Draft Environmental Impact Report
SCH No. 2021120059

Cypress and Slover Warehouse Project
City of Fontana, California

Lead Agency
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Lead Agency Discretionary Permits
Design Review Project (DRP 21-013)
Tentative Parcel Map (TPM 21-007)

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8353 Sierra Avenue
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Lead Agency Discretionary Permits
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ACRONYMS AND ABBREVIATIONS

Acronym	Definition
§	Section
AB	Assembly Bill
AB 32	California Global Warming Solutions Act of 2006
AB 1493	Pavley Fuel Efficiency Standards
ACHP	Advisory Council on Historic Preservation
ACMs	Asbestos Containing Materials
ACWM	Asbestos Containing Waste Materials
ADA	Americans with Disabilities Act
AERMOD	Air Quality Dispersion Modeling
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
BACM	Best Available Control Measure
BACT	Best Available Control Technology
BAU	Business as Usual
BMPs	Best Management Practices
c.y.	cubic yards
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
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
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCAA	California Clear Air Act
CCCC	California Climate Change Center
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
CFR	Code of Federal Regulations
Cfs	cubic feet per second
CH4	Methane
CIWQS	California Integrated Water Quality System
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNRA	California Natural Resources Agency
CO	Carbon Monoxide
CO2	Carbon Dioxide
CO2e	Carbon Dioxide Equivalent
COG	Council of Governments
COHb	carboxyhemoglobin
CPUC	California Public Utilities Commission
CSU	California State University
CTR	California Toxics Rule
CUPAs	California Unified Program Agencies
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted Decibels
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
DRP	Design Review Project
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
E+P	Existing plus Project Conditions
ECHO	Enforcement and Compliance History Online
EDR	Environmental Data Resources
EIR	Environmental Impact Report
EMFAC	Emission Factor Model
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESA	Environmental Site Assessments
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FFPD	Fontana Fire Protection District
FHWA	Federal Highway Administration
FICON	Federal Interagency Committee on Noise
FIRM	Food Insurance Rate Map
FPD	Fontana Police Department
FTA	Federal Transit Association
FUSD	Fontana Unified School District
FWC	Fontana Water Company
Gg	gigagrams
GBV	Ground-Based Vibration
GBN	Ground-Based Noise
GCC	Global Climate Change
GHG	Greenhouse Gas
GHGA	Greenhouse Gas Analysis Report
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
HWCL	Hazardous Waste Control Law
HWTS	Hazardous Waste Tracking System
I	Interstate
IEPR	Integrated Energy Policy Report
IEUA	Inland Empire Utilities Authority
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
I-G	General Industrial
I-L	Light Industrial
I-10	Interstate 10
I-15	Interstate 15
I-215	Interstate 215
LCD	Liquid Crystal Display
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-1	Light Industrial Zone
M-2	General Industrial Zone
MATES	Multiple Air Toxics Exposure Study in the South Coast Air Basin
MBTA	Migratory Bird Treaty Act

MCN	Master Case No.
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
MMTCO2e	million metric tons of carbon dioxide equivalent
MPO	Metropolitan Planning Organization
MTCO2e	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
NF3	Nitrogen Trifluoride
NHL	National Historic Landmarks
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
NLR	No Longer Regulated
NMFS	National Marine Fisheries Service
NO	Nitric Oxide
NO2	Nitrogen Dioxide
NOX	Nitrogen Oxides
N2	Nitrogen
N2O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NPS	Non-point source
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NVIA	Noise and Vibration Impact Assessment
O2	Oxygen
O3	Ozone
OEHHA	Office of Environmental Health Hazard Assessment
ONT	Ontario International Airport
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment

Pb	Lead
PCBs	polychlorinated biphenyls
PFCs	Perfluorocarbons
PM	Particulate Matter
PM2.5	Fine Particulate Matter (2.5 microns or smaller)
PM10	Fine Particulate Matter (10 microns or smaller)
PRC	Public Resources Code
PROWAG	Public Right of Way Accessibility Guidelines
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental conditions
REMEL	Reference Mean Emission Level
ROGs	Reactive Organic Gasses
RPS	Renewable Portfolio Standards
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
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
SBCTA	San Bernardino County Transportation Authority
SBTAM	San Bernardino Transportation Analysis Model
SB	Senate Bill
SB 350	Senate Bill 350, Clean Energy and Pollution Reduction Act of 2015
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
SF6	Sulfur Hexafluoride
SGMA	Sustainable groundwater management act
SHMA	Seismic Hazards Mapping Act
SHPO	State Historic Preservation Officers
SHRC	State Historical Resources Commission
SIP	State Implementation Plan
SO2	Sulfur Dioxide

