximate height of 48.5 feet and would feature a contemporary architecture design and color palette with articulated building features (such as a varied roofline, horizontal reveals and other elements) that would minimize the perceived height and size of the building. The Project also would feature landscaping – with plant materials massed along public street frontages, at Project entries, and at building entrances – to soften the proposed building frontages. The City of Fontana reviewed the Project proposal in detail and determined that no component of the Project would conflict with applicable design regulations within the Fontana Gateway Specific Plan or the City’s Zoning and Development Code governing scenic quality and no component of the Project would be incompatible with existing, surrounding development which is industrial in nature. No impact would occur.

Threshold d: *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The analysis of light and glare describes the existing light and glare environments in the Project area, identifies the light- and glare-sensitive land uses in the area, describes the light and glare sources under the Project, and qualitatively evaluates whether the Project would result in a substantial increase in nighttime lighting and daytime glare as seen from the area’s sensitive uses. The analysis of lighting impacts focuses on whether the Project would cause or substantially increase adverse night time lighting effects on light sensitive uses. Included in this analysis is consideration of the affected street frontages, the direction in which Project lighting would be directed, the potential for sunlight to reflect off the exterior surfaces of the proposed buildings, and the extent to which glare would interfere with the operation of motor vehicles or other activities.



The Project would be required to adhere to the lighting requirements as set forth in the City of Fontana Municipal Code (Sections 30-265 and 30-266). The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances. The City would confirm compliance with applicable lighting requirements during future review of building permit applications/plans. Mandatory compliance with Municipal Code Sections 30-265 and 30-266 would ensure that the Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area.

With respect to glare, a majority of Project building materials would consist of tilt-up concrete panels which are low reflective. Although the buildings would incorporate some glass elements, the glass would result in minimal glare effects because proposed window glazing would be low reflective, would be set back from Slover Avenue at a distance and would be buffered from Slover Avenue by landscaping. Thus, glare impacts from the Project would be less than significant.

4.1.6 CUMULATIVE IMPACT ANALYSIS

The CEQA Guidelines define a “cumulative impact” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355). The Project’s effects to scenic views of the San Gabriel Mountains and Jurupa Hills, if any, would be localized to the immediate Project Site area and would not extend beyond the public viewing areas that immediately abut the Project Site (Slover Avenue). The views that would be affected only occur abutting the Project Site and the Project does not contain any off-site components that could adversely affect scenic views that occur elsewhere in the City. As previously shown in Figure 4.0-1, *Cumulative Projects Location Map*, in EIR Subsection 4.0, there are no cumulative development projects located in proximity to the Project Site. Furthermore, the Project’s impacts to local scenic views are inherently site specific and not influenced or exacerbated by effects to scenic views that may occur at other, off-site properties. Because of the site-specific nature of these impacts, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties pursuant to Threshold “a.”

As noted under the analysis of Threshold “b,” the Project Site is not located within close proximity to any designated State scenic routes and does not contain any scenic resources. Therefore, the Project has no potential contribute to a cumulatively significant impact to scenic resources within a designated scenic route corridor.

Under existing conditions, the area surrounding the Project Site is entirely developed with industrial land uses. No new or pending development projects are known to occur in the area surrounding the Project Site. Accordingly, the Project would not contribute to cumulatively considerable impacts to local visual quality. Notwithstanding, as with the Project, any re-development in the surrounding area would be subject to applicable development regulations and design standards, including, but not limited to the Fontana Zoning and Development Code and the Fontana Gateway Specific Plan. Mandatory compliance to applicable development regulations and design standards would ensure that developments would incorporate high quality building materials, site design, and landscaping to preclude potential conflicts with applicable zoning and other regulations governing visual quality.



With respect to potential cumulative light and glare impacts, the Project would be required to comply with City of Fontana Municipal Code Section 30-265 and Section 30-266 and applicable design guidelines from the Fontana Gateway Specific Plan, which sets standards for exterior lighting/fixtures. The restriction on unshielded light fixtures and “spill over” lighting enforced by these lighting regulations has the effect of minimizing light and glare that would affect daytime views and/or create sky glow. Additionally, development projects with artificial light sources in surrounding jurisdictions would be required to comply with the light reduction requirements applicable in their respective jurisdiction. Although cumulative development in the Project’s surrounding area is expected to introduce new sources of lighting and potentially reflective materials, the required compliance with the applicable legal standard and code requirements would ensure that future cumulative development does not introduce substantial sources of lighting or glare. As such, the Project would not contribute to cumulatively-considerable, adverse impacts to the existing daytime or nighttime views of the Project Site or its surroundings.

4.1.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not substantially affect a scenic vista. The Project Site does not contain any designated scenic vistas or scenic corridors. The Project would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.

Threshold b: No Impact. The Project Site is not located within the viewshed of a scenic highway and does not contain scenic resources.

Threshold c: No Impact. The Project would not conflict with applicable zoning and other regulations governing scenic quality during Project construction or operation. The Project is consistent with the existing and surrounding industrial land uses. Furthermore, the Project proposes a number of site design, architectural, and landscaping elements consistent with the requirements of Fontana Gateway Specific Plan that would ensure the Project’s character is consistent with the planned vision for the Specific Plan area.

Threshold d: Less-than-Significant Impact. Compliance with Fontana Municipal Code and Fontana Gateway Specific Plan requirements for artificial lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.



4.2 AIR QUALITY

This Subsection is based primarily on two technical studies that were prepared by Urban Crossroads, Inc. to evaluate the potential for Project-related construction and operational activities to result in adverse effects on local and regional air quality. The first report, an air quality impact analysis (AQIA), is titled “Fontana Corporate Center Air Quality Impact Analysis,” dated November 11, 2021, and is included as *Technical Appendix B1* to this EIR (Urban Crossroads, 2021a). The second report, a mobile source health risk assessment (HRA), is titled “Fontana Corporate Center Mobile Source Diesel Health Risk Assessment,” dated November 29, 2021, and is included as *Technical Appendix B2* to this EIR (Urban Crossroads, 2021b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.2.1 EXISTING CONDITIONS

A. Atmospheric Setting

The Project Site is located in the South Coast Air Basin (SCAB, or “Basin”), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB encompasses approximately 6,745 square miles and includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and the San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south.

B. Regional Climate

The regional climate – temperature, wind, humidity, precipitation, and the amount of sunshine – has a substantial influence on air quality. The SCAB’s distinctive climate is determined by its terrain and geographical location, which comprises a coastal plain connected to broad valleys and low hills bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter. The SCAB is semi-arid, with average annual temperatures varying from the low-to-middle 60s, measured in degrees Fahrenheit (F); however, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of the SCAB’s climate. Humidity restricts visibility in the SCAB and the relative high humidity heightens the conversion of sulfur dioxide (SO₂) to sulfates (SO₄). The marine layer provides an environment for that conversion process, especially during the spring and summer months. Inland areas of the SCAB, including where the Project Site is located, show more variability in annual minimum/maximum temperatures and lower average humidity than coastal areas within the SCAB due to decreased marine influence. (Urban Crossroads, 2021a, p. 9)

More than 90 percent of the SCAB’s rainfall occurs between November and April. The annual average rainfall within the SCAB varies between approximately nine (9) inches in Riverside to 14 inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB. Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB; the remaining one-quarter is absorbed by clouds. The abundant amount of sunshine (and its associated ultraviolet radiation) is a key factor to the photochemical reactions of air pollutants in the SCAB. (Urban Crossroads, 2021a, p. 9-10)



Dominant airflow direction and speed are the driving mechanisms for transport and dispersion of air pollution. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with storms moving through the region from the northwest. This period also brings five to 10 periods of strong, dry offshore winds, locally termed “Santa Anas” each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. During the nighttime, heavy, cool air descends mountain slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. (Urban Crossroads, 2021a, p. 10)

In the SCAB, there are two distinct temperature inversion structures that control the vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides and carbon monoxide, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline. (Urban Crossroads, 2021a, p. 10)

C. Criteria Pollutants and Associated Human Health Effects

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as “criteria pollutants.” An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages (refer also to Section 2.4 of the Project’s AQIA for a detailed discussion of criteria pollutants).

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest in the winter during the morning, when there is little to no wind and surface-based inversions trap the pollutant at ground levels. CO is emitted directly from internal combustion engines; therefore, motor vehicles operating at slow speeds are the primary source of CO and the highest ambient CO concentrations in the SCAB are generally found near congested transportation corridors and intersections. Inhaled CO does not directly affect the lungs but affects tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Therefore, health conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. The most common symptoms associated with CO exposure include headache, nausea, vomiting, dizziness, fatigue, and muscle



weakness. Individuals most at risk to the effects of CO include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic oxygen deficiency. (Urban Crossroads, 2021a, p. 11)

- **Sulfur Dioxide (SO₂)** is a colorless gas or liquid. SO₂ enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x). SO₂ is a respiratory irritant to people afflicted with asthma. After a few minutes' exposure to low levels of SO₂, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties in response to SO₂ exposure at low levels, animal studies suggest that very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. (Urban Crossroads, 2021a, p. 12)
- **Nitrogen Oxides (NO_x)** consist of nitric oxide (NO), nitrogen dioxide (NO₂) and nitrous oxide (N₂O) and are formed when nitrogen (N₂) combines with oxygen (O₂). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO₂ is a criteria air pollutant, and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO₂ than those indicated by regional monitoring stations. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO₂. Short-term exposure to NO₂ can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO₂ can result decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO_x than healthy individuals. (Urban Crossroads, 2021a, p. 13)
- **Ozone (O₃)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Individuals exercising outdoors, children, and people with pre-existing lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-groups for ozone effects. Children who participate in multiple outdoor sports and live in communities with high ozone levels have been found to have an increased risk for asthma. (Urban Crossroads, 2021a, p. 13-14)
- **Particulate Matter less than 10 microns (PM₁₀) and less than 2.5 microns (PM_{2.5})** are air pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO₂ release from power plants and industrial facilities



and nitrates that are formed from NO_x release from power plants, automobiles, and other types of combustion sources. The chemical composition of fine particles is highly dependent on location, time of year, and weather conditions. The small size of PM₁₀ and PM_{2.5} allows them to enter the lungs where they may be deposited, resulting in adverse health effects. Elevated ambient concentrations of fine particulate matter (PM₁₀ and PM_{2.5}) have been linked to an increase in respiratory infections, number, and severity of asthma attacks, and increased hospital admissions. Some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children, appear to be the most susceptible to the effects of high levels of PM₁₀ and PM_{2.5}. (Urban Crossroads, 2021a, p. 14-15)

- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Odors generated by VOCs can irritate the eye, nose, and throat, which can reduce respiratory volume. In addition, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. (Urban Crossroads, 2021a, p. 15-16)
- **Lead (Pb)** is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. Currently, emissions of lead are largely limited to stationary sources such as lead smelters. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. (Urban Crossroads, 2021a, p. 16-17)

D. Existing Air Quality

Air quality is evaluated in the context of ambient air quality standards published by the federal and State governments. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are detailed in Table 4.2-1, *Ambient Air Quality Standards*.



Table 4.2-1 Ambient Air Quality Standards (1 of 2)

Pollutant	Averaging Time	California Standards ¹		National Standards ²			
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷	
Ozone (O ₃) ⁸	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry	
	8 Hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)			
Respirable Particulate Matter (PM ₁₀) ⁹	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
	Annual Arithmetic Mean	20 µg/m ³		—			
Fine Particulate Matter (PM _{2.5}) ⁹	24 Hour	—	—	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³			15 µg/m ³
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	—	Non-Dispersive Infrared Photometry (NDIR)	
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)			
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—			
Nitrogen Dioxide (NO ₂) ¹⁰	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	—	Gas Phase Chemiluminescence	
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)			Same as Primary Standard
Sulfur Dioxide (SO ₂) ¹¹	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)	
	3 Hour	—		—			0.5 ppm (1300 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹⁰			—
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) ¹⁰			—
Lead ^{12,13}	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption	
	Calendar Quarter	—		1.5 µg/m ³ (for certain areas) ¹²			Same as Primary Standard
	Rolling 3-Month Average	—		0.15 µg/m ³			
Visibility Reducing Particles ¹⁴	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards			
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography				
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence				
Vinyl Chloride ¹²	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography				

Source: (Urban Crossroads, 2021a, p. 19)



Table 4.2-1 Ambient Air Quality Standards (2 of 2)

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 $\mu\text{g}/\text{m}^3$ to 12.0 $\mu\text{g}/\text{m}^3$. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 $\mu\text{g}/\text{m}^3$, as was the annual secondary standard of 15 $\mu\text{g}/\text{m}^3$. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 $\mu\text{g}/\text{m}^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source: (Urban Crossroads, 2021a, p. 20)

2. Regional Air Quality

☐ **Criteria Pollutants**

The SCAQMD monitors levels of various criteria pollutants at 37 permanent monitoring stations and 5 single-pollutant source Pb air monitoring sites throughout the Basin. The attainment status for criteria pollutants within the SCAB is summarized in Table 4.2-2, *Attainment Status of Criteria Pollutants in the SCAB*.

Table 4.2-2 Attainment Status of Criteria Pollutants in the SCAB

Criteria Pollutant	State Designation	Federal Designation
O ₃ – 1-hour standard	Nonattainment	--
O ₃ – 8-hour standard	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO ₂	Attainment	Unclassifiable/Attainment
SO ₂	Unclassifiable/Attainment	Unclassifiable/Attainment
Pb ¹	Attainment	Unclassifiable/Attainment

Note: See Appendix 2.1 for a detailed map of State/National Area Designations within the SCAB

-- = The national 1-hour O₃ standard was revoked effective June 15, 2005.

¹ The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the SCAB.

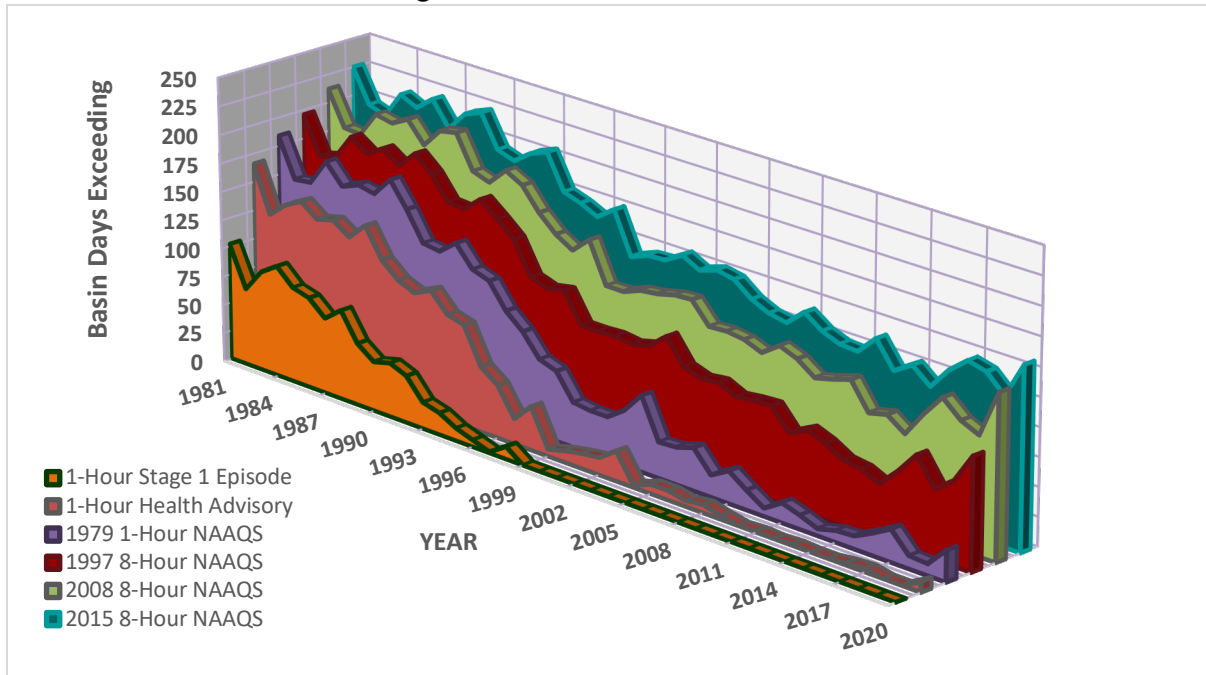
Source: (Urban Crossroads, 2021a, p. 21)

The SCAB has been one of the most unhealthful air basins in the United States and has experienced unhealthful air quality since World War II. However, as a result of the region’s air pollution control efforts over the last 60+ years, criteria pollutant concentrations in the SCAB have reduced dramatically and are expected to continue to improve in the future as State regulations become more stringent (Urban Crossroads, 2021a, pp. 26-33). Emissions of O₃, NO_x, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease beyond 2020 (ibid.). These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled (VMT) in the SCAB continue to increase, NO_x and VOC levels are decreasing because of federal and State mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles (ibid.). NO_x emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy (ibid.). O₃ contour maps show that the number of days exceeding the 8-hour NAAQS decreased between 1997 and 2007 (ibid.). Of note, due to higher temperatures and stagnant weather conditions, O₃ levels have increased in the past two years within the SCAB; however, O₃ levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations within the late 1970s, as illustrated on Figure 4.2-1, *SCAB Ozone Trend* (ibid.)

As with other pollutants, the most recent PM₁₀ statistics show an overall improvement within the SCAB as illustrated in Figure 4.2-2, *SCAB PM₁₀ Trend (Federal Standard)*, and Figure 4.2-3, *SCAB PM₁₀ Trend (Based on State Standard)*. During the period for which data are available, the 24-hour annual average concentration

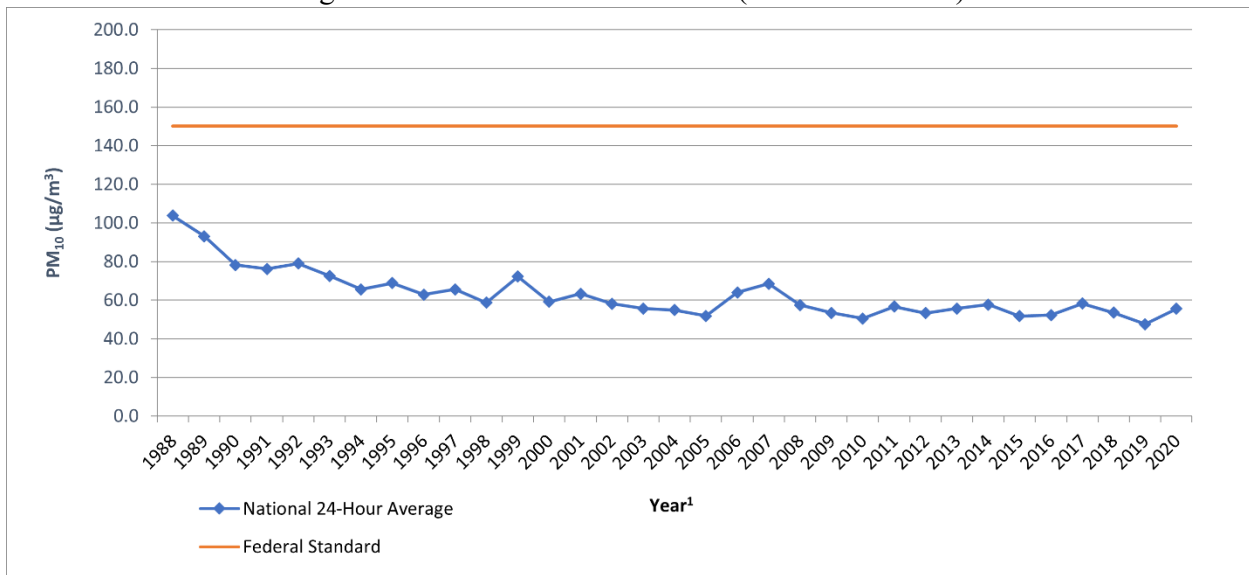


Figure 4.2-1 SCAB Ozone Trend



Source: (Urban Crossroads, 2021a, p. 28)

Figure 4.2-2 SCAB PM10 Trend (Federal Standard)



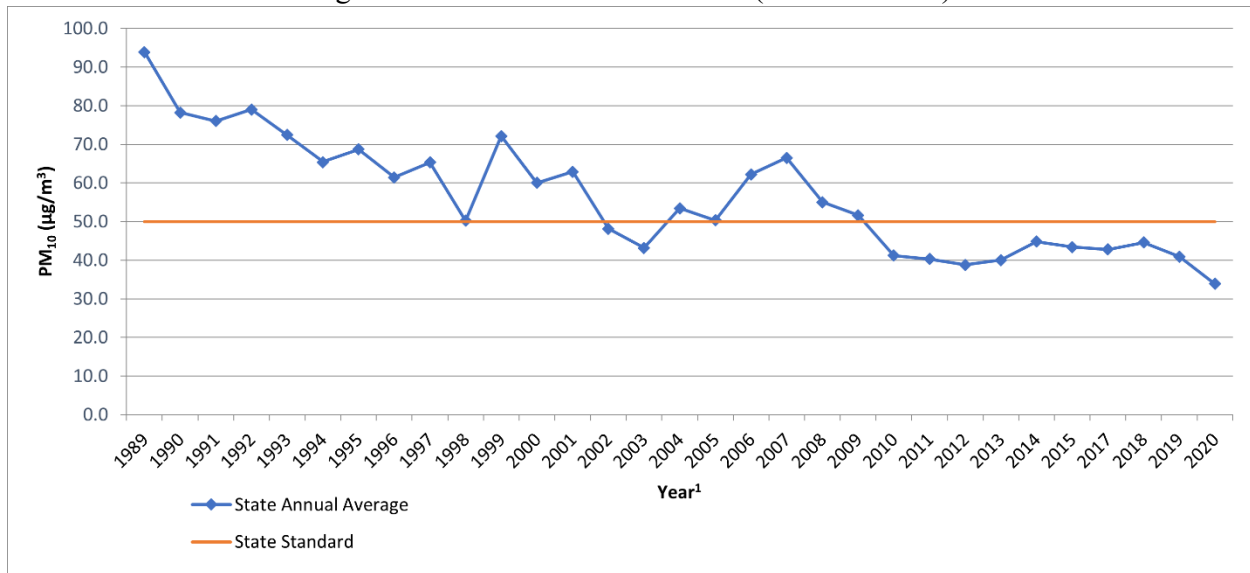
Source: 2020 CARB, iADAM: Top Four Summary: PM₁₀ 24-Hour Averages (1988-2020)

¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2021a, p. 29)



Figure 4.2-3 SCAB PM10 Trend (State Standard)



Source: 2020 CARB, iADAM: Top Four Summary: PM₁₀ 24-Hour Averages (1988-2018)

¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2021a, p. 29)

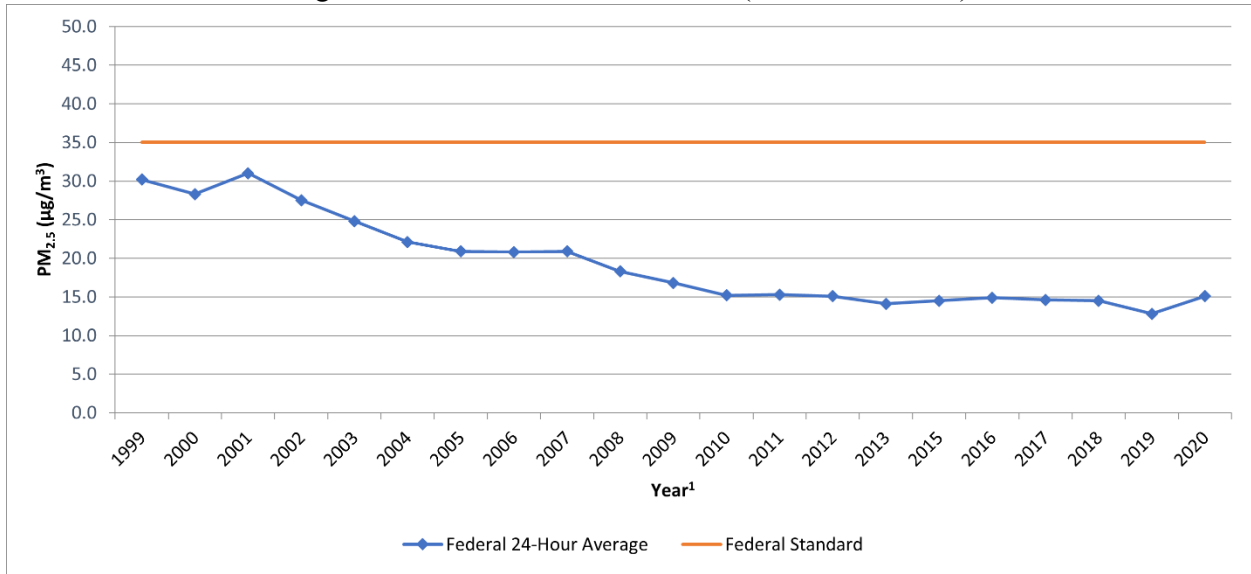
for PM₁₀ decreased by approximately 46 percent against the federal standard, from 103.7 microgram per cubic meter (µg/m³) in 1988 to 55.5 µg/m³ in 2020 (Urban Crossroads, 2021a, p. 28). Although the average values are below the federal standard, it should be noted that there are days within the year where PM₁₀ concentrations exceed the federal standard (ibid.). The 24-hour annual average for emissions for PM₁₀ have decreased by approximately 64 percent against the State standards, from 93.9 µg/m³ in 1989 to 33.9 µg/m³ in 2020 (ibid.). Although data in the late 1990’s show some variability, this is probably due to the advances in meteorological science rather than a change in emissions (ibid.).

Figure 4.2-4, *SCAB PM_{2.5} Trend (Federal Standard)*, and Figure 4.2-5, *SCAB PM_{2.5} Trend (State Standard)*, shows the most recent 24-hour average PM_{2.5} concentrations in the SCAB from 1999 through 2020. Overall, the national and State annual average concentrations have decreased by almost 50 percent and 31 percent, respectively (Urban Crossroads, 2021a, p. 29). It should be noted that the SCAB is currently designated as nonattainment for the State and federal PM_{2.5} standards (ibid.).

The most recent CO concentrations in the SCAB are shown in Figure 4.2-6, *SCAB CO Trend*. CO concentrations in the SCAB have decreased markedly - a total decrease of more about 80 percent in the peak 8-hour concentration from 1986 to 2012 (Urban Crossroads, 2021a, p. 31). (2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB.) The entire SCAB is now designated as attainment for both the state and national CO standards (ibid.). Ongoing reductions from motor vehicle control programs should continue the downward trend in ambient CO concentrations.



Figure 4.2-4 SCAB PM2.5 Trend (Federal Standard)

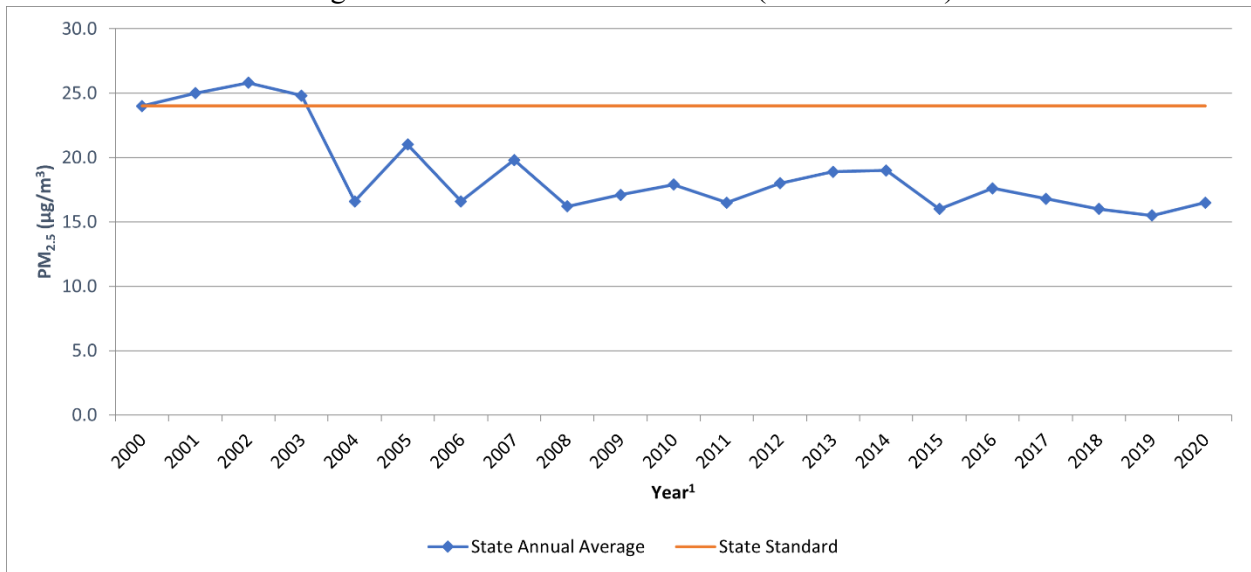


Source: 2020 CARB, iADAM: Top Four Summary: PM_{2.5} 24-Hour Averages (1999-2018)

¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2021a, p. 30)

Figure 4.2-5 SCAB PM2.5 Trend (State Standard)



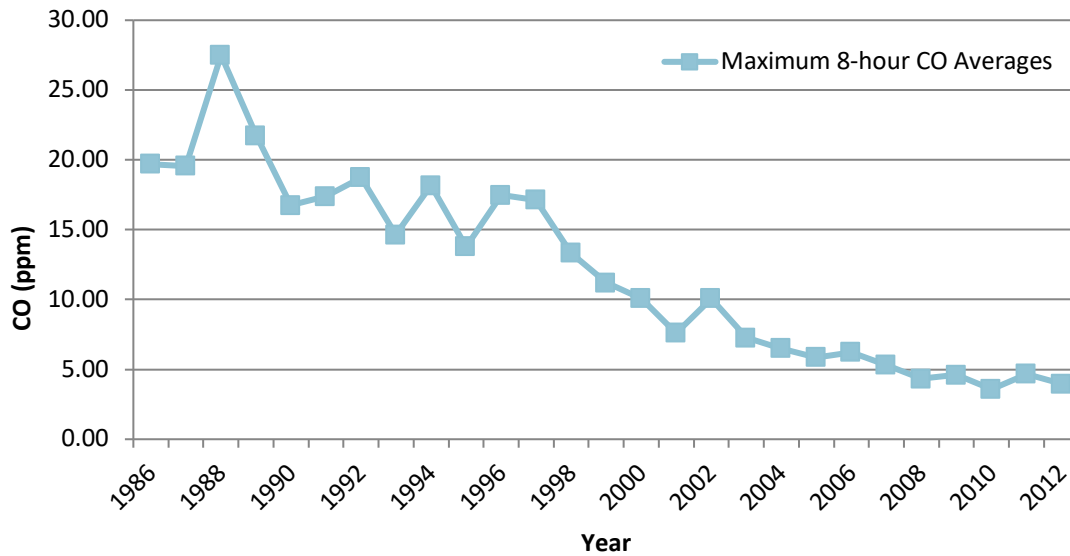
Source: 2020 CARB, iADAM: Top Four Summary: PM_{2.5} 24-Hour Averages (1999-2018)

¹ Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2021a, p. 30)



Figure 4.2-6 SCAB CO Trend



Source: 2020 CARB, iADAM: Top Four Summary: CO 8-Hour Averages (1999-2018)

¹ The most recent year where 8-hour concentration data is available is 2012.

Source: (Urban Crossroads, 2021a, p. 32)

The most recent NO₂ data for the SCAB is shown in Figure 4.2-7, *SCAB 1 NO₂ Trend (Federal Standard)*, and Figure 4.2-8, *SCAB NO₂ Trend (State Standard)*. Over the last 50 years, NO₂ values have decreased significantly; the peak 1-hour national and State averages for 2020 are approximately 80 percent lower than what they were during 1963 (Urban Crossroads, 2021a, p. 32). The SCAB attained the State 1-hour NO₂ standard in 1994, bringing the entire State into attainment (ibid.). A new State annual average standard of 0.030 parts per million (ppm) was adopted by the California Air Resources Board (CARB) in February 2007. The new standard is just barely exceeded in the SCAQMD (ibid.). NO₂ is formed from NO_x emissions, which also contribute to O₃. As a result, the majority of the future emission control measures would be implemented as part of the overall O₃ control strategy. Many of these control measures would target mobile sources, which account for more than three-quarters of California’s NO_x emissions, and are expected to bring the SCAQMD into attainment of the State annual average standard (ibid.).

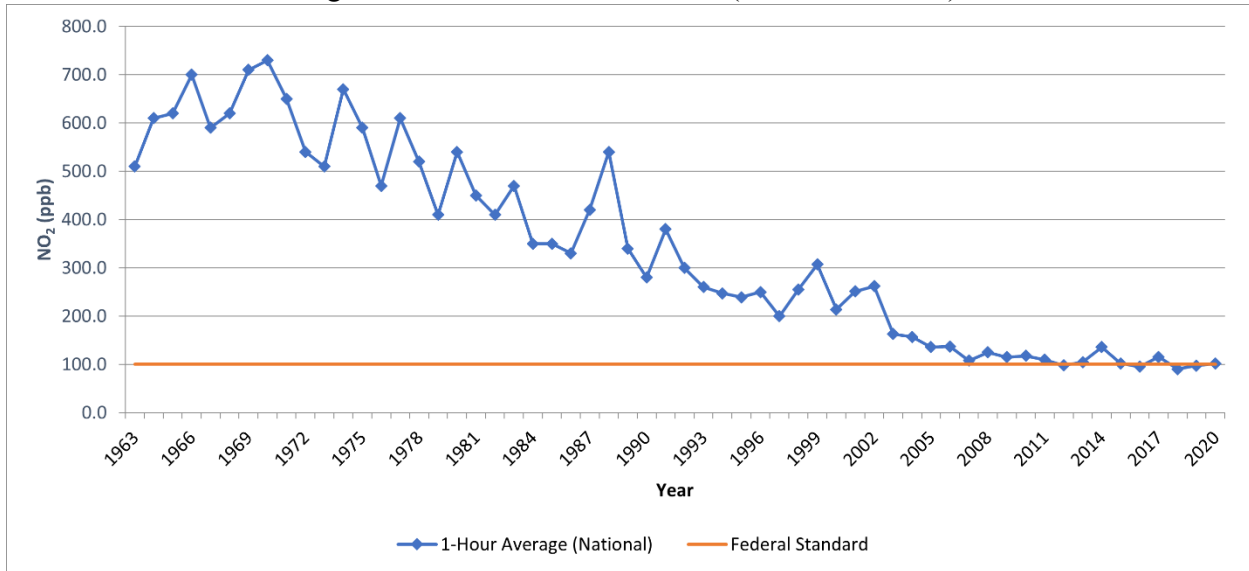
☐ Toxic Air Contaminants

Toxic air contaminants (TACs) are a classification of air pollutants that have been attributed to carcinogenic and non-carcinogenic health risks. Beginning in the mid-1980s, the CARB adopted a series of regulations to reduce the amount of air toxic contaminant emissions resulting from mobile and stationary sources, such as cars, trucks, stationary sources, and consumer products. As a result of CARB’s regulatory efforts, ambient concentrations of TACs have declined substantially across the State (Urban Crossroads, 2021a, pp. 33-34).

To reduce TAC emissions from mobile sources, CARB has required that all light- and medium-duty vehicles sold in California since 1996 be equipped with an on-board diagnostic system to alert drivers of potential engine problems (as approximately half of all tailpipe emissions result from malfunctioning emissions control

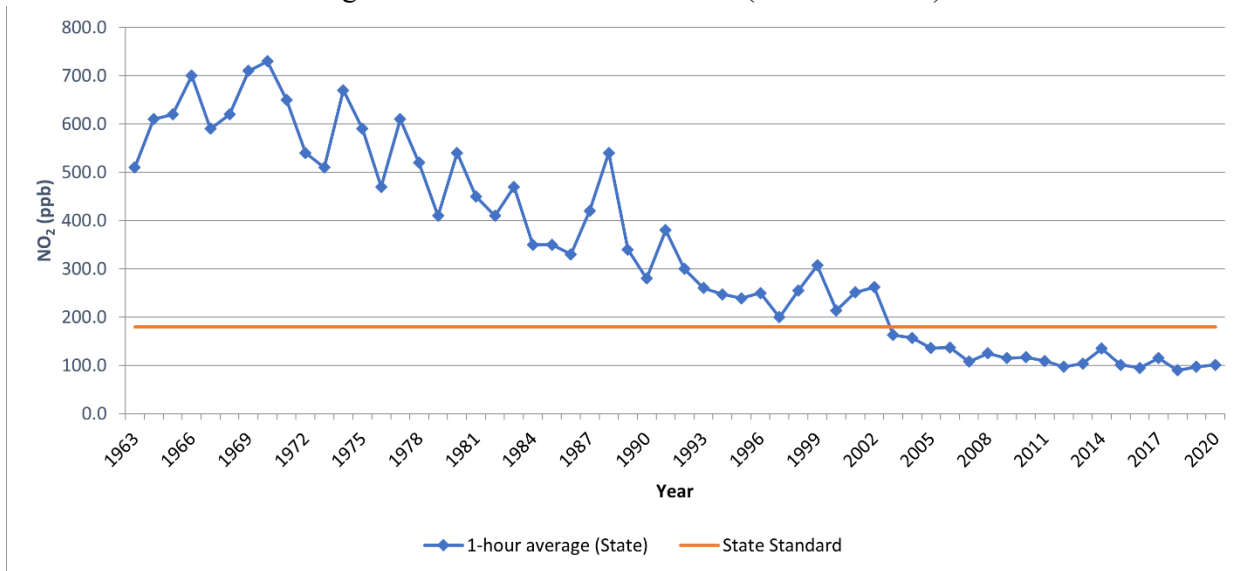


Figure 4.2-7 SCAB NO2 Trend (Federal Standard)



Source: 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2018)
(Urban Crossroads, 2021a, p. 33)

Figure 4.2-8 SCAB NO2 Trend (State Standard)



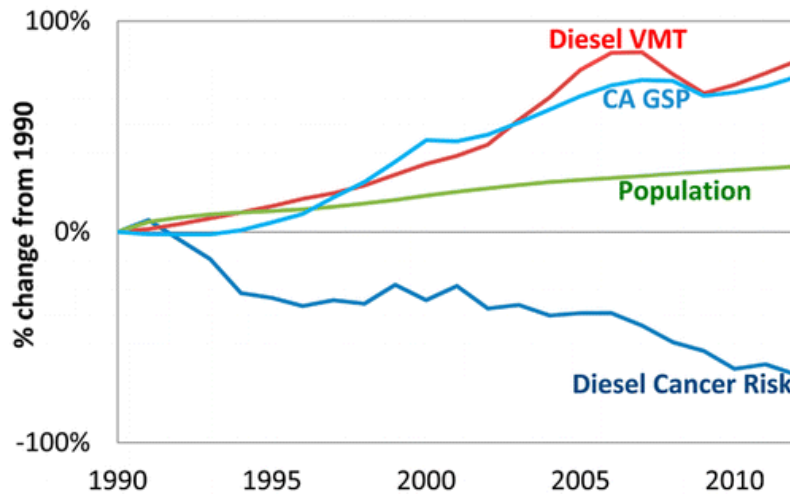
Source: 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2018)
(Urban Crossroads, 2021a, p. 33)

devices). Also, since 1996, CARB has required the use of cleaner burning, reformulated gasoline in all light- and medium-duty vehicles. These two regulations resulted in an over 80 percent reduction in TAC emissions from light- and medium-duty vehicles in the State between 1990 and 2012 (Urban Crossroads, 2021a, p. 34). The CARB also implemented programs to retrofit diesel-fueled engines and facilitate the use of diesel fuels with ultra-low sulfur content to minimize the amount of diesel emissions and their associated TACs. As a result of CARB’s programs, diesel emissions and their associated TACs fell by approximately 71 percent since 2000 despite an approximately 81 percent increase in miles traveled by diesel vehicles during that same time



period (ibid.), as shown on Figure 4.2-9, *Diesel Particulate Matter and Diesel Vehicle Miles Traveled Trends*. Moreover, the average statewide diesel particulate matter (DPM) emissions for Heavy Duty Trucks (HDT), in terms of grams of DPM generated per mile traveled, are projected to dramatically reduce due to regulatory requirements on vehicular emissions adopted by CARB and the Ports of Los Angeles and Long Beach (Urban Crossroads, 2021a, p. 35).

Figure 4.2-9 DPM and Diesel Vehicle Miles Trend
California Population, Gross State Product (GSP),
Diesel Cancer Risk, Diesel Vehicle-Miles-Traveled (VMT)



Source: (Urban Crossroads, 2021a, p. 35)

In 2000, the SCAQMD prepared a comprehensive urban toxic air pollution study to evaluate the TAC concentration levels in the SCAB and their associated health risks, called *MATES-II (Multiple Air Toxics Exposure Study in the South Coast Air Basin)*. *MATES-II* showed an average regional excess cancer risk of about 1,400 in one million. As part of the *MATES-II* study, the SCAQMD concluded that diesel particulate matter (DPM) accounted for more than 70 percent of the identified excess cancer risk in the SCAB (Urban Crossroads, 2021a, p. 35). The SCAQMD has updated their urban toxic air pollution survey three times since 2000, with the 2008 (*MATES-III*), 2014 (*MATES-IV*), and 2021 (*MATES-V*) updates showing reductions in the average excess cancer risk within the SCAB relative to the levels disclosed in *MATES-II*. The current version of the urban toxic air pollution survey, *MATES-V*, is the most comprehensive dataset of ambient air toxic levels and health risks within the SCAB. The *MATES-V* report estimates the air toxics cancer risk in the SCAB ranges from 585 to 842 per one million at the monitoring sites across the SCAB, with DPM concentrations approximately 53 percent lower and excess cancer risks approximately 40 percent lower than reported in *MATES-IV* (SCAQMD, 2021, p. ES-6).

3. Local Air Quality

Criteria Pollutants

Ambient air pollutant concentrations in the Project area are summarized in Table 4.2-3, *Project Area Air Quality Monitoring Summary*. Local air quality data was collected from the SCAQMD air quality monitoring

station located nearest to the Project Site: Central San Bernardino Valley 2 area (SRA 34) (Urban Crossroads, 2021a, p. 21). Data was collected for the three most recent years for which data was available (2018-2020).

Table 4.2-3 Project Area Air Quality Monitoring Summary 2018-2020

Pollutant	Standard	Year		
		2018	2019	2020
O₃				
Maximum Federal 1-Hour Concentration (ppm)		0.138	0.127	0.162
Maximum Federal 8-Hour Concentration (ppm)		0.116	0.114	0.128
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	63	63	89
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	102	96	128
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	2.7	1.3	1.9
Maximum Federal 8-Hour Concentration	> 20 ppm	2.5	1.1	1.4
NO₂				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.057	0.059	0.054
Annual Federal Standard Design Value		0.016	0.014	0.015
PM₁₀				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 150 µg/m ³	129	112	80
Annual Federal Arithmetic Mean (µg/m ³)		30.2	29.9	38.7
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m ³	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 µg/m ³	25	36	81
PM_{2.5}				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 35 µg/m ³	30.10	34.80	25.70
Annual Federal Arithmetic Mean (µg/m ³)	> 12 µg/m ³	11.17	10.06	11.66
Number of Days Exceeding Federal 24-Hour Standard	> 35 µg/m ³	0	0	0

ppm = Parts Per Million

µg/m³ = Microgram per Cubic Meter

Source: Data for O₃, CO, NO₂, PM₁₀, and PM_{2.5} was obtained from SCAQMD Air Quality Data Tables.

(Urban Crossroads, 2021a, p. 22)

☐ Toxic Air Contaminants

As part of preparation of the *MATES-V* study, the SCAQMD collected toxic air contaminant data at 10 fixed sites within the SCAB. None of the fixed monitoring sites are located within the vicinity of the Project Site; however, *MATES-V* extrapolates the excess cancer risk levels throughout the SCAB using mathematical modeling for specific geographic grids. *MATES-V* estimates an excess carcinogenic risk of approximately 472 in one million for the Project area (Urban Crossroads, 2021a, p. 36). Based on an analysis performed by Ramboll, air toxics cancer risks have decreased by 76 percent in Fontana between 1998 and 2018 and are expected to decrease by an additional 20 percent by 2023 (Ramboll, 2021).