SO4	Sulfates
SOX	Sulfur Oxides
SRA	Source Receptor Area
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
TAC	Toxic Air Contaminants
TEA-21	Transportation Equality Act for 21st Century
TPM	Tentative Parcel Map
TRUs	Transportation Refrigeration Units
TSCA	Toxic Substances Control Act of 1976
USDA	U.S. Department of Agriculture
USFWS	United States Fish and Wildlife Service
USTs	Underground storage tanks
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WDR	Water discharge requirements
WMI	Watershed Management Initiative
WQMP	Water Quality Management Plan
WRI	World Resources Institute
WS	Waters of the State
WUS	Waters of the U.S.
YBP	Years before present
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), having California State Clearinghouse (SCH) No. 2021120059, 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 Nevada & Palmetto Commerce Center project (hereinafter, the "Project" or "proposed Project"). This EIR does not recommend approval or denial of the proposed Project; rather, this EIR is a source of factual information regarding potential environmental impacts that may result from implementation of the Project. 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.

An Initial Study was not prepared for this Project, however, the City of Fontana in its capacity as Lead Agency for the Project determined that implementation of the Project clearly has the potential to result in significant environmental effects and directed that a Project EIR be prepared for the Project as permitted by CEQA Guidelines Section 15063(a). This EIR addresses the 11 environmental topic areas listed below in detail.

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

This EIR's scope was determined through the independent judgment of the City of Fontana pursuant to CEQA Guidelines Section 15063, and in consideration of public comments received by the City in response to this EIR's Notice of Preparation (NOP) and during a EIR scoping meeting held before the public. The NOP and written comments received by the City in response to the NOP, are attached to this EIR as *Technical Appendix A*. As determined by the City and in consideration of public comments received in response to the NOP and during the EIR scoping meeting, the 11 environmental subject areas listed above have reasonable potential to be significantly affected by planning, constructing, and/or operating the proposed Project and the potential effects resulting from the Project are analyzed in detail herein.

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the topic areas listed above. Topic areas for which the EIR concluded that impacts would clearly not be 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 filed with the California State Clearinghouse (December 3, 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 the proposed Project may cause.

A summary of the Project's significant environmental impacts and the mitigation measures imposed by the City of Fontana to lessen or avoid those impacts is included in this Executive Summary as Table S-1, *Mitigation Monitoring and Reporting Program*. The City applies mitigation measures that it determines 1) are feasible and practical for the Project Applicant 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" for purposes of analysis in this EIR consists of approximately 29.8 acres within the City of Fontana, San Bernardino County, California. The City, which is located in the southwestern portion of San Bernardino County, 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 10 (I-10), and abuts Cypress Avenue to the east, Slover Avenue to the south, and Oleander Avenue. The Project Site includes Assessor Parcel Numbers (APNs) 0251-163-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, and -13 and 0251-164-03, -04, -10, -11, -12, -14, -15, -16, -20, -23, and -25. The Project Site is located within Section 19, Township 1 South, Range 5 West, San Bernardino Baseline and Meridian.

S.2.2 PROJECT SUMMARY

For purposes of this EIR, the term "Project" refers to the actions required to implement the proposed Cypress and Slover Warehouse project, including planning construction, and ongoing operation. The Project includes the construction and operation of a 623,460 square-foot (s.f.) industrial commerce center building 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 and a Tentative Parcel Map. 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 Project is to accomplish the development of a warehouse distribution building on an approximately 29.8-acre property. The Project would achieve this goal through the following objectives.

1. To expand economic development in the City of Fontana by re-developing an underutilized property with an in-demand industrial use within a portion of the City that is planned for long-term industrial development.
2. To make efficient use of a property in the City of Fontana by maximizing its buildout potential for employment-generating uses.
3. 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.
4. To develop an industrial building with loading bays adjacent to City of Fontana truck routes and in close proximity to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.
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 are compatible with other existing and planned land uses in the immediate vicinity of the Project Site.
7. To redevelop a property that has access to available infrastructure, including roads and utilities.

S.3 EIR PROCESS

Following preliminary review of the Project's application materials, the City of Fontana concluded that the Project and its associated implementing actions 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 filed a NOP with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared. The NOP were distributed for a 30-day public review period, which began on December 3, 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 December 16, 2021.