4. *Project Site Air Quality*

The Project Site is developed under existing conditions and used as a manufacturing facility for the Clark Pacific company. The estimated operation-source emissions from existing uses on the Project Site are summarized on Table 4.2-4, *Existing Project Site Operation-Source Emissions*. Detailed operation model outputs are presented in Appendix 3.3 of the Project’s AQIA.

Table 4.2-4 Existing Project Site Operation-Source Emissions

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Area Source	1.77	1.40E-04	0.02	0.00	5.00E-05	5.00E-05
Energy Source	0.06	0.56	0.47	3.39E-03	0.04	0.04
Mobile Source	1.08	3.74	11.99	0.04	3.09	0.86
Total Maximum Daily Emissions	2.92	4.31	12.48	0.04	3.13	0.90
Winter						
Area Source	1.77	1.40E-04	0.02	0.00	5.00E-05	5.00E-05
Energy Source	0.06	0.56	0.47	3.39E-03	0.04	0.04
Mobile Source	0.97	3.94	10.66	0.04	3.09	0.86
Total Maximum Daily Emissions	2.80	4.51	11.14	0.04	3.13	0.90

Source: (Urban Crossroads, 2021a, p. 46)

4.2.2 REGULATORY SETTING

The following is a brief description of applicable federal, State, and local environmental laws and related regulations governing air quality emissions.

A. *Federal Plans, Policies, and Regulations*

1. *Federal Clean Air Act*

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO₂), particulate matter (PM₁₀), PM_{2.5}, and lead (Pb). (EPA, 2021c)

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977



and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. (EPA, 2021c)

The sections of the federal CAA most directly applicable to the development of the Project Site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O₃ (smog), CO, and PM₁₀. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2020) Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO_x on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. (EPA, 2021d)

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source. (EPA, 2021c)

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk. (EPA, 2021c)

2. *SmartWay Program*

The US EPA's SmartWay Program is a voluntary public-private program developed in 2004, which 1) provides a comprehensive and well-recognized system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains; 2) helps companies identify and select more efficient freight carriers, transport modes, equipment, and operational strategies to improve supply chain sustainability and lower costs from goods movement; 3) supports global energy security and offsets environmental risk for companies and countries; and 4) reduces freight transportation-related emissions by accelerating the use of advanced fuel-saving technologies (EPA, 2017). This program is supported by major transportation industry associations, environmental groups, State and local governments, international agencies, and the corporate community.



B. State Plans, Policies, and Regulations

1. California Clean Air Act (CCAA)

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State’s ambient air quality standards, the California Ambient Air Quality Standards (CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources. (SCAQMD, n.d.)

2. Air Toxic Hot Spots Act

The Air Toxic “Hot Spots” Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code Section 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts. (SCAQMD, n.d.)

3. Air Quality Management Planning

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies. (CARB, 2012)

4. Truck & Bus Regulation

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks



(trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule, and were all replaced by 2020. (CARB, n.d.)

5. *Advanced Clean Truck Regulation*

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future. (CARB, 2021)

6. *California Air Resources Board Rules*

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

C. *Local Plans, Policies, and Regulations*

1. *SCAQMD Air Quality Management Plan*

Under existing conditions, the NAAQS and CAAQS are exceeded in most parts of the SCAB. In response, and in conformance with California Health & Safety Code Section 40702 *et seq.* and the California CAA, the SCAQMD adopted an AQMP to plan for the improvement of regional air quality. AQMPs are updated regularly in order to more effectively reduce emissions and accommodate growth. Each version of the plan is an update of the previous plan and has a 20-year horizon with a revised baseline. The SCAQMD's most recent iteration of the AQMP was adopted in March 2017 (SCAQMD, 2017a).



2. *SCAQMD Rules*

The SCAQMD enforces rules related to air pollutant emissions in the SCAB. Rules with applicability to the Project include, but are not limited to, those listed below.

- SCAQMD Rule 402 (Nuisance Odors): Prohibits the discharge of air contaminants that cause nuisance or annoyance to any considerable number of persons or to the public
- SCAQMD Rule 403 (Fugitive Dust): Requires the implementation of best available dust control measures (BACMs) during activities capable of generating fugitive dust. Rule 403 also requires activities defined as “large operations” to notify the SCAQMD by submitting specific forms; a large operation is defined as any active operation on property containing 50 or more acres of disturbed surface area; or any earth moving operation with a daily earth-moving or throughput volume of 3,850 cubic meters (5,000 cubic yards), three times during the most recent 365-day period.
- SCAQMD Rule 431.2 (Low Sulfur Fuel): Requires the use of diesel fuels that adhere to sulfur content limits.
- SCAQMD Rule 1108 (Cutback Asphalt): Prohibits the use of asphalt that exceeds a specified percentage of VOCs.
- SCAQMD Rule 1113 (Architectural Coatings): Requires all buildings within the SCAQMD to adhere to the VOC limits for architectural coatings.
- SCAQMD Rule 1186 (PM₁₀ Emissions from Paved and Unpaved Roads, and Livestock Operations): Requires the use of street sweepers that meet minimum standards for cleaning capabilities.
- SCAQMD Rule 1301 (General): Provides pre-construction review requirements to ensure that new or relocated facilities do not interfere with progress in attainment of the NAAQS. Rule 1301 also limits emission increase of ammonia and ozone depleting compounds from new, modified, or relocated facilities by requiring the use of Best Available Control Technology (BACT).
- SCAQMD Rule 1401 (New Source Review of Toxic Air Contaminants): Prohibits a person from discharging into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- SCAQMD Rule 2305 (Warehouse Indirect Source Rule): Requires all operators of warehouses greater than or equal to 100,000 s.f. of indoor floor space to implement measures that reduce nitrogen oxides and particulate matter emissions and/or pay a fee to fund programs to improve regional air quality.



3. *City of Fontana Ordinance No. 1891*

City of Fontana Ordinance No. 1891 amended the City’s Municipal Code to establish sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. Standards required by Ordinance No. 1891 that would directly reduce local air pollution emissions and minimize potential adverse effects from air pollution emissions include but are not limited to: 1) Restricting diesel truck idling to three (3) minutes or less; 2) Requiring each industrial commerce center to prepare and implement a Truck Routing Plan that utilizes designated truck routes and avoids routes that pass sensitive receptors, to the greatest extent possible; 3) Requiring motorized cargo-handling equipment used at industrial commerce center sites to be zero emission; 4) Requiring buildings with more than 400,000 s.f. of building area to install rooftop solar panels that supply 100 percent of the power need of the non-refrigerated building space; 5) Requiring the installation of electric plug-ins at all loading dock positions that would be utilized by trucks fitted with transport refrigeration units (TRUs); 6) Requiring that five (5) percent of passenger vehicle parking spaces are wired for electric vehicle charging and equipped with a Level 2 charging station and at least 10 percent of passenger vehicle spaces are “EV ready” for future expansion of charging capabilities; and 7) Prohibiting the use of diesel-powered generators, except in case of emergency or for temporary power during construction. The Project would be required to comply with all applicable measures of Ordinance No. 1891. The City would ensure compliance with the requirements of Ordinance No. 1891 as part of their standard building permit review/approval and site inspection processes.

4.2.3 METHODOLOGY FOR CALCULATING PROJECT-RELATED AIR QUALITY IMPACTS

The California Emissions Estimator Model (CalEEMod), version 2020.4.0, was used to calculate all Project-related air pollutant emissions (with the exception of localized emissions and diesel particulate matter emissions from Project operations, refer to Subsection 4.2.3B, below). The CalEEMod is a Statewide land use emission computer model developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts, including the SCAQMD, that provides a uniform platform to quantify potential criteria pollutant emissions associated with construction and operation of land development projects.

A. *Methodology for Calculating Project Construction Emissions*

1. *Regional Pollutant Emissions*

The Project’s construction period will last approximately 12 months and will include six (6) activity phases: 1) demolition/crushing; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) architectural coating. For purposes of the air quality analysis, the Project’s construction activities are assumed to occur between September 2022 and September 2023. This assumption represents a conservative analysis scenario because, should construction occur later than the dates assumed in the analysis, construction equipment emissions would be the same or more likely lower than presented because emission regulations are becoming more stringent over time and the retirement of older (higher-polluting) equipment and replacement with newer (less-polluting) pieces of equipment is constantly happening in response to State regulations or service needs. The air quality analysis model utilizes the durations of each construction activity phase and the construction equipment fleet previously presented in EIR Section 3.0, *Project Description*. The analysis assumptions for Project construction are based on information provided by the Project Applicant and the experience and technical expertise of the Project’s air quality technical expert (Urban Crossroads).



Refer to Section 3.4 of the Project's AQIA for more detail on the methodology utilized to calculate the Project's construction-related regional pollutant emissions.

2. Localized Pollutant Emissions

Project-related localized pollutant emissions were calculated in accordance with the SCAQMD's *Final Localized Significance Threshold (LST) Methodology* using the process described below. The CalEEMod was utilized to determine the maximum daily on-site emissions that would occur during construction activity. The SCAQMD's *Fact Sheet for Applying CalEEMod to LSTs* was used to determine the maximum Project Site acreage that would be actively disturbed based on the construction equipment fleet and equipment hours as estimated in the CalEEMod. The equipment-specific disturbance rates were obtained from the CalEEMod user's guide, *Appendix A: Calculation Details for CalEEMod* (October 2017). SCAQMD's methodology recommends using look-up tables for projects with a disturbance area of less than or equal to five (5) acres in size and using dispersion modeling for projects with a disturbance area greater than five (5) acres in size. The Project is anticipated to disturb more than five (5) acres per day during peak construction activities; however, for conservative purposes (to overstate potential impacts), the analysis assumes that all on-Site emissions associated with the Project would occur within a concentrated five-acre area. This is a conservative assumption because across a larger area, like the Project, emissions would disperse over a wider area and localized concentrations at any one area would be lower, while emissions across a smaller area would be more concentrated (i.e., substantial). Accordingly, the SCAQMD's screening look-up tables were utilized to determine localized pollutant concentration levels at sensitive receptor locations near the Project Site. Emission concentrations were modeled at four (4) sensitive receptor locations near the Project Site, including existing residences along Calabash Avenue located east of the Project Site and an existing business located west of the Project Site.

The SCAQMD's *Final Localized Significance Threshold Methodology* indicates that off-site mobile emissions from development projects should be excluded from localized emissions analyses. Therefore, for purposes of calculating the Project's construction-related localized pollutant emissions, only emissions included in the CalEEMod on-site emissions outputs were considered.

Refer to Section 3.6 of the Project's AQIA for more detail on the methodology utilized to calculate Project construction-related localized pollutant emissions.

B. Methodology for Calculating Project Operational Emissions

1. Regional Pollutant Emissions

The Project's operational-related regional pollutant emissions analysis quantifies air pollutant emissions from mobile sources, on-site equipment sources, area sources (e.g., architectural coatings, consumer products, landscape maintenance equipment), and energy sources.

Mobile source emissions are the product of the number of daily vehicle trips generated by the Project, the composition of the Project's vehicle fleet (mix of passenger cars, motorcycles, light-heavy-duty trucks, medium-heavy-duty trucks, and heavy-heavy duty trucks), and the trip length (number of miles driven) by



Project vehicles. The Project's average number of daily vehicle trips and vehicle fleet mix were determined using the methodology described in detail in EIR Subsection 4.11, *Transportation*. The trip length for Project-related vehicles was calculated using CalEEMod defaults. Based on CalEEMod defaults, the average trip length for Project-related trucks was 40.0 miles and the average trip length for all other Project-related passenger vehicles was 16.6 miles.

The Project's operational analysis also assumes the operation of two yard-tractors (also known as a terminal tractor, yard goat, yard truck, yard mule, or yard dog) on the Project Site for up to four (4) hours per day for all 365 days of the year.¹ To be conservative, each yard tractor was assumed to be 200 horsepower and powered with gasoline or natural gas even though some/all may ultimately be powered by electricity.

The estimated area source emissions and energy source emissions analyses for the Project rely on default inputs within CalEEMod.

Refer to Section 3.5 of the Project's AQIA Technical for detailed information on the methodology utilized to calculate regional pollutant emissions during Project operation.

2. *Localized Pollutant Emissions*

The LST Methodology provides look-up tables for sites with an area of five (5) acres or less. For projects that exceed five acres, the LST look-up tables can be used as a screening tool to determine which pollutants require additional detailed analysis. This approach is conservative as it assumes that all on-site emissions associated with a project would be concentrated within a five-acre area. For the Project, which would cover an approximately 18.5-acre area, this screening method over predicts potential localized impacts because, by assuming that Site operational activities are occurring over a smaller area, the resulting volumes of air pollutants are more highly concentrated than they would be for activities if they were spread out over a larger surface area.

The LST Methodology only provides for the evaluation of on-site emissions sources because the CalEEMod outputs do not separate on-site and off-site mobile source emissions. Notwithstanding, on-site mobile source emissions are manually added to the LST analysis by estimating emissions from mobile sources operating on the Project Site. The emissions from on-Site mobile sources are estimated to be equivalent to five (5) percent of the Project's one-way vehicle trip length. Considering that for the Project's analysis the one-way trip length is 16.6 miles for passenger cars, 40 miles for truck trips, five percent of this total would represent an on-site travel distance of approximately 0.8-mile for passenger cars and approximately 2.0 miles for trucks. Comparatively, the actual maximum distance a passenger car or truck could travel through the Project's parking lots would be approximately 0.5-mile. Accordingly, the five percent assumption used in the Project's analysis substantially overstates the actual localized impact of the Project's on-site mobile source emissions.

¹The Project analysis was performed prior to the City's adoption of Ordinance No. 1891. Although Ordinance No. 1891 requires the Project to utilize zero emission cargo handling equipment, the air quality analysis included herein discloses air pollutant emissions from cargo handling equipment and, thus, overstates air pollutant emissions that would result from operation of the Project.



The operational LST analysis utilizes the same sensitive receptor locations that were utilized in the construction LST analysis, as described earlier in this section.

Refer to Section 3.8 of the Project's AQIA for detailed information on the methodology utilized to calculate the Project's operational localized pollutant emissions.

3. Diesel Particulate Matter Emissions

DPM emissions from trucks traveling to and from the Project Site were calculated using emission factors for PM₁₀ generated with Emission FACTor (EMFAC) 2017. Refer to Section 2.2 of the Project's HRA for a detailed description of the model inputs and equations used in the estimation of the Project-related DPM emissions.²

The potential health risks of Project-related DPM emissions were quantified in accordance with the guidelines in the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Pursuant to SCAQMD's recommendations, emissions were modeled using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) software program. Refer to Section 2.3 of the Project's HRA for a detailed description of the model inputs and equations used in the calculation of average particulate concentrations during operation of the Project.

Health risks associated with exposure to DPM emissions at a given concentration are defined in terms of the probability of developing cancer or chronic non-cancer health effects as a result of exposure to DPM emissions at a given concentration. The cancer and non-cancer risk probabilities are determined through a series of equations to calculate unit risk factor, cancer potency factor, and chronic daily intake. The evaluation results in a maximum health risk value, which is merely a calculation of risk and does not necessarily mean anyone will contract cancer or other non-cancer health concern as a result of the exposure. The equations and input factors utilized in the Project analysis were obtained from Office of Environmental Health Hazard Assessment (OEHHA). Refer to Section 2.4 of the Project's HRA for a detailed description of the variable inputs and equations used in the calculations of receptor population health risks associated with Project operations.

4.2.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects to regional and local air quality that could result from development projects. The proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

- a. Conflict with or obstruct implementation of the applicable air quality plan;
- b. Result in a cumulatively-considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality

²The Project analysis was performed prior to the City's adoption of Ordinance No. 1891. Although Ordinance No. 1891 requires that Project to restrict on-site heavy truck idling to no more than three (3) minutes, the air quality analysis included herein discloses air pollutant emissions that would result were heavy trucks to idle on the Project Site for up to five (5) minutes as allowed by State law and, thus, overstates the DPM emissions that would result from operation of the Project.



- standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- c. Expose sensitive receptors to substantial pollutant concentrations; or
 - d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The Project would result in a significant impact under Threshold “a” if the Project were determined to conflict with the SCAQMD 2016 AQMP. Pursuant to Chapter 12, Sections 12.2 and 12.3, of the SCAQMD CEQA Air Quality Handbook, a project would conflict with the AQMP if either of the following conditions were to occur (Urban Crossroads, 2021a, p. 58):

- o The Project would increase the frequency or severity of existing NAAQS and/or CAAQS violations, cause or contribute to new air quality violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP; or
- o The Project would exceed the 2016 AQMP’s future year buildout assumptions.

For evaluation under Threshold “b,” per SCAQMD’s cumulative impact analysis guidance in their *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, implementation of the Project would result in a cumulatively-considerable impact if the Project’s construction and/or operational activities exceed one or more of the SCAQMD’s “Regional Thresholds” for criteria pollutant emissions, as summarized in Table 4.2-5, *Maximum Daily Regional Emissions Thresholds*.

Table 4.2-5 Maximum Daily Regional Emissions Thresholds

Pollutant	Regional Construction Threshold	Regional Operational Thresholds
NO _x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM ₁₀	150 lbs/day	150 lbs/day
PM _{2.5}	55 lbs/day	55 lbs/day
SO _x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Pb	3 lbs/day	3 lbs/day

lbs/day = Pounds Per Day
Source: (Urban Crossroads, 2021a, p. 38)

For evaluation under Threshold “c,” the Project would result in a significant impact if any of the following were to occur:



- The Project’s localized criteria pollutant emissions would exceed one or more of the “Localized Thresholds” listed in Table 4.2-6, *Maximum Daily Localized Construction Emissions Thresholds* or Table 4.2-7, *Maximum Daily Localized Operational Emissions Thresholds*;

Table 4.2-6 Maximum Daily Localized Construction Emissions Thresholds

Pollutant	Construction Localized Thresholds
NO _x	270 lbs/day
CO	1,746 lbs/day
PM ₁₀	229 lbs/day
PM _{2.5}	120 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD Final LST Methodology, July 2008

Source: (Urban Crossroads, 2021a, p. 52)

Table 4.2-7 Maximum Daily Localized Operational Emissions Thresholds

Pollutant	Operational Localized Thresholds
NO _x	270 lbs/day
CO	1,746 lbs/day
PM ₁₀	55 lbs/day
PM _{2.5}	29 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD Final LST Methodology, July 2008

Source: (Urban Crossroads, 2021a, p. 54)

- The Project would cause or contribute to a CO “Hot Spot;” and/or
- The Project’s toxic air contaminant emissions, like DPM, would expose sensitive receptor populations to an incremental cancer risk of greater than 10 in one million; and/or result in a non-carcinogenic health risk rating (“Acute Hazard Index”) greater than 1.0.

For evaluation under Threshold “d,” a significant impact would occur if the Project’s construction and/or operational activities result in air emissions leading to an odor nuisance pursuant to SCAQMD Rule 402.

4.2.5 IMPACT ANALYSIS

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

The SCAQMD 2016 AQMP, which is the applicable air quality plan for the Project area, addresses long-term air quality conditions for the SCAB. The criteria for determining consistency with the 2016 AQMP are analyzed below.



- *Consistency Criterion No. 1: The proposed project will not 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 AQMP.*

Consistency Criterion No. 1 refers to violations of the NAAQS and CAAQS. Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Project were to exceed the SCAQMD's localized emissions thresholds. As a conservative measure, the Project's regional emissions of VOC, NO_x, PM₁₀, and PM_{2.5} also are considered in the consistency determination because if the Project's emissions of any of these pollutants would exceed the applicable SCAQMD regional thresholds, then these emissions could delay the SCAB's attainment of federal and/or State ozone or particulate matter standards. As disclosed under the analysis for Threshold "c," below, Project-related activities would not exceed SCAQMD localized emissions thresholds during construction or long-term operation and, thus, would not directly cause new violations of the NAAQS and/or CAAQS. As disclosed under the analysis for Threshold "b," below, Project-related activities would exceed the SCAQMD regional emissions thresholds for VOCs during construction but would not exceed SCAQMD regional emissions thresholds for any criteria pollutant during operation. VOCs are a precursor for ozone; thus, Project construction activities would result in a substantial, short-term contribution of air pollutants within the SCAB that could delay the attainment of federal and State ozone standards. As such, prior to mitigation, the Project would conflict with Consistency Criterion No. 1.

- *Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

The growth forecasts used in the AQMP to calculate future regional emissions levels are based on land use planning data provided by lead agencies via their general plan documentation. Development projects that increase the intensity of use on a specific property beyond the respective general plan's vision may result in increased stationary area source emissions and/or vehicle source emissions when compared to the AQMP assumptions. However, if a project does not exceed the growth projections in the applicable local general plan, then the project is considered to be consistent with the growth assumptions in the AQMP. The prevailing planning document for the Project Site is the City's General Plan, which designates the Project Site for "General Industrial (I-G)" land uses. The Project is consistent with the General Plan land use designation for the subject property and, therefore, the Project would be consistent with the growth assumptions used in the AQMP and would not exceed the AQMP's long-term emissions projections. Accordingly, the Project would not conflict with Consistency Criterion No. 2.

Conclusion

In summary, because the proposed Project does not satisfy Consistency Criterion No. 1, the Project is determined to be inconsistent with the 2016 AQMP. As such, the Project would conflict with and could result in the obstruction of the applicable AQMP and hinder the ability of the AQMP to achieve regional goals for the improvement of air quality. The impact would be significant.

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

As noted earlier in this Subsection, the SCAB has a “non-attainment” designation for ozone (1- and 8-hour) and particulate matter (PM_{2.5} and PM₁₀) under existing conditions. Refer to Subsection 4.2.1D for more information on existing air quality conditions in the SCAB.

A. Construction Emissions Impact Analysis

The Project’s peak construction-related emissions are summarized in Table 4.2-8, *Peak Construction Emissions Summary*. Detailed air model outputs are presented in Appendix 3.1 of the Project’s AQIA. As shown in Table 4.2-8, peak construction-related emissions of NO_x, CO, SO_x, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed the applicable SCAQMD regional thresholds. Accordingly, the Project’s construction activities would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation on a cumulatively-considerable basis. Project construction impacts related to emissions of NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would all be less than significant, even without mitigation.

Table 4.2-8 Peak Construction Emissions Summary

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2022	4.97	50.68	47.12	0.11	11.51	6.15
2023	81.86	44.95	65.69	0.14	7.40	3.34
Winter						
2022	4.90	50.69	44.69	0.10	11.51	6.15
2023	81.80	45.21	62.92	0.14	7.40	3.34
Maximum Daily Emissions	81.86	50.69	65.69	0.14	11.51	6.15
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	YES	NO	NO	NO	NO	NO

CalEEMod construction-source (unmitigated) emissions are presented in Appendix 3.1 of the Project’s AQIA.
Source: (Urban Crossroads, 2021a, p. 42)

Notwithstanding, Project-related construction emissions of VOCs would exceed the applicable SCAQMD regional threshold, even with mandatory compliance with SCAQMD Rule 1113. VOCs are a precursor for ozone, a pollutant for which the SCAB does not attain federal or State standards. Accordingly, VOC emissions during Project construction result in a cumulatively considerable net increase of a criteria pollutant for which the SCAB is in nonattainment. This impact is significant.

A recent Supreme Court of California decision, *Sierra Club v. County of Fresno (Friant Ranch)*, states that EIRs should relate a project’s expected significant adverse air quality impacts to likely human health

consequences or explain why it is not feasible at the time of preparing the EIR to provide such an analysis. Given that the Project would result in a significant direct and cumulatively-considerable impact associated with ozone precursor (VOC) emissions under short-term construction conditions, the potential health consequences associated with these air pollutants, as well as other air pollutants associated with the Project, were considered. Although as explained below it may be misleading and unreliable to attempt to specifically quantify the health risks associated with ozone precursors and other air pollutant emissions that would result from the Project, this EIR (refer to Subsection 4.2.1C) and the Project’s AQIA and HRA provide extensive information concerning the quantifiable and non-quantifiable health risks related to the Project’s construction and long-term operation.

As noted in the Brief of Amicus Curiae by the SCAQMD in the *Friant Ranch* case (hereafter, “Brief”), the SCAQMD – which has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State – indicated that quantifying specific health risks that may result from ozone precursors and other air pollutants from individual development projects (like the Project) would be unreliable and misleading due to the relatively small-scale of these projects (from a regional perspective), unknown variables related to pollutant generation/release and receptor exposure, and regional model limitations (Urban Crossroads, 2021a, pp. 62-63). Accordingly, current scientific, technological, and modeling limitations prevent accurate and quantifiable relation of the Project’s VOC emissions (and other air pollutant emissions) to likely health consequences for local and regional receptors.

B. Operational Emissions Impact Analysis

Peak emissions from Project operations are presented in Table 4.2-9, *Peak Operational Emissions Summary*. Detailed air model outputs for the operational analysis are provided in Appendix 3.4 of the Project’s AQIA. As summarized in Table 4.2-9, Project operational emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would not exceed SCAQMD regional criteria thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. The Project’s long-term emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would be less than significant.

Table 4.2-9 Peak Operational Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Area Source	8.11	1.28E-03	0.14	1.00E-05	5.00E-04	5.00E-04
Energy Source	0.02	0.19	0.16	1.15E-03	0.01	0.01
Mobile Source	2.36	28.60	27.03	0.20	10.42	3.08
On-Site Equipment Source	0.22	2.07	1.50	6.33E-03	0.08	0.07
Total Maximum Daily Emissions	10.72	30.86	28.83	0.20	10.51	3.16
<i>Existing Emissions</i>	<i>2.92</i>	<i>4.31</i>	<i>12.48</i>	<i>0.04</i>	<i>3.13</i>	<i>0.90</i>
Net Emissions (Project – Existing)	7.80	26.55	16.35	0.16	7.38	2.26



Table 4.2-9 Peak Operational Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Winter						
Area Source	8.11	1.28E-03	0.14	1.00E-05	5.00E-04	5.00E-04
Energy Source	0.02	0.19	0.16	1.15E-03	0.01	0.01
Mobile Source	2.14	30.05	24.70	0.19	10.42	3.08
On-Site Equipment Source	0.22	2.07	1.50	6.33E-03	0.08	0.07
Total Maximum Daily Emissions	10.49	32.32	26.50	0.20	10.51	3.16
<i>Existing Emissions</i>	<i>2.80</i>	<i>4.51</i>	<i>11.14</i>	<i>0.04</i>	<i>3.13</i>	<i>0.90</i>
Net Emissions (Project – Existing)	7.69	27.81	15.35	0.16	7.38	2.26
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

CalEEMod operational-source emissions are presented in Appendix 3.4 of the Project’s AQIA.
Source : (Urban Crossroads, 2021a, p. 47)

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

During both construction and operation, the Project has the potential to expose nearby sensitive receptors to substantial pollutant concentrations. The following provides an analysis based on the applicable LSTs established by the State of California and SCAQMD, an analysis of the Project’s potential to result in or contribute to CO “hot spots,” and an analysis of the Project’s potential to result in cancer risks and non-cancer health hazards.

A. Localized Criteria Pollutant Analysis

1. Construction Analysis

Table 4.2-10, *Localized Construction-Source Emissions Summary*, shows that localized emissions of NO_x, CO, and particulate matter (PM₁₀ and PM_{2.5}) during Project construction would not exceed applicable SCAQMD thresholds. Accordingly, Project construction would not expose any sensitive receptors in the vicinity of the Project Site to substantial criteria pollutant concentrations. Impacts would be less than significant.



Table 4.2-10 Localized Construction-Source Emissions Summary

On-Site Emissions	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Demolition/Crushing				
Maximum Daily Emissions	28.94	24.93	1.95	1.43
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO
Site Preparation				
Maximum Daily Emissions	50.41	20.01	11.27	6.08
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO
Grading				
Maximum Daily Emissions	47.51	29.20	6.32	3.27
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO
Building Construction				
Maximum Daily Emissions	30.80	31.49	1.57	1.48
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO
Paving				
Maximum Daily Emissions	10.19	14.58	0.51	0.47
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO
Architectural Coating				
Maximum Daily Emissions	1.74	2.41	0.09	0.09
SCAQMD Localized Threshold	270	1,746	229	120
Threshold Exceeded?	NO	NO	NO	NO

CalEEMod unmitigated localized construction-source emissions are presented in Appendix 3.1 of the Project's AQIA.
Source: (Urban Crossroads, 2021a, p. 53)

2. Operational Analysis

As shown in Table 4.2-11, *Localized Operations-Source Emissions Summary*, Project operations would not exceed the applicable SCAQMD thresholds for localized NO_x, CO, and particulate matter (PM₁₀ and PM_{2.5}) emissions. Accordingly, the Project would not expose any sensitive receptors in the vicinity of the Project Site to substantial pollutant concentrations. Impacts would be less than significant.



Table 4.2-11 Localized Operations-Source Emissions Summary

On-Site Emissions	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	3.77	3.15	0.61	0.24
SCAQMD Localized Threshold	270	1,746	55	29
Threshold Exceeded?	NO	NO	NO	NO

CalEEMod localized operational-source emissions are presented in Appendix 3.4 of the Project’s AQIA.
Source: (Urban Crossroads, 2021a, p. 55)

B. CO Hot Spot Impact Analysis

A CO “hot spot” is an isolated geographic area where localized concentrations of CO exceeds the CAAQS one-hour (20 parts per million) or eight-hour (9 parts per million) standards. A CO “hot spot” analysis was not performed for the Project because CO attainment in the SCAB was thoroughly analyzed as part of

SCAQMD’s 2003 AQMP and the 1992 Federal Attainment for Carbon Monoxide Plan (1992 CO Plan). As identified in the SCAQMD’s 2003 AQMP and the 1992 CO Plan, peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion (Urban Crossroads, 2021a, pp. 57-59). For context, the CO “hot spot” analysis performed for the 2003 AQMP recorded a CO concentration of 8.4 parts per million (8-hour) at the Long Beach Boulevard/Imperial Highway intersection in Los Angeles County; however, only a small portion of the recorded CO concentrations (0.7 parts per million) were attributable to traffic congestion at the intersection (ibid.). The vast majority of the recorded CO concentrations at the Long Beach Boulevard/Imperial Highway intersection (7.7 parts per million) were attributable to ambient air concentrations (ibid.). In comparison, the busiest intersections in the Project Site vicinity would not experience peak congestion levels comparable to the conditions observed at the Long Beach Boulevard/Imperial Highway intersection and ambient CO concentrations in the Project vicinity only ranges between 1.4 and 1.9 parts per million (ibid.). Furthermore, data from several air studies indicate that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by between 24,000 and 44,000 vehicles per hour in order to generate a significant CO impact; the Project would generate nowhere near this volume of traffic (ibid.). Based on the relatively low traffic congestion levels, low existing ambient CO concentrations, and the lack of any unusual meteorological and/or topographical conditions in the Project Site vicinity, the Project is not expected to cause or contribute to a CO “hot spot” (ibid.). Impacts would be less than significant.

C. Toxic Air Contaminant Emissions Impact Analysis

1. Construction Analysis

As part of Project construction, diesel-fueled equipment would operate on-site. Also, diesel-fueled trucks would travel to/from the Project Site to make deliveries of construction materials and equipment and to haul debris from the Site. Diesel-fueled trucks produce DPM emissions, which is a toxic air contaminant and is known to be associated with acute and chronic health hazards – including cancer. The receptor location with the greatest potential exposure to Project construction-related DPM emissions is an existing residence located at 10463 Calabash Avenue, approximately 2,198 feet east of the Project Site (Urban Crossroads, 2021b, p. 1).



At this receiver location, the maximum incremental cancer risk attributable to the Project is 0.22 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (*ibid.*). Also, the non-cancer risk health index would be <0.01 , which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (*ibid.*). Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Project Site to substantial DPM emissions. Impacts to residential receptors would be less than significant.

2. *Operational Analysis*

The Project does not include any uses that would generate fixed, stationary point-sources of air pollutant emissions. Thus, the Project operations would not directly produce toxic air contaminants. However, operation of the Project would generate/attract diesel-fueled truck traffic. Diesel-fueled trucks produce DPM, which is a toxic air contaminant associated with carcinogenic and non-carcinogenic health hazards. Project-related DPM health risks are summarized below.

At the maximally exposed individual receptor (MEIR), which is a residence located at 10463 Calabash Avenue approximately 2,198 feet east of the Project Site, the maximum incremental cancer risk attributable to Project-related DPM emissions is calculated to be 0.25 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2021b, p. 1). The non-cancer health risk index at the MEIR is estimated to be <0.01 , which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (*ibid.*). All other residential locations in the general vicinity of the Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEIR due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIR identified above. The Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of residential receptors near the Project Site to substantial DPM emissions. Impacts to residential receptors would be less than significant.

At the maximally exposed individual worker (MEIW), the Patrick Industries facility located approximately 97 feet west of the Project Site, the maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Project Site is calculated to be 0.07 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2021b, p. 2). The non-cancer health risk index at the MEIW is estimated to be <0.01 , which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (*ibid.*). All other places of business in the general vicinity of the Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEIW due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIW identified above. Impacts to worker receptors would be less than significant.

No schools are located within 0.25-mile (1,320 feet) of the Project Site or the Project's primary truck routes. DPM concentrations are highest within 300 feet of the emissions source; approximately 70 percent of DPM emissions settle from the air within 500 feet of the source and approximately 80 percent of DPM emissions settle from the air within 1,000 feet from the source (Urban Crossroads, 2021b, p. 2). Because there are no schools within at least 1,320 of the Project site or the Project's primary truck route, operation of the Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of school child



receptors near the Project site to substantial DPM emissions (Urban Crossroads, 2021a, p. 2). Significant impacts to school child receptors would not occur.

Threshold d: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

During construction activities on the Project Site, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. In addition, construction activities on the Project Site would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance (Urban Crossroads, 2021a, pp. 63-64). Accordingly, the Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant.

During long-term operation, Project would operate as a warehouse distribution facility, which is not typically associated with the emission of objectionable odors. Temporary outdoor refuse storage could be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the occupant(s) of the proposed warehouse building would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance, during long-term operation (Urban Crossroads, 2021a, pp. 63-64). As such, long-term operation of the Project would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant.

4.2.6 CUMULATIVE IMPACT ANALYSIS

Based on SCAQMD guidance, any exceedance of a regional or localized threshold for criteria pollutants also is considered to be a cumulatively-considerable effect, while air pollutant emissions that fall below applicable regional and/or localized thresholds are not considered cumulatively-considerable. As discussed in the analysis under Threshold "b," the SCAQMD regional thresholds for VOCs would be exceeded during Project construction activities. Therefore, the Project's construction VOC emissions would be cumulatively-considerable. Because the Project's conflict with the 2016 AQMP was related to Project construction VOC emissions, the Project's conflict with the AQMP is considered to be cumulatively considerable as well. The remaining criteria pollutant emissions from Project construction and operation would be less than the SCAQMD regional thresholds and would not be considered cumulatively considerable.

As discussed under the analysis for Threshold "c," all Project-related construction- and operational localized air pollutant emissions – including DPM – would not exceed the applicable SCAQMD thresholds and, therefore, are not considered cumulatively-considerable.

As indicated in the analysis of Threshold "d," above, there are no Project components that would expose a substantial number of sensitive receptors to objectionable odors. There are no known sources of offensive



odors in the Project area. Because the Project's construction and operation would not create substantial and objectionable odors and because there are no sources of objectionable odors in the areas immediately surrounding the Project Site, there is no potential for odors from the Project Site to commingle with odors from nearby development projects and expose nearby sensitive receptors to substantial, offensive odors. Accordingly, implementation of the Project would result in a less-than-significant cumulative impact related to odors.

4.2.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project would emit air pollutants that would contribute to a delay in the attainment of federal and State ozone standards in the SCAB. As such, the Project would conflict with and could obstruct implementation of the AQMP, and impacts would be significant.

Thresholds b: Significant Direct and Cumulatively-Considerable Impact. Project-related activities would exceed the applicable SCAQMD regional thresholds for VOC emissions during construction. As such, Project-related emissions would violate SCAQMD air quality standards and contribute to the non-attainment of ozone standards in the SCAB, and impacts would be significant.

Threshold c: Less-than-Significant Impact. Implementation of the Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk thresholds; and 3) would not cause or contribute to the formation of a CO "hot spot."

Threshold d: Less-than-Significant Impact. The Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.

4.2.8 MITIGATION

The following mitigation measure (MM) would reduce the Project's construction VOC emissions and the contributions of this pollutant to the SCAB's non-attainment status of ozone to address the impact identified under the analysis for Thresholds "a" and "b."

MM 4.2-1 Prior to building permit issuance, the City of Fontana shall verify that a note is provided on all building plans specifying that only "super-compliant" low VOC paint products (no more than 10 gram/liter of VOC) shall be used for interior and exterior surfaces and low VOC paint shall be used for parking lot surfaces.

4.2.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Thresholds "a" and "b:" Less-Than-Significant Impact. Implementation of MM 4.2-1 would require the Project construction contractor to use paints and architectural coatings with low concentrations of VOCs. With this mitigation measure, the Project's construction VOC emissions would be reduced to less than significant,



as shown on Table 4.2-12, *Peak Construction Emissions Summary – With Mitigation*. Cumulatively considerable impacts would likewise be reduced to less than significant.

Table 4.2-12 Peak Construction Emissions Summary – With Mitigation

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2022	4.97	50.68	47.12	0.11	11.51	6.15
2023	50.98	44.95	65.69	0.14	7.40	3.34
Winter						
2022	4.90	50.69	44.69	0.10	11.51	6.15
2023	50.91	45.21	62.92	0.14	7.40	3.34
Maximum Daily Emissions	50.98	50.69	65.69	0.14	11.51	6.15
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

CalEEMod construction-source (mitigated) emissions are presented in Appendix 3.2 of the Project's AQIA.
Source: (Urban Crossroads, 2021a, p. 43)



4.3 BIOLOGICAL RESOURCES

This Subsection evaluates the potential for Project-related activities to impact sensitive biological resources. The analysis in this Subsection is based on information contained in a biological technical report prepared by Alden Environmental, Inc. (hereinafter, “Alden”) titled, “Fontana Gateway Industrial Center-Biological Resources,” and dated October 13, 2021. The technical report is included as *Technical Appendix C1* to this EIR (Alden, 2021). The biological resources technical report included the review of relevant literature, field surveys, vegetation mapping, Burrowing Owl habitat assessment and riparian/riverine and vernal pool inspections (Alden, 2021). Refer to *Technical Appendix C1* for detailed descriptions of the survey dates, scopes of study, and research and survey methodologies used in the biological resources evaluation.

4.3.1 EXISTING CONDITIONS

Under existing conditions, the Project Site is currently occupied by the Clark Pacific pre-cast concrete manufacturing facility. The Site is covered by industrial buildings, paved parking areas, and paved storage areas (use for storage of steel frames and racks, gravel bins, lifts and construction materials). Soil on Site is mapped as Tujunga loamy sand (0-5 percent slopes) and Tujunga gravelly loamy sand (0-9 percent slopes); however, the actual Site uses have likely altered the soil (Alden, 2021, p. 3). There are no open space areas on or adjacent to the Site (Alden, 2021, p. 3).

A. Vegetation Communities

The Project Site is entirely developed with manmade features/improvements and does not support any sensitive or natural vegetation communities. Developed land is not considered a sensitive biological resource. (Alden, 2021, p. 3)

B. Special-Status Plants

According to the California Natural Diversity Data Base (CNDDDB), no sensitive plant species have been reported on the Project Site or within the Project Site vicinity. No sensitive plant species were observed on the Project Site and none is anticipated to occur due the lack of natural vegetation communities and pervasive disturbances on the Site. Plant species observed on Site are associated with ornamental landscaping, including non-native trees such as eucalyptus (*Eucalyptus* sp.) and Mexican fan palm (*Washingtonia robusta*) on the Project Site perimeter. (Alden, 2021, pp. 2-3)

C. Special-Status Wildlife

No sensitive animal species were observed or detected on the Project Site during the Site visits and none is anticipated to occur given the pervasive disturbances and high level of ongoing human activity on the Site. Animals observed were limited to common, non-sensitive bird species including Anna’s hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), rock dove (*Columba livia*), raven (*Corvus corax*), Eurasian collared dove (*Streptopelia decaocto*), and Allen’s hummingbird (*Selasphorus sasin*). One federal endangered species, Delhi sands flower-loving fly (*Rhaphiomidas terminates abdominalis*), was reported to the CNDDDB in the Site vicinity. The Delhi sands flower-loving fly, however, occurs in association with Delhi sands soils, which are not present on Site. (Alden, 2021, pp. 3-4)



D. Nesting Birds

The Project Site contains trees that could be used for nesting or roosting by a variety of native and/or migratory birds. While there were no nests observed on the Project Site, birds could build nests in the ornamental trees on the property perimeter. (Alden, 2021, p. 4)

E. Jurisdictional Waters and Wetlands

The National Hydrography Dataset and National Wetlands Inventory did not return results for any drainage features, vernal pools, or wetlands on Site or in the Site vicinity. The Site was inspected for riparian/riverine and vernal pool resources, as well as any features that have potential to be considered Waters of the U.S. (WUS) or Waters of the State (WS) under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and/or California Department of Fish and Wildlife (CDFW), respectively; however, the property is essentially flat and there are no drainage features, ponding areas, or wetland/riparian resources that could be considered a WUS or WS within or adjacent to the Site. (Alden, 2021, pp. 3, 5)

4.3.2 REGULATORY SETTING

The Project Site is subject to State of California (hereinafter, “State”) and federal regulations that were developed to protect natural resources, including: state and federally listed plants and animals; aquatic resources including rivers and creeks, ephemeral streambeds, wetlands, and areas of riparian habitat; other special-status species which are not listed as threatened or endangered by the State or federal governments; and other special-status vegetation communities. Provided below is an overview of the federal, State, and regional laws, regulations, and requirements that are applicable to the property. Provided below is an overview of the federal, State, and regional laws, regulations, and requirements that are applicable to the Project Site based on its location and the biological resources observed on the Site by Alden.

A. Federal Plans, Policies, and Regulations

1. Endangered Species Act (ESA)

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department’s National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. “Endangered” means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened” means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. (USFWS, 2017)

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.” Listed plants



are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants. (USFWS, 2017)

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the “action” agency receives a “biological opinion” or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers “reasonable and prudent alternatives” about how the proposed action could be modified to avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species. (USFWS, 2017)

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation. (USFWS, 2017)

2. Migratory Bird Treaty Act (16 USC Section 703-712)

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds. (USFWS, 2020a)

B. State Plans, Policies, and Regulations

1. California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. (CDFW, n.d.)



Section 2081 subdivision (b) of the California Fish and Game Code (CFGC) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). (CDFW, n.d.)

If a species is listed by both the federal ESA and CESA, CFGC Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA. (CDFW, n.d.)

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement. (CDFW, n.d.)

2. *Natural Community Conservation Planning Act (NCCP)*

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. (CDFW, n.d.)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)

There are currently 14 approved NCCPs (includes 6 subarea plans) and more than 20 NCCPs in the active planning phase (includes 10 subarea plans), which together cover more than 7 million acres and will provide conservation for nearly 400 special status species and a wide diversity of natural community types throughout California. The Project Site is not located within an area covered by an approved NCCP or an NCCP in the active planning phase. (CDFW, n.d.)

3. *Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)*

Section 3503.5 of the CFGC specifically protects birds of prey, stating: "It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: "It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird



except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.” (CA Legislative Info, n.d.)