This Draft 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 News (a newspaper of general circulation in the Project area), 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 public comment period on the Draft EIR, the City will prepare and publish responses to written comments it received on the environmental effects of the Project. The Final EIR will be considered for certification by the City of 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 and because the Project will include mitigation measures, the County must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure the

Project's construction and operational activities will comply with the mitigation measures identified in the Final EIR.

S.4 Areas of Controversy and Issues to be Resolved

CEQA Guidelines Section 15123(b)(2) requires the Lead Agency 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, as part of the NOP public comment period the Lead Agency has identified several issues of local concern including, but not limited to, potential impacts related to air pollution (including toxic air contaminants and greenhouse gas emissions) and tribal cultural resources – 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 County received in response to the NOP. Written comments received by the City in response to the NOP are summarized in Section 1.0 of this EIR (refer to Table 1-1, *Summary of NOP and Scoping Meeting Comments*).

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 that 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. A brief description of the alternatives to the Project considered in this EIR is provided below; a detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of alternatives that were initially considered but rejected from detailed consideration.

S.5.1 No Project Alternative

The No Project Alternative considers no development on the Project Site beyond what occurs on the Site under existing conditions. Under this Alternative, the residential units on the northern and western portions of the Project Site would be retained while the remaining portions of the Site would be kept vacant for the foreseeable future. This Alternative was used to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing state.

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.

S.5.2 Boyle Avenue Preservation and Reduced Building Area Alternative

The Boyle Avenue Preservation and Reduced Building Area Alternative considers a proposal where the segment of Boyle Avenue located east of Oleander Avenue and west of Cypress Avenue is retained, splitting the Project Site into two halves. Under this Alternative, both the northern and southern halves of the Project Site would be developed with warehouse distribution/commerce center buildings at floor-to-area ratio (FAR) of 0.45, as allowed by the City of Fontana General Plan and Zoning and Development Code. This Alternative was selected to evaluate whether the retention of Boyle Avenue and the development of the Site with two smaller industrial buildings would result in fewer environmental impacts than the one larger building proposed by the Project.

The Boyle Avenue Alternative would not reduce – but would likely increase – the Project's significant and unavoidable environmental impact from GHG emissions. This Alternative would also increase energy consumption in comparison to the Project. Upon application of the same mitigation measures as the Project, the Boyle Avenue Alternative would result in similar, less than significant impacts as the Project to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation, and tribal cultural resources.

The Boyle Avenue Alternative would not meet Project Objective No. 2 because it provides a reduced scale of development in comparison to the proposed Project and would not maximize employment-generating potential of development on the Project Site. The Boyle Avenue would meet all other Project objectives because it provides a similar land use and building design as the Project.

S.5.3 Modified Building Operations Alternative

The Modified Building Operations Alternative considers a proposal where proposed building operations are less intensive than the Project, but all other aspects of the Project (building size, site layout, architecture, landscaping, etc.) are unchanged. Specifically, the Modified Building Operations Alternative would reduce the amount of refrigerated warehouse space to half the amount provided by the Project, or approximately 12.5 percent of the total building floor area. This Alternative was selected to evaluate whether modifying a relatively energy-intensive aspect of the Project's operations would result in a substantive reduction to any of the significant environmental impacts that would result from the Project.

The Modified Operations Alternative would reduce – but not avoid – the Project's significant and unavoidable environmental impact from GHG emissions. This Alternative would reduce energy consumption in comparison to the Project. The Modified Operations Alternative would require the same mitigation measures as the Project for biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Upon consideration of all required mitigation measures, the Modified Operations Alternative would result in less than significant impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation, and tribal cultural resources.

Because the Modified Operations Alternative provides a similar land use and identical building design and scale of development as the proposed Project, this Alternative would 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 result in any significant and unavoidable environmental impact related to greenhouse gas emissions.