C. Local Plans, Policies, and Regulations

1. City of Fontana Municipal Code

The City’s Municipal Code (Section 28-67) requires that an arborist certified by the International Society of Arboriculture be retained prior to the removal of any heritage, significant, and specimen tree(s) to make a recommendation as to the feasibility of maintaining or removing the tree(s). If any heritage, significant, or specimen trees are to be removed, replacement trees of a species approved by the Community Development Director or their designee shall be planted on the property from which the tree(s) are to be removed or at an approved off-site location. The Municipal Code defines “heritage trees” as a tree of historical value because of its association with a place, building, natural feature or event of local, regional or national historical significance as identified by city council resolution; or a tree representative of a significant period of the city's growth or development (windrow tree, European Olive tree); or a protected or endangered species as specified by federal or State statute; or a tree deemed historically or culturally significant by the City Manager or his or her designee because of size, condition, location or aesthetic qualities. The Municipal Code defines “significant trees” as the species of Southern California black walnut, Coast live oak, Deodora cedar, California sycamore, or London plane trees. The Municipal Code defines “specimen trees” as a mature tree (that is not a heritage or significant tree) that is an excellent example of its species in structure and aesthetics and warrants preservation, relocation, or replacement as specified by Municipal Code Sections 28-66, 28-67, and 28-68. (Fontana, 2019)

4.3.3 METHODOLOGY FOR EVALUATING BIOLOGICAL RESOURCES IMPACTS

The biological resources impacts is based on literature review, including a review of the California Natural Diversity Data Base (CNDDDB), historical and current aerial photographs, USGS topographic maps, U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey maps, the National Hydrography Dataset, and National Wetlands Inventory, and a visit to the Project Site where existing biological resources on and adjacent to the Project Site were mapped. (Alden, 2021, pp. 1-2)

4.3.4 BASIS FOR DETERMINING SIGNIFICANCE

The State Legislature has established it to be the policy of the State of California to “[p]revent the elimination of fish or wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...” (Public Resources Code § 21001(c)). CEQA Guidelines Section 15065(a) establishes that a project may have a significant effect where:

“The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species ...”

Appendix G of the CEQA Guidelines is more specific in addressing biological resources and encompasses a broader range of resources to be considered, including: candidate, sensitive, or special status species; riparian



habitat or other sensitive natural communities; federally protected wetlands; fish and wildlife movement corridors; local policies or ordinances protecting biological resources; and, adopted Habitat Conservation Plans (HCPs). Based on the guidance within CEQA and the CEQA Guidelines, the City of Fontana has adopted a set of significance thresholds for determining the specific conditions by which a development project could result in a significant impact to biological resources (before considering offsetting mitigation measures). The significance thresholds, contained in the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act*, are utilized in the analysis presented in this Subsection. Accordingly, for the purpose of analysis in this EIR, the proposed Project would result in a significant impact to biological resources if the Project or any Project-related component would:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service;*
- b. *Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;*
- c. *Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- d. *Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.*

4.3.5 IMPACT ANALYSIS

Threshold a: *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?*

A. Direct Impacts to Special-Status Plants

No special-status plants were observed on the Project Site by Alden biologists during field surveys and , due to the disturbed nature of the Project Site and lack of natural plant communities thereon, the Site does not have potential to support special-status plant species known to occur in the general Project area (Alden, 2021, p. 3). No impacts to special-status plant species would occur.



B. Direct Impacts to Special-Status Wildlife

Alden biologists surveying the Project Site did not observe any sensitive wildlife species on the Project Site or detect any sign that any sensitive wildlife species may use the Site. Because the Project Site contains no natural habitat or substantial plant cover and because of the high level of human activity on the Site and adjacent areas, no sensitive animal species are expected to be present on or periodically use the Project Site. Only one special-status wildlife species has been recorded in the vicinity of the Project Site (but was not recorded on the Site): the Delhi sands flower-loving fly. Delhi sands soils, which are requisite for the Delhi sands flower-loving fly, are not present on the Project Site; therefore, there is no potential for the species to occur on the Site. (Alden, 2021, pp. 3-4) Based on the foregoing information, no sensitive or special-status wildlife species are known to occur on the Project Site and none have the potential to occur on the Site. No impacts to special-status wildlife species would occur.

C. Indirect Impacts to Special-Status Biological Resources

The Project Site is fully developed under existing conditions and the Site is surrounded by developed, urban land uses. No natural or open spaces are located adjacent to the Project Site and it is unlikely that special-status plants or wildlife species occur within areas adjacent to the Site due to high levels of disturbance and ongoing human activity. Due to the lack of natural, undisturbed habitat surrounding the Project Site and the unlikely presence of listed or special-status plant or wildlife species in areas abutting the Site, the Project would not result in indirect impacts to listed or special-status biological resources.

Threshold b: Would the Project have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Project Site is fully developed and covered with buildings and pavement under existing conditions. The Project Site does not contain riparian habitat or a sensitive natural community (Alden, 2021, p. 3). Implementation of the Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in in local or regional plans, policies, or regulations, or by the CDFW or the USFWS. No impact would occur.

Threshold c: Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The Project site does not contain any protected wetland or aquatic resources, including, but not limited to, natural drainages or water courses, wetland habitat, marsh, vernal pools, or coastal resources (Alden, 2021, p. 3). Therefore, the Project would not result in a substantial adverse effect on State- or federally-protected wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur.



Threshold d: Would the Project interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Project impact area does not contain natural, surface drainage/watercourse or ponding features. Additionally, there are no water bodies on or adjacent to the Project Site that could support fish. Therefore, there is no potential for the Project to interfere with the movement of native resident or migratory fish. No local or regional wildlife corridors are present within or adjacent to the project Site and there are no native wildlife nurseries on or adjacent to the Site; therefore, no permanent or temporary impacts to wildlife movement or nursery sites would occur (Alden, 2021, p. 3). Based on the foregoing information, the Project would result in no impact to any native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites.

The Project would remove non-native, ornamental trees from the Project Site. These trees could provide potential roosting and nesting habitat for birds common to the Fontana area, although no birds are known to nest on the Project Site (Alden, 2021, p. 4). As noted previously, common, non-sensitive bird species observed on the Project Site include Anna’s hummingbird, Allen’s hummingbird, house finch, rock dove, raven, and Eurasian collared dove. Although these species are not considered special-status or sensitive based on their prevalence in southern California, federal and State regulations are in place to protect these bird species, among others, while nesting. If Project construction is to occur during the avian nesting season (February 15 – September 1) and active nests are present on the Project Site, significant impacts to nesting birds could occur. The Project’s potential to impact nesting birds is a significant impact for which mitigation is required.

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

The Project would remove eight mature, ornamental trees from the Project Site. Tree species observed on-site include eucalyptus and Mexican fan palm (Alden, 2021, p. 3). None of the trees that would be removed from the Project Site meet the definition for heritage, significant, and/or specimen trees, as established by Chapter 28 Article III of the Fontana Municipal Code. Nonetheless, because the Project would result in the removal of trees from the Project Site, the Project Applicant would be required to comply with the applicable provisions for tree replacement on-Site, which would require replacement at a minimum ratio of 1:1 or a maximum ratio of 4:1 depending on the size and health of the tree to be removed. The Project’s conceptual landscape plan provides for the planting of 235 trees on-Site, which would more than satisfy the replacement requirements in the City’s tree preservation ordinance. Accordingly, implementation of the Project would not result in a conflict with the City’s Tree Preservation Ordinance. There are no other local policies or ordinances protecting biological resources that are applicable to the Project. No impact would occur.



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

The Project Site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur.

4.3.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the Project in conjunction with other development projects in the vicinity of the Project Site as well as full General Plan buildout of the cities of Fontana, Rialto, and Jurupa Valley as well as the unincorporated community of Bloomington.

The Project Site does not contain any special-status plant or wildlife species nor does the Site have the potential to support such species. Therefore, the Project would not impact any special-status plant or wildlife species and, thus, the Project would have no potential to contribute to a cumulative impact to special-status plant and/or animal species.

The Project would not impact any riparian or sensitive natural communities; therefore, there is no potential for the Project to contribute to a cumulatively-considerable impact to these resources.

The Project would not impact any State-protected or federally-protected wetlands. Accordingly, the Project has no potential to contribute to a cumulatively-considerable impact to State or federally protected wetlands.

The Project would remove ornamental trees on the property perimeter that have the potential to support nesting birds protected by federal and State regulations. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. Thus, the Project has the potential to contribute to a cumulatively-considerable impact to nesting birds.

The Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the cumulative study area would be required to comply with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Project and cumulative development would be prohibited from violating applicable, local policies or ordinances related to the protection of biological resources, a cumulatively-considerable impact would not occur.

The Project Site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Because there is no conservation plan applicable to the Project impact area, there is no potential for the Project to contribute to the violation of a conservation plan. No cumulative impact would occur.



4.3.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. The Project Site does not contain habitat that is suitable habitat for any plant or wildlife species identified as a candidate, sensitive, or special status species.

Threshold b: No Impact. The Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.

Threshold c: No Impact. No State- or federally-protected wetlands are located on the Project Site; therefore, no impact to wetlands would occur.

Threshold d: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and California Fish and Game Code, should habitat removal occur during the nesting season and nesting birds be present.

Threshold e: No Impact. The Project would not conflict with any local policies or ordinances protecting biological resources.

Threshold f: No Impact. The Project impact area is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur.

4.3.8 MITIGATION

The following mitigation measures would address the potential for Project construction to impact nesting birds, including migratory species.

MM 4.3-1 Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 31 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:

- a) A nesting bird survey shall be conducted on the Project Site and within suitable habitat located within a 500-foot radius of the Project Site by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.
- b) If the survey identifies the presence of active nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival.
- c) If the biologist is not able to verify any of the conditions from sub-item “b,” above, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each



nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.

4.3.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold d: Less-than-Significant Impact with Mitigation. Implementation of Mitigation Measure MM 4.3-1 would ensure that pre-construction surveys are conducted for nesting birds protected by State and federal regulations in the event that vegetation is removed from the Project Site during the breeding season. If nesting birds are present on the Project Site, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to nesting birds protected by State and federal regulations would be reduced to below a level of significance.



4.4 CULTURAL RESOURCES

The analysis in this Subsection is based on a cultural resources report prepared by Brian F. Smith and Associates, Inc. (hereinafter, “BFSA”) and titled “Cultural Resources Study for the Fontana Corporate Center Project,” dated November 23, 2021 (BFSA, 2021a). This report is included as *Technical Appendix D* to this EIR.

Confidential information has been redacted from *Technical Appendix D* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Gov. Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (Cal. Code Regs. Section 15120(d)).

4.4.1 EXISTING CONDITIONS

A. Prehistoric and Protohistoric Resources

1. Regional Setting

The Project Site is located within the southern California region, or Inland Empire. The Paleo Indian Period, Archaic Period, and Late Prehistoric Period are the three (3) general prehistoric cultural periods represented in the Inland Empire, the resources of which that have likely potential for discovery are summarized briefly below. Refer to *Technical Appendix D* for a more detailed discussion about the prehistoric cultural periods in the Inland Empire (BFSA, 2021a, p. 1.0-5 through 1.0-10).

- Paleo Indian Period (Late Pleistocene: 11,500 to circa 9,000 years before the present [YBP]): The Paleo Indian Period is associated with the terminus of the late Pleistocene (12,000 to 10,000 YBP). The late Pleistocene environment was cool and moist, allowing for glaciation in the mountains and the formation of deep, pluvial lakes in the deserts and basin lands; however, by the terminus of the late Pleistocene, the climate became warmer, causing glaciers to melt, sea levels to rise, greater coastal erosion, large lakes to recede and evaporate, extinction of Pleistocene megafauna, and major vegetation changes. The coastal shoreline at 10,000 YBP, depending upon the particular area of the coast, was near the 30-meter isobath, or two to six kilometers further west than its present location (BFSA, 2021a, pp. 1.0-5).
- Archaic Period (Early and Middle Holocene: circa 9,000 to 1,300 YBP): The Archaic Period of prehistory began with the onset of the Holocene around 9,000 YBP. In southern California, the general climate at the beginning of the early Holocene was marked by cool/moist periods and an increase in warm/dry periods and sea levels. The coastal shoreline at 8,000 YBP, depending upon the particular area of the coast, was near the 20-meter isobath, or one to four kilometers further west than its present location.



- Late Prehistoric Period (Late Holocene: 1,300 YBP to 1790): Approximately 1,350 YBP, a Shoshonean-speaking group from the Great Basin region moved into San Bernardino County, marking the transition to the Late Prehistoric Period. This period has been characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversified and intensified during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, yet effective, technological innovations. Technological developments during this period included the introduction of the bow and arrow between A.D. 400 and 600 and the introduction of ceramics. (BFSA, 2021a, pp. 1.0-6, 1.0-7).

The City of Fontana lies in an area of the Inland Empire where the traditional territories of two Native American groups, the Gabrielinos and the Serranos, adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods.

The territory of the Gabrielino at the time of Spanish contact covers much of present-day Los Angeles and Orange counties. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of southern California. The Gabrielino lived in permanent villages and smaller resource gathering camps occupied at various times of the year depending upon the seasonality of the resource. Permanent villages were located along rivers and streams, as well as in sheltered areas along the coast. (BFSA, 2021, p. 1.0-7)

Aboriginally, the Serrano occupied an area east of present-day Los Angeles: the San Bernardino Mountains east of Cajon Pass and at the base of and north of the mountains near Victorville, east to Twentynine Palms, and south to the Yucaipa Valley. The Serrano were part of “exogamous clans” and formed alliances amongst their own clans and with Cahuilla, Chemehuevi, Gabrielino, and Cupeño clans. Serrano village locations were typically located near water sources and the Serrano were primarily hingers and gatherers. (BFSA, 2021, pp. 1.0-9 - 1.0-10)

2. *Project Site Conditions*

The Project Site is fully developed and utilized as a manufacturing facility for Clark Pacific. As the Project Site is developed and currently an actively-used industrial property, hardscape, landscaping, large concentrations of raw materials and finished products, and industrial buildings cover the entire Project Site. As such, ground visibility was poor, limiting the ability to identify any scatters or deposits of archaeological material. Notwithstanding, no prehistoric resource sites or isolates were identified on the Project Site during the pedestrian survey. (BFSA, 2021, p. 3.0-2; 3.0-46)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton (BFSA, 2021, p. 1.0-15). The records search provided information regarding previous archaeological studies in the Project area and any previously recorded sites within a one-mile radius of the Project site. The results of this records search indicate that no prehistoric



artifacts have been recorded on the Project Site or within a one-mile radius of the Site. (BFSA, 2021, pp. 1.0-15 - 1.0-16)

B. Historical Resources

1. Regional Setting

The general historical setting for the southern California region and the City of Fontana is summarized below. Refer to the Project’s cultural resources study (see *Technical Appendix D*) for a more detailed discussion of the local historic setting.

In 1772, three years after the beginning of Spanish colonization of Alta California, Pedro Fages, comandante of the new province, and a small force of soldiers under his command became the first Europeans to set foot in the San Bernardino Valley. They were followed in the next few years by two other early Spanish explorers, Juan Bautista de Anza and Francisco Garcés, who traveled through the valley in the mid-1770s. Despite these early visits, for the next 40 years the inland valley received little impact from the Spanish colonization activities in Alta California, which were concentrated predominantly in the coastal regions. (BFSA, 2021a, pp. 1.0-10 and 1.0-11)

Following the establishment of Mission San Gabriel in 1771, the San Bernardino Valley became nominally a part of the vast landholdings of that mission. The name “San Bernardino” was bestowed on the region at least by 1819, when a mission asistencia and an associated rancho were officially established under that name in present-day Loma Linda. After gaining independence from Spain in 1821, the Mexican government began in 1834 the process of secularizing the mission system in Alta California, which in practice meant the confiscation of the Franciscan missions’ land holdings, to be distributed later among prominent citizens of the province. During the 1830s and the 1840s, several large land grants were created in the vicinity of present-day Fontana, but most of the Fontana area was not involved in any of these, and thus remained public land when Alta California became a part of the United States in 1848. (BFSA, 2021a, pp. 1.0-11 and 1.0-12)

Used primarily as cattle ranches, the ranchos around Fontana saw little development until the mid-19th century, when a group of Mormon settlers from Salt Lake City founded the town of San Bernardino in 1851. After the completion of the Southern Pacific Railroad in the mid-1870s, and especially after the Atchison, Topeka and Santa Fe Railway introduced a competing line in the 1880s, a phenomenal land boom swept through much of southern California, ushering in a number of new settlements in the San Bernardino Valley. In 1887, the Semi-Tropic Land and Water Company purchased a large tract of land near the mouth of Lytle Creek, together with the necessary water rights to the creek, and laid out the townsites of Rialto, Bloomington, and Rosena. (BFSA, 2021a, p. 1.0-13)

While Rialto and Bloomington were soon settled and began to grow, little development took place at Rosena before the collapse of the 1880s land boom and the ensuing financial destruction of the Semi-Tropic Land and Water Company. In 1905, Azariel Blanchard “A.B.” Miller (1878-1941), widely considered the founder of present-day Fontana, arrived in Rosena from the Imperial Valley and, along with his associates, soon established Fontana Farms on a tract of land that eventually reached 20,000 acres. By 1910, an irrigation system was constructed and much of the land was planted in grain and citrus crops. Miller’s Fontana Farms



became synonymous to the location, and Rosena was renamed Fontana in 1913. It remained primarily an agricultural settlement until the WWII era, with poultry, hog, and rabbit raising playing important roles in the local economy. (BFSA, 2021a, pp. 1.0-13 and 1.0-14)

In 1942, the establishment of the Kaiser Steel Mill dramatically altered the agrarian setting of the Fontana area. With other industrial enterprises following Kaiser to the area during and after WWII, Fontana became known for the next four decades as a center of industry. Since the closure of the Kaiser Steel Mill in 1983, and in response to the growing demand for affordable housing, Fontana, like many other cities in the San Bernardino Valley, has increasingly taken on the characteristics of a bedroom community. (BFSA, 2021a, pp. 1.0-14 and 1.0-15)

2. *Project Site Conditions*

BFSA conducted a pedestrian survey of the Project site and reviewed historical records databases to identify the presence or absence of historical resources on the Project site. The survey of the property identified three historic period structures along with seven additional modern structures on the Project Site. The structures identified within the property consist of a large manufacturing plant (Structure 1); a workshop (Structure 2); a front office (Structure 3); a storage shed located in the northeast corner (Structure 4); two prefabricated trailers (Structures 5 and 7); a collection of steel and prefabricated buildings connected to create a single building currently used for an employee break area (Structure 6); a structure which houses electrical equipment in the northeastern portion of the project (Structure 8); a metal cover/canopy along the eastern boundary (Structure 9); and a long series of concrete storage alcoves connected to a large structure, all along the northern boundary, which are utilized for the storage, sifting, and sorting of raw materials for use as building façades (Structure 10). Based on historic aerial photographs, only the manufacturing plant, workshop, and office buildings (Structures 1, 2, and 3, respectively) along with the railroad spur comprise the historic-period components of the property. Structure 4 is not visible until 1977 and portions of Structure 10 are not visible until 1985 with the remaining structures added through the subsequent years. (BFSA, 2021a, pp. 3.0-2).

BFSA also performed an archaeological records search through the SCICC at CSU Fullerton (BFSA, 2021, p. 1.0-15). The records search provided information regarding previous archaeological studies in the Project area and any previously recorded sites within a one-mile radius of the Project site. The results of this records search indicate that no historic artifacts have been recorded on the Project Site but eight (8) historic resources have been recorded within a one-mile radius of the Site. (BFSA, 2021a, p. 1.0-15 and 16)

4.4.2 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws and related regulations governing the protection of cultural resources.

A. *Federal Plans, Policies, and Regulations*

1. *National Historic Preservation Act*

The National Historic Preservation Act of 1966 (NHPA) was passed primarily to acknowledge the importance of protecting our nation's heritage. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it



understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony." (NPS, 2021b)

NHPA and related legislation sought a partnership among the federal government and the states that would capitalize on the strengths of each. The federal government, led by the National Park Service (NPS) provides funding assistance; basic technical knowledge and tools; and a broad national perspective on America's heritage. The states, through State Historic Preservation Officers (SHPOs) appointed by the governor of each state, would provide matching funds, a designated state office, and a statewide preservation program tailored to state and local needs and designed to support and promote state and local historic preservation interests and priorities. (NPS, 2021b)

Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties. (NPS, 2021b)

A number of additional executive and legislative actions have been directed toward improving the ways in which all federal agencies manage historic properties and consider historic and cultural values in their planning and assistance. Executive Order 11593 (1971) and, later, Section 110 of NHPA (1980, amended 1992), provided the broadest of these mandates, giving federal agencies clear direction to identify and consider historic properties in federal and federally assisted actions. The National Historic Preservation Amendments of 1992 further clarified Section 110 and directed federal agencies to establish preservation programs commensurate with their missions and the effects of their authorized programs on historic properties. (NPS, 2021b)

2. *National Register of Historic Places (NRHP)*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. (NPS, 2021a)

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archeological investigation about our past? (NPS, 2021a)



Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the National Park Service (NPS) for a Determination of Eligibility (DOE). Listing in the National Register of Historic Places provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every state. (NPS, 2021a)

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access. (NPS, 2021a)

3. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. (NPS, 2021c)

One major purpose of this statute is to require that federal agencies and museums receiving federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s). (NPS, 2021c)

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items. (NPS, 2021c)

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary



of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee. (NPS, 2021c)

B. State Plans, Policies, and Regulations

1. California Administrative Code, Title 14, Section 4308

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.”

2. California Code of Regulations Title 14, Section 1427

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical Site, location or context in which the object or thing of archeological or historical interest or value is found.”

3. California Register of Historic Resources

The State Historical Resources Commission has designed this program for use by State and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the State's significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance; identifies historical resources for State and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. (OHP, n.d.)

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if the resource is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract



with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource. (OHP, n.d.)

Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects. (OHP, n.d.)

4. *State Health and Safety Code*

California Health and Safety Code (HSC) Section 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery..." until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. Section 7051 specifies that the removal of human remains from "internment or a place of storage while awaiting internment" with the intent to sell them or to dissect them with "malice or wantonness" is a public offense punishable by imprisonment in a state prison. Lastly, HSC Sections 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that "all California Indian human remains and cultural items are to be treated with dignity and respect." It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims.

California Health and Safety Code, Section 5097.98 states that whenever the commission receives notification of a discovery of Native American human remains pursuant to HSC subdivision (c) of Section 7050.5, it shall immediately notify those persons that are the most likely descendants. The descendants may inspect the site and make recommendations to the landowner as to the treatment of the human remains. The landowner shall ensure that the immediate vicinity around the remains is not damaged or disturbed by further development activity until coordination has occurred with the descendants regarding their recommendations for treatment, taking into account the possibility of multiple human remains. The descendants shall complete their inspection and make recommendations within 48 hours of being granted access to the site. (CA Legislative Info, n.d.)

5. *California Code of Regulations Section 15064.5*

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines Section 15064.5, as follows:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).



- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - Is associated with the lives of persons important in our past;
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4.4.3 METHODOLOGY FOR EVALUATING CULTURAL RESOURCES IMPACTS

The analysis of historic and pre/protohistoric archaeological resources is based on a cultural resources records search through SCCIC at CSU Fullerton, historic background research, a review of historic aerial photographs, and a visit to the Project Site.

4.4.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to cultural resources that could result from development projects. The Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

- a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;



- b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5; or
- c. Disturb any human remains, including those interred outside of formal cemeteries.

4.4.5 IMPACT ANALYSIS

Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Implementation of the Project would require the demolition of all structures that are located on the Project Site under existing conditions.

The structures identified within the property consist of a large manufacturing plant (Structure 1); a workshop (Structure 2); a front office (Structure 3); a storage shed located in the northeast corner (Structure 4); two prefabricated trailers (Structures 5 and 7); a collection of steel and prefabricated buildings connected to create a single building currently used for an employee break area (Structure 6); a structure which houses electrical equipment in the northeastern portion of the project (Structure 8); a metal cover/canopy along the eastern boundary (Structure 9); and a long series of concrete storage alcoves connected to a large structure, all along the northern boundary, which are utilized for the storage, sifting, and sorting of raw materials for use as building façades (Structure 10). Based on historic aerial photographs, only the manufacturing plant, workshop, and office buildings (Structures 1, 2, and 3, respectively) along with the railroad spur comprise the historic components of the property. The three historic period buildings identified, a front office, a workshop, and a large manufacturing plant, and the associated railroad spur, were all constructed in 1953 and are located within the eastern parcel of the Project Site (APN 0238-062-36). (BFSA, 2021a, pp. 3.0-2).

The historic period buildings and features (manufacturing plant, workshop, front office, and associated railroad spur) were evaluated as not historically or architecturally significant under CEQA. Although associated with Graver Tank & Manufacturing Company, Inc. and Kaiser Steel Corp., which are notable for their contributions to the Post War development of the region, the buildings do not retain a sufficient level of integrity to convey this association (BFSA, 2021a, pp. 3.0-45 to 3.0-46). Due to the lack of integrity combined with a lack of any association with significant persons or noteworthy architectural elements, the resources are not eligible for listing on the CRHR and are not considered to be significant historic resources under CEQA (ibid.). Accordingly, implementation of the Project would not result in a substantial adverse change to any historical resource as defined by CEQA Guidelines Section 15064.5.

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

BFSA conducted a cultural resources inventory of the Project Site, which included a records search through the SCCIC at CSU Fullerton and an intensive pedestrian survey of the Site. The results of this records search indicate that no pre/protohistoric cultural resources are located on or within a one-mile radius of the Project Site. Additionally, no pre/protohistoric resources were observed on the Project Site. (BFSA, 2021. p. 1.0-15 and 16) Therefore, implementation of the Project would not cause a substantial adverse change in the significance of a known prehistoric archeological resource pursuant to CEQA Guidelines Section 15064.5.



Given the lack of any previously identified pre/protohistoric sites within or near the property and the magnitude of ground disturbances on the Project Site over the previous 70-plus years, there is little potential for any pre/protohistoric resources to be present or disturbed by the proposed development. Notwithstanding, excavations on portions of the Project Site will be approximately six (6) feet below the existing ground surface while previously disturbed soils on-site (i.e., artificial fills) extend only to a depth of approximately 1.0 to 4.5 feet below the ground surface; thus, excavations on-site would occur within previously undisturbed soils that have the potential to contain pre/protohistoric archaeological resources. If any pre/protohistoric cultural resources are unearthed during Project construction that meet the definition of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those pre/protohistoric cultural resources would be significant.

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

The Project Site does not contain a cemetery and no known formal cemeteries are located within the immediate Site vicinity (Google Earth, 2021). Field surveys conducted on the Project Site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the Site. (BFSA, 2021a, p. 3.0-2) Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 “Disturbance of Human Remains.” According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and 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, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the Site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the Site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant.

4.4.6 CUMULATIVE IMPACT ANALYSIS

The potential for implementation of the Project to contribute to cumulative impacts to historical resources was analyzed in conjunction with other projects located in areas that were once similarly influenced by the historical



steel production industry of the City of Fontana. Record searches and field surveys indicate the absence of significant historical sites and resources on the Project Site; therefore, implementation of the Project has no potential to contribute towards a significant cumulative impact to historical sites and/or resources.

The potential for Project construction to result in cumulatively-considerable impacts to prehistoric archaeological resources were also analyzed in conjunction with other projects located in the traditional use areas of Native American tribes that are affiliated to the Project Site. Development activities on the Project Site would not impact any known prehistoric archaeological resources and the likelihood of uncovering previously unknown prehistoric archaeological resources during Project construction are low due to the magnitude of disturbance that has occurred on the Site due to historic agriculture, residential, and commercial uses. Nonetheless, the potential exists for subsurface prehistoric archaeological resource that meet the CCR Section 15064.5 definition of a significant archaeological resource to be discovered on the Project Site – and other development project sites in the region – during construction activities. Accordingly, the Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Project would result in a cumulatively-considerable impact to prehistoric archaeological resources, if such resources are unearthed during Project construction, for which mitigation is required. As discussed below, with implementation of mitigation, cumulatively-considerable impacts would be less than significant.

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 *et seq.*, would assure that all future development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful and appropriate practices, thereby avoiding significant cumulative impacts.

4.4.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. No historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project Site; therefore, no historic resources could be altered or destroyed by construction or operation of the Project.

Threshold b: Significant Direct and Cumulatively-Considerable Impact. No known prehistoric resources are present on the Project Site and the likelihood of uncovering buried prehistoric resources on the Project Site is low due to the magnitude of historic ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities.

Threshold c: Less-Than-Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 *et seq.* Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.



4.4.8 MITIGATION

The following mitigation measures address the potential for Project construction activities to impact significant archaeological resources that may be discovered during ground-disturbing construction activities.

- MM 4.4-1 Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant (if such tribal monitor chooses to participate in monitoring following adequate written notice to the Tribe). If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- MM 4.4-2 Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- MM 4.4-3 Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

4.4.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold b: Less-than-Significant Impact with Mitigation. Implementation of MM 4.4-1 through MM 4.4-3 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of the required mitigation, the Project's potential impacts to important archaeological resources would be reduced to less-than-significant. Cumulatively-considerable impacts would likewise be reduced to less than significant.



4.5 ENERGY

The analysis in this Subsection is primarily based on information contained in a technical report prepared by Urban Crossroads, Inc. titled, "Fontana Corporate Center Energy Analysis," dated November 11, 2021 (Urban Crossroads, 2021c). The technical report is included as *Technical Appendix E* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.5.1 EXISTING CONDITIONS

A. Electricity Consumption

The Project Site is located within the service area of Southern California Edison (SCE). SCE provides electricity to a population of more than 15 million within a service area encompassing approximately 50,000 square miles. SCE generates electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. (Urban Crossroads, 2021c, p. 10)

Under existing conditions, the Project Site is occupied by the Clark Pacific pre-cast concrete manufacturing facility. The estimated electricity consumption of the existing use on the Project Site is approximately 644,800 kilo-watt hour (kWh) per year (Urban Crossroads, 2021c, p. 32).

B. Natural Gas Consumption

The Project Site is located within the service area of the Southern California Gas Company (SoCalGas) which is regulated by the California Public Utilities Commission (CPUC). SoCalGas provides service to approximately 5.9 million customers. Natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The gas transported to California via the interstate pipelines, as well as some of the California-produced gas, is delivered into SoCalGas intrastate natural gas transmission pipelines systems (commonly referred to as California's "backbone" pipeline system). Natural gas on the utilities' backbone pipeline system is then delivered to the local transmission and distribution pipeline systems, or to natural gas storage fields. (Urban Crossroads, 2021c, p. 11)

The existing Clark Pacific facility on the Project Site is estimated to consume 2,101,450 kilo British Thermal unit (kBtu) of natural gas per year (Urban Crossroads, 2021c, p. 32).

C. Transportation Energy/Fuel Consumption

Gasoline and other vehicle fuels are commercially-provided commodities. In March 2019, the Department of Motor Vehicles (DMV) identified 36.4 million registered vehicles in California, and those vehicles consume an estimated 17.8 billion gallons of fuel each year. In 2019, Californians used 194 million cubic feet of natural gas as a transportation fuel, or the equivalent of 183 billion gallons of gasoline. (Urban Crossroads, 2021c, p. 14-15)

The existing Clark Pacific facility on the Project Site is estimated to consume approximately 48,321 gallons of vehicle fuels per year (Urban Crossroads, 2021c, p. 31).

4.5.2 REGULATORY SETTING

A. Federal Policies and Regulations

1. *Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)*

The ISTEA promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. (Urban Crossroads, 2021c, p. 17)

2. *The Transportation Equity Act for the 21st Century (TEA-21)*

The TEA-21 was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety. (Urban Crossroads, 2021c, p. 17)

B. State Policies and Regulations

1. *Integrated Energy Policy Report*

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations. The 2020 Integrated Energy Policy Report (2020 IEPR) continues to work towards improving electricity, natural gas, and transportation fuel energy use in California. The 2020 IEPR identifies actions the state and others can take to ensure a clean, affordable, and reliable energy system. California's innovative energy policies strengthen energy resiliency, reduce GHG emissions that cause climate change, improve air quality, and contribute to a more equitable future. (Urban Crossroads, 2021c, p. 17-18)

2. *State of California Energy Plan*

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access. (Urban Crossroads, 2021c, p. 18)



3. California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. The newest 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. The CEC indicates that the 2019 Title 24 standards will reduce energy consumption by 30 percent for nonresidential buildings above that achieved by the prior code (Urban Crossroads, 2021c, p. 18)

4. Pavley Fuel Efficiency Standards (AB 1493)

California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Under this legislation, CARB adopted regulations to reduce GHG emissions from non-commercial passenger vehicles (cars and light-duty trucks). Although aimed at reducing GHG emissions, specifically, a co-benefit of the Pavley standards is an improvement in fuel efficiency and consequently a reduction in fuel consumption. (Urban Crossroads, 2021c, p. 18)

5. California Renewable Portfolio Standards (RPS)

First established in 2002 under Senate Bill (SB) 1078, California's RPS requires retail sellers of electric services to increase procurement from eligible renewable resources to 33 percent of total retail sales by 2020. (Urban Crossroads, 2021c, p. 18)

6. Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015

In October 2015, the legislature approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40 percent by 2024, and 25% by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western U.S. (Urban Crossroads, 2021c, p. 19)



C. Local Policies and Regulations

1. Fontana Municipal Code

The City adopted the California Building Standards Code (2019 Edition), including its Building Code, Energy Code, and Green Building Code (CalGreen) components, and codified in Chapter 5 of the Fontana Municipal Code. The City’s Building Code regulates and controls the minimum energy and resource efficiencies of all new development within the City.

4.5.3 METHODOLOGY FOR CALCULATING PROJECT ENERGY DEMANDS

Information from the CalEEMod (version 2020.4.0) outputs from the Project’s AQIA (see *Technical Appendix BI*) was utilized to detail the Project’s construction equipment, transportation energy demands, and facility energy demands. These outputs are referenced in Appendices 3.1 and 3.2 of the Project’s energy analysis report (see *Technical Appendix E*). Additionally, CARB’s EMFAC2017 model was used to calculate emission rates, fuel consumption, and VMT for light duty vehicles, light-heavy duty trucks, medium-heavy duty trucks, and heavy-heavy duty trucks traveling to and from the Project Site during construction and operational activities. Data from the EMFAC 2017 model outputs are included in Appendix 3.2 of the Project’s energy analysis.

4.5.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse energy effects that could result from development projects. The Project would result in a significant impact to energy if the Project or any Project-related component would:

- a. *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or*
- b. *Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.*

Under Threshold “a,” the Project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy if energy consumed by the Project’s construction and/or operation cannot be accommodated with existing available resources and energy delivery systems, and requires and/or consumes more energy than industrial uses in California of similar scale and intensity.

4.5.5 IMPACT ANALYSIS

Threshold a: *Would the Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Energy Use During Construction

The Project’s construction process would consume electrical energy and fuel. Project-related construction would represent a “single-event” energy demand and would not require on-going or permanent commitment



of electricity or fuel resources. Project construction activities are estimated to consume approximately 205,749 kilowatt hours (kWh) of electricity, approximately 74,971 gallons of diesel fuel from operation of construction equipment, 20,189 gallons of diesel fuel from construction vendor trips, and 38,929 gallons of fuel from construction worker trips (Urban Crossroads, 2021c, p. 24-29). Detailed calculations for all components of the Project's construction energy use are provided in Subsection 4.3 of the Project's energy analysis (refer to *Technical Appendix E*).

The equipment used for Project construction would conform to CARB regulations and State emissions standards. There are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities elsewhere in the region; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Additionally, Project construction activities would be required to comply with State law (Code of Regulations Title 13, Motor Vehicles, section 2449(d)(3)) and CARB Air Toxic Control Measures that place restrictions on the length of time that diesel-powered equipment and vehicles can idle before powering down (thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment). Lastly, Project construction contractors would be required to comply with applicable CARB regulations regarding retrofitting, repowering, or replacement of older, less-efficient diesel off-road construction equipment. (Urban Crossroads, 2021c, p. 30) Accordingly, the equipment and vehicles employed in construction of the Project would therefore not result in inefficient wasteful, or unnecessary consumption of fuel.

Indirectly, the Project would realize construction energy efficiencies and energy conservation through the bulk purchase, transport and use of construction materials. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations. (Urban Crossroads, 2021c, p. 30-31)

As supported by the preceding discussion, the Project's construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Energy Use During Project Operations

Energy consumption in support of or related to Project operations would include transportation energy demands (energy consumed by employee and patron vehicles accessing the Project Site) and facility energy demands (energy consumed by building operations and Site maintenance activities).

The energy consumption of existing uses on the Project Site – refer to Subsection 4.4.1 – were subtracted from the Project's gross energy totals to determine the new, net energy demands from the proposed Project. The net Project energy demand is calculated to be 227,282 gallons of fuel, -1,387,156 kBTU of natural gas (the Project's estimated demand of natural gas would be less than natural gas consumed under existing conditions), and 210,227 kWh of electricity per year (Urban Crossroads, 2021c, pp. 32-33). Refer to Subsection 4.4 from the Project's energy analysis (see *Technical Appendix E*) for detailed calculations of all components of the Project's operational energy use.



The Project’s proposed building incorporates contemporary, energy-efficient/energy-conserving design and operational programs (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CalGreen). The Project will be subject to compliance with 2019 Energy Code and CalGreen standards, which became effective on January 1, 2020, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. On this basis, the Project will inherently use less energy than comparable buildings constructed under prior versions of the Energy and CalGreen Codes. Project building operations would not result in the inefficient, wasteful, or unnecessary consumption of energy due to mandatory Energy Code and CalGreen compliance. Furthermore, the Project Site is within the existing service areas of SCE and SoCalGas, is capable of being served by both energy providers, and implementation of the Project would not cause or result in the need for additional energy facilities or energy delivery systems. From a transportation energy perspective, the Project Site’s location proximate to regional and local roadway systems would tend to minimize VMT within the region, acting to reduce regional vehicle energy demands. Furthermore, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption. (Urban Crossroads, 2021c, pp. 33-36)

As supported by the preceding discussion, the Project’s operational energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Threshold b: *Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

The following section analyzes the Project’s consistency with the applicable federal, State, and local regulations for renewable energy or energy efficiency.

Consistency with Federal Energy Regulations

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Transportation and access to the Project Site is provided by the local and regional roadway systems. The Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA because SCAG is not planning for intermodal facilities on or through the Project Site. (Urban Crossroads, 2021c, p. 38)

The Transportation Equity Act for the 21st Century (TEA-21)

The Project Site is located along major transportation corridors with proximate access to the Interstate freeway system. The Site selected for the Project facilitates access, acts to reduce vehicle miles traveled, takes advantage of existing infrastructure systems, and promotes land use compatibilities through collocation of similar uses. The Project supports the strong planning processes emphasized under TEA-21. The Project is therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21. (Urban Crossroads, 2021c, p. 38)



Consistency with State Energy Regulations

Integrated Energy Policy Report

The IEPR provides policy recommendations to be implemented by energy providers in California. Electricity would be provided to the Project by SCE. SCE's Clean Power and Electrification Pathway (CPEP) builds on existing State programs and policies that support the IEPR goals of improving electricity, natural gas, and transportation fuel energy use in California. SCE is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2020 IEPR. Thus, because the SCE is consistent with the 2020 IEPR, the Project is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2020 IEPR (Urban Crossroads, 2021c, p. 38)

Additionally, the Project would comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the proposed Project would support the goals presented in the 2020 IEPR. (Urban Crossroads, 2021c, p. 38)

State of California Energy Plan

The Project Site is located adjacent to major transportation corridors with proximate access to the Interstate freeway system. The location of the Project Site facilitates access, is designed to minimize VMT, and takes advantage of existing infrastructure systems. Therefore, the Project supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan. (Urban Crossroads, 2021c, p. 39)

California Code Title 24, Part 6, Energy Efficiency Standards

The Project will design the building shell and building components, such as windows, roof systems, electrical and lighting systems, and heating, ventilating, and air conditioning systems to meet 2019 Energy Efficiency Standards, which would be confirmed by the City during the building permit review process. The Project also is required by State law to be designed, constructed, and operated to meet or exceed 2019 Energy Efficiency Standards. On this basis, the Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the State's 24 Energy Efficiency Standards (Urban Crossroads, 2021c, p. 39)

Pavley Fuel Efficiency Standards (AB 1493)

AB 1493 is not directly applicable to the Project as it is a statewide measure establishing vehicle emissions standards. No feature of the Project would interfere with implementation of the requirements under AB 1493. Notwithstanding, all model year 2009-2016 passenger cars and light duty truck vehicles traveling to and from the Project Site are required by law to comply with the legislation's fuel efficiency requirements. (Urban Crossroads, 2021c, p. 39)

California Renewable Portfolio Standards (SB 1078)

California's RPS is not directly applicable to the Project as it is a statewide measure that establishes a renewable energy mix. No feature of the Project would interfere with implementation of the requirements



under RPS. Notwithstanding, energy directly or indirectly supplied to the Project Site by electric corporations is required by law to comply with SB 1078. (Urban Crossroads, 2021c, p. 39)

Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015

Energy directly or indirectly supplied to the Project Site by electric corporations is required by law to comply with SB 350. No feature of the Project would interfere with implementation of the requirements under SB 350 (Urban Crossroads, 2021c, p. 39)

Consistency with Local Energy Regulations

Fontana Municipal Code

The City of Fontana will require the Project to be designed, constructed, and operated to meet or exceed the California Green Building Standards Code (as adopted by Chapter 5 of the Fontana Municipal Code). The City would confirm the Project’s compliance with the Building Code as part of the building permit review process. On this basis, the Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the California Building Standards Code.

Conclusion

As supported by the preceding analysis, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and a less-than-significant impact would occur.

4.5.6 CUMULATIVE IMPACT ANALYSIS

The Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency.

4.5.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.

Threshold b: Less-than-Significant Impact. The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.

4.5.8 MITIGATION

Impact would be less than significant; therefore, mitigation is not required.



4.6 GEOLOGY AND SOILS

The analysis in this Subsection is based primarily on information contained in technical report prepared by prepared by NorCal Engineering titled, “Geotechnical Investigation Proposed Warehouse Building Development North of Slover Avenue at Business Drive” and dated March 3, 2021. The technical report is included as *Technical Appendix F1* to this EIR (NorCal Engineering, 2021). In addition, a paleontological resources assessment prepared by BFSA titled, “Paleontological Assessment for the Fontana Corporate Center Project” and dated August 4, 2021, was used in this analysis (BFSA, 2021b). Additional sources of information used to support the analysis in this Subsection include the Final EIR prepared for the City of Fontana General Plan Update 2015-2035 (Fontana, 2018b) and the Fontana Municipal Code (Fontana, 2021a). All of the references used in this Subsection are listed in EIR Section 7.0, *References*.

4.6.1 EXISTING CONDITIONS

A. Soils

Two (2) types of soil conditions were encountered on the Project Site during a soils and geotechnical investigation performed by NorCal Engineering: fill soils and native soils (NorCal Engineering, 2021, p. 4). Fill soils were as silty sand with some gravel, small cobbles, asphalt and concrete pieces were encountered in the explorations to depths ranging from 1 to 4.5 feet below ground surface. These soils were noted to be medium dense and damp. Native soils were observed below fill soils and characterized as silty sand with some gravel and occasional small cobbles were encountered beneath the upper fill soils. These soils were noted to be generally medium dense and damp.

B. Groundwater

NorCal Engineering did not encounter any groundwater during test excavations at the Project Site. Historic high groundwater in the vicinity has been recorded greater than 100 feet below grade at nearby wells, as given on the California Department of Water Resources database. (NorCal Engineering, 2021, p. 4)

C. Seismic Hazards

The Project Site is located in an area of southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. The nearest active fault to the Project Site is the Cucamonga Fault, located approximately 8.1 miles to the north of the Project Site (Google Earth, 2021; CGS, 2015). An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch (roughly the last 11,000 years).

Secondary hazards associated with earthquakes include surface rupture, ground failure, unstable soils and slopes. Each of these hazards is briefly described below.

1. Fault Rupture

Fault rupture can occur along pre-existing, known active fault traces; however, fault rupture also can splay from known active faults or rupture along unidentified fault traces. No known faults occur on the Project Site



and the potential for damage due to direct fault rupture on the Project Site is considered unlikely (NorCal Engineering, 2021, p. 2).

2. *Liquefaction*

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions, which causes the soil to behave as a viscous liquid. Liquefaction is generally limited to the upper 50 feet of subsurface soils. Research and historical data indicate that loose granular soils of Holocene to late Pleistocene age below a near-surface groundwater table are most susceptible to liquefaction, while the stability of most clayey material is not adversely affected by vibratory motion (SCEC, 1999, pp. 5-6). Based on a geologic hazard mapping conducted by the County of San Bernardino, NorCal Engineering determined the Project Site is not located within a designated liquefaction hazard zone (NorCal Engineering, 2021, p. 3). In addition, the subsurface soil conditions encountered at the Project Site – and the lack of shallow groundwater at the Site – are not considered conducive to liquefaction; therefore, the potential for liquefaction at the Site is considered to be very low (*ibid.*).