Table S-1 Mitigation Monitoring and Reporting Program

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance
Air Quality					
Summary of Impacts					
Threshold a: Less than Significant Impact. The Project would neither contribute to a delay in the attainment of federal and State air quality standards in the SCAB nor exceed local growth projections. Accordingly, the Project would not conflict with or obstruct implementation of the 2016 AQMP.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less than Significant Impact. Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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."	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Biological Resources					
Summary of Impacts					
Threshold a: No Impact. The Project Site does not contain or support any special-status plant or wildlife species. As such, implementation of the proposed Project would not 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 Game or U.S. Fish and Wildlife Service.	No mitigation is required.	N/A	N/A	N/A	No Impact
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.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold c: No Impact. No State- or federally-protected wetlands are located on the Project Site; therefore, no impact to wetlands would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold d: Potentially 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 should nesting birds be present.	**MM 4.2-1** 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 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	Project Biologist	City of Fontana Planning Division	Prior to construction	Less-than-Significant Impact with Mitigation

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	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, verifies that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.				
Threshold e: Less-than-Significant Impact. The Project would not conflict with any local policies or ordinances protecting biological resources.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
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.	No mitigation is required.	N/A	N/A	N/A	No Impact
Cultural Resources					
Summary of Impacts					
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..	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold b: Potentially 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 potentially direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources be discovered during Project-related construction activities.	**MM 4.3-1** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that an archaeologist that meets the latest version of the Secretary of the Interior Professional Qualifications Standards (hereafter "Project Archaeologist") has been retained to conduct the training and monitoring activities described in Mitigation Measure 4.3-2 and Mitigation Measure 4.3-3. **MM 4.3-2** Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the City of Fontana that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize archaeological resources (historic and prehistoric) should such resources be unearthed during ground-disturbing construction activities. The training will include a brief review of the cultural sensitivity of the area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of archaeological resources are identified, including who to contact and	Project Applicant Project Archaeologist	City of Fontana Planning Division	Prior to issuance of grading permit	Less-than-Significant Impact after Mitigation

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new supervisorial construction personnel involved with grading and trenching operations that begin work on the Project Site after the initial training session must take the training prior to beginning work on-site. **MM 4.3-3** The Project Archaeologist shall conduct monitoring during all grading, trenching, and excavation activities. The Project Archaeologist shall be equipped to salvage artifacts if they are unearthed to avoid construction delays. Should the Project Archaeologist determine during construction activities that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low, archaeological monitoring activities can be reduced to spot-checking or may be allowed to cease. **MM 4.3-4** In the event that suspected cultural resources are discovered during Project construction activities: a. Upon discovery of any cultural, tribal cultural, or archaeological resources, construction activities in the immediate vicinity of the find shall cease 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 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.				

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	Work may continue on other parts of the project while evaluation takes place. b. 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. c. 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.				

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Energy					
Summary of Impacts					
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Geology & Soils					
Summary of Impacts					
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	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
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 National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (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 Water Quality Management Plan (WQMP) during operation, which would preclude substantial erosion impacts in the long-term.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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 Project's site-specific geotechnical reports during Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: No Impact. The Project Site contains soils with no 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.	No mitigation is required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
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.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold f: Potential 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.	**MM 4.5-1** 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 4.5-2** The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed late Pleistocene old alluvial fan deposits starting at a depth of 10 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 4.5-3** 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	Project Applicant Project Paleontologist	City of Fontana Planning Division	Prior to issuance of grading permit	Less-than-Significant after Mitigation

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor. **MM 4.5-4** 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.				
Greenhouse Gas Emissions					
Summary of Impacts					
Threshold a: Cumulatively-Considerable Impact. The Project would exceed the City's significance threshold of 3,000 MTCO2e per year. As such, the Project would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment.	No feasible mitigation is required.	N/A	N/A	N/A	Significant Unavoidable Cumulatively-Considerable Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Hazards and Hazardous Materials					
Summary of Impacts					
Thresholds a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance with federal, State, and local regulations would ensure that the 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
Threshold c: Less-than-Significant Impact. The Project Site is located within one-quarter mile of Jurupa Hills High School; however, the Project would comply with applicable	**MM 4.7-1** In the event that any unidentified subsurface feature, oil, or chemical-stained concrete is discovered during grading or other ground-disturbing construction activity, all activity in the	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
federal, State, and local regulations related to the handling, storage, use, and transport of hazardous materials to ensure that students at Jurupa Hills High School are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.	vicinity of the unidentified material shall be halted and a qualified hazardous materials professional shall be called to inspect the site and determine if further assessment is needed. The results of any testing shall be provided to the City. In the event that the material is determined not to be hazardous, no further action is required. In the event that the material is deemed hazardous, removal/remediation shall be conducted pursuant to applicable State Department of Toxic Substances Control (DTSC) or California Code of Regulations (CCR) Title 22 hazardous waste criteria or contamination standards for industrial land uses. This work must be carried out by a qualified hazardous materials professional hired by the Project Applicant. Prior to the completion of material removal, the Project Applicant shall submit evidence to the City for review and approval demonstrating that the hazardous material has been appropriately removed/remediated. This measure shall be implemented to the satisfaction of the City of Fontana's Community Development Department. **MM 4.7-2** Prior to the issuance of any new occupancy permit for a use/user within the Project's warehouse buildings, and to the extent hazardous materials exist on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Project Applicant/Developer or Project Site owner shall provide a copy of its approved Emergency Response Plan to the Superintendent's Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Project Site. If so requested, the Project Applicant/Developer or Project Site owner shall also meet with School District and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or				

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	leaks at the Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Fontana's Planning Division, with input from the Fontana Unified School District Superintendent as appropriate. All meetings shall be documented and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Project Site.				
Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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.	No mitigation is required.	N/A	N/A	N/A	No Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance
Hydrology and Water Quality					
Summary of Impacts					
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 WQMP 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
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: No Impact. 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
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Noise					
Summary of Impacts					
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less-than-Significant Impact. 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
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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Transportation					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. 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
Threshold b: Less-than-Significant Impact. The VMT generated by the Project would not exceed the City's significance threshold. Further, the Project would not conflict with the San Bernardino County CMP.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Less-than-Significant Impact. 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
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.	No mitigation is required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Tribal and Cultural Resources					
Summary of Impacts					
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.	MMs 4.3-1 through 4.3-4 shall apply (refer to Subsection 4.3, Cultural Resources).	Refer to MM 4.3-1 through 4.3-4	Refer to MM 4.3-1 through 4.3-4	Refer to MM 4.3-1 through 4.3-4	Less-than-Significant Impact with Mitigation

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 Cypress and Slover Warehouse Project (hereafter, the "Project"). To implement the Project, the Project Applicant has requested the City of Fontana's approval of a Design Review Project (DRP 21-013) and a Tentative Parcel Map (TPM 21-007). 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 with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the proposed Project, 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 Duke Realty Limited Partnership, which is the entity that submitted applications to the City of Fontana to entitle the Project Site 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 preliminary review of the Project's application materials, the City of Fontana concluded that the Project and its associated implementing actions 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. Accordingly, this document serves as a Project EIR. As required by 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, in conformance with 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 SUMMARY OF THE PROJECT EVALUATED BY THIS EIR

The Project Applicant proposes to develop a 623,460 square foot (s.f.) warehouse distribution building on an approximately 29.8-acre property (hereinafter the "Project Site") located at the northwest corner of the Slover Avenue and Cypress Avenue intersection within the City of Fontana, San Bernardino County, California. The Project also includes the installation of associated site improvements, including drive aisles, parking areas, landscaping, utility infrastructure, water quality basins, exterior lighting, walls/fencing, and signage.

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

- **Design Review Project No. 21-013 (DRP 21-013)** proposes a development plan for the Project Site that provides for the construction and operation of an industrial warehouse building. The proposed building would contain a total of 623,460 s.f. of building area, of which a maximum of 25 percent (or 155,865 s.f.) could refrigerated storage space. DRP 21-013 includes a site plan, floor plan, building elevations, cross-sections, trash enclosure details, wall elevations, conceptual grading plan, utilities plan, and a conceptual landscape plan, all of which provide the specific details related to developing the Project.

- **Tentative Parcel Map No. 20456 (TPM 21-007)** is a proposal to reconfigure the existing 22 parcels within the Project Site into one parcel. As part of TPM 21-007, existing right-of-way for Boyle Avenue through the central portion of the Project Site would be vacated. TPM 21-007 also would establish easements for slope maintenance access along most of the eastern boundary of the Project Site and easements for sidewalks in the southern portions of the Project Site.

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 of Fontana 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 21-013) and Tentative Parcel Map (TPM 21-007), as well as 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. The Fontana Water Company (FWC) is identified as a Responsible Agency pertaining to approvals required for the installation of new FWC facilities/connections to service the Project. 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 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 December 3, 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 December 16, 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 Comments 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 Comments and Scoping Meeting Comments

Environmental Topic	Comment	Location(s) in EIR Where Comment Is Addressed
Air Quality	- Request that health risk impacts related to the Project's construction be quantified and disclosed in the EIR.	- 4.1, *Air Quality*
	- Request that the health risk impacts related to the Project's operation be quantified and disclosed in the EIR.	
	- Request that emissions from Transport Refrigeration Units (TRUs) be quantified and disclosed in the EIR	
Transportation	- Request that a traffic impact analysis be prepared for the Project and its findings be disclosed in the EIR.	- 4.10, *Transportation*
Tribal Cultural Resources	- Recommendation for early consultation with the California Native American Tribes affiliated with the Project area.	- 4.11, *Tribal Cultural Resources*
	- Recommendation to consult legal counsel to ensure compliance with AB 52 and SB 18.	