3. *Unstable Soils and Slopes*

The Project Site is generally flat and does not contain, nor is it adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the Site (Google Earth, 2021; CGS, 2021). As such, the Site is not susceptible to seismically-induced landslides and rockfalls.

D. *Slope and Instability Hazards*

1. *Soil Erosion*

Erosion is the process by which the upper layers of the surface (such as soils) are worn and removed by the movement of water or wind. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion than those soils having higher permeability and cohesive strength. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water is able to flow faster down steeper gradients, the steeper the slope on which a given soil is located, the more readily it will erode. According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), soils on the Project Site and in the surrounding area are slightly susceptible to erosion (NRCS, 2021).

Wind erosion can damage land and natural vegetation by removing soil from one place and depositing it in another. It mostly affects dry, sandy soils in flat, bare areas, but wind erosion may occur wherever soil is loose, dry, and finely granulated. According to the USDA NRCS, soils on the Project Site and in the surrounding area are highly susceptible to wind erosion (NRCS, 2021). Under existing conditions, the Project Site has little potential to contribute windblown soil and sand because the Project Site is mostly covered with pavement and structures.

2. *Settlement Potential*

Settlement refers to unequal compression of a soil foundation, shrinkage, or undue loads being applied to a building after its initial construction that affect the soil foundation. According to NorCal Engineering, the



compacted fill and medium dense native soils present on the Project Site have settlement potential (NorCal Engineering, 2021, p. 8).

3. Shrinkage/Subsidence Potential

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume). Testing conducted by NorCal Engineering on soils collected from the Project Site indicates that Site soils have potential for minor shrinkage and subsidence (NorCal Engineering, 2021, p. 9).

4. Soil Expansion Potential

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. Sites with expansive soils (expansion index >20) require special attention during project design and maintenance. Based on soil testing conducted by NorCal Engineering, the upper soils on the Project Site have very low expansion potential (expansion index = 0-20) (NorCal Engineering, 2021, p. 13).

5. Landslide Potential

The Project Site and immediately surrounding properties are located on generally flat valley floor and contain no steep natural or manufactured slopes (Google Earth, 2021); thus, the potential for landslides on or near the Project Site is minimal.

E. Paleontological Setting

1. Regional Setting

The City primarily is underlain by Quaternary (Pleistocene to Holocene) younger alluvial fan deposits. Although younger fan deposits do not have the potential to contain significant paleontological resources the City also contains areas of Pleistocene older fan deposits exposed at surface levels that have been mapped along the western area of the City near the intersection of Interstate 15 (I-15) and Interstate 210 (I-210) and also in the southwestern areas of the City. Within these Pleistocene older deposits, the potential for paleontological resources is considered to be high. Vertebrate land mammal fossils that have been discovered in the City include the saber-tooth cat, mammoth, camels, and horses. (CDC, 2015; Fontana, 2018b, p. 5.4-8)

2. Project Site Conditions

The Project Site is underlain by late Holocene-aged young alluvial fan sediments and, further below, by an older deposit of young alluvial fan sediments (BFSA, 2021, p. 5). The older deposit of young alluvial fan sediments located at depth beneath the Project Site have a high sensitivity for paleontological resources (BFSA, 2021, p. 8). No paleontological resources have been discovered on the Project Site; however, fossils have been discovered within two miles of the Project Site within the same sedimentary layers that are located beneath the Site (ibid.).



4.6.2 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws and related regulations governing issues related to geology and soils.

A. Federal Plans, Policies, and Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters (EPA, 2021f).

B. State Plans, Policies, and Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults (CA Legislative Info, n.d.). The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards.

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific Site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).



There are no active faults on the Project Site and the Project Site is not located within any Alquist-Priolo Earthquake Fault Zone (NorCal Engineering, 2021, pp. 2-3).

2. *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards (CDC, n.d.).

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. The SHMA requires Site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. The Project Site is not located within a ZORI.

3. *Natural Hazards Disclosure Act*

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone (CA Legislative Info, n.d.).

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires.

Before a development permit can be issued or a subdivision approved, cities and counties must require a Site-specific investigation to determine whether a significant hazard exists at the Site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers.

4. *California Building Standards Code (Title 24)*

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards (reference California Health and Safety Code Section 18909). Health and Safety Code (state law) Section 18902 gives CCR Title 24 the name California Building Standards Code (CBSC).



The CBCS in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code Sections 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code Sections 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code Sections 17958.7 and 18941.5).

5. *Porter-Cologne Water Control Act*

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water (SWRCB, 2014a). The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 *et seq.*), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The Storm Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain



the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. The Project Site is located in the Santa Ana River Watershed, which is within the purview of the Santa Ana RWQCB. The Santa Ana's RWQCB's *Santa Ana River Basin Water Quality Control Plan* is the governing water quality plan for the region.

C. Local Plans, Policies, and Regulations

1. City of Fontana General Plan

The Infrastructure and Safety Element of the City of Fontana General Plan provides information about natural and human-made hazards in Fontana and establishes goals and actions to prepare and protect the community from such risks. The Infrastructure and Safety Element states that the City shall reduce the risk of geologic hazards to the community by enforcing building codes, requiring the preparation of geotechnical hazard analyses as applicable, and continuously update the City's geologic and seismic hazards maps in concert with updates from the California Geological Survey and local surveys. (Fontana, 2018a, Chapter 11)

2. City of Fontana Local Hazard Mitigation Plan

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address earthquake and landslide concerns on a community-wide level. The LHMP mitigation measures include: evaluating proposed developments for geologic hazards, performing a seismic review on existing City-owned buildings, mitigated unreinforced masonry buildings in the City, working with local insurance brokers to encourage earthquake insurance for homeowners, providing automatic shutoff valves for gas meters, encouraging homeowners in high landslide hazard areas to plant native trees and shrubbery, and developing of public education and awareness materials regarding vegetation and erosion control.

3. City of Fontana Building Code

The City of Fontana Building Code is based on the CBSC and is supplemented with local amendments. The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Fontana. The Building Code is included in Chapter 5 of the Fontana Municipal Code. (Fontana, 2021a)

4. City of Fontana Municipal Code

The City of Fontana Municipal Code (Chapter 9, Article II) requires development projects to incorporate an erosion and dust control plan to minimize water and windborne erosion. Specific dust control measures are



required to be listed on the grading/construction plan. The erosion and dust control plan is required to be approved by City of Fontana staff prior to the issuance of the applicable construction permit. (Fontana, 2021a)

The City of Fontana Municipal Code (Chapter 23, Article IX) requires all development activities subject to the City's NPDES permit to prepare and implement a Water Quality Management Plan (WQMP), which shall identify proposed structural BMPs and source and treatment control BMPs to infiltrate and/or adequately treat the projected stormwater and urban runoff from the development Site. (Fontana, 2021a)

Lastly, the City of Fontana Municipal Code (Chapter 26, Division 4) requires development project sites to be evaluated by a preliminary soils report that identifies geologic and seismic conditions applicable to the subject property and provides Site-specific recommendations to preclude any expected adverse impacts from Site-specific soils-related hazards. These reports are required to recommend corrective action to preclude any structural damage/hazards that may be caused by geological hazards or unstable soils. (Fontana, 2021a)

5. SCAQMD Rule 403 (Fugitive Dust)

SCAQMD Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures (BACM) during active operations capable of generating fugitive dust. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources. (SCAQMD, 2005)

4.6.3 METHODOLOGY FOR EVALUATING GEOLOGY & SOILS IMPACTS

The analysis of potential geology and soils-related impacts is based upon the geotechnical investigation prepared specifically for the Project Site. The geotechnical investigation included a site reconnaissance, review of published reports, maps, and aerial photographs, geotechnical field exploration, laboratory testing, engineering analysis, and soil borings. The City's General Plan and information sources from State and Federal agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

4.6.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse geology/soils effects that could result from development projects. The Project would result in a significant impact related to geology and soils if the Project or any Project-related component would:

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;*
 - ii. *Strong seismic ground shaking;*
 - iii. *Seismic-related ground failure, including liquefaction; or*



- iv. *Landslides.*
- b. *Result in substantial soil erosion or the loss of topsoil;*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;*
- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or*
- f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

4.6.5 IMPACT ANALYSIS

Threshold a: *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

- i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
- ii. *Strong seismic ground shaking?*
- iii. *Seismic-related ground failure, including liquefaction?*
- iv. *Landslides?*

A. Rupture of Known Earthquake Fault

There are no known active or potentially active faults on or trending toward the Project Site and the Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (NorCal Engineering, 2021, pp. 2-3). Because there are no known faults located on or trending towards the Project Site, there is no potential for the Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

B. Strong Seismic Ground Shaking

The Project Site is located in a seismically active area of southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not substantially different than the risk to other properties throughout the southern California area. As a mandatory condition of Project approval, the Project Applicant would be required to construct the proposed building in accordance with the CBSC and the Fontana Building Code, which is based on the CBSC with local amendments (Fontana Municipal Code, Chapter 5). The CBSC and Fontana Building Code, which have been specifically tailored for California earthquake conditions, provide building standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials,



use and occupancy, location, and maintenance of all buildings and structures. In addition, the CBSC (Chapter 18) (adopted by the City as Municipal Code Chapter 5, Article III, Section 5-61) and the Fontana Municipal Code (Chapter 26, Division 4) require development project sites to be evaluated in preliminary soils reports to identify Site-specific geologic and seismic conditions and provide Site-specific recommendations to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, and selection of appropriate structural systems. The Project Applicant retained a professional geotechnical firm, NorCal Engineering, to prepare a geotechnical report for the Project Site, which is included as *Technical Appendix F1* to this EIR. The geotechnical report included recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Project's specific design. The recommendations included seismic design considerations, geotechnical design considerations, site grading recommendations, construction considerations, foundation design and construction, floor slab design and construction, retaining wall design and construction, and pavement design parameters. This geotechnical report complies with the requirements of Chapter 18 of the CBSC and Chapter 26, Division 4 of the Fontana Municipal Code. In conformance with the Municipal Code, the City will condition the Project to comply with the Site-specific ground preparation and construction recommendations contained in the geotechnical report. With mandatory compliance with these standard and Site-specific design and construction measures, implementation of the Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Impacts would be less than significant.

C. Seismic-Related Ground Failure

Based on observed soil conditions and according to available mapping data, the Project Site is not expected to be subjected to a significant risk associated with seismic-related ground failure, including liquefaction (NorCal Engineering, 2021, p. 3). Regardless, the Project would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the CBSC and Fontana Building Code, as noted above. Furthermore, and pursuant to the requirements of Fontana Municipal Code Chapter 26, Division 4, the Project would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical report for the Project Site to further reduce the risk of seismic-related ground failure due to liquefaction. Therefore, implementation of the Project would not directly or indirectly expose people or structures to substantial hazards associated with seismic-related ground failure and/or liquefaction hazards. Impacts would be less than significant.

D. Landslides

The Project Site is relatively flat, as is the immediately surrounding area. There are no recorded landslides, hillsides, or steep slopes on the Project Site or in the immediate vicinity of the Site (Google Earth, 2021; CGS, 2021). The Project includes retaining walls, which would be constructed in accordance with the site-specific recommendations contained within the geotechnical report to ensure their structural soundness. The City would condition the Project to comply with the Site-specific design and engineering recommendations contained within the geotechnical report to ensure these measures are implemented. Mandatory compliance with the recommendations contained within the Project Site's geotechnical report would ensure that the Project is engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site



areas. Accordingly, the Project would not be exposed to substantial landslide risks, and implementation of the Project would not pose a substantial direct or indirect landslide risk to surrounding properties. Impacts would be less than significant.

Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?

A. Construction-Related Erosion Impacts

Development of the Project would result in the demolition of all structures on-site, and grading and construction activities would occur that would expose and disturb soils that are currently covered by impervious surfaces. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to the removal of stabilizing vegetation and building materials (e.g., existing concrete foundations) and exposure of these erodible materials to wind and water.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State’s General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to Fontana Municipal Code Chapter 9, Article II (and to ensure compliance with SCAQMD Rule 403) to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project’s implementation does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

B. Post-Development Erosion Impacts

Upon Project build-out, the Project Site would be covered by buildings, landscaping, and impervious surfaces. Stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via an on-site storm drain system. Accordingly, the amount of erosion that would occur on the Project Site would be minimal and would be comparable to existing conditions.

To meet the requirements of the City’s Municipal Storm Water Permit, and in accordance with Fontana Municipal Code Chapter 23, Article IX, the Project Applicant would be required to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is a Site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants



of concern for downstream receiving waters, under long-term conditions via Best Management Practices (BMPs). The SWQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The preliminary SWQMP for the Project, which is provided as *Technical Appendix I2* of this EIR, identifies preventive, low impact development BMPs (such as the use of permeable surfaces across the site, catch basin inserts, and an underground retention system), non-structural source control BMPs (such as vacuum sweeping of parking lots and routine maintenance of catch inserts to prevent clogging and maximize removal efficiency), and structural source control BMPs (such as utilizing efficient irrigation systems that minimize overspray), to minimize erosion. The SWQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the WQMP will be required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. Because the Project would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, the Project would result in less-than-significant impacts related to soil erosion.

Threshold c: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The Project Site is relatively flat, no substantial natural or man-made slopes are located on or adjacent to the Project Site, and the Project does not propose the construction of any manufactured slopes (Google Earth, 2021). As noted in the response to Threshold “a,” the Project includes retaining walls and manufactured slopes that would be engineered for structural soundness and constructed in accordance with the site-specific recommendations contained within the geotechnical report for the Project. Accordingly, the Project would result in less-than-significant impacts associated with landslide hazards.

NorCal Engineering determined that construction of the Project would result in soil shrinkage on-Site to the magnitude of 6 to 8 percent with approximately 0.08 feet of subsidence (NorCal Engineering, 2021, p. 9). However, the geotechnical report prepared for the Project indicates that the Site’s shrinkage/subsidence and settlement potential can be attenuated through the removal of upper existing fill soils (1 to 4.5 feet) to competent native materials, scarifying the exposed surface to a depth of 8 inches and to within 2 percent of optimum moisture content, and compacting the soil to a minimum of 90 percent of the laboratory standard prior to placement of any additional compacted fill soils, concrete slabs or pavement. Additionally, the upper 12 inches of soils beneath building pad and concrete paving would be compacted to a minimum of 95 percent. (NorCal Engineering, 2021, p. 7) The City will condition the Project to comply with the Site-specific ground preparation and construction recommendations contained in the Project’s geotechnical report. Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less than significant.

Lateral spreading is primarily associated with liquefaction hazards. As noted above under the discussion of Threshold “a,” the Project Site is not susceptible to liquefaction. Thus, the potential for lateral spreading is low (NorCal Engineering, 2021, p. 3). Accordingly, impacts associated with lateral spreading would be less than significant.



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

Based on expansion index testing of soil samples, NorCal Engineering determined that upper soils on the Project Site are very low in expansion potential (NorCal Engineering, 2021, p. 13). Accordingly, the Project Site does not contain expansive soils and as such, would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impacts would occur.

[Note: Threshold “d” is based on Appendix G of the CEQA Guidelines and references Table 18-1-B of the 1994 Uniform Building Code (UBC) which has been superseded by the 2016 CBSC. The 2016 CBSC references ASTM D-4829, a standard procedure for testing and evaluating the expansion index (or expansion potential) of soils established by ASTM International, which was formerly known as the American Society for Testing and Materials (ASTM). ASTM D-4829 was used as the standard for evaluating the Project’s potential impact related to expansive soils in the above analysis.]

Threshold e: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The Project would retain the Site’s existing connections to the sewer line installed beneath Slover Avenue. The Project would not utilize septic tanks or alternative wastewater systems. No impact would occur.

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

The Project Site is underlain at depth (approximately 5 feet below ground surface) by older alluvium soils that have a high sensitivity for paleontological resources (BFSA, 2021, p. 9). In the event that the Project’s construction activities encroach into previously undisturbed older alluvium deposits, the Project could result in impacts to important paleontological resources if such resources are unearthed and not properly treated (ibid.). Therefore, the Project’s potential to directly or indirectly destroy a unique paleontological resource buried beneath the ground surface is determined to be a significant impact and mitigation is required.

4.6.6 CUMULATIVE IMPACT ANALYSIS

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds “a,” “c,” “d,” and “e” are unique to the Project Site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Further, as noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to potential hazardous effects related to geologic and soil conditions would be precluded through mandatory conformance with the CBSC, Fontana Municipal Code, other standard regulatory requirements, and the Site-specific geotechnical recommendations contained within the Project’s geotechnical report, which will be incorporated into the Project’s design via conditions of approval. Because of the Site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.



As discussed under Threshold “b,” regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project Site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

The Project’s potential to result in cumulative impacts to paleontological resources (Threshold “f”) is similar to that of other projects located in the region that are underlain by older alluvial soils. Because the older alluvial soils present on the Project Site contain high paleontological sensitivity and because this geologic layer is present throughout the City of Fontana and southern California, the potential to impact paleontological resources is a cumulatively-considerable impact for which mitigation is required.

4.6.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.

Threshold b: Less-than-Significant Impact. Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Project’s owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.

Threshold c: Less-than-Significant Impact. There is no potential for the Project’s construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the Site-specific geotechnical report during Project construction.

Threshold d: No Impact. The Project Site contains soils with low susceptibility to expansion; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

Threshold e: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Threshold f: Significant Direct and Cumulatively Considerable Impact. The Project would not impact any known paleontological resource or unique geological feature. However, the Project Site is underlain by older alluvium soils with a high sensitivity for paleontological resources. Accordingly, construction activities on



the Project Site have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.

4.6.8 MITIGATION

The following MMs would address the Project’s potential to impact important paleontological resources, as identified under Threshold “f.”

- MM 4.6-1 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist (“paleontologist”) has been retained by the Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
- MM 4.6-2 The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed Holocene and late Pleistocene old alluvial fan deposits starting at a depth of five (5) feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.
- MM 4.6-3 Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into the collections of the Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.
- MM 4.6-4 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Fontana prior to issuance of the first occupancy permit.

4.6.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold “f:” Less than Significant Impact with Mitigation Incorporated. MMs 4.6-1 through 4.6-4 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. Therefore, with implementation of MMs 4.6-1 through 4.6-4, the Project’s potential impact to paleontological resources would be reduced to less-than-significant.



4.7 GREENHOUSE GAS EMISSIONS

The analysis provided in this Subsection evaluates the Project’s potential to generate greenhouse gas (GHG) emissions that could contribute substantially to Global Climate Change (GCC) and its associated environmental effects. This analysis is based on a report prepared by Urban Crossroads, Inc. titled, “Fontana Corporate Center Greenhouse Gas Analysis,” dated November 11, 2021 (Urban Crossroads, 2021d). The GHG analysis report (GHGA) is included as *Technical Appendix G* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.7.1 EXISTING CONDITIONS

A. Introduction to Global Climate Change

GCC is defined as the change in average meteorological conditions on Earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than in the past (Urban Crossroads, 2021d, p. 8). Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in planet Earth’s atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases (ibid.).

An individual land development project is not capable of generating the magnitude of GHG emissions necessary to cause a discernible effect on global climate (ibid.). However, individual development projects may contribute to GCC by generating GHGs that combine with other regional and global sources of GHGs.

B. Greenhouse Gases

Carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) emissions are the focus of evaluation in this Subsection because these gases are the primary contributors to GCC resulting from land development projects (Urban Crossroads, 2021d, p. 8-9). Although other substances, such as fluorinated gases, also contribute to GCC, sources of fluorinated gases are not well-defined and no accepted emissions factors or methodology exist to accurately calculate the emissions of these gases (ibid.).

A global warming potential (GWP) value represents the effectiveness of a gas to trap heat in the atmosphere. Individual GHGs have varying GWP values, as assigned by the Intergovernmental Panel on Climate Change (IPCC). The atmospheric lifetime and GWP of selected GHGs are summarized in Table 4.7-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in the Table 4.7-1, GWP values range from 1 for CO₂ up to 23,900 for Sulfur Hexafluoride (SF₆).

Provided below is a description of the various gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3 of *Technical Appendix G* and the reference sources cited therein.

- **Water Vapor (H₂O)** is the most abundant and variable GHG in the atmosphere. Changes in the concentration of water vapor in the atmosphere are considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. As the

Table 4.7-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100-year time horizon)	
		2 nd Assessment Report (SAR)	5 th Assessment Report (AR5)
CO ₂	See*	1	1
CH ₄	12.4	21	28
N ₂ O	121	310	265
HFC-23	222	11,700	12,400
HFC-134a	13.4	1,300	1,300
HFC-152a	1.5	140	138
SF ₆	3,200	23,900	23,500

*As per Appendix 8.A. of IPCC’s 5th Assessment Report, no single lifetime can be given.
Adapted from Table 2.14 of the IPCC Fourth Assessment Report, 2007
Source: (Urban Crossroads, 2021d, p. 15)

temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity rises (in essence, the air is able to ‘hold’ more water when it is warmer), leading to more water vapor in the atmosphere. The higher concentration of water vapor in the atmosphere is then able to absorb more indirect thermal energy radiated from the Earth, further warming the atmosphere and causing the evaporation cycle to perpetuate. This is referred to as a “positive feedback loop.” The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are able to reflect incoming solar radiation and thereby allow less energy to reach the Earth’s surface and heat it up. There are no human health effects from water vapor itself; however, certain pollutants can dissolve in water vapor and the water vapor can then act as a pollutant-carrying agent. (Urban Crossroads, 2021d, pp. 9-10)

- **Carbon Dioxide (CO₂)** is an odorless and colorless GHG that is emitted from natural and man-made sources. Natural CO₂ sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Man-made CO₂ sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, human activities that produce CO₂ have increased dramatically. As an example, prior to the industrial revolution, CO₂ concentrations in the atmosphere were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Exposure to CO₂ in high concentrations can cause adverse human health effects, but outdoor (atmospheric) levels are not high enough to be detrimental to human health. (Urban Crossroads, 2021d, p. 10)
- **Methane (CH₄)** absorbs thermal radiation extremely effectively (i.e., retains heat). Over the last 50 years, human activities such as rice cultivation, cattle ranching, natural gas combustion, and coal mining have increased the concentration of methane in the atmosphere. Other man-made sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure



to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces. (Urban Crossroads, 2021d, p. 11)

- **Nitrous Oxide (N₂O)** concentrations began to rise in the atmosphere at the beginning of the industrial revolution. N₂O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N₂O is produced by microbial processes in soil and water, including reactions that occur in nitrogen-containing fertilizer. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N₂O also is used as an aerosol spray propellant, as a preservative in potato chip bags, and in rocket engines and in race cars. Also, known as laughing gas, N₂O is a colorless GHG that can cause dizziness, euphoria, and hallucinations. In small doses, it is considered harmless; however, heavy and extended use can cause brain damage. (Urban Crossroads, 2021d, p. 11-12)
- **Chlorofluorocarbons (CFCs)** are gases formed synthetically by replacing all hydrogen atoms in CH₄ or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are non-toxic, non-flammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and has been extremely successful, so much so that levels of CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years. (Urban Crossroads, 2021d, p. 12)
- **Hydrofluorocarbons (HFCs)** are synthetic, man-made chemicals that are used as a substitute for CFCs and have one of the highest global warming potential ratings. The HFCs with the largest measured atmospheric abundances are (in order largest to smallest), HFC-23 (CHF₃), HFC-134a (CF₃CH₂F), and HFC-152a (CH₃CHF₂). No human health effects are known to result from exposure to HFCs, which are man-made and used for applications such as automobile air conditioners and refrigerants. (Urban Crossroads, 2021d, p. 13)
- **Perfluorocarbons (PFCs)** are primarily produced for aluminum production and semiconductor manufacture. PFCs have stable molecular structures and do not break down through chemical processes in the lower atmosphere. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF₄) and hexafluoroethane (C₂F₆). No human health effects are known to result from exposure to PFCs. (Urban Crossroads, 2021d, p. 13)
- **Sulfur Hexafluoride (SF₆)** is an inorganic, odorless, colorless, nontoxic, nonflammable gas. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. (Urban Crossroads, 2021d, p. 13)
- **Nitrogen Trifluoride (NF₃)** is a colorless gas with a distinctly moldy odor. The World Resources Institute (WRI) indicates that NF₃ has a 100-year GWP of 17,200. NF₃ is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display (LCD) panels, types of solar



panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis. (Urban Crossroads, 2021d, p. 14)

C. Greenhouse Gas Emissions Inventory

1. Global and National

Worldwide, man-made GHG emissions are tracked by the IPCC. Man-made GHG emissions data is available through 2018 for industrialized nations (referred to as Annex I). Based on the latest available data, total GHG emissions from Annex I nations were approximately 28,768,440 gigagrams (Gg) of carbon dioxide equivalent (CO₂e). The United States is the world's second-largest emitter of GHGs, producing 6,676,650 Gg CO₂e in 2018. (Urban Crossroads, 2021d, p. 15-16)

2. State of California

Based on the most recent GHG inventory data compiled by the CARB, California emitted an average of approximately 418.1 million metric tons (MMT) CO₂e per year between 2000-2019. This total represents approximately six (6) percent of the GHGs generated by the United States. (Urban Crossroads, 2021d, p. 16)

3. Project Site

Under existing conditions, the Project Site is occupied by the Clark Pacific pre-cast concrete manufacturing facility. Sources of existing GHG emission on the Project Site include energy use from materials production and vehicular transportation to-and-from the Site (employees in passenger vehicles and materials deliveries in heavy trucks). The estimated GHG emissions from existing uses on the Project Site is 760.63 metric tons of CO₂ equivalent (MTCO₂e) (Urban Crossroads, 2021d, p. 49).

D. Potential Effects of Climate Change in California

In 2006, the California Climate Change Center (CCCC) published a report titled "Scenarios of Climate Change in California: An Overview" (the "Climate Scenarios report") that is generally instructive about effects of climate change in California. The Climate Scenarios report used a range of emissions scenarios developed by the IPCC to project a series of potential warming ranges (i.e., temperature increases) that may occur in California during the 21st century: lower warming range (3.0-5.4°F); medium warming range (5.5-7.8°F); and higher warming range (8.0-10.4°F). (CCCC, 2006, p. 7)

In 2009, the California Natural Resources Agency adopted the "California Climate Adaptation Strategy." This report details many vulnerabilities arising from climate change with respect to matters such as temperature extremes, sea level rise, wildfires, floods and droughts and precipitation changes, and responds to the Governor's Executive Order (EO) S-13-2008 that called on state agencies to develop California's strategy to identify and prepare for expected climate impacts. (CNRA, 2021, p. 3)

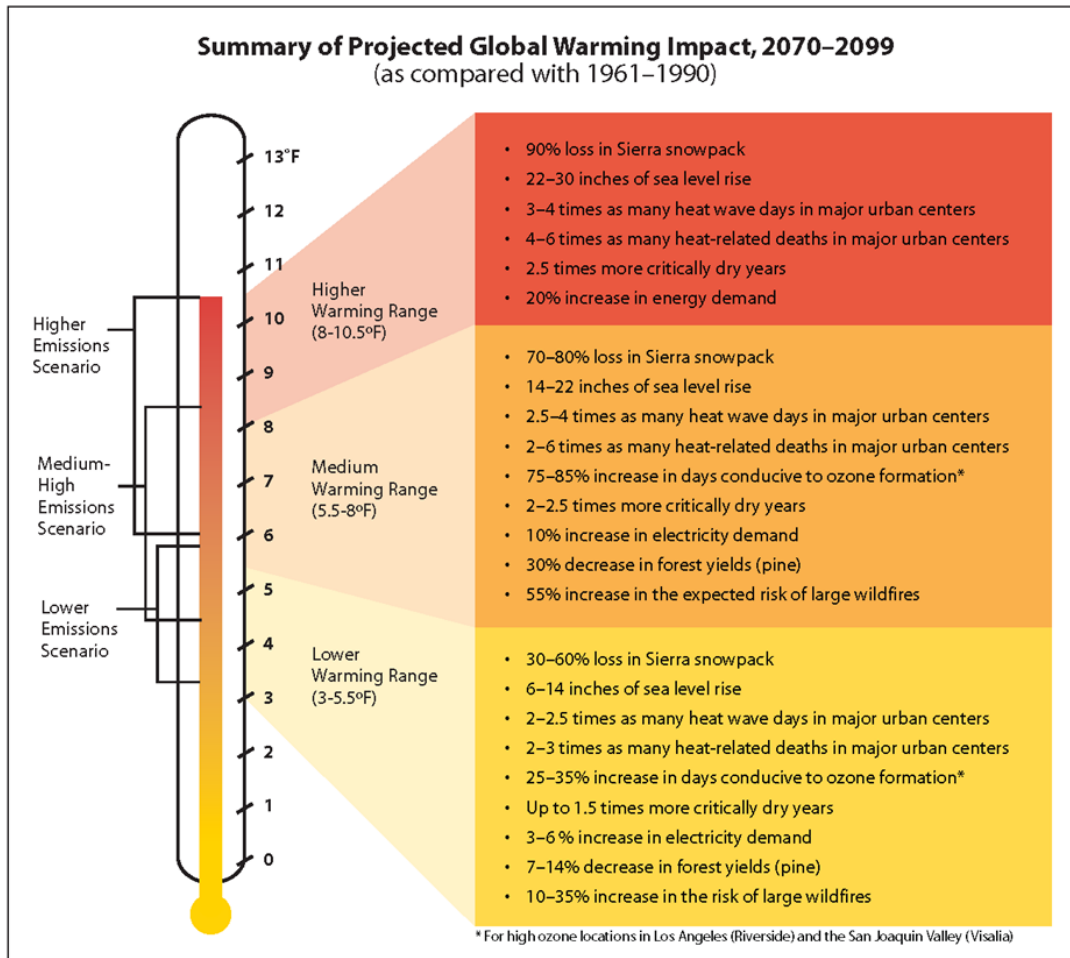
Based on the estimated scenarios presented in the Climate Scenario and California Climate Adaptation Strategy reports, Table 4.7-2, *Summary of Projected Global Warming Impact, 2070-2099*, presents potential impacts of global warming within California. The potential effects of climate change in California are summarized below and include, but are not limited to, the following:



- **Human Health Effects.** Climate change can affect the health of Californians by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation, oppressive heat, and wildfires. The primary concern is not the change in average climate, but rather the projected increase in extreme conditions that are responsible for the most serious health consequences. In addition, climate change has the potential to influence asthma symptoms and the incidence of infectious disease. (CCCC, 2006, p. 26)
- **Water Resource/Supply Effects.** Although most climate model simulations predict relatively moderate changes in precipitation over the 21st century, rising temperatures are expected to lead to diminishing snow accumulation in mountainous watersheds, including the Sierra Nevada. Warmer conditions during the last few decades across the western United States have already produced a shift toward more precipitation falling as rain instead of snow, and snowpacks over the region have been melting earlier in the spring. Delays in snow accumulation and earlier snowmelt can have cascading effects on water supplies, natural ecosystems, and winter recreation. (CCCC, 2006, p. 14)
- **Agriculture Effects.** Agriculture, along with forestry, is the sector of the California economy that is most likely to be affected by a change in climate. California agriculture is a \$68 billion industry. California is the largest agricultural producer in the nation and accounts for 13% of all U.S. agricultural sales, including half of the nation's total fruits and vegetables. Regional analyses of climate trends over agricultural regions of California suggest that climate change is already affecting the agriculture industry. Over the period 1951 to 2000, the growing season has lengthened by about a day per decade, and warming temperatures resulted in an increase of 30 to 70 growing degree days per decade, with much of the increase occurring in the spring. Climate change affects agriculture directly through increasing temperatures and rising CO₂ concentrations, and indirectly through changes in water availability and pests. (CCCC, 2006, p. 19)
- **Forest and Landscape Effects.** Climate changes and increased CO₂ concentrations are expected to alter the extent and character of forests and other ecosystems. The distribution of species is expected to shift; the risk of climate-related disturbance such as wildfires, disease, and drought is expected to rise; and forest productivity is projected to increase or decrease – depending on species and region. In California, these ecological changes could have measurable implications for both market (e.g., timber industry, fire suppression and damages costs, public health) and nonmarket (e.g., ecosystem services) values. (CCCC, 2006, p. 22)
- **Sea Level Effects.** Coastal observations and global model projections indicate that California's open coast and estuaries will experience rising sea levels during the next century. Sea level rise already has affected much of the coast in southern California, Central California, and the San Francisco Bay and estuary. These historical trends, quantified from a small set of California tide gages, have approached 0.08 inches per year (in/yr), which are rates very similar to those estimated for global mean sea level. So far, there is little evidence that the rate of rise has accelerated, and indeed the rate of rise at California tide gages has actually flattened since about 1980. However, projections indicate that substantial sea level rise, even faster than the historical rates, could occur during the next century. Sea level rise projections range from 5.1–24.4 inches (in.) higher than the 2000 sea level for simulations under the lower emissions scenario, from 7.1–29.9 in. for the medium-high emission scenario, and from 8.5–35.2 in. for the higher emissions scenario. (CCCC, 2006, p. 10)



Table 4.7-2 Summary of Projected Global Warming Impact, 2070-2099



Source: (Urban Crossroads, 2021d, p. 14)

4.7.2 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws and related regulations related to GHG emissions.

A. International Plans, Policies, and Regulations

1. Kyoto Protocol

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its Parties by setting internationally binding emission reduction targets (UNFCCC, n.d.). Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities."



The Kyoto Protocol was adopted in Kyoto, Japan, on December 11, 1997 and entered into force on February 16, 2005. The detailed rules for the implementation of the Protocol were adopted at Conference of the Parties (COP) 7 in Marrakesh, Morocco, in 2001, and are referred to as the "Marrakesh Accords." Its first commitment period started in 2008 and ended in 2012.

On December 8, 2012, in Doha, Qatar, the "Doha Amendment to the Kyoto Protocol" was adopted. The amendment includes:

- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from January 1, 2013 to December 31, 2020;
- A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

During the first commitment period, 37 industrialized countries and the European Community committed to reduce GHG emissions to an average of five percent against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels in the eight-year period from 2013 to 2020; however, the composition of Parties in the second commitment period is different from the first.

2. *The Paris Agreement*

The Paris Agreement entered into force on November 4, 2016. The Paris Agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort.

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (UNFCCC, n.d.). Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework.

The Paris Agreement requires all Parties to put forward their best efforts through "nationally determined contributions" (NDCs) and to strengthen these efforts in the years ahead. This includes requirements that all Parties report regularly on their emissions and on their implementation efforts.

On June 1, 2017, President Donald Trump announced he would begin the process of withdrawing the United States from the Paris Agreement. In accordance with articles within the Paris Agreement, the earliest effective date for the United States' withdrawal from the Agreement was November 4, 2020, at which time the



withdrawal became official. On January 20, 2021, President Biden signed the executive order for the United States to rejoin the Paris Agreement, which became official on February 19, 2021.

B. Federal Plans, Policies, and Regulations

1. Clean Air Act

Coinciding with the 2009 meeting of international leaders in Copenhagen, on December 7, 2009, the EPA issued an Endangerment Finding under Section 202(a) of the Clean Air Act (CAA), opening the door to federal regulation of GHGs (EPA, 2021c; DOJ, 2021). The Endangerment Finding notes that GHGs threaten public health and welfare and are subject to regulation under the CAA. To date, the EPA has not promulgated regulations on GHG emissions, but it has begun to develop them.

Previously the EPA had not regulated GHGs under the CAA because it asserted that the Act did not authorize it to issue mandatory regulations to address Global Climate Change (GCC) and that such regulation would be unwise without an unequivocally established causal link between GHGs and the increase in global surface air temperatures. In *Massachusetts v. Environmental Protection Agency et al.* (127 S. Ct. 1438 [2007]); however, the U.S. Supreme Court held that GHGs are pollutants under the CAA and directed the EPA to decide whether the gases endangered public health or welfare. The EPA had also not moved aggressively to regulate GHGs because it expected Congress to make progress on GHG legislation, primarily from the standpoint of a cap-and-trade system. However, proposals circulated in both the House of Representative and Senate have been controversial and it may be some time before the U.S. Congress adopts major climate change legislation. The EPA's Endangerment Finding paves the way for federal regulation of GHGs with or without Congress.

C. State Plans, Policies, and Regulations

1. Title 24 Building Energy Standards

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020 (CEC, 2018). The 2019 Building Energy Efficiency Standards are seven (7) percent more efficient than the previous (2016) Building Energy Efficiency Standards for residential construction and 30 percent more efficient than the previous Standards for non-residential construction. The 2016 Building Energy Efficiency Standards already were 28 percent more efficient for residential construction and five (5) percent more efficient for nonresidential construction than the 2013 Building Energy Efficiency Standards they replaced.

Part 11 of Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design;



(2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality.” The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code.

2. California Assembly Bill No. 1493 (AB 1493)

AB 1493 required the CARB to adopt the nation’s first GHG emission standards for automobiles (CARB, n.d.). On September 24, 2009, CARB adopted amendments to the “Pavley” regulations that reduce greenhouse gas (GHG) emissions in new passenger vehicles from model year 2009 through 2016. These amendments were part of California’s commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016. CARB’s September amendments cement California’s enforcement of the Pavley rule starting in 2009 while providing vehicle manufacturers with new compliance flexibility. The amendments also prepare California to harmonize its rules with the federal rules for passenger vehicles.

The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. The first California request to implement GHG standards for passenger vehicles, known as a waiver request, was made in December 2005, and was denied by the EPA in March 2008. That decision was based on a finding that California’s request to reduce GHG emissions from passenger vehicles did not meet the CAA requirement of showing that the waiver was needed to meet “compelling and extraordinary conditions.” With the granting of the waiver, it is estimated that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists’ costs.

The CARB has adopted a new approach to passenger vehicles – cars and light trucks – by combining the control of smog-causing pollutants and greenhouse gas emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California.

3. Executive Order S-3-05

Executive Order (EO) S-3-05 documents GHG emission reduction goals, creates the Climate Action Team and directs the Secretary of the California EPA to coordinate efforts with meeting the GHG reduction targets with the heads of other state agencies (CA State Library, 2005). The EO requires the Secretary to report back to the Governor and Legislature biannually to report: progress toward meeting the GHG goals; GHG impacts to California; and applicable Mitigation and Adaptation Plans. EO S-3-05 documents goals for GHG emissions reductions include: reducing GHG emissions to 2000 levels by the year 2010; reducing GHG emissions to 1990 levels by the year 2020; and reducing GHG emissions to 80 percent below 1990 levels by 2050.

4. California Assembly Bill 32 – Global Warming Solutions Act of 2006

In September 2006, Governor Schwarzenegger signed Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020, which represents a reduction of approximately 15 percent below emissions expected under a “business



as usual” scenario (CARB, 2018). Pursuant to AB 32, the CARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

AB 32 specifically required that CARB do the following:

- Prepare and approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHGs by 2020, and update the Scoping Plan every five years.
- Maintain and continue reductions in emissions of GHG beyond 2020.
- Identify the statewide level of GHG emissions in 1990 to serve as the emissions limit to be achieved by 2020.
- Identify and adopt regulations for discrete early actions that could be enforceable on or before January 1, 2010.
- Adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHG emissions.
- Convene an Environmental Justice Advisory Committee to advise the Board in developing and updating the Scoping Plan and any other pertinent matter in implementing AB 32.
- Appoint an Economic and Technology Advancement Advisory Committee to provide recommendations for technologies, research, and GHG emission reduction measures.

In November 2007, CARB completed its estimated calculations of Statewide 1990 GHG levels. Net emission 1990 levels were estimated at 427 MMTs; emission sources by sector were: transportation – 35 percent; electricity generation – 26 percent; industrial – 24 percent; residential – seven (7) percent; agriculture – five (5) percent; and commercial – three (3) percent. Accordingly, 427 MMTs of carbon dioxide equivalent (MMT_{CO₂e}) was established as the emissions limit for 2020. For comparison, CARB’s estimate for baseline GHG emissions was 473 MMT_{CO₂e} for 2000 and “business as usual” (without GHG reductions measures) GHG emissions were projected to be 532 MMT_{CO₂e} in 2010 and 596 MMT_{CO₂e} in 2020. (CARB, 2007)

AB 32 required CARB to develop a Scoping Plan which lays out California’s strategy for meeting the goals. The Scoping Plan must be updated every five years. In December 2008, CARB approved the initial Scoping Plan, which included a suite of measures to sharply cut GHG emissions. Table 4.7-3, *Scoping Plan GHG Reduction Measures Towards 2020 Target*, shows the proposed reductions from regulations and programs outlined in the Scoping Plan. CARB’s original determination was that to achieve the 1990 emission level in 2020 a reduction in GHG emissions of approximately 28.5 percent would be needed in the absence of new laws and regulations. The Scoping Plan evaluated opportunities for sector-specific reductions, integrates all CARB and Climate Action Team (CAT) early actions and additional GHG reduction measures, identifies additional measures to be pursued as regulations, and outlines the role of the cap-and-trade program.



Table 4.7-3 Scoping Plan GHG Reduction Measures Towards 2020 Target

<i>Recommended Reduction Measures</i>	<i>Reductions Counted toward 2020 Target of 169 MMT CO₂e</i>	<i>Percentage of Statewide 2020 Target</i>
Cap and Trade Program and Associated Measures		
California Light-Duty Vehicle GHG Standards	31.7	19%
Energy Efficiency	26.3	16%
Renewable Portfolio Standard (33 percent by 2020)	21.3	13%
Low Carbon Fuel Standard	15	9%
Regional Transportation-Related GHG Targets ¹	5	3%
Vehicle Efficiency Measures	4.5	3%
Goods Movement	3.7	2%
Million Solar Roofs	2.1	1%
Medium/Heavy Duty Vehicles	1.4	1%
High Speed Rail	1.0	1%
Industrial Measures	0.3	0%
Additional Reduction Necessary to Achieve Cap	34.4	20%
Total Cap and Trade Program Reductions	146.7	87%
Uncapped Sources/Sectors Measures		
High Global Warming Potential Gas Measures	20.2	12%
Sustainable Forests	5	3%
Industrial Measures (for sources not covered under cap and trade program)	1.1	1%
Recycling and Waste (landfill methane capture)	1	1%
Total Uncapped Sources/Sectors Reductions	27.3	16%
Total Reductions Counted toward 2020 Target	174	100%
Other Recommended Measures – Not Counted toward 2020 Target		
State Government Operations	1.0 to 2.0	1%
Local Government Operations	To Be Determined ²	NA
Green Buildings	26	15%
Recycling and Waste	9	5%
Water Sector Measures	4.8	3%
Methane Capture at Large Dairies	1	1%
Total Other Recommended Measures – Not Counted toward 2020 Target	42.8	NA

Source: CARB. 2008, MMTons CO₂e: million metric tons of CO₂e

¹Reductions represent an estimate of what may be achieved from local land use changes. It is not the SB 375 regional target.

²According to the Measure Documentation Supplement to the Scoping Plan, local government actions and targets are anticipated to reduce vehicle miles by approximately 2 percent through land use planning, resulting in a potential GHG reduction of 2 million metric tons of CO₂e (or approximately 1.2 percent of the GHG reduction target). However, these reductions were not included in the Scoping Plan reductions to achieve the 2020 Target

When the 2020 emissions level projection was updated to account for regulatory measures in effect, the 2020 projection in the “business as usual” condition was reduced to 507 MMTCO₂e. As a result, CARB determined that achieving the 1990 emissions level in 2020 would now only require a reduction of GHG emissions of 80 MMTCO₂e, or approximately 16 percent from the “business as usual” condition (down from the original estimate of 28.5 percent).

In May 2014, CARB approved the First Update to the Climate Change Scoping Plan (Update), which builds upon the initial Scoping Plan with new strategies and recommendations. The Update highlights California’s



progress toward meeting the near-term 2020 GHG emission reduction goals, highlights the latest climate change science and provides direction on how to achieve long-term emission reduction goal described in Executive Order S-3-05. The Update recalculates 1990 GHG emissions using new global warming potentials identified in the IPCC Fourth Assessment Report released in 2007. Based on the revised emissions level projections, achieving the 1990 emissions level in 2020 would require a reduction of 78 MMTCO_{2e}, or approximately 15.3 percent from the “business as usual” condition (down, again, from the original estimate 28.5 percent). (CARB, 2018; CARB, 2017)

In December 2017, CARB adopted the Second Update to the Scoping Plan, which identifies the State’s post-2020 reduction strategy. The Second Update reflects the 2030 target of a 40 percent GHG emissions reduction below 1990 levels set by SB 32. The Second Update builds upon the Cap- and-Trade Regulation; the Low Carbon Fuel Standard; much cleaner cars, trucks and freight movement; cleaner, renewable energy; and strategies to reduce methane emissions from agricultural and other wastes to reduce GHG emissions. (CARB, 2017)

5. California Senate Bill No. 1368 (SB 1368)

In 2006, the State Legislature adopted Senate Bill (SB) 1368 (Perata, Chapter 598, Statutes of 2006), which directs the California Public Utilities Commission (CPUC) to adopt a GHG emission performance standard (EPS) for the future power purchases of California utilities (CEC, n.d.). SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed specified emissions criteria. Accordingly, SB 1368 effectively prevents California’s utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. SB 1368 will lead to dramatically lower GHG emissions associated with California energy demand.

6. Executive Order S-01-07

Executive Order (EO) S-01-07 is effectively known as the Low Carbon Fuel Standard (LCFS). The Executive Order seeks to reduce the carbon intensity of California’s passenger vehicle fuels by at least 10 percent by 2020 (CA State Library, 2007). The LCFS requires fuel providers in California to ensure that the mix of fuel they sell into the California market meet, on average, a declining standard for GHG emissions measured in CO_{2e} grams per unit of fuel energy sold.

7. Senate Bill 1078

Senate Bill (SB) 1078 establishes the California Renewables Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20% of their renewable power by December 31, 2017 for the purposes of increasing the diversity, reliability, public health, and environmental benefits of the energy mix (CA Legislative Info, n.d.).

8. Senate Bill 107

SB 107 directed California Public Utilities Commission's Renewable Energy Resources Program to increase the amount of renewable electricity (Renewable Portfolio Standard) generated per year, from 17% to an amount



that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010 (CA Legislative Info, n.d.).

9. Executive Order S-14-08

On November 17, 2008, Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33% of their load from renewable energy sources by 2020 (CA State Library, 2008). In order to meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects will be needed. Executive Order S-14-08 seeks to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issues two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California Department of Fish and Wildlife (CDFW) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects.

10. Senate Bill 97

By enacting SB 97 in 2007, California's lawmakers expressly recognized the need to analyze GHGs as a part of the CEQA process. SB 97 required the Governor's Office of Planning and Research (OPR) to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions (CA Legislative Info, n.d.). Those CEQA Guidelines amendments clarified several points, including the following:

- Lead agencies must analyze the GHG emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (See CEQA Guidelines Section 15064.4.)
- When a project's GHG emissions may be significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions. (See CEQA Guidelines Section 15126.4(c).)
- Lead agencies must analyze potentially significant impacts associated with placing projects in hazardous locations, including locations potentially affected by climate change. (See CEQA Guidelines Section 15126.2(a).)
- Lead agencies may significantly streamline the analysis of GHGs on a project level by using a programmatic GHG emissions reduction plan meeting certain criteria. (See CEQA Guidelines Section 15183.5(b).)
- CEQA mandates analysis of a proposed project's potential energy use (including transportation-related energy), sources of energy supply, and ways to reduce energy demand, including through the use of efficient transportation alternatives. (See CEQA Guidelines, Appendix F.)

The CEQA Guideline amendments do not identify a quantitative threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a "good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies' discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses. The GHG



analysis thresholds incorporated into the CEQA Guidelines' Environmental Checklist (Guidelines Appendix G) are addressed in this EIR. The amendments to the CEQA Guidelines implementing SB 97 became effective on March 18, 2010.

11. Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities (CARB, n.d.). Under the Sustainable Communities Act, CARB sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, CARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). CARB will periodically review and update the targets, as needed.

Each of California's MPOs must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate "alternative planning strategy" (APS) to meet the targets.

The Sustainable Communities Act also establishes incentives to encourage local governments and developers to implement the SCS or the APS. Developers can get relief from certain environmental review requirements under CEQA if their new residential and mixed-use projects are consistent with a region's SCS (or APS) that meets the targets (see Cal. Public Resources Code Sections 21155, 21155.1, 21155.2, 21159.28.).

12. Executive Order B-30-15

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which sets a goal to reduce GHG emissions in California to 40 percent below 1990 levels by 2030 (CA State Library, 2015). The 2030 target serves as a benchmark goal on the way to achieving the GHG reductions goal set by Governor Schwarzenegger via Executive Order S-3-05 (i.e., 80 percent below 1990 greenhouse gas emissions levels by 2050).

13. Senate Bill 32

On September 8, 2016, Governor Jerry Brown signed the Senate Bill (SB) 32. SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15 (CA Legislative Info, n.d.). The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide greenhouse gas reduction target of 80 percent below 1990 levels by 2050.



D. Local Plans, Policies, and Regulations

1. City of Fontana Local Hazard Mitigation Plan

The City of Fontana’s Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address climate change concerns on a community-wide level. The LHMP mitigation measures include: continuing to construct parks, planting street trees, continuing to work with Southern California Edison to promote energy conservation, and continuing to work with local water department agencies to offer educational and water wise values.

2. City of Fontana Ordinance No. 1891

City of Fontana Ordinance No. 1891 amended the City’s Municipal Code to establish sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. Standards required by Ordinance No. 1891 that would directly reduce local air pollution and GHG emissions and minimize potential adverse effects to GCC include but are not limited to: 1) Restricting diesel truck idling to three (3) minutes or less; 2) Requiring motorized cargo-handling equipment used at industrial commerce center sites to be zero emission; 3) Requiring buildings with more than 400,000 s.f. of building area to install rooftop solar panels that supply 100 percent of the power need of the non-refrigerated building space; 4) Requiring the installation of electric plug-ins at all loading dock positions that would be utilized by trucks fitted with transport refrigeration units (TRUs); 5) Requiring that five (5) percent of passenger vehicle parking spaces are wired for electric vehicle charging and equipped with a Level 2 charging station and at least 10 percent of passenger vehicle spaces are “EV ready” for future expansion of charging capabilities; and 6) Prohibiting the use of diesel-powered generators, except in case of emergency or for temporary power during construction. The Project would be required to comply with all applicable measures of Ordinance No. 1891. The City would ensure compliance with the requirements of Ordinance No. 1891 as part of their standard building permit review/approval and site inspection processes.

4.7.3 METHODOLOGY FOR ESTIMATING GREENHOUSE GAS EMISSIONS

The California Emission Estimator Model (CalEEMod, v2020.4.0, released on May 2021), developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the SCAQMD and air pollution control districts across the State, was used to quantify GHG emissions from Project-related construction and operational activities (Urban Crossroads, 2021d, p. 43). CalEEMod is the software analysis tool recommended by SCAQMD for the quantification of GHG emissions associated with the construction and operation of land development projects because it is the only software model maintained by CAPCOA and incorporates locally-approved emission factors and methodologies for estimating pollutant emissions. Inputs and outputs from the model runs for both Project-related construction and operational activities are provided Appendices 3.1 through 3.3 of the Project’s GHGA (*Technical Appendix G*).

Although CalEEMod is a comprehensive analysis tool, CalEEMod is limited to quantifying GHG emissions that are known as of the date of release of the model, there may be sources of GHG emissions that are not



known (or not quantifiable) at this time but may be measurable by the time the Project is constructed and operational. Furthermore, CalEEMod relies on data published by the CARB and other data sources to be representative of local/regional averages which may not be completely representative of the Project's construction and/or operational characteristics (and may slightly underestimate or overestimate the Project's emissions). Lastly, not all the CalEEMod calculation data files are known or publicly available for review, although it is reasonable to assume that the data contained in CalEEMod is accurate and grounded in science because CalEEMod is developed by CAPCOA in collaboration with 35 local air pollution control districts.

A life-cycle analysis (LCA), which assesses economy-wide GHG emissions from construction (i.e., the processes in manufacturing and transporting all raw materials used in the project development and infrastructure) and operation, was not conducted for the Project due to the lack of scientific consensus on LCA methodology (Urban Crossroads, 2021d, p. 43). A LCA depends on emission factors or econometric factors that are not well established for all processes as of the date the NOP for this EIR was published (ibid.). Additionally, SCAQMD recommends analyzing a project's direct and indirect GHG emissions generated within California in-lieu of an LCA because a project's life-cycle effects could extend beyond California and these effects might not be well understood or well documented and/or infeasible to mitigate (ibid.).

A. Methodology for Estimating Project-Related Construction Emissions

The Project's construction-related GHG emissions were calculated using the same methodology, construction schedule information, and equipment fleet information that were used to calculate construction-related criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.2, *Air Quality* (Urban Crossroads, 2021d, pp. 43-45). Refer to EIR Subsection 4.2 and *Technical Appendix G* for a detailed description of the methodology used to calculate the Project's construction GHG emissions.

In accordance with the SCAQMD recommendations, the Project's construction-related GHG emissions were quantified, amortized over a 30-year period, and then added to the sum of the Project's annual operational GHG emissions. (Urban Crossroads, 2021d, p. 45)

B. Methodology for Estimating Project-Related Operational Emissions

The Project's operational GHG emissions were calculated using the same methodology that was used to calculate operational criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.2, *Air Quality* (Urban Crossroads, 2021d, pp. 46-48). Refer to EIR Subsection 4.2 and *Technical Appendix G* for a detailed description of the methodology used to calculate the Project's operational GHG emissions.

4.7.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act*. Neither the CEQA Statute nor the CEQA Guidelines prescribe specific methodologies and significance criteria for determining the significance of GHG emissions impacts. The CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate thresholds consistent with the manner in which other impact categories are handled in CEQA. CEQA case law has upheld local agencies' discretion to determine the significance of GHG emissions impacts. The proposed Project



would result in a significant impact to greenhouse gas emissions if the Project or any Project-related component would:

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or*
- b. *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

As part of the November, 30, 2015, decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (“Newhall Ranch”), the California Supreme Court outlined four potential pathways that CEQA compliance documents could use to determine if GHG emissions from a specific project would be significant under Threshold “a”:

1. Substantiation of Project Reductions from “Business as Usual” (BAU). A lead agency may use a BAU comparison based on the CARB Scoping Plan’s methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the “data behind the Scoping Plan’s business-as-usual model” to determine the necessary project level reductions from new land use development at the proposed location;
2. Compliance with Regulatory Programs or Performance-based Standards. A lead agency “might assess consistency with AB 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities;
3. Compliance with GHG Reduction Plans or Climate Action Plans (CAPs). A lead agency may utilize “geographically specific GHG emission reduction plans” such as climate action plans or greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis; or
4. Compliance with Local Air District Thresholds. A lead agency may rely on “existing numerical thresholds of significance for greenhouse gas emissions” adopted by, for example, local air districts.

Based on the foregoing guidance from the California Supreme Court, the City of Fontana has selected Option #4 listed above and has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 MTCO_{2e} per year threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

The 3,000 MTCO_{2e} per year threshold is based on a 90 percent emission “capture” rate methodology. Prior to its use by the SCAQMD, the 90 percent emissions capture approach was one of the options suggested by the California Air Pollution Control Officers Association (CAPCOA) in their *CEQA & Climate Change* white paper (2008). A 90 percent emission capture rate means that unmitigated GHG emissions from the top 90 percent of all GHG-producing projects within a geographic area – the SCAB in this instance – would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while the bottom 10 percent of all GHG-producing projects would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with



global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission threshold high enough to exclude small projects that will, in aggregate, contribute approximate 1 percent of projected statewide GHG emissions in the Year 2050 (SCAQMD, 2008, p. 4).

In setting the threshold at 3,000 MTCO_{2e} per year, SCAQMD researched a database of projects kept by the Governor's Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 MTCO_{2e} per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO_{2e} per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 MTCO_{2e} per year threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO_{2e} per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the *Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold* (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold “uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level” and, thus, remains valid for use in 2022 (SCAQMD, 2008, pp. 3-4). Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction.

Thus, for purposes of analysis in this EIR, if Project-related GHG emissions do not exceed the 3,000 MTCO_{2e} per year threshold, then Project-related GHG emissions would clearly have a less-than-significant impact pursuant to Threshold “a.” On the other hand, if Project-related GHG emissions exceed 3,000 MTCO_{2e} per year, the Project would be considered a substantial source of GHG emissions.

4.7.5 IMPACT ANALYSIS

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

The annual net GHG emissions associated with the operation of the proposed Project are summarized in Table 4.7-4, *Project GHG Emissions*. It should be noted that GHG emissions from existing land uses on the Project Site were subtracted from the Project’s gross GHG emissions to determine the net (or new) emissions attributed to the Project. Also, it should be noted that the Project’s GHG analysis was performed prior to the City of Fontana’s adoption of Ordinance No. 1891 and does not account for required design and operational measures that would reduce the Project’s GHG emissions (like the required use of zero emission motorized equipment). Thus, the GHG emissions presented in Table 4.7-4 overstate the GHG emissions that would result from implementation of the Project. Nonetheless, as shown in Table 4.7-4, construction and operation of the Project would generate a net total of approximately 2,647.19 MTCO₂e/yr, which would not exceed the significance threshold of 3,000 MTCO₂e/yr; therefore, Project-related GHG emissions are considered less than significant.

Table 4.7-4 Project GHG Emissions

Emission Source	Emissions (MT/yr)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ e
Annual construction-related emissions amortized over 30 years	41.09	6.28E-03	1.33E-03	41.64
Area Source	0.03	9.00E-05	0.00	0.04
Energy Source	189.75	0.01	2.25E-03	190.76
Mobile Source	2,500.84	0.09	0.32	2,597.74
On-Site Equipment	101.50	0.03	0.00	102.32
Waste	67.84	4.01	0.00	168.08
Water Usage	220.44	2.69	0.07	307.23
Total CO₂e (All Sources)	3,407.82			
<i>Existing Emissions</i>	<i>760.63</i>			
Net Emissions	2,647.19			

CalEEMod output, See Appendix 3.3 of the Project’s GHGA for detailed model outputs
Source: (Urban Crossroads, 2021d, p. 49)

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

As demonstrated by the following analysis, the Project would not conflict with applicable plans, policies, and/or regulations adopted with the intent to reduce GHG emissions, including AB 32 and SB 32, SCAG’s 2016-2040 RTP/SCS, and the Title 24 CBSC, which are particularly applicable to the Project.



In April 2015, Governor Edmund Brown Jr. signed EO B-30-15, which advocated for a statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed the SB 32. SB 32 formally established a statewide goal to reduce GHG emissions to 40 percent below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based statewide emission reduction targets.

CARB prepared the 2017 Scoping Plan Update to identify the measures that would achieve the emissions reductions goals of SB 32 (and, thus, also would achieve the emissions reductions goals of AB 32). Research conducted by the Lawrence Berkeley National Laboratory confirmed that California, under its existing GHG reduction policy framework (i.e., Scoping Plan Update), is on track to meet the year 2030 reduction targets established by SB 32 (Urban Crossroads, 2021d, p. 29). As explained in point-by-point detail in Table 3-8 of the Project's GHGA (refer to *Technical Appendix G*), the Project would not conflict with applicable measures of the 2017 Scoping Plan Update and, therefore, would not interfere with the State's ability to achieve the year GHG-reduction targets established by AB 32 and SB 32 (Urban Crossroads, 2021d, pp. 50-55).

Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal more than three decades into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050.

The *2016-2040 RTP/SCS* was prepared to ensure that the SCAG region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and, thus, meeting associated GHG emissions targets), as required by Senate Bill 375. As explained in point-by-point detail in Table 3-9 of the Project's GHGA (refer to *Technical Appendix G*), the Project would not conflict with applicable measures of the *2016-2040 RTP/SCS* and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources (Urban Crossroads, 2021d, pp. 56-57).

The Project would provide for the construction and operation of a warehouse building that would include contemporary, energy-efficient/energy-conserving design features and operational procedures. Warehouse land uses are not inherently energy intensive and the total Project energy demands would be comparable to, or less than, other goods movement projects of similar scale and configuration due to the Project's modern construction and requirement to be constructed in accordance with the most recent CBSC (Urban Crossroads, 2021d, pp. 33-35). The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled *The Energy Efficiency Standards for Residential and Nonresidential Buildings*. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by allowing incorporating new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project



energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

As previously stated, pursuant to 15604.4 of the *CEQA Guidelines*, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project’s consistency with AB 32, SB 32, and the SCAG’s *2016-2040 RTP/SCS* are discussed below. It should be noted that the Project’s consistency with the SB 32 (*2017 Scoping Plan*) also satisfies consistency with AB 32 since the *2017 Scoping Plan* is based on the overall targets established by AB 32. Consistency with the *2008 Scoping Plan* is not necessary, since the target year for the *2008 Scoping Plan* was 2020, and the Project’s buildout year is 2023. As such the *2008 Scoping Plan* does not apply and consistency with the *2017 Scoping Plan* is relevant. Project consistency with SB 32 and *2016-2040 RTP/SCS* is evaluated in the following discussion. (Urban Crossroads, 2021d, p. 50)

As described on the preceding pages, implementation of the Project would not conflict with the State’s ability to achieve the State-wide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Project would not actively interfere with any future federally-, State-, or locally-mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. Therefore, the Project for would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less-than-significant impact.

4.7.6 CUMULATIVE IMPACT ANALYSIS

GCC occurs as the result of global emissions of GHGs. An individual development project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA’s requirements for cumulative impacts analysis (See CEQA Guidelines Section 15130[f]). Accordingly, the analysis provided in Subsection 4.7.5 reflects a cumulative impact analysis of the effects related to the Project’s GHG emissions, which concludes that the Project would not exceed the applicable threshold of significance and that the Project would not conflict with an applicable GHG-reduction plans, policies, or regulations.

4.7.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. The Project would not exceed the significance threshold of 3,000 MTCO_{2e} per year. As such, the Project would generate a less-than-significant volume of GHG emissions and would not have a significant impact on the environment.

Threshold b: Less-than-Significant Impact. The Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.



4.7.8 MITIGATION

Impacts related to the Project's GHG emissions would be less than significant; therefore, mitigation measures are not required.



4.8 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis presented in this Subsection is based in part on two technical studies that were prepared by SCS Engineers (referenced herein as “SCS”) to determine the presence or absence of hazardous materials on the Project Site under existing conditions: 1) a report titled “Phase I Environmental Site Assessment, 13592 Slover Avenue, Fontana, California 92335” (Phase I ESA) and dated April 6, 2021 (SCS Engineers, 2021a); and 2) a report titled “Phase II Soil Vapor Investigation Report, 13592 Slover Avenue, Fontana, California 92335” (Phase II ESA) and dated March 24, 2021 (SCS Engineers, 2021b). These reports are provided as *Technical Appendices H1* and *H2* to this EIR, respectively. This Subsection also relies on information from the City General Plan (Fontana, 2018a); the City General Plan EIR (Fontana, 2018b); Cal Fire – Fire Hazard Severity Zone Map (Cal Fire, 2008); and Google Earth (Google Earth, 2021). All references used in this Subsection are listed in EIR Section 7.0, *References*.

In this EIR, the term “toxic substance” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

In this EIR, the term “hazardous material” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness.

Hazardous waste is defined in the California Code of Regulations, Title 22, Section 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the U.S. Environmental Protection Agency [EPA] as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the California Code of Regulations, Title 22, Sections 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

4.8.1 EXISTING CONDITIONS

The Project Site is occupied by a Clark Pacific pre-cast concrete manufacturing facility. There are four main buildings on the property: a production building, wood shop, maintenance shop, and office. The remainder of the property is occupied by pre-cast concrete manufacturing activities and associated parking areas. Clark Pacific produces three different types of concrete products on the Project Site: 1) pre-cast concrete, which is concrete poured over rebar; 2) glass fiber reinforced concrete, which is concrete poured on a welded frame and backed with fiberglass; and 3) composite architectural precast panels, which is poured onto a welded frame but not backed with fiberglass.



A. Historical Review, Regulatory Records Review, and Field Reconnaissance

1. Historical Review

SCS reviewed various sources of information to determine the historical use of the Project Site, including historical aerial photographs, historical topographic maps, Environmental Data Resources (EDR) collection of regulatory database records, city directories, historical site occupants, and historical site ownership records. Refer to the Project's Phase I ESA (refer to *Technical Appendix HI*) for a detailed accounting of SCS's research procedure.

With the exception of a few dirt pathways, the Project Site was undeveloped or vacant land from at least 1896 through the early 1950's. A natural seasonal drainage creek historically crossed the northwestern corner of the Property. The drainage area was diminished after the construction of a flood control channel approximately 600 feet west of the Project Site in the early-1950s. Kaiser Steel Corporation (Kaiser) acquired the eastern portion of the Project Site and developed it with three buildings and rail spurs in the mid- to late-1950s for the production of rolled steel, which is a metal forming process in which steel is passed between rolls to reduce its thickness or produce specific shapes. In the early-1960s, Kaiser acquired the western portion of the Project Site to expand rolled steel operations. Kaiser purchased the western portion of the Site from Union Tank Car Company (formerly known as Graver Tank & Manufacturing Company); records suggest that Union Tank Car Company never developed or conducted business activities on the western portion of the Site. In 1984, Tecon Pacific (which later changed its name to Clark Pacific) purchased the Project Site from Kaiser and, by 1990, had developed the Site to its current configuration for the manufacture of pre-cast concrete products. (SCS Engineers, 2021a, pp. 7-15).

2. Regulatory Records Review

SCS researched federal, State, and local environmental records databases to identify properties with reported environmental issues. A summary of the research results is provided below; the detailed listings of the specific hazardous materials databases the Project Site appears on is provided in Sections 11 and 12 of the Project's Phase I ESA (refer to *Technical Appendix HI*).

The Project Site is listed on California Environmental Protection Agency (CalEPA) databases as a: chemical storage facility, aboveground petroleum storage, site, emission inventory system site, industrial storm water facility, and hazardous waste generator.

- The Project Site has been listed as a chemical storage facility since 2013. Chemicals stored on the Project Site include numerous chemicals used in Clark Pacific's manufacturing processes, such as architectural coatings (e.g., paints, protective coatings), resins, and during operation and maintenance of equipment on the Project Site (e.g., gasoline, diesel fuel, hydraulic fluids, lubricants). (SCS Engineers, 2021a, pp. 16-17)
- The Project Site has been listed as an aboveground petroleum storage site since 2013 due to the on-Site storage of a fuel trailer, with tanks for diesel fuel and gasoline that are used to re-fuel trucks on the property (SCS Engineers, 2021a, pp. 5, 17)



- The Project Site has been listed as an emission inventory system site since 1999 for emissions of organic hydrocarbon gases, reactive oxygen gases, carbon monoxide emissions, oxides of nitrogen, and particulate matter (SCS Engineers, 2021a, pp. 17, 20).
- The Project Site has been listed as an industrial stormwater facility since 1992. Clark Pacific maintains a stormwater pollution prevention plan (SWPPP) for the property that provides best management practices (BMPs) to minimize pollution within storm water runoff discharged from the Site. (SCS Engineers, 2021a, pp. 16-17)
- The Project Site has been listed as a hazardous waste generator since at least 2013 due to waste and byproducts generated during the pre-cast concrete manufacturing process. The Project Site has been subject to several past violations related to the improper labeling, record keeping, and storage of hazardous waste but all historic violations have been fully resolved. (SCS Engineers, 2021a, p. 17)

The Project Site is listed on a database for the SCAQMD for permits related to equipment and operations used in the pre-case concrete manufacturing processes. The Project Site has been subject to past violations of SCAQMD permits related to improper use of equipment and materials and insufficient dust control measures; however, all of these historic violations have been fully resolved. (SCS Engineers, 2021a, p. 17)

The Project Site is listed on San Bernardino County Fire Department (SBCFD) databases as a hazardous waste generator and hazardous waste handler since at least 1986. In addition, the Project Site is listed on SBCFD databases related to the removal of four (4) underground storage tanks (USTs) on the Project Site in 1991. The SBCFD granted a no further action (NFA) letter for the removal of the four USTs. (SCS Engineers, 2021a, pp. 18-19)

The Project Site does not appear on any databases for the Santa Ana Regional Water Quality Control Board (RWQCB) or California Department of Toxic Substances Control (DTSC).

3. *Field Reconnaissance*

SCS conducted an inspection of the Project Site and surrounding area on February 24, 2021. As previously noted, Clark Pacific produces three types of pre-fabricated concrete products on-Site: pre-cast, glass fiber reinforced concrete, and composite architectural precast panels. Manufacturing activities at the Project Site begin with cement stored in two silos located at the batch plant on the northern portion of the Site. Rock and sand are mixed with cement from the silos in order to create concrete. The concrete is mixed in trucks and poured into panels/forms. The forms are created onsite in the wood shop, which is located on the eastern side of the Project Site. Forms are mostly created using wood, but if forms are intended to be used multiple times, they can be created using fiberglass and then painted. Foam is utilized to create holes in the forms, primarily for light switches or other features. Glass fiber reinforced concrete, and composite architectural precast panels require frames, which are produced and welded in the eastern portion of the production building. Concrete is poured into panels/forms in the western portion of the production building. The forms are then left to cure overnight. The next day the panels are pulled out, and sandblasted in the western area of the Project Site. After sandblasting, the panels are stored onsite until they are ready to be picked up. Panels are transported from the Property on flatbed trucks. (SCS Engineers, 2021a, p. 5)



A maintenance shop is located on the Project Site, where general maintenance on forklifts (mainly oil changes, antifreeze, etc.) is conducted. Various drums of antifreeze, motor oil, and hydraulic oil were observed in secondary containment in the maintenance shop. A fuel trailer, containing diesel and gasoline and used to refuel trucks on the Project Site, is located on the eastern side of the Site. A wood shop is located next to the maintenance shop on the eastern side of the Site. A drum of resin, which is used when creating fiberglass forms, was observed in the wood shop. (SCS Engineers, 2021a, p. 5)

A hazardous materials storage area was observed on the eastern portion of the Project Site. This storage area is located within a concrete containment berm and beneath a canopy cover. Drums and containers of polymers, foam release, sealant, alcohol, and hardeners were observed in the hazardous materials area. Drums from this area are picked up and hauled off as needed. Housekeeping at the facility was observed to be good. Flammable liquids cabinets were observed at locations across the Project Site. Various liquid paints, spray paints, lubricants, epoxy, hardeners, acetone, Bondo, and linseed oil were observed stored in the cabinets. (SCS Engineers, 2021a, p. 5)

Sandblasting activities take place on the western portion of the Project Site, and sandblast grit from those activities is cleaned up, and placed into a bucket loader to be transferred to dump trucks and hauled off-Site as needed. (SCS Engineers, 2021a, p. 5)

At the time of the Site inspection, no evidence (fill ports, vent lines, or dispensers) of underground storage tanks (USTs) was observed on the Project Site. (SCS Engineers, 2021a, p. 7)

No apparent evidence of a hazardous condition or indications of contamination (e.g. remediation equipment, staining, USTs, etc.), was observed on adjoining sites during the Site inspection. Railroad rights-of-way are sometimes associated with environmental concerns due to historic application of various hazardous substances to suppress weeds growing on and near the tracks and the spilling of hazardous substances on tracks (from leaking containers or derailed train cars). With the exception of rail spurs that enter the Property, which have been out of service for some time, the nearest tracks are located approximately 30 feet north of the Property boundary. No indications or reports of a train derailment were noted. Based on the distance of the nearest rail line, SCS does not expect any negative environmental impact to the Project Site from the adjoining rail lines (SCS Engineers, 2021a, p. 7).

B. Airport Hazards

The Project Site is located approximately four (4) miles east of the Ontario International Airport (ONT). Under existing conditions, the Project Site is exposed to noise from overflight of aircraft.

C. Wildland Fire Hazards

The Project Site is completely surrounded by urbanized land uses and the Site not located adjacent to any wildlands. The City's General Plan identifies the Project Site and its surrounding area as being subject to "little or no threat" from wildland fires (Fontana, 2018a, p. 11-4). Additionally, the California Department of Forestry and Fire Protection (Cal Fire) does not identify the Project Site within a very high fire hazard severity zone (Cal Fire, 2008).



4.8.2 REGULATORY SETTING

Hazardous materials and hazardous wastes are regulated by various federal, State, and local regulations to protect public health and the environment. This section summarizes the overall regulatory framework governing hazardous materials management that is applicable to the Project and the Project Site.

A. Federal Plans, Policies, and Regulations

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment (EPA, 2021g). Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

2. Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave;" this includes the generation, transportation, treatment, storage, and disposal of hazardous waste (EPA, 2021h). RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.



3. *Hazardous Materials Transportation Act (HMTA)*

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." (OSHA, n.d.).

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts state and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement.

4. *Hazardous Materials Transportation Uniform Safety Act of 1990*

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce (OSHA, n.d.). The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

5. *Occupational Safety and Health Act (OSHA)*

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions (EPA, 2021b). In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.

6. *Toxic Substances Control Act*

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures (EPA, 2021i). Certain substances are generally excluded from TSCA, including, among others, food, drugs,



cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.

B. State Plans, Policies, and Regulations

1. Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace.

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the State, with the exception of federal employees, the United States Postal Service, private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances (OSHA, n.d.). Cal/OSHA is the only agency in the State authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board



maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses.

2. *California Hazardous Waste Control Law*

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, *et seq.*) is the primary hazardous waste statute in California (CA Legislative Info, n.d.). The HWCL implements RCRA as a “cradle-to-grave” waste management system in the state. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA).

3. *California Code of Regulations (CCR), Titles 5, 17, 22 and 26*

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste (DTSC, n.d.; DTSC, 2019). Title 5 contains the California Plumbing Code which, in Appendix H, establishes detailed standards for the capping, removal, fill, and disposal of cesspools, septic tanks, and seepage pits. Title 17, Division 1, Chapter 8, defines and regulates handling and disposal of lead-based paint. Any detectable amount of lead is regulated. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (*i.e.*, 40 CFR 260, *et seq.*) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics).

4. *Safe Drinking Water and Toxic Enforcement Act*

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code, Division 20, Chapter 6.6, Section 25249.5, *et seq.*), protects the state’s drinking water sources from being contaminated with chemicals known to cause cancer, birth defects, or other reproductive harm, and requires businesses to inform Californians about exposures to such chemicals. Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity.

5. *Unified Hazardous Waste and Hazardous Materials Management Regulatory Program*

California’s Unified Program, overseen but the California Environmental Protection Agency (CalEPA), protect Californians from hazardous waste and hazardous materials by ensuring local regulatory agencies



consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The Unified Program is a consolidation of multiple environmental and emergency management programs, including the following:

- Aboveground Petroleum Storage Act (APSA) Program;
- Area Plans for Hazardous Materials Emergencies;
- California Accidental Release Prevention (CalARP) Program;
- Hazardous Materials Release Response Plans and Inventories (Business Plans);
- Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) (California Code)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs; and
- Underground Storage Tank Program.

State agency partners involved in the implementation of the Unified Program are responsible for setting program element standards, working with CalEPA to ensure program consistency, and providing technical assistance to the California Unified Program Agencies (CUPAs) and Program Agencies (PAs). The state agencies involved with the Unified Program include CalEPA, Department of Toxic Substances Control (DTSC), the Governor’s Office of Emergency Services (Cal OES), CAL FIRE – Office of the State Fire Marshall (CAL FIRE-OSFM), and the State Water Resources Control Board.

6. *License to Transport Hazardous Materials*

Caltrans regulates hazardous materials transportation on all interstate roads (California Vehicle Code, Section 32000.5, *et seq*). Within California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

7. *California Hazardous Materials Release Response Plan and Inventory Law of 1985*

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and California Department of Transportation (Caltrans) enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.



8. *California Government Code (CGC) Section 51178*

This section specifies that the Director of CalFire, in cooperation with local fire authorities, shall identify areas that are Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Areas (LRAs), based on consistent statewide criteria, and the expected severity of fire hazard. Per CGC Section 51178, a local agency may, at its discretion, exclude an area within its jurisdiction that has been identified as a VHFHSZ, if certain conditions are met and/or specific findings can be made regarding the availability of effective fire protection services within the affected area.

C. Local Plans, Policies, and Regulations

1. *Local Permitting Requirements*

The aforementioned federal and State hazardous materials regulations require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPA is the San Bernardino County Fire Department, Hazardous Materials Division. The San Bernardino County Fire Department, Hazardous Materials Division also manages the following hazardous waste programs: 1) Hazardous Materials Release Response Plans and Inventory; 2) California Accidental Release Program; 3) Underground Storage Tanks; 4) Aboveground Petroleum Storage Act/Spill Prevention, Control, and Countermeasure Plan; 5) Hazardous Waste Generation and Onsite Treatment; and 6) Hazardous Materials Management Plans and Inventory.

2. *City of Fontana Local Hazard Mitigation Plan*

The City of Fontana’s Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address wildfire concerns on a community-wide level. The LHMP mitigation measures include: improvement of public education programs, maintaining and improving access to fire prone areas, continuing weed abatement and fuel management in open space areas and urban/wildland interface areas, and repairing/replanting vegetation on slopes after fire to minimize landslide risk.

3. *Ontario International Airport – Airport Land Use Compatibility Plan*

The Ontario International Airport (ONT) Airport Land Use Compatibility Plan (ALUCP) establishes safety zones, airspace protection zones, noise impact zones, and recorded overflight notification zones for areas within the ONT. The Project Site is located approximately four (4) miles east of the ONT and is located within its airport influence area (AIA). Accordingly, the Project Site is subject to the ONT ALUCP. The Project Site is not located within any ONT Safety Zone but a small portion of the Site abutting Slover Avenue is located in an ONT noise impact zone (60-65 decibels). (City of Ontario, 2011)



4. SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Rule 1403 requires the implementation of specific work practices to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM) (SCAQMD, 2007). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM).

4.8.3 METHODOLOGY FOR EVALUATING HAZARDS & HAZARDOUS MATERIALS IMPACTS

The analysis of potential hazards and hazardous materials-related impacts is based upon hazardous materials investigations prepared specifically for the Project Site. The investigations included a site reconnaissance, review of published reports, maps, and aerial photographs, field investigations, and laboratory testing. The analysis also included a review of the City's General Plan, information sources from State and Federal agencies, a review of applicable airport land use plans, hazardous materials mapping, fire hazard mapping, and other resource databases.

4.8.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to hazards and hazardous materials that could result from development projects. The Project would result in a significant impact to hazards and hazardous materials if the Project or any Project-related component would:

- a. *Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment;*
- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;*
- f. *Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or*
- g. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*



4.8.5 IMPACT ANALYSIS

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

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

Implementation of the Project would require demolition and removal of all existing structures and improvements on the Project Site, as well as the removal of all materials stored on the Site, and would result in the construction and long-term operation of two warehouse distribution buildings on the Site. In the event any hazards or hazardous materials were to be present on the Project Site or any hazardous materials were to be used or stored on the Project Site during construction or long-term operation, the Project would have the potential to expose workers on-site, the public, and/or the environment to a substantial hazard. The analysis below evaluates the potential for the Project to result in a substantial hazard to people or the environment during any stage of the Project.

A. Impact Analysis for Existing Site Conditions

1. Soil Vapor

Although they were removed in 1991, the four USTs that were previously located on the Project Site had the potential to cause hazardous soil conditions on the Project Site related to volatile organic compound (VOC) contamination in the event the tanks had leaked or if there were surface spills in the vicinity of the tanks. In addition, groundwater plumes in the Project area have been contaminated with VOCs due to historic operations at the Kaiser Steel Mill site. To evaluate the potential for hazardous/contaminated soil or groundwater conditions to cause VOC vapor intrusion, SCS collected soil vapor samples from 15 locations across the Project Site. VOCs were not detected in any of the soil vapor samples collected on the Project Site; thus, there are no significant health risks associated with vapor intrusion on the Project Site (SCS Engineers, 2021b, p. 4). Impacts would be less than significant.

2. Hazardous Materials Storage

Hazardous materials and substances are used and stored on-Site as part of the Clark Pacific manufacturing activities. During Project demolition, the Project's construction contractor would be required to remove and dispose hazardous materials and substances under the oversight of the San Bernardino County Fire Department, Hazardous Materials Division and in accordance with its requirements/regulations. Accordingly, the removal and disposal of hazardous materials from the Project Site during demolition activities would not expose the public or the environment to significant hazards associated with the removal and assessment of the clarifier on the Project Site; impacts would be less than significant.

3. Building Materials

The use of ACMs (a known carcinogen) and lead paint (a known toxin) was common in building construction prior to 1978. Because the Project Site contains structures known to be constructed before 1978, there is potential for ACMs and surfaces covered with lead paint to be present on the Project Site.



Asbestos is a carcinogen and is categorized as a hazardous air pollutant by the federal EPA. Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the CFR Title 40, Part 61, Subpart M, and are enforced in the Project area by the SCAQMD via Rule 1403. Rule 1403 establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Because ACMs are present in the existing construction debris and/or structures located on the property, then Rule 1403 requires notification of the SCAQMD prior to commencing any demolition or renovation activities. Rule 1403 also sets forth specific procedures for the removal of asbestos, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM. Mandatory compliance with the provisions of Rule 1403 would ensure that construction-related grading, clearing and demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Because the Project's demolition and construction contractors would be required to comply with AQMD Rule 1403 during demolition activities, impacts due to asbestos would be less than significant.

During demolition of the existing buildings on-site, there also is a potential to expose construction workers to health hazards associated with lead-based paint (LBP). The Project's demolition and construction contractors would be required to comply with CCR Title 17, Division 1, Chapter 8, which includes requirements such as employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Mandatory compliance with the requirements of CCR Title 17, Division 1, Chapter 8 would ensure that construction workers and the public are not exposed to significant LBP health hazards during demolition and/or during transport of demolition waste to an appropriate disposal facility, and would ensure that impacts related to LBP remain less than significant.

B. Impact Analysis for Temporary Construction-Related Activities

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Project Site during construction. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the EPA, DTSC, and the Santa Ana RWQCB. With mandatory compliance with applicable hazardous materials regulations, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. A less-than-significant impact would occur.



C. Impact Analysis for Long-Term Operation

The future building occupant(s) for the Project site are not yet identified. However, the Project is designed to house warehouse distribution occupants and it is possible that hazardous materials could be used during the course of a future building user’s daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that requires businesses to plan and prepare for possible chemical emergencies. Any business that occupies the warehouse building on the Project site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the San Bernardino County Fire Department Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California’s Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. With mandatory regulatory compliance, 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. Based on the foregoing information, potential hazardous materials impacts associated with long-term operation of the Project are regarded as less than significant.

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

There are no existing or proposed schools within 0.25-mile of the Project Site. The nearest school to the Project Site is the Henry J. Kaiser High School, which is located approximately 1.25 miles southeast of the Project Site (Google Earth, 2021). Accordingly, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school. No impact would occur.

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

Government Code Section 65962.5 requires DTSC, the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. Although the Project Site is included on several hazardous materials databases (refer to Subsection 4.8.1A.2), none of the databases where the Project Site is listed fall within the categories regulated by Government Code Section 65962.5 (SCS Engineers, 2021a, pp. 15-21). No impact would occur.



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

Most of the Project Site is located outside of the 60 dB CNEL contour for the ONT, although a narrow strip of the Project Site abutting Slover Avenue is located within the 60-65 dB CNEL contour. The Federal Aviation Administration (FAA) considers noise levels 65 dB CNEL and below to be acceptable for all land uses; therefore, the Project would not expose future employees on the Site to excessive noise levels (Fontana, 2018a, p. 11-9). Impacts would be less than significant.

The Project Site is not located in an ONT safety hazard zone (City of Ontario, 2011). Accordingly, implementation of the Project would not result in a safety hazard for people living or working on the Project area and impacts would be less than significant.

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

The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route (Fontana, 2018a; Fontana, 2018b). As part of the City’s discretionary review process, the City reviewed the Project’s application materials to ensure that appropriate emergency ingress and egress would be available to-and-from the Project Site and that Project operation would not substantially impede emergency response times in the local area. During construction, all materials and equipment would be stored/staged on the Project Site and would not interfere with emergency vehicles traveling along Slover Avenue. Limited Project construction activities would occur within the Slover Avenue public rights-of-way; however, for any work within the right-of-way that requires a partial or full closure of a sidewalk or vehicle travel lane, the construction contractor would be required to implement a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and must be approved by the City to ensure that emergency response is not adversely affected. During construction and long-term operation, the proposed Project would be required to maintain adequate emergency access for emergency vehicles. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project Site is not located adjacent to wildlands nor is the Project Site located within or adjacent to a very high fire hazard severity zone (Fontana, 2018a, p. 11-4; Cal Fire, 2008; Google Earth, 2021). Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur.

4.8.6 CUMULATIVE IMPACT ANALYSIS

As discussed above under the responses to Thresholds “a” and “b,” the Project’s construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Although the end user(s) of the Project Site are not presently



known, if businesses that use or store hazardous materials occupy the Project, the business owners and operators would be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses also would be subject to additional review and permitting requirements by the San Bernardino County Fire Department. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Although there is on-site contamination present, compliance with mitigation measures would ensure isolation of any impacts to the Project Site and would not have the ability to impact the surrounding area. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would be reduced to a less-than-significant cumulative level. Accordingly, the Project's potential to contribute to a cumulatively significant hazardous materials impact would be less than significant.

The Project Site is not located within one-quarter mile of a school; therefore, the Project has no potential effect on students in relation to the use, handling, and transport of hazardous materials and would have no impact.

The Project Site is not located on the list of hazardous materials sites compiled pursuant to Government Code § 65962.5; therefore, the Project has no potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.

As discussed above under the response to Threshold "e," the Project is not a noise-sensitive land use and would not be adversely affected by noise from operations at the ONT. In addition, the Project would not introduce any land use to the Project Site that would conflict with the ONT ALUCP. Therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area and would not contribute to a cumulatively considerable impact associated with airport hazards.

The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route; thus, there is no potential for the Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

As discussed above under Threshold "g," the Project Site is not located within or in close proximity to areas identified as being subject to wildland fire hazards and would have no potential to contribute to adverse, cumulative wildland fire hazards.

4.8.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Threshold c: No Impact. The Project site is not located within one-quarter mile of any existing or proposed school. 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. Impacts to schools located more than one-quarter mile of the Project site would be less than significant.

Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

Threshold e: Less-than-Significant Impact. The Project is consistent with the restrictions and requirements of the ONT ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.

Threshold f: Less-than-Significant Impact. The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Threshold g: No Impact. The Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.

4.8.8 MITIGATION

The Project would result in less than significant impacts related to hazards and hazardous materials and no mitigation is required.

4.9 HYDROLOGY AND WATER QUALITY

Information in this Subsection relies on two technical reports prepared for the Project by Thienes Engineering, Inc. (hereinafter, “Thienes”): 1) “Preliminary Hydrology Calculations for Slover Avenue Industrial Buildings, 13592 Slover Avenue, Fontana, California,” dated June 9, 2021 (Thienes Engineering, 2021a); and 2) “Storm Water Quality Management Plan (SWQMP) for Slover Avenue Industrial Buildings, 13592 Slover Avenue, Fontana, California 92337,” dated June 9, 2021 (Thienes Engineering, 2021b). These reports are provided as *Technical Appendices II and I2*, respectively, to this EIR. All other information sources referenced in this Subsection are listed in EIR Section 7.0, *References*.

The Project Site is located within the Santa Ana River watershed and is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). As such, information for this Subsection also was obtained from the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Plan* (updated June 2019) and the *Integrated Regional Water Management Plan (IRWMP)* for the Santa Ana River watershed (also referred to as “One Water One Watershed Plan Update 2018,” (February 19, 2019) prepared by the Santa Ana Watershed Project Authority (SAWPA). These documents are herein incorporated by reference and are available for public review at the physical locations and website addresses given in EIR Section 7.0, *References*.

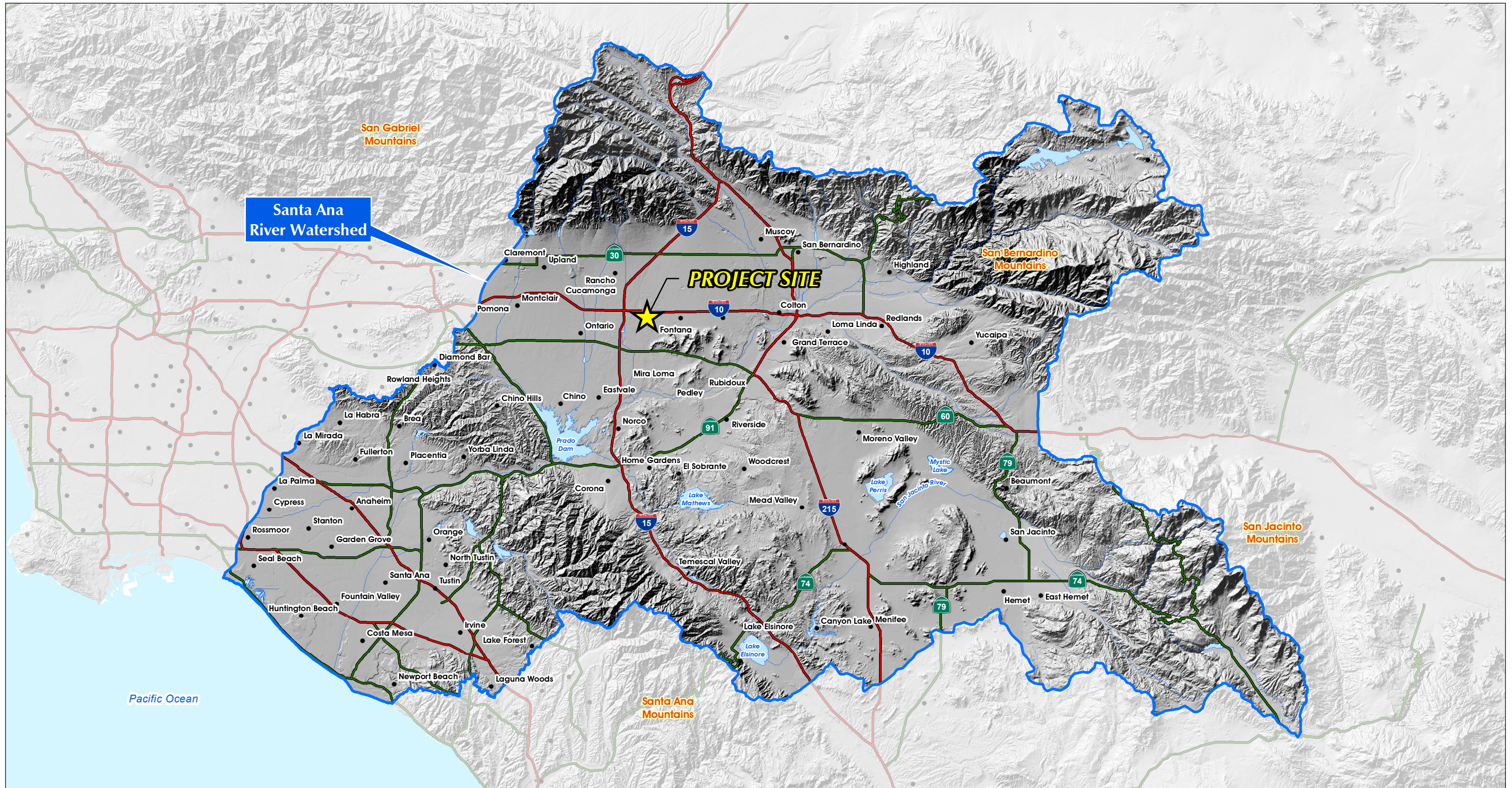
4.9.1 EXISTING CONDITIONS

A. Regional Hydrology

The Project Site is located within the 2,650-acre Santa Ana River watershed. Within the Santa Ana River watershed, the Santa Ana River is the principal surface flow water body within the region. The Santa Ana River rises in Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The total length of the Santa Ana River and its major tributaries is approximately 700 miles. The location of the Project Site within the Santa Ana River watershed is illustrated on Figure 4.9-1, *Santa Ana River Watershed Map*.

B. Site Hydrology

The Project Site is currently fully paved and occupied by the Clark Pacific pre-cast concrete manufacturing facility. An existing rail road spur divides the Project Site into east and west sections, with both draining southerly towards Slover Avenue. The eastern portion of the Site drains southwesterly as sheet flow towards the east side of the rail road spur where it is collected by two existing catch basins abutting Slover Avenue. The 100-year peak flow rate for the eastern portion of the Site is approximately 31.2 cubic feet per second (cfs) (Thienes Engineering, 2021a). The western portion of the Site drains as sheet flow southwesterly towards the Slover Avenue and is collected in an existing catch basin abutting Slover Avenue and located immediately to the west of the Project Site. The 100-year peak flow rate for the western portion of the Site is approximately 26.9 cfs (ibid.). The combined, total 100-year peak flow rate for the Project Site is approximately 58.1 cfs under existing conditions. The Project Site’s existing stormwater drainage pattern is illustrated on Figure 4.9-2, *Existing Conditions Hydrology Map*.



Source(s): ESRI, RCLMA (2021)

Figure 4.9-1

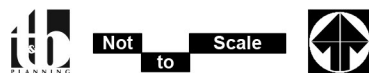


Santa Ana River Watershed Map



Source(s): Thienes Engineering, Inc. (06-09-2021)

Figure 4.9-2



Existing Conditions Hydrology Map



The land north of the Project Site is occupied by Southern Pacific Railroad. There is an existing off-site grated catch basin near the northern Project Site boundary; this catch basin captures runoff from the railroad right-of-way and from areas to the north. The catch basin connects to an existing 36-inch storm drain that traverses the Project Site, although its precise alignment through the Project Site is unclear, and ultimately connects to the existing public storm drain in Slover Avenue.

C. Flooding and Dam Inundation

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8634J, dated September 26, 2014, the Project Site is located within “Zone X,” which corresponds to areas with minimal flood hazard outside of the 500-year floodplain (also referred to as the 0.2% annual chance floodplain). No portions of the Project Site are located a 100-year flood hazard area. (FEMA, 2014)

According to the City of Fontana General Plan EIR, the Project Site is not located within any mapped dam inundation area (Fontana, 2018b, p. 5.8-11).

D. Water Quality

The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act, CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The Project Site’s receiving waters include the storm drain westerly along Slover Avenue, San Sevaire Channel, Santa Ana River Reach 3, Prado Dam, Santa Ana River Reach 2, Santa Ana River Reach 1, and Pacific Ocean. Of the Project Site’s receiving waters, the Santa Ana River Reach 3 is included on the CWA’s Section 303(d) list of impaired waters because of excessive concentrations of copper, indicator bacteria, and lead and the Prado Dam is included because of pH (Thienes Engineering, 2021b, p. 3-3).

E. Groundwater

The Project Site is located within the eastern portion of the Chino Groundwater Basin within the “Chino North” groundwater management zone. According to a geotechnical investigation performed by NorCal Engineering, no groundwater was encountered during test excavations on the Project Site (NorCal Engineering, 2021, p. 4). According to the Chino Basin Optimum Basin Management Plan, groundwater elevations beneath the Project Site occur at elevations of approximately 725 feet amsl, indicating that the groundwater table beneath the Site occurs approximately 275 feet below the ground surface. (CBWM, 2017, Exhibit 4-4)

4.9.2 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws, related regulations, and plans related to hydrology and water quality.



A. Federal Plans, Policies, and Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the EPA has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2021f)

B. State Plans, Policies, and Regulations

1. Porter-Cologne Water Control Act

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water (EPA, 2021f). The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 *et seq.*), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a



community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. The Project Site is located in the Santa Ana River Watershed which is within the purview of Santa Ana RWQCB. The Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan is the governing water quality plan for the region.

2. *California Water Code*

The California Water Code is the principal state law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies (CA Legislative Info, n.d.). The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (Sections 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

Surface water quality is the responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water.

3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR criteria are similar to those published in the National Recommended Water Quality Criteria. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as



municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters (SWRCB, 2016, pp. 14-15).

4. *Watershed Management Initiative (WMI)*

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and State mandated priorities. As such, the WMI helps the Water Boards achieve water resource protection, enhancement and restoration while balancing economic and environmental impacts. The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups (SWRCB, 2017).

5. *Sustainable Groundwater Management Act (SGMA)*

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge (DWR, n.d.). Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins (DWR, 2020). For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability.

C. *Local Plans, Policies, and Regulations*

1. *City of Fontana Local Hazard Mitigation Plan*

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address



flooding concerns on a community-wide level. The LHMP mitigation measures include: performing a feasibility study or retention and detention of storm water to include water sensitive design, evaluation of public infrastructure, ensuring undeveloped properties adhere to flood plain preservation and risk reduction methodologies, continuing to impose BMPs on users of the storm drain system, and continuing street sweeping and trash services.

2. *City of Fontana Municipal Code*

Chapter 23, Article IX (Preventing Discharge of Pollutants into Storm Drains) of the City of Fontana Municipal Code requires the City to participate as a "Co-permittee" under the NPDES permit program to accomplish the requirements of the CWA. Pursuant to this chapter, the City requires all development activities subject to the City's NPDES permit to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is required to identify proposed structural BMPs and source and treatment control BMPs to infiltrate and/or adequately treat the projected stormwater and urban runoff from the development Site (Fontana, 2021a).

The City of Fontana Municipal Code (Chapter 9, Article II) requires development projects to incorporate an erosion and dust control plan to minimize water- and windborne erosion. Specific dust control measures are required to be listed on the grading/construction plan. The erosion and dust control plan is required to be approved by City of Fontana staff prior to the issuance of the applicable construction permit (Fontana, 2021a).

3. *SCAQMD Rule 403 (Fugitive Dust)*

SCAQMD Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures (BACM) during active operations capable of generating fugitive dust. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources (SCAQMD, 2005).

4.9.3 METHODOLOGY OF EVALUATING HYDROLOGY & WATER QUALITY IMPACTS

The analysis of potential hydrology and water quality-related impacts is based upon the hydrology calculations and preliminary water quality management plan prepared specifically for the Project Site. The hydrology calculations were prepared using the San Bernardino County Rational Method program (AES software). The preliminary water quality management plan was prepared based on the technical guidance document for water quality management plans within the Santa Ana River Watershed and utilizes the water quality management plan template for the Santa Ana River Watershed, both published by the County of San Bernardino. The City's General Plan and information sources from State and Federal agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

4.9.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse hydrology and water



quality effects that could result from development projects. The Project would result in a significant impact to hydrology and water quality if the Project or any Project-related component would:

- a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;*
- b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*
- c. *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:*
 - i. *Result in substantial erosion or siltation on- or off-site*
 - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site*
 - iii. *Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff*
 - iv. *Impede or redirect flood flows;*
- d. *Result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or*
- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

4.9.5 IMPACT ANALYSIS

Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The Project Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the NPDES permit program that covers point sources of pollution discharging to a water body. The NPDES program would require the Project Applicant and/or construction contractor to prepare a SWPPP and obtain authorization to discharge stormwater under an NPDES construction stormwater permit because the Project would result in construction on a site that is larger than one acre. The Project Applicant also would be required to comply with the California Porter-Cologne Water Quality Control Act (Section 13000 *et seq.*, of the California Water Code), which requires that comprehensive water quality control plans be developed for all waters within the State of California. The Project Site is located within the jurisdiction of the Santa Ana RWQCB.

A. Construction-Related Water Quality Impacts

Construction of the Project would involve demolition, clearing, grading, paving, utility installation, building construction, and landscaping activities, which have the potential to generate silt, debris, organic waste, chemicals, paints, and other solvents; should these materials come into contact with water that reaches the groundwater table or flows off-site, the potential exists for the Project’s construction activities to adversely



affect water quality. As such, short-term water quality impacts have the potential to occur during Project construction in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project Applicant would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project's construction contractors would be required to implement during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Pursuant to Fontana Municipal Code Chapter 9, Article II, the Project Applicant also would be required to implement an erosion control plan to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project's construction does not violate any water quality standards or waste discharge requirements. Therefore, water quality impacts associated with construction activities would be less than significant.

B. Post-Development Water Quality Impacts

Stormwater pollutants that may be produced during Project operation include pathogens (bacterial/virus), phosphorous, nitrogen, sediment, metals, oil/grease, trash/debris, pesticides/herbicides, and organic compounds. On-Site landscaping and/or runoff from paved vehicle parking areas would be the source of potential stormwater pollutants from Project operation. The expected pollutants of concern for the Project are pathogens, nitrogen, and metals. (Thienes, 2019b, p. 2-2)

The Project Applicant would be required to prepare and implement a Water Quality Management Plan (SWQMP) to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The SWQMP is a Site-specific post-construction water quality management program designed to address the potential release of pollutants of concern for downstream receiving waters and other water pollutants through the use of BMPs. Implementation of the SWQMP ensures on-going, long-term protection of the watershed basin. The preliminary SWQMP for the Project was prepared by Thienes and is included as *Technical Appendix I2* to this EIR. As identified in the preliminary SWQMP, the Project is designed to include structural source control BMPs (including hydrodynamic separators, catch basin inserts, and underground infiltration chambers) as well as operational source control BMPs (including, but not limited to, the installation of water-efficient landscape irrigation systems, storm drain system stenciling and signage, and implementation of a trash and waste storage areas) to minimize, prevent, and/or otherwise appropriately treat stormwater runoff flows for pollutants of concern before they are discharged into the municipal storm drain system (Thienes Engineering, 2021b, Section 4). Compliance with the preliminary SWQMP would be



required as a condition of Project approval pursuant to Fontana Municipal Code Chapter 23, Article IX, and long-term maintenance of on-Site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

Additionally, the NPDES program requires certain land uses, including the industrial land uses proposed by the Project, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. On April 1, 2014, the California State Water Resources Control Board adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the “Industrial General Permit”). This permit was amended in 2015 and 2018 and is effective as of as of July 1, 2020. (SWRCB, 2020). Under this currently effective NPDES Industrial General Permit, the Project would be required to prepare a SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Because the permit is dependent upon a detailed accounting of all operational activities and procedures, and the Project’s building users and their operational characteristics are not known at this time, details of the operational SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined with certainty at this time. However, based on the performance requirements of the NPDES Industrial General Permit, the Project’s mandatory compliance with all applicable water quality regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during long-term operation. Impacts would be less than significant.

Threshold b: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The Project would connect to the City of Fontana’s municipal water system and the Project Applicant does not propose the use of any wells or other groundwater extraction activities. Therefore, the Project would not directly draw water from the groundwater table. Implementation of the Project has no potential to substantially deplete or decrease groundwater supplies and the Project’s impact to groundwater supplies would be less than significant.

Development of the Project would increase impervious surface coverage on the Project Site, which would, in turn, reduce the amount of water percolating down into the underground aquifer that underlies the Project Site and a majority of the City and surrounding areas (i.e., Chino Groundwater Basin). Percolation is just one of several sources of groundwater recharge for the Subbasin. A majority of the groundwater recharge in the Chino Groundwater Basin occurs within percolation basins (“recharge basins”) that are located in the northern and western portions of the Basin (and north and west of the City of Fontana) (CBWM, 2017, Exhibit 3-7). The Project Site is located in the eastern portion of the Chino Groundwater Basin and would not physically impact any of the major groundwater recharge facilities in the Basin. Therefore, the Project would not result in substantial, adverse effects to local groundwater levels. Additionally, the Project includes



design features that would maximize the percolation of on-site storm water runoff into the groundwater basin, such as underground infiltration chambers and permeable landscape areas. Accordingly, buildout of the Project with these design features would not interfere substantially with groundwater recharge or impede sustainable groundwater management of the Chino Groundwater Basin. Based on the foregoing information, the Project would not interfere substantially with groundwater recharge.

For the reasons stated above, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin. Impacts would be less than significant.

Threshold c: *Would the Project 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:*

- i. Result in substantial erosion or siltation on- or off-site?*
- ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- iii. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- iv. Impede or redirect flood flows?*

Implementation of the Project would alter the existing ground contours of the Project Site and result in the installation of impervious surfaces, which would result in changes to the Site’s existing, internal drainage patterns. The Project would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and underground infiltration basins to capture on-Site stormwater runoff flows, convey the runoff across the Site, and treat the runoff to minimize the amount of water-borne pollutants carried from the Project Site (the Project’s stormwater drainage concept is described in detail in EIR Section 3.0, *Project Description*). Upon development of the Project, all stormwater from the Project Site would be discharged to an existing storm drain beneath Slover Avenue. Figure 4.9-3, *Proposed Post-Development Hydrology Map*, illustrates the post-development drainage conditions on the Project Site.

The following analysis evaluates the potential for Project-related development activities to adversely affect water quality or cause or exacerbate local flooding.



A. Erosion and Siltation

Although the Project would alter the subject property's interior drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects, including the Project, that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the BMPs that would be required to be implemented during construction activities to ensure that waterborne pollution – including erosion/siltation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to Fontana Municipal Code Chapter 9, Article II and to ensure compliance with SCAQMD Rule 403. Mandatory compliance with the SWPPP and the City-required erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Based on the foregoing information, erosion and sedimentation impacts associated with Project construction activities would be less than significant.

During operation of the Project, the Project Applicant would be required to prepare and implement a SWQMP, which is a Site-specific post-construction water quality management program that will be implemented to minimize erosion and siltation, pursuant to Fontana Municipal Code Chapter 23, Article IX. The SWQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The SWQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the SWQMP is required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. The preliminary SWQMP for the Project is provided as *Technical Appendix 12* to this EIR. Because the Project Applicant would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, Project operation would result in less-than-significant impacts related to soil erosion and sedimentation.

B. Stormwater Runoff Discharge

The Project's storm drain system is designed to capture all stormwater runoff originating on the Project Site during peak storm conditions and convey these flows to an existing storm drain beneath Slover Avenue, which receives all stormwater runoff discharge from the Project Site under existing conditions. At buildout, the Project would discharge approximately 57.6 cfs to the existing storm drain within Slover Avenue, an approximately one (1) percent decrease relative to existing conditions (Thienes Engineering, 2021a). Accordingly, the Project would not increase the rate or amount of surface runoff on the Project site.



The Project also would retain an existing storm drain line that traverses the Project Site in order to convey off-Site stormwater runoff (originating to the north) to the existing storm drain beneath Slover Avenue. The Project may need to modify the alignment of this storm drain within the Project Site, although the Project would not modify the rate or amount of stormwater that is conveyed by the storm drain or its discharge point.

Based on the foregoing information, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

C. *Stormwater Drainage System Capacity & Polluted Runoff*

As described above, buildout of the Project would reduce the amount of runoff discharged into the existing municipal storm drain system during peak storm events relative to existing conditions. Accordingly, the Project would not create or contribute runoff that would exceed the capacity of any existing storm water drainage system, and impacts would be less than significant.

As discussed in the response to Threshold “a” and this Threshold (refer to sub-item “A”), the Project’s construction contractors would be required to comply with a SWPPP and the Project’s owner or operator would be required to comply with a SWQMP to ensure that Project-related construction activities and operational activities do not result in substantial amounts of polluted runoff. The Project would not result in substantial additional sources of polluted runoff and impacts would be less than significant.

D. *Flood Flows*

The Project Site is not located within a special flood hazard area (FEMA, 2014). Accordingly, the Project Site is not expected to be inundated by flood flows during the lifetime of the Project and the Project would not impede flood flows. No impact would occur.

Threshold d: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

The Pacific Ocean is located over 40 miles southwest of the Project Site; consequently, there is no potential for the Project Site to be impacted by a tsunami as tsunamis typically only reach up to a few miles inland. The Project Site also is not subject to flooding hazards associated with a seiche because the nearest large body of surface water (Prado Reservoir) is located more than 12 miles southwest of the Project Site, which is too far away from the subject property to impact the property with a seiche (Google Earth, 2021). Furthermore, as noted in the City of Fontana General Plan EIR, the Project Site is not located within any mapped dam inundation area (Fontana, 2018b, p. 5.8-11). Because the Project Site cannot be affected by a tsunami, seiche, or dam inundation, there is no potential for such hazards to inundate the Project Site and cause a release of waterborne pollutants. Accordingly, the Project would not release water pollutants due to inundation. No impact would occur.



Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed under Threshold “a” above, the Project Site is located within the Santa Ana River Basin and Project-related construction and operational activities would be required to comply with the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Plan* by preparing and adhering to a SWPPP and SWQMP. As also discussed in Threshold “a” above, implementation of the Project would not conflict with or obstruct the *Santa Ana River Basin Water Quality Control Plan* and impacts would be less than significant.

The Project Site is located within the Chino Groundwater Basin, which is an adjudicated groundwater basin. Adjudicated basins, like the Chino Groundwater Basin, are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of the basin. No component of the Project would obstruct with or prevent implementation of the management plan for the Chino Groundwater Basin. As such, the Project’s construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

4.9.6 CUMULATIVE IMPACTS

The cumulative impact analysis considers construction and operation of the Project in conjunction with other development projects in the vicinity of the Project Site and projects located in the Santa Ana River Basin and Chino Groundwater Basin.

A. Water Quality

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the Santa Ana River Watershed. Pursuant to the requirements of the State Water Resources Control Board and the Santa Ana RWQCB, all construction projects that disturb one (1) or more acres of land area are required to obtain coverage for construction activities under the State’s General Construction NPDES Permit. In order to obtain coverage, an effective Site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in the Santa Ana River Basin would be required to comply with the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Program*, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the Santa Ana River watershed, including the proposed Project, would not contribute substantially to water quality impairments during construction.

Operational activities on the Project Site would be required to comply with the Project’s SWQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the Site. Other development projects within the watershed would similarly be required by law to prepare and implement Site-specific SWQMPs to ensure that runoff does not substantially contribute to water quality



violations. Accordingly, operation of the Project would not contribute to cumulatively-considerable water quality effects.

B. Groundwater Supplies and Management

The Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). Also, as previously noted, implementation of the Project would not result in substantial adverse effects to local groundwater supplies or groundwater recharge. Thus, no component of the Project would obstruct with or prevent implementation of the management plan for the Chino Groundwater Basin and other development projects within the Chino Groundwater Basin would be prohibited from any activity that would endanger the health and sustainability of the groundwater basin. Based on the lack of impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable Chino Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

C. Flooding

Construction of the Project and other development projects within the Santa Ana River watershed would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the Santa Ana River Basin would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold “c,” the Project is designed to ensure that runoff from the Project Site during peak storm events is reduced relative to existing conditions. Because the Project and all other developments throughout the Santa Ana River Basin, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.

Additionally, the Project Site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project Site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

4.9.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and SWQMP is required as part of the Project’s implementation to address construction- and operational-related water quality.



Threshold b: Less-than-Significant Impact. The Project would not physically impact any of the major groundwater recharge facilities in the Chino Groundwater Basin. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the Basin.

Threshold c: Less-than-Significant Impact. The Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Threshold d: No Impact. The Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.

Threshold e: Less-than-Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.8 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.



4.10 NOISE

This Subsection addresses the environmental issue of noise, including existing noise levels in the Project area and the Project’s potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in a technical report prepared by Urban Crossroads, Inc., titled “Fontana Corporate Center Noise Impact Analysis” (noise analysis) and dated November 23, 2021 (Urban Crossroads, 2021e). The report is included as *Technical Appendix J* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.10.1 NOISE FUNDAMENTALS

A. *Noise Definitions*

Noise is simply defined as “unwanted sound.” Sound becomes unwanted when it interferes with normal activities, when it causes physical harm, or when it has adverse effects on health. Because the range of sound that the human ear can detect is large, the scale used to measure sound intensity is based on multiples of 10, the logarithmic scale. The unit of measure to describe sound intensity is the decibel (dB). A sound increase of 10 dB represents a ten-fold increase in sound energy and is perceived by the human ear as being roughly twice as loud. A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise sources by discriminating against very low and very high frequencies of the audible spectrum (i.e., frequencies that are not audible to the human ear). The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at a distance of three feet is roughly 60 dBA, while a jet engine is 110 dBA at approximately 100 feet. (Urban Crossroads, 2021e, p. 7-8)

B. *Noise Descriptors*

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used noise descriptor is the equivalent level (L_{eq}). L_{eq} represents a steady state sound level containing the same total energy as a time varying signal over a given time period. L_{eq} values are not measured directly but are calculated from sound pressure levels typically measured in dBA. Consequently, L_{eq} can vary depending on the time of day. (Urban Crossroads, 2021e, p. 8)

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may cause a disturbance if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of five (5) decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources. (Urban Crossroads, 2021e, p. 8)



C. *Sound Propagation*

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on geometric spreading, ground absorption, atmospheric effects, shielding, and reflection.

1. *Geometric Spreading*

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. (Urban Crossroads, 2021e, p. 8)

2. *Ground Absorption*

To account for the ground-effect attenuation (absorption) of noise, two types of site conditions are commonly used in noise models: soft site and hard site conditions. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receptor, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., sites with an absorptive ground surface between the source and the receptor such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. (Urban Crossroads, 2021e, p. 9)

3. *Atmospheric Effects*

Receptors located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Other factors that may affect noise levels include air temperature, humidity, and turbulence. (Urban Crossroads, 2021e, p. 9)

4. *Shielding*

A large object or barrier in the path between a noise source and a receptor can substantially attenuate noise levels at the receptor. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Solid objects or barriers are most effective at attenuating noise levels. Effective noise barriers can reduce noise levels by 10 to 15 dBA. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source. (Urban Crossroads, 2021e, p. 9).

5. *Reflection*

Field studies conducted by the FHWA have shown that the reflection from barriers and buildings does not substantially increase noise levels. If all the noise striking a structure was reflected back to a given receiving point, the increase would be theoretically limited to 3 dBA. Further, not all the acoustical energy is reflected back to same point. Some of the energy would go over the structure, some is reflected to points other than the given receiving point, some is scattered by ground coverings (e.g., grass and other plants), and some is blocked by intervening structures and/or obstacles (e.g., the noise source itself). Additionally, some of the reflected



energy is lost due to the longer path that the noise must travel. FHWA measurements made to quantify reflective increases in traffic noise have not shown an increase of greater than 1-2 dBA; an increase that is not perceptible to the average human ear. (Urban Crossroads, 2021e, p. 9)

D. Response to Noise

Approximately 10 percent of the population has a very low tolerance for noise and will object to any noise not of their own making. Consequently, even in the quietest environment, some complaints will occur. Another 25 percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given environment. Despite this variability in behavior on an individual level, the population as a whole can be expected to exhibit the following responses to changes in noise levels: an increase of 1 dBA cannot be perceived except in carefully controlled laboratory experiments; a change of 3 dBA is considered “barely perceptible;” and a change of 5 dBA is considered “readily perceptible.” (Urban Crossroads, 2021e, p. 10-11)

E. Vibration

Vibration is the periodic oscillation of a medium or object. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second) and decibels (dB) and is denoted as VdB. (Urban Crossroads, 2021e, p. 11)

The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. (Urban Crossroads, 2021e, p. 11)

4.10.2 EXISTING NOISE CONDITIONS

A. Existing Study Area Ambient Noise Conditions

Urban Crossroads recorded 24-hour noise readings at three (3) locations in the Project study area on June 24, 2021. The noise measurement locations are identified in Figure 4.10-1, *Noise Measurement Locations*. The results of the existing noise level measurements are summarized below. Noise measurement worksheets for the hourly noise levels and the minimum and maximum observed noise levels at each measurement location are provided in the noise analysis (refer to *Technical Appendix J*). In general, the existing background ambient noise levels in the Project area are dominated by traffic noise associated with automobiles and truck traffic on the local arterial roadway network (Urban Crossroads, 2021e, p. 19-20).

- Location L1 represents the noise levels located east of the Project Site near single-family residence at 10463 Calabash Avenue. The noise level measurements collected show an average daytime noise level calculated to be 66.0 dBA L_{eq} and an average nighttime noise level calculated to be 62.0 dBA L_{eq} at location L1. (Urban Crossroads, 2021e, p. 20)



Source(s): Urban Crossroads (11-23-2021)

Figure 4.10-1



Not to Scale



Noise Measurement Locations



- Location L2 represents the noise levels located south of the Project Site near single-family residence at 10709 Calabash Avenue. The noise level measurements collected show an average daytime noise level calculated to be 64.0 dBA L_{eq} and an average nighttime noise level calculated to be 62.3 dBA L_{eq} at Location L2. (Urban Crossroads, 2021e, p. 20)
- Location L3 represents the noise levels located southeast of the Project Site near single-family residence at 13887 Santa Ana Avenue. The noise level measurements collected show an average daytime noise level calculated to be 64.6 dBA L_{eq} and an average nighttime noise level calculated to be 60.9 dBA L_{eq} at Location L3. (Urban Crossroads, 2021e, p. 20)

B. Existing Groundborne Vibration

Based on the nature of the existing uses on the Project Site, there are no sources of groundborne vibration on the Project Site under existing conditions because no heavy, impact machinery is used on the Site.

C. Existing Airport Noise

The Project Site is located approximately four miles east of the Ontario International Airport (ONT). This places the Project Site within the ONT Airport Influence Area according to Policy Map 2-1 of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP). Within the ONT Airport Influence Area, most of the Project Site is located outside the 60 dB CNEL airport noise impact zone and a narrow strip of land abutting Slover Avenue is located within the 60-65 dB CNEL airport noise impact zone. (Urban Crossroads, 2021e, p. 15)

4.10.3 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws and regulations related to noise that are applicable to the Project, the Project Site, and/or the surrounding area.

A. Federal Plans, Policies, and Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products. (EPA, 2021j)

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control. (EPA, 2021j)



2. Federal Transit Administration

The Federal Transit Administration (FTA) published a *Noise and Vibration Impact Assessment (NVIA)*, which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2006, p. 1-1)

The *NVIA* also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.10-1, *Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2006, pp. 8-3 and 8-4)

Table 4.10-1 Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch /sec)			GBN Impact Levels (dB re 20 micro Pascals)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB ⁴	65 VdB ⁴	65 VdB ⁴	N/A ⁴	N/A ⁴	N/A ⁴
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
Category 3: Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA

Notes:

1. "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
2. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3. "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels. Ensuring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.
5. Vibration-sensitive equipment is generally not sensitive to ground-borne noise.

Source: (FTA, 2006, Table 8-1)



3. *Federal Highway Administration*

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design. (FHWA, 2017)

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. (FHWA, 2017)

4. *Construction-Related Hearing Conservation*

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels. (OSHA, 2002)

Note: This analysis does not evaluate the noise exposure of construction workers within the Project Site based on CEQA requirements, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Plans, Policies, and Regulations

1. *State of California Noise Requirements*

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city in the State of California adopt a General Plan that includes a Noise Element, which is to be prepared according to guidelines adopted by the Governor's Office of Planning and



Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

2. *Building Standards Code*

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. (BSC, n.d.)

3. *OPR General Plan Guidelines*

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor's OPR, provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The OPR Guidelines state that General Plan policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements, and directly correlate to the Land Use, Circulation, and Housing Elements. The Guidelines also state that the Noise Element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels. (OPR, 2017, pp. 131-132) The City's General Plan addresses the topic of noise in the City's General Plan Safety and Noise Element. Refer below for a discussion of the City's General Plan.

C. *Local Plans, Policies, and Regulations*

1. *Ontario International Airport, Airport Land Use Compatibility Plan*

The Project Site is located approximately 4.0 miles west of the nearest runway at the ONT and is located within the ONT Airport Influence Area (AIA). The most recent ONT ALUCP was adopted on April 19, 2011. The ALUCP establishes safety zones, airspace protection zones, noise impact zones, and recorded overflight notification zones for areas within the ONT AIA. Most of the Project Site is located outside the 60 dB CNEL airport noise impact zone and a narrow strip of land abutting Slover Avenue is located within the 60-65 dB CNEL airport noise impact zone (Ontario, 2011, Map 2-3, Table 2-3). The 60-65 dB CNEL area does not have any restrictions for industrial or warehouse uses.

2. *City of Fontana General Plan*

The City's General Plan Noise and Safety Element addresses the control and abatement of noise and includes actions for developments that would be impacted by non-transportation noise sources including industrial, commercial, and residential activities and equipment. The Noise and Safety Element, Goal 8, Action A



establishes the City's acceptable noise level of 65 dBA CNEL for mobile source (traffic) noise levels at existing and future noise-sensitive land uses. (City of Fontana, 2018a, p. 11-9)

3. *Fontana Municipal Code*

Construction-Related Noise Standards

Section 18-63(b)(7) of the Fontana Municipal Code establishes the City's acceptable noise criteria for construction activities. Specifically, construction activities are exempt from noise restrictions so long as construction activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays (except in the case of urgent necessity). However, if activity occurs outside of these hours, the City of Fontana stationary-source (operational) noise level standards of 70 dBA L_{eq} during the daytime hours and 65 dBA L_{eq} during the nighttime hours would apply. (City of Fontana, 2019a)

Operational Noise Standards

Section 30-259 of the Fontana Municipal Code establishes the City's noise standards for sensitive receptor exposures to stationary noise from industrial-zoned properties. Pursuant to Section 30-259, no person shall create or cause to be created any sound on an industrial-zoned property that exceeds 70 dBA L_{eq} during the daytime hours or 65 dBA L_{eq} during the nighttime hours at sensitive receiver locations. (City of Fontana, 2019a)

Vibration Standards

Section 30-183 of the Fontana Municipal Code prohibits any activity that creates or cause to be created vibration that can be felt on abutting properties with or without the aid of an instrument. (City of Fontana, 2019a)

4.10.4 METHODOLOGY FOR CALCULATING PROJECT-RELATED NOISE IMPACTS

A. **Construction Noise Analysis Methodology**

For the construction noise analysis, reference noise level measurements published in the *Update of Noise Database for Prediction of Noise on Construction and Open Sites by the Department for Environment, Food and Rural Affairs (DEFRA)* were utilized. The *DEFRA* database provides the most recent and comprehensive source of reference construction noise levels. Table 4.10-2, *Reference Construction Noise Levels*, provides a summary of the *DEFRA* construction reference noise level measurements expressed in hourly average dBA L_{eq} using the estimated FHWA Roadway Construction Noise Model (RCNM) usage factors to describe the typical construction activities for each stage of Project construction. (Urban Crossroads, 2021e, p. 41)

The construction noise analysis evaluates Project construction-related noise levels at the closest nearby receiver locations in the Project study area. Three representative receiver locations were considered in the construction noise analysis, including existing residences adjacent to Calabash Avenue and Santa Ana Avenue. The receiver locations used in the construction noise analysis are shown on Figure 4.10-2, *Noise Receiver Locations*. The modeled noise-sensitive receiver locations are representative of existing receptors nearest the Project Site. It is not necessary to quantify noise levels at every receiver location in proximity to the Project's



Table 4.10-2 Reference Construction Noise Levels

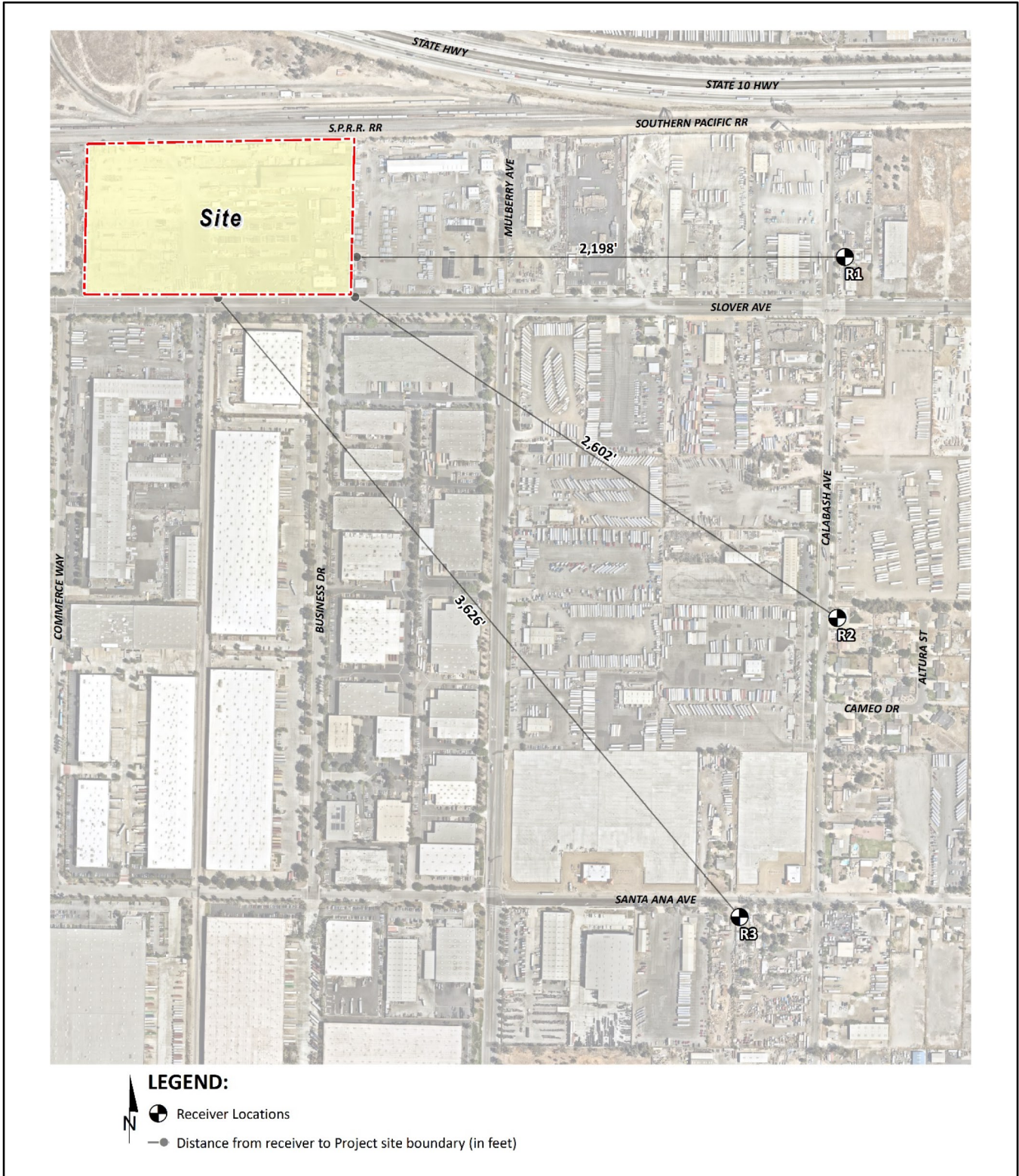
Construction Stage	Reference Construction Activity ¹	Reference Noise Level @ 50 Feet (dBA L _{eq})	Highest Reference Noise Level (dBA L _{eq})
Demolition/ Crushing	Demolition Equipment	69	83
	Backhoes	61	
	Hauling Trucks	71	
	Impact Hammer (hoe ram)	83	
	Loaders	71	
Site Preparation	Crawler Tractors	77	77
	Hauling Trucks	71	
	Rubber Tired Dozers	71	
Grading	Graders	79	79
	Excavators	64	
	Compactors	67	
Building Construction	Cranes	67	72
	Tractors	72	
	Welders	65	
Paving	Pavers	70	70
	Paving Equipment	69	
	Rollers	69	
Architectural Coating	Cranes	67	67
	Air Compressors	67	
	Generator Sets	67	

Source: (Urban Crossroads, 2021e, p. 43)

construction area because receivers located at a similar distance from Project construction activities with similar ground elevations, orientation, and intervening physical conditions as the modeled receptor locations would experience the same or very similar noise effects as those disclosed herein, while receptors at a greater distance would experience lesser noise effects.

B. Stationary Noise Analysis Methodology

To estimate the Project operational noise impacts, reference noise level measurements were collected from active industrial and warehousing facilities in southern California with similar operational characteristics as the Project. While sound pressure levels (e.g., L_{eq}) quantify in decibels the intensity of given sound sources at a reference distance, sound power levels (L_w) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish because of intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment. The reference Project operational noise and sound power levels are summarized in Table 4.10-3, *Reference Stationary Noise Levels*.



Source(s): Urban Crossroads (11-23-2021)

Figure 4.10-2



Not to Scale



Noise Receiver Locations



Table 4.10-3 Reference Stationary Noise Levels

Noise Source ¹	Noise Source Height (Feet)	Min./Hour ²		Reference Noise Level @ 50 feet (dBA _{Leq})	Sound Power Level (dBA) ³
		Day	Night		
Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	57.2	88.9
Trash Enclosure Activity	5'	10	10	57.3	89.0
Parking Lot Vehicle Movements	5'	60	60	56.1	87.8
Truck Movements	8'	- ⁴	- ⁴	59.8	93.2

¹ As measured by Urban Crossroads, Inc.

² Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Day" = 7:00 a.m. to 10:00 p.m.; "Night" = 10:00 p.m. to 7:00 a.m.

³ Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source. Numbers may vary due to size differences between point and area noise sources.

⁴ Entry Gate & Truck Movements are calculate based on the number of events by time of day.
Source: (Urban Crossroads, 2021e, p. 35)

To fully describe the exterior operational noise levels from the Project, Urban Crossroads developed a noise prediction model using the CadnaA (Computer Aided Noise Abatement) computer program. CadnaA can analyze multiple types of noise sources using the spatially accurate Development Site plan, georeferenced Nemap aerial imagery, topography, buildings, and barriers in its calculations to predict outdoor noise levels. Refer to Subsection 9.3 of the Project’s noise analysis (refer to *Technical Appendix J*) for a description of the CadnaA Noise Prediction Model parameters. Noise levels were calculated at the receive locations shown on Figure 4.10-2. (Urban Crossroads, 2021e, p. 37)

C. Transportation Noise Analysis Methodology

Transportation-related noise impacts were projected using a computer program that replicates the FHWA Traffic Noise Prediction Model FHWA-RD-77-108 (the “FHWA Model”). The FHWA Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). In California, the national REMELs are substituted with the California Vehicle Noise (Calveno) Emission Levels. Adjustments are then made to the REMELs to account for: 1) roadway classification (e.g., collector, secondary, major or arterial), 2) roadway travel width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway), 3) total average daily traffic (ADT), 4) travel speed, 5) percentages of automobiles, medium trucks, and heavy trucks in the traffic volume, 6) roadway grade, 7) angle of view (e.g., whether the roadway view is blocked), 8) site conditions ("hard" or "soft" relates to the absorption of the ground, pavement, or landscaping), and 9) percentage of total ADT that flows each hour throughout a 24-hour period. (Urban Crossroads, 2021e, p. 23) Tables 6-1 through 6-6 from the Project’s noise impact analysis (refer to *Technical Appendix J*) present the detailed model inputs for roadway parameters, average daily traffic volumes, vehicle mix, and time of day vehicle splits that were assigned to each of the roadway segments included in the in the transportation noise analysis.



D. *Vibration Analysis Methodology*

Vibration levels were predicted using reference vibration levels and logarithmic equations contained in the Federal Transit Administration’s (FTA) 2018 publication: “Transit Noise and Vibration Impact Assessment” (Urban Crossroads, 2021e, p. 47). The vibration source levels for Project construction equipment are summarized in Table 4.10-4, *Vibration Source Levels for Construction Equipment*.

Table 4.10-4 Vibration Source Levels for Construction Equipment

Equipment	PPV (in/sec)at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual
Source: (Urban Crossroads, 2021e, p. 47)

4.10.5 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse noise effects that could result from development projects. The Project would result in a significant noise impact if the Project or any Project-related component would result in:

- a. *Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- b. *Result in generation of excessive groundborne vibration or groundborne noise levels; or*
- c. *For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.*

In relation to Threshold “a,” Project-related construction and operational activities would be subject to the applicable noise standards established by the Fontana General Plan and Municipal Code. However, neither the General Plan nor the Municipal Code define the levels at which a development project’s temporary or permanent noise increases are considered substantial. Under Threshold “a,” CEQA requires that consideration be given to the to the magnitude of the increase, the existing ambient noise levels, and the location of sensitive receptors in order to determine if a noise increase represents a substantial increase and thus a significant adverse environmental impact. For purposes of this EIR, the metric used to evaluate the significance of the Project’s increase in ambient noise levels is adapted from the Office of Planning and Research General Plan Guidelines. A detailed discussion of the noise exposure criteria is provided in Subsection 4.3 of the Project’s noise impact analysis (refer to *Technical Appendix J*). Accordingly, in consideration of the City’s General



Plan and Municipal Code and the Office of Planning and Research noise exposure criteria, the Project would result in a significant noise impact during operation if any of the following conditions occur:

Project construction activities would result in a significant impact if construction noise conflicts with the City of Fontana Municipal Code (Section 18-63(b)(7)) as follows:

- Construction activities occur outside of the hours permitted by the Fontana Municipal Code, Section 18-63(7) (7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays); and
 - Project construction noise levels would exceed the exterior 70 dBA L_{eq} daytime or 65 dBA L_{eq} nighttime noise level standards at adjacent land uses (City of Fontana Municipal Code, Chapter 30 Zoning and Development Code, Section 30-259); and
 - The Project creates a noise level increase greater than 3 dBA L_{eq} .

Project operational activities would result in a significant impact if operational noise exceeds the levels allowed by the City of Fontana Municipal Code (Section 30-259) as follows:

- If operational (stationary-source) noise levels exceed the exterior 70 dBA L_{eq} daytime or 65 dBA L_{eq} nighttime noise level standards at sensitive receptor land uses and the Project creates a community noise level increase of greater than 3 dBA L_{eq} .

Project-related traffic noise would result in a significant impact if traffic noise exceeds the levels established in the City of Fontana General Plan as follows:

- When off-site traffic noise levels, without or with the Project, at existing and future noise-sensitive land uses (e.g. residential, schools, churches, etc.) exceed 65 dBA CNEL and the Project creates a community noise level increase of greater than 3 dBA CNEL; or
- When off-site traffic noise levels, without or with the Project, at existing and future non-noise-sensitive land uses (e.g. industrial, etc.) exceed normally acceptable 70 dBA CNEL noise level criteria and the Project creates a noise level increase of greater than 3 dBA CNEL.

In relation to Threshold “b,” the Fontana Municipal Code (Section 30-183) establishes a qualitative vibration limit for acceptable levels of vibration. However, the Municipal Codes does not define the numeric level at which a development project’s vibration levels are considered “excessive.” For purposes of this EIR, the metric used to evaluate whether the Project’s vibration levels are considered “excessive” during either construction or operation is adapted from FTA, Transit Noise and Vibration Impact Assessment Manual. Accordingly, in consideration of the Municipal Code and FTA criteria, for evaluation under Threshold “b,” vibration levels are considered significant if Project-related activities would:

- Create or cause to be created any vibration activity that would exceed 0.3 in/sec PPV at an adjacent land use.



Table 2-3 of the ONT ALUCP establishes noise level compatibility contour boundaries for activities on properties, like the Project site, that are located within the ONT Noise Impact Zone. For evaluation under Threshold “c,” exposure to excessive noise levels from airport operations are considered significant if:

- The Project site is located in the 65-70 CNEL dB noise contour (or above) and indoor noise levels cannot be attenuated to a level of 50 dB CNEL.

4.10.6 IMPACT ANALYSIS

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

The analysis presented on the following pages summarizes the Project’s potential construction noise levels and operational noise levels, including operational noise that would be generated on-site as well as off-site noise that would be generated by Project-related traffic. The detailed noise calculations for the analysis presented here are provided in Appendices 7.1 and 9.1 of the Project’s noise impact analysis (see *Technical Appendix J*).

A. *Construction Noise Impact Analysis*

Construction activities on the Project Site would proceed in six (6) stages: 1) demolition/crushing; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) application of architectural coatings. These activities would create temporary periods of noise when heavy construction equipment (i.e., bulldozer, trucks, concrete mixer, portable generators, power tools) is in operation and would cause a short-term increase in ambient noise levels. The Project construction noise levels at nearby receiver locations are summarized in Table 4.10-5, *Construction Equipment Noise Level Summary*.

Table 4.10-5 Construction Equipment Noise Level Summary

Receiver Location ¹	Construction Noise Levels (dBA L _{eq})						
	Demolition/ Crushing	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels ²
R1	66.2	60.2	62.2	55.2	53.2	50.2	66.2
R2	64.5	58.5	60.5	53.5	51.5	48.5	64.5
R3	62.7	56.7	58.7	51.7	49.7	46.7	62.7

¹Noise receiver locations are shown on Figure 4.10-2.

²Construction noise level calculations based on distance from the project site boundaries (construction activity area) to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 10.1 of the Project’s noise impact analysis (see *Technical Appendix J*).

Source: (Urban Crossroads, 2021e, p. 44)

Project-related construction activities are expected to occur on weekdays (and, potentially, on Saturdays) during the hours when the City’s Municipal Code does not restrict construction noise (i.e., between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays). Accordingly, during these hours the Project construction noise levels presented in Table 4.10-5 would not exceed the standards established by the City and impacts would be less than significant.



If the Project’s construction requires concrete pouring during nighttime hours, the resulting noise levels are summarized in Table 4.10-6, *Nighttime Concrete Pouring Noise Level Summary*. At all receiver locations, the Project’s nighttime concrete pouring noise levels would not exceed the standards established by the City and impacts would be less than significant.

Table 4.10-6 Nighttime Concrete Pouring Noise Level Summary

Receiver Location ¹	Use	Meas. Location ²	Construction Noise Levels (dBA Leq)		
			Paving Construction ³	Nighttime Threshold ⁴	Threshold Exceeded? ⁵
R1	Residence	L1	49.9	65	No
R2	Residence	L2	48.1	65	No
R3	Residence	L3	46.2	65	No

¹ Noise receiver locations are shown on Figure 4.10-2.

² Reference noise level measurement locations as shown on Exhibit 5-A of the Project’s noise impact analysis (refer to *Technical Appendix J*).

³ Paving construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.

⁴ Exterior noise level standards based on the City of Fontana Development Code Section 30-543.

⁵ Do the estimated Project construction noise levels exceed the nighttime construction noise level threshold?

Source: (Urban Crossroads, 2021e, p. 45)

B. Operational Noise Impact Analysis – Stationary Noise

Stationary (on-site) noise sources associated with long-term Project operation are expected to include idling trucks, delivery truck and automobile parking, delivery truck backup alarms, roof-top air conditioning units, loading and unloading of dry goods, and parking lot vehicle movements. The Project also is expected to generate noise during the loading and unloading of delivery trailers on-site. The daytime and nighttime Project stationary noise levels at nearby sensitive receptor locations are summarized on Table 4.10-7 and Table 4.10-8, respectively.

Table 4.10-7 Daytime Project Operational (Stationary) Noise Level Summary

Noise Source ¹	Operational Noise Levels by Receiver Location (dBA Leq)		
	R1	R2	R3
Loading Dock Activity	46.5	45.7	45.0
Roof-Top Air Conditioning Units	24.3	24.0	22.5
Trash Enclosure Activity	9.7	9.9	14.6
Parking Lot Vehicle Movements	34.9	33.2	31.3
Truck Movements	23.9	25.0	23.8
Total (All Noise Sources)	46.8	46.0	45.2

¹ See Exhibit 9-A from the Project’s noise impact analysis (*Technical Appendix J*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Project’s noise impact analysis (see *Technical Appendix J*).

Source: (Urban Crossroads, 2021e, p. 38)



Table 4.10-8 Nighttime Project Operational (Stationary) Noise Level Summary

Noise Source ¹	Operational Noise Levels by Receiver Location (dBA Leq)		
	R1	R2	R3
Loading Dock Activity	46.5	45.7	45.0
Roof-Top Air Conditioning Units	21.9	21.6	20.1
Trash Enclosure Activity	8.7	9.0	13.6
Parking Lot Vehicle Movements	34.9	33.2	31.3
Truck Movements	14.8	15.8	14.7
Total (All Noise Sources)	46.8	46.0	45.2

¹ See Exhibit 9-A from the Project’s noise impact analysis (*Technical Appendix J*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Project’s noise impact analysis (see *Technical Appendix J*).
Source: (Urban Crossroads, 2021e, p. 38)

Table 4.10-7 and Table 4.10-8 demonstrate that Project operations would not expose any sensitive receptor location near the Project site to stationary noise levels that exceed the applicable limits established by the City. Furthermore, Project operations would only contribute to a 0.1 dBA Leq increase of daytime and nighttime ambient noise levels at nearby sensitive receptor locations, which is an increase so small that it would not be perceptible to the human ear (Urban Crossroads, 2021e, pp. 39-40). Accordingly, the Project’s stationary noise impact would be less than significant.

C. Off-Site Transportation Noise Impact Analysis

The analysis below addresses potential off-site traffic noise generated from the Project. To evaluate off-site noise increases that could result from Project-related traffic on the roadway system, noise levels were modeled for the following scenarios:

- Existing plus Project (E+P)
- Opening Year plus Cumulative (2023)
- Horizon Year (2040)

The Existing plus Project (E+P) analysis determines the Project’s traffic noise impacts under the theoretical scenario where traffic from the Project is added to existing conditions. The E+P scenario is presented to disclose direct impacts to the existing environment as required by CEQA. In the case of the Project, the estimated time period between the commencement of the Project’s CEQA analysis (2021) and Project buildout (2023) is two years. During this time period, traffic conditions are not static – other projects are being constructed, the transportation network is evolving, and traffic patterns are changing. Therefore, the E+P scenario is very unlikely to materialize in real-world conditions when the Project is constructed and becomes operational. An analysis of E+P traffic conditions has been included in this report for informational purposes.

The Opening Year plus Cumulative conditions analysis evaluates the potential for Project traffic, background traffic growth, and traffic associated with other known cumulative development projects to result in substantive noise impacts.

1. Existing plus Project Conditions

E+P traffic noise conditions in the Project vicinity are summarized in Table 4.10-9, *E+P Traffic Noise Levels*. Under E+P traffic conditions, Project-related traffic would contribute a maximum of 0.1 dBA CNEL to roadways in the vicinity of the Project Site. This incremental noise increase would not exceed the applicable significance thresholds under the E+P scenario; therefore, the Project’s contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant.

Table 4.10-9 E+P Traffic Noise Levels

ID	Road	Segment	CNEL at Receiving Land Use (dBA) ²			Noise Sensitive Land Use?	Incremental Noise Level Increase Threshold ³	
			No Project	With Project	Project Addition		Limit	Exceeded?
1	Mulberry Av.	s/o Slover Av.	71.7	71.7	0.0	No	3.0	No
2	Slover Av.	w/o Commerce Wy.	74.8	74.9	0.1	No	3.0	No
3	Slover Av.	w/o Business Dr.	74.8	74.9	0.1	No	3.0	No
4	Slover Av.	e/o Business Dr.	74.8	74.9	0.1	No	3.0	No
5	Slover Av.	e/o Mulberry Av.	75.1	75.1	0.1	No	3.0	No

¹ Noise sensitive uses limited to noise sensitive residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

³ Does the Project create an incremental noise level increase exceeding the significance criteria?

Source: (Urban Crossroads, 2021e, p. 29)

2. Opening Year plus Cumulative (2023) Conditions

Opening Year plus Cumulative traffic noise conditions in the Project vicinity are summarized in Table 4.10-10, *Opening Year Traffic Noise Levels*. Under Opening Year plus Cumulative traffic conditions, Project-related traffic would contribute a maximum of 0.1 dBA CNEL to roadways in the vicinity of the Project Site. This incremental noise increase would not exceed the applicable significance thresholds under the Opening Year plus Cumulative scenario; therefore, the Project’s contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant.

Threshold b: *Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?*

A. Construction Analysis

Construction activities on the Project Site would utilize equipment that has the potential to generate vibration. Vibration levels at sensitive receptors near the Project Site during Project construction are summarized on Table 4.10-11, *Construction Equipment Vibration Levels*. As shown, none of the receiver locations in the vicinity of the Project Site would be exposed to vibration levels that exceed the applicable significance threshold. Accordingly, Project construction would not generate excessive or substantial temporary groundborne vibration or noise levels and a less-than-significant impact would occur.



Table 4.10-10 Opening Year Traffic Noise Levels

ID	Road	Segment	CNEL at Receiving Land Use (dBA) ²			Noise Sensitive Land Use?	Incremental Noise Level Increase Threshold ³	
			No Project	With Project	Project Addition		Limit	Exceeded?
1	Mulberry Av.	s/o Slover Av.	71.8	71.8	0.0	No	3.0	No
2	Slover Av.	w/o Commerce Wy.	76.1	76.2	0.1	No	3.0	No
3	Slover Av.	w/o Business Dr.	76.1	76.1	0.1	No	3.0	No
4	Slover Av.	e/o Business Dr.	76.1	76.2	0.1	No	3.0	No
5	Slover Av.	e/o Mulberry Av.	76.3	76.3	0.1	No	3.0	No

¹ Noise sensitive uses limited to noise sensitive residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

³ Does the Project create an incremental noise level increase exceeding the significance criteria?

Source: (Urban Crossroads, 2021e, p. 30)

Table 4.10-11 Construction Equipment Vibration Levels

Receiver ¹	Distance to Const. Activity (Feet) ²	Typical Construction Vibration Levels PPV (in/sec) ³					Thresholds PPV (in/sec)	Thresholds Exceeded?
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	2,198'	0.000	0.000	0.000	0.000	0.000	0.3	No
R2	2,602'	0.000	0.000	0.000	0.000	0.000	0.3	No
R3	3,626'	0.000	0.000	0.000	0.000	0.000	0.3	No

¹ Receiver locations are shown on Figure 4.10-2

² Distance from receiver location to Project construction boundary.

³ Based on the Vibration Source Levels of Construction Equipment (Table 4.10-4).

Source: (Urban Crossroads, 2021e, p. 47)

B. Operational Analysis

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project Site. Trucks would travel to and from the Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not result in the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

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

A portion of the Project Site abutting Slover Avenue is located within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour). The remainder of the Project Site is located outside of the Noise Impact Zone (i.e., outside the 60 dBA CNEL contour). Pursuant to Table 2-3 of the ONT ALUCP, all industrial land uses –



including the warehouse buildings proposed by the Project – are suitable within the 60 to 65 dBA CNEL noise contour with no sound attenuation needed (Ontario, 2011, Table 2-3). Accordingly, the Project would be a compatible use within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour) and operation of the Project would not expose people working on the Project site to excessive noise levels. The Project’s impact would be less than significant.

4.10.7 CUMULATIVE IMPACT ANALYSIS

A. Construction Noise

Construction activities associated with the proposed Project, especially activities involving heavy equipment, would create intermittent periods of noise when construction equipment is in operation and cause a short-term increase in ambient noise levels. The list of cumulative projects that have the potential to collectively increase noise is provided in Table 4.0-1 in Section 4.0, *Environmental Analysis*, of this EIR. As detailed on that list, there are no ongoing or imminent construction projects in the immediate vicinity of the proposed Project Site with construction periods that are expected to overlap with the Project. Accordingly, there is no potential for Project-related construction activities to contribute to cumulatively-considerable impacts to occupied sensitive receptor locations.

B. Stationary Noise

The analysis presented for Threshold “a” addresses the Project’s contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. As previously shown in this Subsection, the Project’s noise contribution would not be perceptible to noise-sensitive receptors in the Project area during daytime or nighttime hours. The Project’s permanent stationary noise impacts would not be cumulatively-considerable.

C. Traffic Noise

The analysis presented under Threshold “a” evaluates the Project’s traffic noise contribution along study area roadways with consideration of cumulative development (Opening Year plus Cumulative scenario). As summarized in that analysis, the Project’s traffic noise contributions along study area roadways would not exceed applicable significance thresholds and, therefore, would not be cumulatively-considerable under near- or long-term conditions.

D. Groundborne Vibration and Noise

During construction, the Project’s peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project’s vibration would be minimal.) Vibration effects diminish rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Project Site could occur on properties abutting these sites. As described above, there are no known active or pending construction projects abutting the Project Site that would overlap with the Project’s proposed construction schedule. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.



Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project Site. Trucks would travel to and from the Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

E. Airport Noise

The Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, the Project would have no potential to cumulatively-contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Additionally, the Project Site and the immediately surrounding area are not subject to substantial airport- or air traffic-related noise. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Project area to excessive airport-related noise levels.

4.10.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would generate short-term construction and long-term operational noise but would not generate noise levels that exceed the standards established by the Fontana General Plan or Municipal Code.

Threshold b: Less-than-Significant Impact. The Project’s construction and operational activities would not result in a perceptible groundborne vibration or noise.

Threshold c: Less-than-Significant Impact. The proposed Project would be compatible with noise levels from the ONT and operation of the Project would not expose future employees on the Project Site to excessive noise levels.

4.10.9 MITIGATION

Project impacts would be less than significant and mitigation is not required.



4.11 TRANSPORTATION

This Subsection assesses transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.11.2 below, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, which identify that starting on July 1, 2020, vehicle miles traveled (VMT) is the appropriate metric to evaluate a project's transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by "level of service" (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

The VMT analysis for the Project is provided within a report prepared by Urban Crossroads titled "Fontana Corporate Center Traffic Study, City of Fontana" and dated December 21, 2021 (Urban Crossroads, 2021f). This report was prepared in accordance with the City of Fontana's *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment* (October 21, 2020), and is provided as *Technical Appendix K* to this EIR.

4.11.1 EXISTING TRANSPORTATION SETTING

A. Existing Project Site Traffic

The Project Site is developed under existing conditions and used as a manufacturing facility for the Clark Pacific company. The Project Site receives traffic from passenger vehicles and 2-axle, 3-axle, and 4-axle heavy trucks as part of daily business operations. On average, the Project Site receives 163 total vehicle trips per day, including 149 passenger vehicle trips and 14 heavy truck trips (Urban Crossroads, 2021f, p. 34).

B. Existing Roadway System

The Project Site is located north of Slover Avenue. The Fontana General Plan classifies Slover Avenue as a "Primary Highway." Primary Highways are 4-lane roadways that often have raised medians or two-way left turn lanes (as occurs along the Project Site frontage). Existing traffic on Slover Avenue consists of both passenger vehicles and trucks passing through the area and accessing nearby land uses.

The primary regional vehicular travel route serving the Project area is I-10, which is located approximately 0.1-mile north of the Project Site. The Project Site is located approximately 1.0-mile (driving distance) southeast of the N. Etiwanda Avenue on/off-ramp to I-10.

C. Existing Truck Routes

The Fontana General Plan designates three roadways as "truck routes" in the Project Site vicinity: Slover Avenue (which abuts the Project Site on the south), Etiwanda Avenue (which is located approximately 0.6-mile west of the Project Site), and Mulberry Avenue (which is located approximately 0.1-mile east of the Project Site).



D. Existing Transit Services

Public transit service in the region is provided by Omnitrans, a public transit agency that serves various jurisdictions within San Bernardino County. There are no public transit routes that run adjacent to the Project Site under existing conditions. The nearest transit routes to the Project Site are Route 290 which has a stop located at Ontario Mills shopping mall along Ontario Mills Parkway, approximately 2.1 miles northwest of the Project Site and Route 82 which has a stop located at Cherry Avenue and Jurupa Avenue, approximately 1.5 miles southeast of the Project Site (Google Earth, 2021).

E. Existing Bicycle and Pedestrian Facilities

There are no existing bicycle facilities within the vicinity of the Project Site; however, the Fontana General Plan identifies a planned Class I bike facility along Etiwanda Avenue and a planned Class II bike facility along Slover Avenue, east of Mulberry Avenue. An existing sidewalk is located on the north side of Slover Avenue, from Mulberry Avenue to approximately 400 feet west of Etiwanda Avenue.

4.11.2 REGULATORY SETTING

A. State Plans, Policies, and Regulations

1. Senate Bill 743

SB 743, which was codified in Public Resources Code Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to Public Resources Code Section 21099, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” To that end, in developing the criteria, the OPR proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation. The updated CEQA Guidelines include the addition of CEQA Guidelines Section 15064.3, of which Subdivision b establishes criteria for evaluating a project’s transportation impacts based on project type and using automobile VMT as the metric.

B. Local Plans, Policies, and Regulations

1. SCAG Regional Transportation Plan/Sustainable Communities Strategy

On September 3, 2020, SCAG’s Regional Council approved and adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (“*Connect SoCal*”). *Connect SoCal* is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Project. The goals of *Connect SoCal* are to: 1) Encourage regional economic prosperity and global competitiveness; 2) Improve mobility, accessibility, reliability, and travel safety for people and goods; 3) Enhance the preservation, security, and resilience of the regional transportation system; 4) Increase person and goods movement and travel choices within the transportation system; 5) Reduce greenhouse gas emissions and improve air quality; 6) Support healthy and equitable communities; 7) Adapt to a changing climate and support an integrated regional development pattern and transportation network; 8) Leverage new transportation technologies and data-driven solutions that result in more efficient travel; 9) Encourage development of diverse housing types in areas that are supported by multiple transportation options; 10) Promote conservation of natural and agricultural lands



and restoration of habitats. Performance measures and funding strategies also are included to ensure that the adopted goals are achieved through implementation of the RTP.

2. *San Bernardino County Congestion Management Program*

The *San Bernardino County Congestion Management Program (CMP)* was prepared by the San Bernardino Associated Governments (since re-named as the San Bernardino County Transportation Authority, SBCTA). The intent of the *CMP* is to create a link between land use, transportation, and air quality planning decisions and to prompt reasonable growth management programs that would more effectively utilize new and existing transportation funds to alleviate traffic congestion and related impacts and improve air quality. The *San Bernardino CMP* was first adopted in November 1992 and has since been updated 12 times, with the most recent comprehensive update in June 2016. None of the roadways in the immediate vicinity of the Project Site are part of the *San Bernardino CMP* roadway network (Urban Crossroads, 2021f, p. 5).

3. *Fontana General Plan Community Mobility and Circulation Element*

The City's General Plan contains a Community Mobility and Circulation Element that is intended to guide the development of the City's circulation system in a manner that is compatible with the General Plan's land use vision. The Mobility and Circulation Element provides policy direction to create a system of "complete streets," which refers to a multi-modal transportation network designed and operated to meet the needs of all users. Through the goals and policies of this Chapter, the City will strive to meet diverse mobility needs and reduce vehicle miles traveled, which will reduce air pollution, greenhouse gas emissions, and roadway congestion. The Mobility and Circulation Element goals and policies applicable to the Project are addressed later in this Subsection (see analysis under Threshold "a").

4. *Fontana Active Transportation Plan*

The *Fontana Active Transportation Plan* was created by the City as a tool for implementing infrastructure improvements that will provide for the development of a comprehensive pedestrian and bicycling network that provides safe and comfortable access to local parks, schools, workplaces, shopping, and dining, as well as to destinations in other San Bernardino County communities. The goals and policies of the *Fontana Active Transportation Plan* that are applicable to the Project are addressed later in this Subsection (see analysis under Threshold "a").

5. *San Bernardino County Measure "I"*

Measure "I," a one-half of one percent sales tax on retail transactions, was approved by San Bernardino County voters in 1989 and extended by County voters in 2004 to remain effective through the year 2040. While Measure "I" is a self-executing sales tax, it bears discussion here because the funds raised through Measure "I" have funded in the past and will continue to fund new transportation facilities in San Bernardino County, including within the City. The revenue generated by Measure "I" is to be used to fund transportation projects including, but not limited to, roadway improvements, commuter rail, public transit, and other identified improvements. Measure "I" also required that a local traffic impact fee be created to ensure that development projects are paying a fair share for transportation projects from which they would benefit (see discussion of "Fontana Development Impact Fee Program," below). Revenues collected through local traffic impact fee



programs are used in tandem with regional Measure “I” revenues to fund projects identified in the SANBAG Development Mitigation Nexus Study, which is included as Appendix G to the *San Bernardino County CMP*.

6. City of Fontana Development Impact Fee (DIF) Program

The City of Fontana created its Development Impact Fee (DIF) program to impose and collect fees from new residential, commercial, and industrial development for the purpose of funding local improvements necessary to accommodate expected local growth, as identified in the City’s General Plan. The collected fees are used to fund Measure “I” regional facilities as well as local (i.e., City) facilities. The identification and nomination of specific roadway and intersection improvement projects and the disbursement of the DIF to fund capital improvement programs is overseen by the City’s Engineering Department.

4.11.3 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects to transportation that could result development projects. The proposed Project would result in a significant impact to the transportation system if the Project or any Project-related component would:

- a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*
- b. *Conflict or be inconsistent with CEQA Guidelines § 15064.3 or conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*
- c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*
- d. *Result in inadequate emergency access?*

4.11.4 IMPACT ANALYSIS

Threshold a: *Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

This response provides an analysis of a project’s potential to conflict with plans, programs, ordinances, or policies that address the circulation system, including transit, roadway, bicycle, and pedestrian facilities. A project that generally conforms with, and does not obstruct, applicable development plans, programs, ordinances, and policies is considered to be consistent. The transportation plans, policies, programs, ordinances, and standards that are relevant to the Project are identified in the analysis below.

Connect SoCal

The fundamental goals of SCAG’s *Connect SoCal* are to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. EIR Section 5.0 addresses the Project’s



consistency with *Connect SoCal* in detail (refer to Subsection 5.4.2). As demonstrated through that analysis, implementation of the Project would not conflict with the goals and policies of SCAG’s regional planning program, including the following goals related to vehicular and non-vehicular circulation primarily due to its proposed improvements to the local circulation network and geographic location in proximity to major local and regional truck routes:

- Increase mobility, accessibility, reliability, and travel safety for people and goods.
- Enhance the preservation, security, and resilience of the regional transportation system.
- Increase person and goods movement and travel choices within the transportation system.
- Adapt to a changing climate and support an integrated regional development pattern and transportation network.
- Leverage new transportation technologies and data-driven solutions that result in more efficient travel.

□ **Fontana General Plan**

The following provides an analysis of the Project’s consistency with applicable goals and policies of the Fontana General Plan that focus on connecting neighborhoods and city destinations by expanding transportation choices within the City. Many of the goals and policies applicable to the Project are found in the Community Mobility and Circulation Element; however, several applicable goals and policies also are found in the Land Use, Zoning, and Urban Design Element. As indicated in the analysis below and on the following pages, the Project would not conflict with any applicable General Plan policies addressing the circulation system. As such, Project impacts would be less than significant.

Community Mobility and Circulation Element

Goal 1: The City of Fontana has a comprehensive and balanced transportation system with safety and multimodal accessibility the top priority of citywide transportation planning, as well as accommodating freight movement.

Policy: Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways.

The Project would not alter the vehicular travel way for Slover Avenue and, thus, would not affect Slover Avenue’s ability to serve the needs of the existing industrial land uses that are located adjacent to the Project Site. The Project would retain the existing sidewalk along the southern Project Site boundary and the proposed site plan provides facilities for employee bicycle parking. As discussed in detail in the response to Threshold “c,” below, the Project would not introduce incompatible uses or design hazards that would result in safety hazards to cars, pedestrians, or bicyclists. The Project would not conflict with this General Plan policy.

Policy: Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2014-2040 Regional Transportation Plan and Sustainable Communities Strategy.

As noted above under the consistency discussion for *Connect SoCal* provided above, implementation of the Project would not conflict with the goals and policies of SCAG’s regional planning program. Further, the



Project would retain the existing sidewalk along the Project Site's frontage with Slover Avenue and would provide bicycle parking facilities, thereby preserving and promoting local opportunities for walking and bicycling. The Project would not conflict with this General Plan policy.

Goal 2: Fontana's street network is safe and accessible to all users, especially the most vulnerable such as children, youth, older adults and people with disabilities.

Policy: When constructing or modifying roadways, design the roadway space for use by all users when feasible, including motor vehicles, buses, bicyclists, mobility devices, and pedestrians, as appropriate for the context of the area.

The Project would not modify Slover Avenue along the Project Site frontage, which would ensure that the paved travel way remains accessible for motor vehicles and bicyclists. The Project retains the existing sidewalk along the Project Site's frontage with Slover Avenue and the Project would not introduce any hazards or obstacles within the right-of-way, thereby ensuring this sidewalk remains safe and accessible for pedestrians. Lastly, ramps provided at Project driveway connecting to Slover Avenue would meet Americans with Disabilities Act (ADA) requirements to ensure that safe and accessible paths of travel are available for pedestrians that utilize mobility devices. The Project would not conflict with this General Plan policy.

Policy: Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks on designated truck routes and arterial streets.

The Project Site abuts Slover Avenue, which is a designated City of Fontana truck route. Project-related traffic would utilize Slover Avenue to access I-10 via Etiwanda Avenue, which also is a designated City of Fontana truck route. Accordingly, Project-related truck traffic is expected to solely utilize City truck routes between the Project Site and the State highway system and would streets within local residential or commercial areas. The Project would not conflict with this General Plan policy.

Goal 3: Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the city.

Policy: Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops.

Omnitrans provides public transit service within the City of Fontana. Under existing conditions, Omnitrans does not operate transit service along Slover Avenue or Etiwanda Avenue. Accordingly, the Project would not directly affect the accessibility of transit service or the safety of transit stops adjacent to the Project Site or indirectly affect the accessibility of transit service or the safety of transit stops along the path of travel between the Project Site and I-10. The Project would not conflict with this General Plan policy.

Goal 6: The city has attractive and convenient parking facilities for both motorized and non-motorized vehicles that fit the context.

Policy: Provide the right amount of motor vehicle and bicycle parking in commercial and employment centers to support vibrant economic activity.



The Project’s site plan provides motor vehicle parking, including designated parking spaces and charging apparatus for electric vehicles, and bicycle parking that conforms to the applicable requirements of the City’s Zoning and Development Code. The Project would not conflict with this General Plan policy.

Land Use, Zoning and Urban Design Element

Goal 2: Fontana development patterns support a high quality of life and economic prosperity.

Policy: Locate industrial uses where there is easy access to regional transportation routes.

The Project Site is located adjacent to two designated City of Fontana truck routes that would provide access to/from the Site from I-10: Slover Avenue and Etiwanda Avenue. Slover Avenue abuts the Project Site on the south and Etiwanda Avenue is located approximately 0.6-mile west of the Site. Via Slover Avenue and Etiwanda Avenue, the Project Site is located at a driving distance of approximately 1.0-mile from the N. Etiwanda Avenue on/off-ramp to I-10. The Project would not conflict with this General Plan policy.

Goal 5: High-quality job producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.

Policy: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.

The Project Site is located within the I-10 corridor; the Site is located approximately 0.1-mile south of I-10. The Project Site is located adjacent to two designated City of Fontana truck routes that would provide access to/from the Site from I-10: Slover Avenue and Etiwanda Avenue. Slover Avenue abuts the Project Site on the south and Etiwanda Avenue is located approximately 0.6-mile west of the Site. Via Slover Avenue and Etiwanda Avenue, the Project Site is located at a driving distance of approximately 1.0-mile from the N. Etiwanda Avenue on/off-ramp to I-10. The Project would not conflict with this General Plan policy.

□ Fontana Active Transportation Plan

The following provides an analysis of the Project’s consistency with applicable goals and policies of the City of Fontana’s *Active Transportation Plan*. As indicated in the analysis below and on the following pages, the Project would not conflict with any applicable *Active Transportation Plan* goals and policies addressing the circulation system. As such, Project impacts would be less than significant.

Goal 1 MOBILITY & ACCESS: Increase and improve pedestrian and bicyclist access to employment centers, schools, transit, recreation facilities, other community destinations across the City of Fontana, and facilities in neighboring cities for people of all ages and abilities.

Objective 1.A: Reduce vehicle miles traveled (VMT) by 4% by 2035.

The City’s *Traffic Impact Analysis Guidelines for Vehicles Miles Traveled and Level of Service Assessment* (“Traffic Analysis Guidelines”) establish a “zero net increase” significance threshold for VMT within the City of Fontana. Pursuant to the Traffic Analysis Guidelines, small development projects, which are defined as projects that generate 500 or fewer net daily traffic trips, would clearly generate minimal VMT within the City that would not substantially influence or increase VMT within the City. As described in detail under the response to Threshold “b,” the Project is classified as a small development project for purposes of VMT



evaluation because it would generate fewer than 500 net daily traffic trips. Accordingly, the Project is considered to not substantially influence or increase VMT within the City. The Project would not conflict with this objective or obstruct the City from achieving this objective.

Objective 1.B: Reduce barriers to pedestrian and bicyclist travel.

The Project would retain the existing sidewalk along the Project Site’s frontage with Slover Avenue and would provide bicycle parking facilities, thereby preserving and promoting local opportunities for walking and bicycling. The Project would not conflict with this objective from the *Active Transportation Plan*.

GOAL 3 INFRASTRUCTURE & SUPPORT FACILITIES: Maintain and improve the quality, operation, and integrity of the pedestrian and bicycle network infrastructure that allows for convenient and direct connections throughout Fontana. Increase the number of high-quality support facilities to complement the network, and create public pedestrian and bicycle environments that are attractive, functional, and accessible to all people.

Objective 3.A: Incorporate pedestrian and bicycle facilities and amenities into private and public development projects.

The Project would retain the existing sidewalk along the Project Site’s frontage with Slover Avenue and would provide bicycle parking facilities, thereby preserving and promoting local opportunities for walking and bicycling. The Project would not conflict with this objective from the *Active Transportation Plan*.

Objective 3.B: Provide and maintain walkways and bikeways that are clean, safe, and attractive in accordance with Americans with Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) guidelines.

The Project retains the existing sidewalk along the Project Site’s frontage with Slover Avenue and the Project would not introduce any hazards or obstacles within the right-of-way, thereby ensuring this sidewalk remains safe and accessible for pedestrians. Lastly, ramps provided at Project driveway connecting to Slover Avenue would meet Americans with Disabilities Act (ADA) requirements to ensure that safe and accessible paths of travel are available for pedestrians that utilize mobility devices. The Project would not conflict with this objective from the *Active Transportation Plan*.

Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3 or conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The Project would contribute less than 50 peak hour trips to *San Bernardino County CMP* arterial roadways and freeways. Pursuant to City of Fontana policy, as written in their Traffic Analysis Guidelines, and consistent with the *CMP*, Project operation is not expected to substantially affect the performance of the *CMP* circulation network (City of Fontana, 2020). Impacts would be less than significant.

The Project’s traffic was evaluated against screening criteria to determine if it could be determined clearly that implementation of the Project would not generate substantial vehicles miles traveled (VMT) – and, therefore,



be consistent with CEQA Guidelines Section 15064.3 – or if additional analysis was needed to determine the significance of Project-related VMT. The screening criteria used in Project analysis are provided in the City’s Traffic Analysis Guidelines. As stated in the Traffic Analysis Guidelines, development projects that result in a net increase of 500 daily vehicle trips (actual trips) or fewer would not cause or contribute to a substantial increase in the total citywide and/or regional VMT and are presumed to have a less than significant direct and cumulative impact related to VMT. Under existing conditions, the existing manufacturing use on the Project Site generates 163 vehicle trips per day (Urban Crossroads, 2021f, p. 34). The proposed Project is calculated to create 622 vehicle trips per day, which corresponds to a net increase of 459 daily vehicle trips (Urban Crossroads, 2021f, p. 35). Thus, based on the screening criteria established by the City’s Traffic Analysis Guidelines, the Project would not cause or contribute to a substantial increase in the total citywide and/or regional VMT (Urban Crossroads, 2021f, pp. 56-57). Accordingly, implementation of the Project would not generate excessive VMT and, therefore, would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3. Project-level and cumulative impacts would be less than significant.

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

The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along adjacent roadways under existing conditions. All proposed improvements within the public right-of-way would be installed in conformance with City design standards. If any component of Project construction would occur in the public right-of-way and require the partial or full closure of a sidewalk and/or travel lane, all work would be required to adhere to the applicable construction control practices that are specified in the *State of California Department of Transportation Construction Manual* and the *California Manual on Uniform Traffic Control Devices*, to minimize potential safety hazards. The City reviewed the Project’s application materials and determined that no hazardous transportation design features would be introduced within the City public right-of-way through implementation of the Project. Based on the foregoing information, the Project’s construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

Threshold d: *Would the Project result in inadequate emergency access?*

The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along surrounding roadways under existing conditions. In addition, all proposed improvements within the public right-of-way would be installed in conformance with City design standards. The City reviewed the Project’s application materials and determined that no hazardous transportation design features would be introduced through implementation of the Project. Specifically, all Project construction materials and equipment would be stored/staged on the Project Site and would not interfere with emergency vehicles traveling along Slover Avenue. Any Project construction activities that would occur within the Slover Avenue public right-of-way and requires a partial or full closure of a sidewalk or vehicle travel lane would require a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and that must be approved by the City of Fontana to ensure that emergency response is not adversely affected. Accordingly, the Project’s construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. No impact would occur.



4.11.5 CUMULATIVE IMPACT ANALYSIS

As described under the response to Threshold “a,” the Project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities and, thus, would not cumulatively contribute to a conflict or obstruction with an applicable transportation-related program.

As noted under the response to Threshold “b,” development projects that do not exceed the screening criteria within the City’s Traffic Analysis Guidelines are considered to have a less than significant direct (Project-level) and cumulative impact related to VMT. Accordingly, implementation of the Project would not result in a cumulatively considerable increase in the total citywide and/or regional VMT.

The Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds “c” and “d” because the Project would not cause or exacerbate existing transportation design safety concerns or adversely affect emergency access and there are no cumulative development projects adjacent to the Project Site that could contribute additive effects that could degrade motor vehicle or pedestrian safety or emergency vehicle access in proximity to the Project Site.

4.11.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system.

Threshold b: Less-than-Significant Impact. Due to the relatively small amount of net daily traffic that would be generated during Project operations, the Project would not cause or contribute to a substantial increase in the total citywide and/or regional VMT.

Threshold c: Less-than-Significant Impact. The Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.

Threshold d: No Impact. Adequate emergency access would be provided to the Project Site during construction and long-term operation. The Project would not result in inadequate emergency access to the Site or surrounding properties.

4.11.7 MITIGATION

The Project would result in a less than significant transportation impact and no mitigation is required.

4.12 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection relies on information from a cultural resource assessment report titled “Cultural Resources Study for the Fontana Corporate Center Project” (dated November 23, 2021). The report was prepared by BFSA and is included as *Technical Appendix D* to this EIR. The analysis in this Subsection also contains information obtained by the City during consultation with local Native American tribal representatives. All references used in this Subsection are listed in EIR Section 7.0, *References*.

Confidential information has been redacted from *Technical Appendix C* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.12.1 EXISTING CONDITIONS

Refer to Subsection 4.4, *Cultural Resources*, for a description of the pre/protohistoric period setting for the Inland Empire region and the Fontana area.

A. *Project Site Conditions*

The Project Site is fully developed and utilized as a manufacturing facility for Clark Pacific. As the Project Site is developed and currently an actively-used industrial property, hardscape, landscaping, large concentrations of raw materials and finished products, and industrial buildings cover the entire Project Site. As such, ground visibility was poor, limiting the ability to identify any scatters or deposits of archaeological material. Notwithstanding, no prehistoric resource sites or isolates were identified on the Project Site during the pedestrian survey. (BFSA, 2021a, p. 3.0-2; 3.0-46)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton (BFSA, 2021, p. 1.0-15). The records search provided information regarding previous archaeological studies in the Project area and any previously recorded sites within a one-mile radius of the Project site. The results of this records search indicate that no prehistoric artifacts have been recorded on the Project Site or within a one-mile radius of the Site. (BFSA, 2021a, p. 1.0-15 and 16)



4.12.2 REGULATORY SETTING

The following is a brief description of applicable State environmental laws and related regulations governing the protection of tribal cultural resources.

A. State Plans, Policies, and Regulations

1. Assembly Bill 52 (AB 52)

California AB 52 (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. The legislature added new requirements regarding tribal cultural resources in AB 52. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources (OPR, 2017a). By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, Section 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (Pub. Resources Code, Section 21080.3.1.).

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code Section 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.

Section 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017b)



2. State Health and Safety Code

California Health and Safety Code Section 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death (CA Legislative Info, 1987). The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. Section 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, Health and Safety Code Sections 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims.

California Health and Safety Code, Section 5097.98 states that whenever the commission receives notification of a discovery of Native American human remains pursuant to HSC subdivision (c) of Section 7050.5, it shall immediately notify those persons that are the most likely descendants. The descendants may inspect the site and make recommendations to the landowner as to the treatment of the human remains. The landowner shall ensure that the immediate vicinity around the remains is not damaged or disturbed by further development activity until coordination has occurred with the descendants regarding their recommendations for treatment, taking into account the possibility of multiple human remains. The descendants shall complete their inspection and make recommendations within 48 hours of being granted access to the site. (CA Legislative Info, n.d.)

4.12.3 METHODOLOGY FOR EVALUATING TRIBAL CULTURAL RESOURCES IMPACTS

The analysis of tribal cultural resources is based on a cultural resources records search through SCCIC at CSU Fullerton, historic background research, a review of historic aerial photographs, and a visit to the Project Site. In addition, this analysis is based on consultation between the City and interested Native American tribes pursuant to AB 52.

4.12.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to tribal cultural resources that could result from development projects. The Project would result in a significant impact to tribal cultural resources if the Project or any Project-related component would:

- a. *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*



- i) *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).*
- ii) *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.*

4.12.5 IMPACT ANALYSIS

	<i>Threshold a:</i> <i>Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>
i)	<i>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)? or</i>
ii)	<i>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?</i>

No prehistoric resource sites, features, places, or landscapes were identified on the Project Site that are either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, a resource must include the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
- (B) Is associated with the lives of persons important in our past;*
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.*

No resources were identified on the Project Site that meet any of the four criteria listed above to be eligible for the California Register and no pre/protohistoric resource sites or isolates are known to exist on the Project Site (BFSA, 2021, p. 3.0-46). Furthermore, no substantial evidence was presented to or found by the City that led to the identification of any resources on the Project Site that in the City's discretion had the potential to be considered a tribal cultural resource.

As part of the AB 52 consultation process required by State law, the City sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. The City consulted



with each tribe that requested consultation. During the course of the tribal consultation process, no Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code Section 21074, are present on the Project Site or have been found previously on the Project Site. Notwithstanding, due to the Project Site's location in an area where Native American tribes are known to have a cultural affiliation, there is the possibility that pre/protohistoric archaeological resources, including tribal cultural resources, could be encountered during ground-disturbing construction activities – although this is considered unlikely and could only occur in native, undisturbed soils approximately 1.0 to 4.5 feet below the ground surface due to the pervasive, historic and on-going disturbances that have occurred on the Project Site. Were a tribal cultural resource, as defined in Public Resources Code Section 21074, to be found on the Project Site during construction – and not protected – a significant impact would occur. Mitigation is required.

As discussed under EIR Subsection 4.4, the Project site does not contain a known cemetery site and human remains have not been previously discovered on the site. Mandatory compliance with State law (California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98) would ensure that, in the unlikely event that human remains are discovered during Project construction, the remains would be identified in accordance with proper protocols and the remains would be treated or disposed with appropriate dignity. Accordingly, the Project would not result in a substantial adverse effect to tribal cultural resources associated with human remains.

4.12.6 CUMULATIVE IMPACT ANALYSIS

The potential for Project construction to result in cumulatively-considerable impacts to tribal, religious, and cultural resources were analyzed in conjunction with other projects located in southwestern San Bernardino County and northwestern Riverside County that occur in the same tribal influence areas as the Project site. The other development projects within these areas would have a similar potential to uncover tribal cultural resources during construction activities. Therefore, the potential for Project construction to impact tribal cultural resources is a cumulatively-considerable impact for which mitigation is required. (BFSA, 2021, p. 5.0-1)

4.12.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried at the Project Site.

4.12.8 MITIGATION

MMs 4.4-1 through 4.4-3 shall apply (refer to Subsection 4.3, *Cultural Resources*).



4.12.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant with Mitigation Incorporated. Implementation of MMs 4.4-1 through 4.4-3 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less-than-significant.



5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a proposed project that cannot be reduced to a level of insignificance if the project is implemented and, where impacts cannot be alleviated without imposing an alternative design, the reasons why the project is being proposed, notwithstanding its effect, should be described (CEQA Guidelines Section 15126(b) & Section 15126.2(c)). As described in detail in Section 4.0 of this EIR, after the consideration of Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Project is not expected to result in any significant environmental impacts.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROJECT SHOULD IT BE IMPLEMENTED

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources are not justified (e.g., the project results in the wasteful use of energy).

Determining whether the Project may result in significant irreversible environmental changes 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. Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Project Site would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., construction aggregates, fossil fuels) and, in fact, the Project would crush existing on-site concrete and re-use the crushed concrete as a base material during Project construction to minimize the demand for construction aggregates and fossil fuels (that would be used to power the haul trucks bringing aggregates to the Project Site). Additionally, the Project is required by law to comply with the California Green Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of Project energy consumption is provided in EIR Subsection 4.5, *Energy*.

Implementation of the Project would commit the Project Site to a corporate center with two warehouse buildings. The land use proposed is compatible with the existing industrial land uses that are located to the north, south, east, and west of the Project Site and also compatible with the use of Slover Avenue (which abuts the Project Site on the south) as a City-designated truck route. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today



or those that are planned by the City's General Plan or the Fontana Gateway Specific Plan. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the potential for hazardous materials to be transported to/from the Project Site and/or used on the Project Site during construction and operation. As concluded in Subsection 4.8, mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the Site.

As discussed in detail under EIR Subsection 4.5, *Energy*, the Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use.

Based on the above, Project construction and operation would require the commitment of limited, slowly renewable and non-renewable resources. However, this commitment of resources would not be substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions, and such resources would not be used in an inefficient or wasteful manner. Project construction and operation would adhere to the sustainability requirements of Title 24, Green Building Code, and CALGreen. Therefore, the Project would not result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes.

5.3 GROWTH-INDUCING IMPACTS OF THE PROJECT

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(d)). New employees and new residential populations 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.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees.

According to regional population projections included in SCAG's *Connect SoCal*, the City of Fontana's population is projected to grow by 75,700 residents between 2016 and 2045 (approximately 0.99 percent annual growth) (SCAG, 2020). Over this same time period, employment in the City is expected to add 18,400 new jobs (approximately 0.84 percent annual job growth) (ibid). Economic growth would likely take place as a result of the Project's operation as an industrial logistics center. The Project's employees (short-term construction and long-term operational) would purchase goods and services in the region, but any secondary



increase in employment associated with meeting these goods and services demands is expected to be accommodated by existing goods and service providers and, based on the amount of existing and planned future commercial and retail services available in areas near the Project Site, would be highly unlikely to result in any unanticipated, adverse physical impacts to the environment. In addition, the Project would create jobs, a majority of which would likely be filled by residents of the housing units either already built or planned for development within the City and nearby incorporated and unincorporated areas. Accordingly, because it is anticipated that most of the Project's future employees would already be living in the City or the immediate surrounding Inland Empire area, the Project's introduction of new employment opportunities on the Project Site would not induce substantial growth in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as SCAG. Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The Project is consistent with the industrial land use designations applied to the Project Site by the City General Plan and the Fontana Gateway Specific Plan. The area surrounding the Project Site is fully developed with industrial land uses. Development of the Project is not expected to place short-term development pressure on abutting properties because these areas are already built-out. Accordingly, the Project would not result in substantial, adverse growth-inducing impacts.

Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts.

5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT DURING THE EIR PREPARATION PROCESS

CEQA Guidelines Section 15128 requires that an EIR "...contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." During the preparation of this EIR, the Project was determined to clearly have no potential to result in significant impacts under eight (8) environmental issue areas: agriculture and forest resources, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. Therefore, these issue areas were not required to be analyzed in detail in EIR Section 4.0, *Environmental Analysis*. A brief analysis of the Project's impacts to agriculture and forest resources, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire is presented below and on the following pages. The thresholds of significance used to evaluate the Project's potential impacts under each issue area were taken from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act*.



5.4.1 AGRICULTURE AND FORESTRY RESOURCES

Threshold a: *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

According to Farmland Mapping and Monitoring Program (FMMP) mapping information, the Project Site does not contain any soils classified as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” (DOC, 2020). As such, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use and no impact would occur.

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

The Project Site is not zoned for agricultural use, nor is it surrounded by land zoned for agricultural uses. Therefore, implementation of the Project has no potential to conflict with existing zoning for an agricultural use.

According to information from the DOC, neither the Project Site nor any land in the Site’s vicinity are under a Williamson Act Contract (DOC, 2017). As such, no impact would occur to property under a Williamson Act contract.

Threshold c: *Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

The Project Site is not zoned as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. Therefore, the Project has no potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands.

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

The Project Site does not contain a forest and is not designated as forest land; thus, the proposed Project would not result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur.



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

“Farmland” is defined in Section II(a) of Appendix G of the CEQA Guidelines as “Prime Farmland,” “Unique Farmland” or “Farmland of Statewide Importance.” As disclosed above in the response to Threshold “a,” the Project Site does not contain any Farmland; therefore, the Project would not convert Farmland to non-agricultural use. Additionally, as described above in the responses to Thresholds “c” and “d,” the Project Site does not contain forest land and is not zoned for forest land and the Project would not convert forest land resources to non-forest use.

5.4.2 LAND USE AND PLANNING

Threshold a: *Would the Project physically divide an established community?*

Under existing conditions, the Project Site is developed and currently occupied by the Clark Pacific pre-cast concrete manufacturing facility and the area surrounding the Project Site is fully developed with industrial uses. No established residential communities are present on or adjacent to the Project Site (Google Earth, 2021). The Project Site does not provide access to established communities and development of the Site would not isolate any established communities or residences from neighboring communities. Development and operation of the Project would thus not physically disrupt or divide the arrangement of an established community. No impact would occur.

Threshold b: *Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

A. City of Fontana General Plan

The Project is consistent with the land use designation assigned to the Project Site by the General Plan and the Project would not conflict with any specific objectives, policies, or actions in the General Plan’s Community and Neighborhoods; Housing; Building a Healthier Fontana; Conservation, Open Space, Parks, and Trails; Public and Community Services; Community Mobility and Circulation; Infrastructure and Green Systems; Noise and Safety; Sustainability and Resilience; Economy, Education, and Workforce Development; and Land Use, Zoning, and Urban Development elements that were adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not result in any land use or planning conflicts with the General Plan and a less than significant impact would occur.

B. Fontana Gateway Specific Plan

The Project’s proposed land use is consistent with the Fontana Gateway Specific Plan and the City would condition the Project to be designed, constructed, and operated in conformance with the development standards and design guidelines of the Fontana Gateway Specific Plan, including and not limited to maximum development intensity, site planning standards, architecture and landscape standards. The Project would not conflict with the Fontana Gateway Specific Plan and a less than significant impact would occur.



A SCAG Connect SoCal

As shown in Table 5-1, *SCAG's Connect SoCal Goal Consistency Analysis*, the Project would not conflict with the adopted *Connect SoCal*. Thus, impacts would be less than significant.

Table 5-1 SCAG's Connect SoCal Goal Consistency Analysis

Goals	Goal Statement	Project Consistency Discussion
1	Encourage regional economic prosperity and global competitiveness.	<u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning efforts. It should be noted that the Project would improve the regional economy by creating a new warehouse facility that is estimated to create new jobs that would create a new regional income source and would increase the local tax base.
2	Improve mobility, accessibility, reliability, and travel safety for people and goods.	<u>No conflict identified.</u> The Project Applicant would improve the segment of Slover Avenue that abuts the Project Site to its planned ultimate half-width, thereby improving local mobility. Additionally, there are no components of the Project that would foreseeably result in substantial safety hazards to motorists or pedestrians, as discussed in EIR Subsection 4.11, <i>Transportation</i> .
3	Enhance the preservation, security, and resilience of the regional transportation system.	<u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would have no adverse effect on such planning or maintenance efforts. This policy provides guidance to the City of Rialto to monitor the transportation network and to coordinate with other agencies as appropriate. The Project would not conflict with the City's transportation network or the City's coordination with other agencies.
4	Increase person and goods movement and travel choices within the transportation system.	<u>No conflict identified.</u> The Project involves development of a warehouse facility within a developed industrial area, along a designated truck route, and in close proximity to the State highway system, which would avoid or shorten truck-trip lengths on other roadways. The Project would promote an improved quality of life by constructing infill development near regional transportation/transit corridors, which would reduce vehicle trips, vehicle miles traveled, and air pollution. The Project would construct frontage improvements, including sidewalks which would encourage walking in the Project area.



Table 5-1 SCAG's Connect SoCal Goal Consistency Analysis

Goals	Goal Statement	Project Consistency Discussion
5	Reduce greenhouse gas emission and improve air quality.	<u>No conflict identified.</u> The Project would have a less than significant impact under the topics of <i>Air Quality</i> (refer to EIR Subsection 4.2) and <i>Greenhouse Gas Emissions</i> (refer to EIR Subsection 4.7). Additionally, and as discussed in EIR Section 3.0, <i>Project Description</i> , and Subsection 4.4, <i>Energy</i> , the Project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy. The Project also would construct frontage improvements, including sidewalks which would encourage walking in the Project area.
6	Support healthy and equitable communities.	<u>No conflict identified.</u> The proposed building design would support the health of occupants and users by using non-toxic building materials and finishes, and by using windows to maximize natural light and ventilation.
7	Adapt to a changing climate and support an integrated regional development.	<u>No conflict identified.</u> <i>Connect SoCal</i> indicates that since the adoption of the <i>Connect SoCal</i> , there have been significant drivers of change in the goods movement industry including emerging and new technologies, more complex supply chain strategies, evolving consumer demands and shifts in trade policies. Warehouse distribution and e-commerce continues to be one of the most influential factors shaping goods movement. The Project involves the redevelopment of the Project Site, historically used for manufacturing with a warehouse facility that would diversify the City of Fontana's economy and bring employment opportunities closer to the local workforce. Co-locating jobs near housing reduces greenhouse gas emissions caused by long commutes and contributes to integrated development patterns.
8	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<u>No conflict identified.</u> <i>Connect SoCal</i> also indicates that the advancement of automation is expected to have considerable impacts throughout regional supply chains. Notably, warehouses, such as those proposed with the Project, are increasingly integrating automation to improve operational efficiencies in response to the surge in direct-to-consumer e-commerce. Additionally, continued developments and demonstrations of electric-powered and automated truck technologies will alter the goods movement environment with far-reaching effects ranging from employment to highway safety. The Project would meet contemporary industry standards to support advancements in these and other transportation technologies.



Table 5-1 SCAG's Connect SoCal Goal Consistency Analysis

Goals	Goal Statement	Project Consistency Discussion
9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	<u>Not applicable.</u> The Project is located in an area designated for employment-generating uses and is not planned for housing.
10	Promote conservation of natural and agricultural lands and restoration of habitats.	<u>Not applicable.</u> The Project Site is completely disturbed and developed under existing conditions and has been so for at least 70 years. The entire Project Site is developed.

Source: (SCAG, 2020a, p. 9)

C. SCAQMD Air Quality Management Plan (AQMP)

The Project's consistency with the SCAQMD 2016 AQMP was addressed in detail in EIR Subsection 4.2, *Air Quality*. As concluded in EIR Subsection 4.2, implementation of the Project would not result in or cause NAAQS or CAAQS violations. The proposed Project is consistent with the land use and growth intensities reflected in the adopted General Plan and would not result in growth (and associated air pollution) that was not anticipated by the 2016 AQMP. As such, the Project would not conflict with the AQMP and a less than significant impact is expected.

D. San Bernardino County Congestion Management Program

The Project's consistency with the San Bernardino County CMP is addressed in EIR Subsection 4.11, *Transportation*. As concluded in EIR Subsection 4.11, none of the intersections in the Project Study Area are part of the San Bernardino CMP roadway network. Therefore, the Project would not result in a substantial environmental impact due to a conflict with the San Bernardino County CMP; impacts would be less than significant.

5.4.3 MINERAL RESOURCES

<p><u>Threshold a:</u> <i>Would the Project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?</i></p> <p><u>Threshold b:</u> <i>Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i></p>
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The Project Site is not located within an area known to be underlain by regionally- or locally-important mineral resources or within an area that has the potential to be underlain by regionally- or locally-important mineral resources (DOC, 2015). Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California.



5.4.4 POPULATION AND HOUSING

Threshold a: *Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed Project would have a beneficial effect on the area’s employment base by redeveloping the Project Site with two new warehouse buildings. The new jobs generated would provide additional employment opportunities for residents in the area. The Project Site is currently designated by the City of Fontana’s General Plan for industrial land uses, and the Project does not propose any uses that would result in unplanned population growth that is not already allowed by the General Plan. There are no components of the Project that would reasonably result in indirect or unplanned population growth because the surrounding area is fully developed under existing conditions. Accordingly, no significant indirect impacts associated with population growth would result from any Project-related improvements because the Project and its required improvements would not induce substantial growth within surrounding areas.

Threshold b: *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Under existing conditions, there no homes on the Project Site and the Project Site does not contain any existing residents. Therefore, there would be no displacement of existing people or housing, and no impact would occur.

5.4.5 PUBLIC SERVICES

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

a) *Fire protection?*

Under existing conditions, the Project Site contains four structures including a production building, wood shop, maintenance shop, and office that receive fire protection services from the Fontana Fire Protection District (FFPD). The nearest fire station is Station 74 which is located at 11500 Live Oak Avenue, Fontana, CA 92335, approximately 3.0 roadway miles southeast of the Project Site. Station 74 is staffed with one (1) captain, one (1) engineer, one (1) firefighter/paramedic and is equipped with one (1) Type 1 medic engine and one (1) Type 3 brush engine (FFPD, n.d.). The FFPD has a response time goal of 5 minutes (FFPD, 2018). As previously stated, Station 74 is located approximately 3.0 roadway miles southeast of the Project Site; therefore, the response time to the Project Site from Station 74 is estimated to be approximately 5 minutes (3.0 roadway miles traveled at 35 miles per hour average vehicle travel speed = 5.1 minutes). Implementation of the Project would not substantially impact the Station’s 5-minute response time goal.

The construction and operation of the Project would increase the demand for fire protection by introducing more building area on the Project Site. Service demand in and of itself is not an environmental impact under



CEQA unless such demand causes a physical change to the environment. The increase in building area on the Site is not anticipated to result in an increase in demand for fire protection services high enough to trigger the need to physically construct new fire protection facilities because Station 74 already exists near the Site within the FFPD’s 5-minute response time goal. Additionally, the Project would incorporate fire prevention and fire suppression design features to minimize the potential demand placed on the FFPD. The proposed buildings would be of concrete tilt-up construction. Concrete is non-flammable and concrete tilt-up buildings have a lower fire hazard risk than typical wood-frame construction. The Project also would install fire hydrants on-site – the FFPD reviewed the Project’s Site plan to ensure proper spacing of hydrants on-site to provide adequate coverage – and would provide paved primary and secondary emergency access to the Project Site to support the FFPD in the event fire suppression activities are needed on-site. Lastly, the proposed warehouse buildings would feature a fire alarm system and ceiling-mounted sprinklers.

Based on the Project Site’s proximity to an existing fire station, the incremental increase in the demand for FFPD services would not result in or require new or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Although the Project would not result in the need for new or expanded fire protection facilities, as a standard condition of approval, the Project Applicant would be required to pay impact fees for fire protection services in accordance with Section 21-122 of the Fontana Municipal Code. The City will collect Development Impact Fees (DIF) for the Project based on building square footage. The Project’s payment of DIF fees, as well as increased property tax revenues that would result from development of the Project, would be used by the City to help pay for fire protection services and other public services. (Fontana, 2019, Section 21-122)

Based on the foregoing, the proposed Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection facilities would be less than significant.

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

b) Police protection?

The existing structures on the Project Site receive police protection services from the Fontana Police Department (FPD) located at 17005 Upland Avenue (approximately 8.8 roadway miles northeast of the Project Site). The Project would introduce two new corporate center buildings and employees and visitors to the Project Site, which would result in an incremental increase in demand for police protection services. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment, and there is no aspect of the Project’s construction, design, or operation that would cause the need to construct new police protection facilities. During the building plan check process, an FPD representative reviews the building plans before the City issues a building permit to determine the needs for crime prevention, such as installation of lighting systems, emergency notification systems, and/ or crime



prevention through environmental design. This pre-construction review process is intended to prevent or deter crime and the demand for police protection services to new developments. For these reasons, the Project is not anticipated to generate crime nor would the Project precipitate crime which would necessitate the construction of new or physically altered police facilities. Additionally, and pursuant to City of Fontana Municipal Code Section 21-122, the Project would be subject to payment of DIF fees, which the City uses in part to fund police protection services. Furthermore, property tax revenues generated from development of the Site would provide funding to offset potential increases in the demand for police services at Project build-out. The City of Fontana uses DIF fees and property tax revenues to help pay for police protection needs and other public services. (Fontana, 2019, Section 21-122)

Because Project implementation would not result in or require new or expanded police protection facilities and because the Project is required to contribute appropriate DIF fees to offset the Project’s increased demand for police protection services, the Project’s impacts to police protection services would be less than significant.

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

c) Schools?

The Project does not include residential land uses and would not directly introduce new school-age children within the Fontana Unified School District (FUSD) boundaries. Furthermore, as discussed in EIR Subsection 5.4.3, *Population and Housing*, Project is not expected to draw a substantial number of new residents to the surrounding area as the result of unplanned population or housing growth and would not, therefore, indirectly increase unplanned enrollment at FUSD schools. Because the Project would not directly generate students and is not expected to indirectly draw students to the area, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a direct demand for public school services, the Project Applicant would be required to contribute development impact fees to the FUSD in compliance with the Leroy F. Greene School Facilities Act of 1998, which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits. Impacts to FUSD schools would be less than significant.



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

d) Parks?

The Project does not propose to construct any new on- or off-site recreation facilities. Additionally, the Project would not expand any existing off-site recreational facilities. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

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

e) Other public facilities?

The Project does not include any residential land uses and, therefore, is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, public health facilities, and/or animal shelters. As such, implementation of the Project would not adversely affect other public facilities or require the construction of new or modified public facilities. No impact would occur.

5.4.6 RECREATION

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

The Project would entail the development of the subject property with industrial land uses. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

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

The Project does not propose to construct any new on- or off-site recreation facilities. Additionally, the Project would not expand any existing off-site recreational facilities. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur.



5.4.7 UTILITIES AND SERVICE SYSTEMS

Threshold a: *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?*

A. Water and Water Treatment Facilities

The Project would require the construction of a new water main beneath Slover Avenue along the Project Site frontage. Although the existing uses on the Project Site receive water service, this service is provided from a water main installed on the south side of Slover Avenue. The Fontana Water District requires all new development to be served from a water main on the same side of the street, so a new main will branch from the existing water facilities beneath Slover Avenue to serve the Project. Construction activities within the public street right of way have the potential to create intermittent and short-term inconvenience hazards for motorists and pedestrians; however, all water utility construction work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the *State of California Department of Transportation Construction Manual*, published by Caltrans (Caltrans, 2020). The construction of the proposed water service connections, which would occur over a few days' time, also has the potential to cause environmental effects associated with short-term air pollutant, noise emissions, and water quality effects that are an inherent part of the Project's construction process. The Project's construction air quality, noise emissions, and water quality effects were previously disclosed in EIR Subsections 4.2, 4.6, 4.8, and 4.10 (the construction-level impacts disclosed in these Subsections are inclusive of the effects from the construction of water infrastructure). Where significant construction-related impacts have been identified in the above-listed sections, feasible and enforceable mitigation measures are imposed by this EIR to reduce the Project's impacts to a less than significant level. There are no significant environmental impacts specifically related to construction of the Project's water line connection.

While the Project would result in an incremental increase in demand for water treatment services, the Project water demand, which is further discussed under the response to Threshold "b" in this Subsection, would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the FWC's *2020 Urban Water Management Plan (UWMP)* (FWC, 2021).

B. Wastewater and Wastewater Treatment Facilities

The Project will retain the Project Site's existing connections to the sewer main installed beneath Slover Avenue. Accordingly, the Project would not result in the relocation or expansion of any existing sewer lines and there would no environmental impacts related to the construction of new wastewater conveyance facilities.

While the Project would result in an incremental increase in demand for wastewater treatment services, the Project wastewater treatment demand, which is further discussed under the response to Threshold "c" in this Subsection, would not result in or require new or expanded wastewater treatment facilities.



C. Storm Water Drainage Facilities

The Project would involve the construction of an on-site stormwater drain system, including catch basins and underground storm drain pipes, to capture storm water runoff from across the Project Site and convey this runoff to existing storm drain facilities beneath Slover Avenue. The water quality effects associated with the Project’s proposed stormwater drainage system were previously addressed in EIR Subsection 4.9, *Hydrology and Water Quality*. Construction activities within the public street right of way have the potential to create intermittent and short-term inconvenience hazards for motorists and pedestrians; however, all water utility construction work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the *State of California Department of Transportation Construction Manual*, published by Caltrans (Caltrans, 2020). The construction of the proposed stormwater service connections, which would occur over a few days’ time, also has the potential to cause environmental effects associated with short-term air pollutant, noise emissions, and water quality effects that are an inherent part of the Project’s construction process. The Project’s construction air quality, noise emissions, and water quality effects were previously disclosed in EIR Subsections 4.2, 4.6, 4.8, and 4.10 (the construction-level impacts disclosed in these Subsections are inclusive of the effects from the construction of water infrastructure). Where significant construction-related impacts have been identified in the above-listed sections, feasible and enforceable mitigation measures are imposed by this EIR to reduce the Project’s impacts to a less than significant level. There are no significant environmental impacts specifically related to construction of the Project’s stormwater drain system.

D. Dry Utilities

The Project would protect the existing electric power and telecommunications facilities along the Project Site’s frontage with Slover Avenue. No impact to dry utilities would occur.

Threshold b: *Would sufficient water supplies be available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

The Fontana Water Company (FWC) is responsible for supplying potable water to the Project site and its surrounding area. As discussed in FWC’s *2020 Urban Water Management Plan*, herein incorporated by reference as the “UWMP,” adequate water supplies are projected to be available to meet the estimated water demand for the FWC’s service area through at least 2045 under normal, historic single-dry and historic multiple-dry year conditions (FWC, 2021, pp. 7-6 through 7-8). The FWC forecasts for projected water demand are based on the population projections of the SCAG, which rely on the adopted land use designations contained within the general plans that cover the geographic area within FWC’s service. Because the Project would be consistent with the City’s General Plan land use designation for the Project Site and the Fontana Gateway Specific Plan land use/zoning designation for the Project Site, the water demand associated with the Project was considered in the FWC’s projected demand in the *2020 UWMP* and analyzed therein. As stated above, the FWC expects to have adequate water supplies to meet all its demands until at least 2045; therefore, the FWC has sufficient water supplies available to serve the Project from existing entitlements/resources and no new or expanded entitlements are needed. The Project’s impact would be less than significant.



Threshold c: *Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?*

The Project is calculated to generate 40,700 gallons per day (gpd) of wastewater (2,200 gpd/acre × 18.5 acres = 40,700 gpd). Wastewater generated by the Project would be treated by IEUA’s RP-1 or RP-4 wastewater treatment plants. The RP-1 facility has an existing treatment capacity of approximately 44 million gallons of wastewater per day and treats approximately 28 million gallons of wastewater per day on average; therefore, the RP-1 facility has approximately 16 million gallons (44 million gpd – 28 million gpd = 16 million gpd) of excess treatment capacity under existing conditions (IUEA, 2020a). The RP-4 facility has an existing treatment capacity of approximately 14 million gallons of wastewater per day and treats approximately 10 million gallons of wastewater per day on average; therefore, the RP-4 facility has approximately 4 million gallons (14 million gpd – 10 million gpd = 4 million gpd) of excess treatment capacity under existing conditions (IUEA, 2020b). The wastewater generated by the Project would only represent approximately 0.25 percent of the excess treatment capacity of RP-1 ($[40,700 \text{ gpd} \div 16 \text{ million gpd}] \times 100 = 0.25 \%$) or approximately one (1) percent of the excess treatment capacity of RP-4 ($[40,700 \text{ gpd} \div 4 \text{ million gpd}] \times 100 = 1 \%$); therefore, it is anticipated that RP-1 and RP-4 have sufficient treatment capacity to provide service to the Project. The Project would not require the construction of new or expanded wastewater treatment facilities and would therefore result in less-than-significant impacts.

Threshold d: *Would the Project 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?*

The Project would be required to comply with mandatory waste reduction requirements of the California Integrated Waste Management Act (AB 939), the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), and Chapter 24 (Solid Waste) of the City of Fontana Municipal Code. Notwithstanding, construction and operation of the Project would result in the generation of solid waste requiring disposal at a landfill.

A. Construction Impact Analysis

The Applicant estimates that approximately 100 tons of debris would be generated during proposed on-Site demolition activities. Approximately 18 tons of demolished pavement would be crushed and re-used on-Site as grading base materials; as such, approximately 82 tons of demolition debris would require off-Site disposal. State law requires a minimum of 65 percent of all construction debris be diverted from landfills (by recycling, reusing, and other waste reduction strategies); therefore, the Project is estimated to generate approximately 28.7 tons of demolition waste requiring landfilling.

Waste also would be generated by the Project construction process, primarily comprising discarded materials and packaging. Based on a proposed building area of 355,370 s.f. and a construction waste generation factor of 4.34 pounds per square foot (EPA, 2009, p. 10), approximately 764.8 tons of waste would be generated over the course of Project construction ($[355,370 \text{ sq. ft.} \times 4.34 \text{ lbs/sq. ft.}] \div 2,000 \text{ lbs/ton} = 771.2 \text{ tons}$). AB 939 requires that a minimum of 50 percent of all solid waste be diverted from landfills (by recycling, reusing, and



other waste reduction strategies) consistent with the State's solid waste reduction goals; therefore, the Project is estimated to generate approximately 385.6 tons of construction waste.

The Project's combined demolition and construction activities would generate approximately 414.3 tons of solid waste requiring disposal at a landfill. The Project's building construction would occur over a period of approximately 340 working days, which corresponds to approximately 1.2 tons of construction waste being generated per day of construction activity.

Non-recyclable demolition debris and construction waste generated by the Project would be disposed the Mid-Valley Landfill. As of October 2021, the Mid-Valley Landfill's peak daily disposal was approximately 4,636 tons, which represents 62 percent of the Landfill's maximum permitted daily capacity of 7,500 tons (CalRecycle, 2021). The Project's estimated construction-related generated waste represents approximately 0.04 percent of Mid-Valley Landfill's excess available daily disposal capacity maximum daily capacity ($[1.2 \text{ tons} \div 2,864 \text{ tons}] \times 100 = \sim 0.04\%$). Thus, waste generated by the Project's construction is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Because the Project would generate a relatively small amount of solid waste per day as compared to the permitted daily capacities at the receiving landfill, impacts to the Mid-Valley Landfill facility during the Project's short-term construction activities would be less than significant.

B. Operational Impact Analysis

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of industrial/warehouse building area (CalRecycle, 2018d), long-term operation of the Project would generate approximately 2.5 tons of solid waste per day ($[355,370 \text{ sq. ft.} \times 1.42 \text{ lbs/} 100 \text{ sq. ft}] \div 2,000 \text{ lbs/ton} = 2.5 \text{ tons}$). A minimum of 50 percent of all solid waste would be required to be recycled pursuant to AB 939, consistent with the State's solid waste reduction goals; therefore, Project operation would generate approximately 1.25 tons per day of solid waste requiring disposal at a landfill.

Non-recyclable waste generated by the Project would be disposed the Mid-Valley Landfill. As of October 2021, the Mid-Valley Landfill's peak daily disposal was approximately 4,636 tons, which represents 62 percent of the Landfill's maximum permitted daily capacity of 7,500 tons (CalRecycle, 2021). The Project's estimated operational waste represents approximately 0.04 percent of Mid-Valley Landfill's excess available daily disposal capacity maximum daily capacity ($[1.25 \text{ tons} \div 2,864 \text{ tons}] \times 100 = \sim 0.04\%$). Thus, waste generated during Project operation is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Furthermore, the Mid-Valley Landfill is estimated to have adequate long-term capacity to accept waste from the Project as the landfill would not reach capacity until 2045, at the earliest time, and has opportunities for future expansion. Because the Project would generate a relatively small amount of solid waste per day as compared to the permitted daily capacities at the receiving landfill, impacts to the Mid-Valley Landfill facility during Project operation would be less than significant.



Threshold e: *Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

In order to assist the City of Fontana in achieving the mandated goals of the Integrated Waste Management Act, and pursuant to City of Fontana Municipal Code Chapter 24, the Project’s building occupant(s) would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), the Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. (Cal Pub Res. Code, 2005) Further, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupant(s) of the proposed Project would be required to arrange for recycling services, if the occupant generates four (4) or more cubic yards of solid waste per week (Cal Pub Res. Code, 2011). The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less than significant.

5.4.8 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

Threshold a: *Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Threshold b: *Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Threshold c: *Would the Project require installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Threshold d: *Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project Site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones (Fontana, 2018a, p. 11-4; Cal Fire, 2008); therefore, implementation of the Project would not exacerbate any existing wildfire hazard risks or expose people or the environment to adverse environmental effects related to wildfires.



6.0 ALTERNATIVES TO THE PROJECT

Pursuant to CEQA Guidelines Section 15126.6(a):

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

6.1 SUMMARY OF SIGNIFICANT AND UNAVOIDABLE IMPACTS

As demonstrated in Section 4.0 of this EIR, implementation of the Project would not result in significant adverse environmental effects that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures.

It should be noted that although the Project would not result in any significant and unavoidable impacts, MMs are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: Air Quality (due to VOC emissions from the application of architectural coatings during Project construction), Biological Resources (due to the potential to destroy bird nests during Project demolition activities), Cultural Resources (due to the potential to encounter pre/protohistoric cultural resources during Project grading), Geology and Soils (due to the potential to encounter paleontological resources during Project grading), and Tribal Cultural Resources (due to the potential to encounter tribal cultural resources during Project grading). These potentially significant impacts are associated with construction activities, not operation of the Project.

Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. Accordingly, the City will not need not make findings rejecting any alternatives described in this EIR as all of the project's significant impacts will be avoided or substantially lessened by mitigation measures. (Public Resources Code Section 21081(a)(1)–(2); 14 CEQA Guidelines Section 15091(a)(1)–(2).)

In *Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, the court held that, if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives. Noting that mitigation measures and project alternatives are mentioned in Public Resources Code Sections 21002–21002.1 in the alternative, the court concluded that CEQA does not mandate the choice of the environmentally most desirable project if, through mitigation measures alone, the agency has reduced the project's environmental effects to an



acceptable level. (83 Cal.3d at 521; see also *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 379 [agency is not required to make findings on feasibility of EIR's alternatives if mitigation measures will reduce environmental impacts to acceptable levels].)

6.2 PROJECT OBJECTIVES

As stated in Section 3.0 of this EIR, and pursuant to Section 15124 of the CEQA Guidelines, the objectives that have been established for the Project are listed below.

1. To expand economic development and facilitate job creation in the City of Fontana by re-developing an underutilized property with a new, in-demand industrial use adjacent to an already-established industrial area.
2. To attract employment-generating businesses to the City of Fontana to reduce the need for members of the local workforce to commute outside the area for employment.
3. To develop a light industrial building that is designed to maximize economic competitiveness with similar industrial buildings in the local area and region.
4. To develop industrial buildings with loading bays in close proximity to designated truck routes and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.
5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.
6. To develop a project that has architectural design and operational characteristics that complement other existing and planned buildings in the immediate vicinity of the Project Site and minimize conflicts with other nearby land uses.
7. To develop a property that has access to available infrastructure, including roads and utilities.

6.3 ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD FOR DETAILED ANALYSIS

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines Section 15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because



either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.3.1 ALTERNATIVE SITE

CEQA requires that the discussion of alternatives focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. The key question and first step in the analysis is determining whether any of the significant effects of the project would be avoided or substantially lessened by developing the project at another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6(f)(2)).

Historic activities on the Project Site have resulted in pervasive and ongoing disturbance over the last 70+ years. The Project Site does not contain any natural/native habitat and the Project Site is used for the manufacturing of pre-cast concrete products. Based on review of aerial photography and the City of Fontana General Plan Land Use Map, there are no other properties in the City that: are large enough to support the proposed Project and have fewer developmental and environmental constraints than the Project Site.

The Project's potentially significant impacts – all of which are related to aspects of the Project's construction and would be reduced to less than significant levels with the application of the MMs identified in this EIR – are also likely to occur at other sites in the City.

Additionally, the Project-related increase in truck and vehicular trips and the associated air pollutant emissions, off-site increases in traffic-related noise, and GHG emissions, which would be less than significant with the Project, would also occur with development at an alternative site. Further, there are no sensitive receptors (e.g., residences, schools, hospitals, parks) immediately adjacent to the Project Site that would be affected by on-site operations for the Project, whereas sensitive receptors may or may not be located adjacent to an alternative site.

Lastly, the Project Applicant does not own and is not involved in the acquisition of any property in the City that could accommodate the Project, other than the Project Site. CEQA does not require sites that are not owned by the landowner or that could not be reasonably acquired by the landowner to be considered as an alternative to the Project.

In light of the foregoing reasons, a more detailed analysis of alternative sites is not warranted.

6.3.2 ALTERNATIVE DEVELOPMENT PROJECT ON-SITE

It is typical to consider alternative development scenarios for a Project (reduced intensity, reduced development area, alternative site plan, alternative use, etc.) when identifying potential alternatives to avoid or reduce potential significant impacts resulting from construction or operation of a project to a less than significant level. As previously identified, and as demonstrated through the analysis presented in Section 4.0



of this EIR, the Project would not result in any significant and unavoidable impacts. The Project’s potential impacts are less than significant with incorporation of the MMs in this EIR.

Implementation of an alternative development scenario at the Project Site that could potentially meet the established Project objectives would require the removal of the existing Clark Pacific manufacturing facility, site preparation, grading/excavation, and building construction. All impacts that require Project-level mitigation are associated with construction activities, not operation, and would therefore also occur under a potential alternative development scenario onsite. For that reason, as discussed further below, there is no need to further evaluate alternative development scenarios.

6.4 ALTERNATIVES ANALYSIS

6.4.1 NO PROJECT ALTERNATIVE

A. Description of the Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR include an alternative that describes what would reasonably be expected to occur on the Project Site in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., “No Project” Alternative). For projects that include a revision to an existing land use plan, the “No Project” Alternative may be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on a specific property), the “No Project” Alternative is considered to be the circumstance under which the project does not proceed (CEQA Guidelines Section 15126(e)(3)(A-B). Because the Project does not include a land use plan amendment, this EIR analyses the “No Project” Alternative in which the project does not proceed. The Project is consistent with the General Plan land use map and the Fontana Gateway Specific Plan and a land use revision is not required; therefore, for purposes of this alternatives analysis the “No Project” Alternative is considered to be the scenario where the existing Clark Pacific manufacturing buildings are retained and the facility continues to manufacture pre-cast concrete products into the future.

B. Comparative Analysis of Environmental Impacts

Following is a comparative analysis of the No Project Alternative and the Project. The focus of this analysis is to determine if the No Project Alternative is capable of eliminating or reducing the potentially significant environmental effects of the Project. As previously noted, the Project would not result in any significant and unavoidable impacts; therefore, the analysis addresses significant effects that might occur if the identified Project-level mitigation measures are not applied.

1. Aesthetics

The No Project Alternative does not involve any new development or change in current uses. Under the No Project Alternative, the visual character and quality of the Project Site would be maintained in its existing condition. No new structures, landscaping, or lighting would be introduced on the Project Site. The No Project Alternative would not have the potential to conflict with the existing character or quality of existing and planned development surrounding the Project Site and would not create a new source of substantial light or



glare that would impact nighttime views in the area. No significant aesthetic impacts related to aesthetics were identified for the Project and no significant aesthetic impacts would occur under this alternative.

2. *Air Quality*

The No Project Alternative would not involve construction activities. Additionally, the potential for exposure to asbestos containing materials and lead-based materials during demolition would be reduced. Therefore, the No Project Alternative would result in less construction-related air pollutant emissions compared to the Project. However, the Project's construction-related air quality impacts would be less than significant. Therefore, the No Project Alternative would not avoid any significant construction-related air quality impacts.

The Project Site currently contains a manufacturing facility with several structures and associated parking areas that generate nominal amounts of air pollution associated with typical business operations (i.e., tailpipe emissions from vendor deliveries and employees traveling to and from the Project Site). The No Project Alternative would leave the Project Site in its existing condition and would retain these uses (and less than significant amounts of air pollution).

3. *Biological Resources*

The No Project Alternative would leave the Project Site in its existing condition, which includes developed/disturbed land with minimal vegetation or habitat areas. No grading would occur under this Alternative and there would be no potential impacts to bird nests that may be present on the Project Site. Although there are mitigation measures identified in EIR Subsection 4.3 that would reduce the Project's direct and cumulatively considerable impacts to biological resources to below a level of significance, implementation of the No Project Alternative would avoid impacts to biological resource associated with the Project and would require no mitigation.

4. *Cultural Resources*

The No Project Alternative would leave the Project Site in its existing condition; no grading would occur under this Alternative and there would be no potential impacts to subsurface archeological resources that may exist beneath the ground surface. Although there are mitigation measures identified in EIR Subsection 4.4 that would reduce the Project's direct and cumulatively considerable impacts to cultural resources to below a level of significance, implementation of the No Project Alternative would avoid impacts to cultural resources associated with the Project and would require no mitigation.

5. *Energy*

Under the No Project Alternative, the existing uses on the Project Site would continue to operate; therefore, there would be nominal demand for near-term and long-term electricity and fuel use on the Site. Selection of this Alternative would result in a less than significant impact to energy and would reduce the Project's near- and long-term energy use.



6. *Geology and Soils*

The No Project Alternative would leave the Project Site in its existing condition. The No Project Alternative would not construct any new structures on the Project Site; accordingly, there would be no potential for this Alternative to expose people or structures to safety risks associated with geologic hazards.

With respect to paleontological resources, the No Project Alternative would not involve any excavation or grading activities. Therefore, the potential to discover previously unidentified paleontological resources is eliminated. As such, the potential for impacts to paleontological resources with the No Project Alternative would be less than with the Project. However, the Project impacts would be less than significant with Project-level mitigation. Therefore, the No Project Alternative would not avoid any significant impacts related to paleontological resources.

7. *Greenhouse Gas Emissions*

Under the No Project Alternative, no new development would occur on the Project Site and the existing facility on-site would continue to operate. Therefore, with the exception of ongoing nominal GHG emissions associated with on-site business activities, there would be no new sources of near-term or long-term GHG emissions under the No Project Alternative. However, the Project's impacts would be less than significant. Therefore, the No Project Alternative would not avoid any significant impacts related to GHG emissions.

8. *Hazards and Hazardous Materials*

As identified in Subsection 4.8, with adherence to applicable regulations, the Project would have no impact or a less than significant impact related to hazards and hazardous materials. As with the Project, the No Project Alternative would be operated in compliance with applicable regulations and would have a less than significant impact related to transport, use and disposal of hazardous materials; and, release of hazardous materials and hazardous emissions. Additionally, consistent with the Project, the No Project Alternative would have no impact or a less than significant impact related to its location on a hazardous materials site, hazards from airport operations, emergency response/evacuation, and wildland fires.

9. *Hydrology and Water Quality*

No changes to the Site's existing hydrology and drainage conditions would occur under the No Project Alternative. No stormwater drainage improvements would be constructed on or adjacent to the Project Site and rainfall would continue to be discharged from the Project Site as sheet flow. Under this Alternative, the stormwater leaving the Project Site would continue to be treated by the existing BMPs that are part of the Clark Pacific SWPPP to minimize waterborne pollutants and contain sediment. Therefore, the No Project Alternative would result in greater impacts to hydrology and water quality than the proposed Project; however, under this Alternative, impacts would remain less than significant.

10. *Noise*

The No Project Alternative would not involve construction activities; therefore, noise and vibration effects associated with construction would be less than the Project. However, the Project's construction-related noise impacts would be less than significant. Therefore, the No Project Alternative would not avoid any significant impacts related to noise during construction.



Under the No Project Alternative, no new sources of permanent noise would be introduced on the Project Site and the noise generated by on-Site manufacturing activities would continue. Additionally, because the Project Site would not be developed and no new traffic trips would be generated, the No Project Alternative would not contribute to an incremental increase in area-wide traffic noise levels. Selection of this Alternative would avoid the Project's less-than-significant long-term noise impacts.

11. Transportation

The No Project Alternative would not generate any new daily traffic. Accordingly, this Alternative would avoid the Project's less-than-significant impacts to transportation.

12. Tribal Cultural Resources

The No Project Alternative would not involve any excavation or grading activities. Therefore, the potential to discover previously unidentified tribal cultural resources is eliminated. As such, the potential for impacts to tribal cultural resources with the No Project Alternative would be less than with the Project. However, the Project impacts are considered less than significant with incorporation of the MMs in this EIR. Therefore, the No Project Alternative would not avoid any significant impacts related to tribal cultural resources.

C. Conclusion

Implementation of the No Project Alternative would result in no physical environmental impacts to the Project Site beyond those that have historically occurred on the Project Site. All potentially significant effects of the Project would be avoided by the selection of this Alternative.

Because the No Project Alternative would not re-develop the Project Site and would not promote local economic development, including through the creation of new jobs and the expansion of the local tax base, the No Project Alternative would fail to meet all of the Project's objectives.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives shall identify an environmentally superior alternative among the alternatives evaluated in the EIR. In general, the environmentally superior alternative as defined by CEQA should minimize adverse impacts to a project site and its surrounding environment. 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. In the instance of the Project, there is no need to further evaluate "other" alternative development scenarios (reduced intensity, reduced development area, alternative site plan, alternative use, etc.) because such alternatives would result in similar potentially significant environmental effects as the Project (all of which are due to construction-level effects) and with implementation of the MMs in this EIR and compliance with applicable regulations, the Project would not result in any significant and unavoidable impact, as demonstrated in the analysis in Section 4.0 of this EIR. Therefore, there are no alternatives evaluated in this EIR that would be considered environmentally superior to the Project.



7.0 REFERENCES

7.1 PERSONS CONTRIBUTING TO EIR PREPARATION

7.1.1 CITY OF FONTANA COMMUNITY DEVELOPMENT DEPARTMENT

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7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Fontana Corporate Center EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Fontana Community Development Department, Planning Division at 8353 Sierra Avenue, Fontana, CA 92335.

- Appendix A: Fontana Corporate Center Notice of Preparation (NOP), and Written Comments.
- Appendix B1: Urban Crossroads, 2021a. *Fontana Corporate Center Air Quality Impact Analysis*. November 11, 2021.
- Appendix B2: Urban Crossroads, 2021b. *Fontana Corporate Center Mobile Source Health Risk Assessment*. November 29, 2021.
- Appendix C: Alden Environmental, Inc., 2021. *Fontana Gateway Industrial Center-Biological Resources*. October 13, 2021.
- Appendix D1: Brian F. Smith and Associates, Inc., 2021a. *Cultural Resources Study for the Fontana Corporate Center Project*. November 23, 2021.



- Appendix D2: Brian F. Smith and Associates, 2021b. *Paleontological Assessment for the Fontana Corporate Center Project*. August 4, 2021.
- Appendix E: Urban Crossroads, 2021c. *Fontana Corporate Center Energy Analysis*. November 11, 2021.
- Appendix F: NorCal Engineering, 2021. *Geotechnical Investigation – Proposed Warehouse Building Development North of Slover Avenue at Business Drive, Fontana, California*. March 3, 2021.
- Appendix G: Urban Crossroads, 2021d. *Fontana Corporate Center Greenhouse Gas Analysis*. November 11, 2021.
- Appendix H1: SCS Engineers, 2021a. *Phase I Environmental Site Assessment*. April 6, 2021.
- Appendix H2: SCS Engineers, 2021b. *Phase II Soil Vapor Investigation Report*. March 24, 2021.
- Appendix I1: Thienes Engineering, 2021a. *Preliminary Hydrology Calculations for Slover Avenue Industrial Buildings*. June 9, 2021.
- Appendix I2: Thienes Engineering, 2021b. *Storm Water Quality Management Plan (SWQMP) for Slover Avenue Industrial Buildings*. June 9, 2021.
- Appendix J: Urban Crossroads, 2021e. *Fontana Corporate Center Noise Impact Analysis*. November 23, 2021.
- Appendix K: Urban Crossroads, 2021f. *Fontana Corporate Center Traffic Study*. December 21, 2021.

7.3 DOCUMENTS INCORPORATED BY REFERENCE

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

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