Upon consideration of the Project's proposal, its geographic location, and 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:

- 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: aesthetics, agriculture and forestry resources, land use and planning, 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). CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this document.

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 4.4

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 of Fontana, serving as the Lead Agency for this EIR, 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 are disclosed that are pertinent to the subject area being analyzed, 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 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 appended to 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, Planning Department, 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 Planning 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
B: Air Quality Impact Analysis
C: Mobile Source Health Risk Assessment
D: Biological Resources Report
E: Cultural Resources Study
F: Energy Analysis
G: Geotechnical Investigation
H: Paleontological Assessment
I: Greenhouse Gas Analysis
J: Phase I Environmental Site Assessment
K: Preliminary Drainage Report
L: Preliminary Water Quality Management Plan
M: Noise Analysis
N: 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, Planning Department, 8353 Sierra Ave, Fontana, California 92335.

2.0 Environmental Setting

2.1 Regional Setting and Location

The approximately 29.82-acre Project Site is located within the City of Fontana, which is located in the southwestern portion of 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. The Project Site is located approximately 0.1-mile south of Interstate 10 (I-10), approximately 5.6 miles east of Interstate 15 (I-15), and approximately 6.7 miles west of Interstate 215 (I-215). 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 approximately 28,000 square-mile region comprising western San Bernardino County, western Riverside County, and the eastern reaches of Los Angeles County. The Southern California Association of Governments (SCAG) estimates that San Bernardino County as a whole had a population in 2020 of 2,250,000. SCAG estimates that the County's population will increase to 2,815,000 by 2045 (SCAG, 2020b, Demographics and Frowth Forecast Technical Appendix, p. 29).

2.2 Local Setting and Location

As illustrated on EIR Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*, the 29.82-acre Project Site abuts Cypress Avenue to the east, Slover Avenue to the south, and Oleander Avenue to the west. The Southern Pacific rail corridor occurs immediately north of the Project Site, beyond which is I-10. The Project Site includes Assessor Parcel Numbers (APNs) 0251-163-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, and -13 and 0251-164-03, -04, -10, -11, -12, -14, -15, -16, -20, -23, and -25. The Project Site is located within Section 19, Township 1 South, Range 5 West, San Bernardino Baseline and Meridian.

The area immediately surrounding the Project Site contains a variety of uses, including vacant parcels and parcels developed with industrial, transitional, and conforming and non-conforming residential uses. Being located near the I-10 corridor and Union Pacific railroad tracks, the census tract containing the Project Site is in the 97th percentile for pollution burden which, based on the census tract's demographic characteristics, results in the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area within the 71st percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022). Although the City of Fontana General Plan designates the Project Site and areas between the Project Site and the I-10 Freeway for industrial uses, there are numerous non-conforming residential homes in this area.

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: To the north of the Project Site is an existing rail line (Southern Pacific) and I-10. Residential land uses occur to the north of I-10.

West: Land uses to the west of the Project Site include an auto body shop and heavy-truck (tractor) sales lot at the northeast corner of the Oleander Avenue intersection with Slover Avenue and non-conforming residential and light industrial uses to the west of Oleander Avenue.

South: Slover Avenue is directly south of the Project Site. South of Slover Avenue is a warehouse distribution facility, a property used for tractor-trailer parking, and several single-family residences. The Jurupa Hills High School and vacant, undeveloped land that has been approved for development with two warehouse distribution facilities are located approximately 0.15 mile to the southwest of the Project Site. A plant nursery and an under-construction warehouse facility are located southeast of the Project Site (east of Cypress Avenue).

East: Cypress Avenue abuts the Project Site on the east. East of Cypress Avenue is a large, cleared property that has been approved for development with a warehouse distribution facility.

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 portion of the Project Site located south of Boyle Avenue for "Light Industrial (I-L)" land uses, and designates the portion of the Project Site located north of Boyle Avenue for "General Industrial (I-G)" land uses. The I-L land use designation allows for employee-intensive uses, including business parks, research and development, technology centers, corporate and support office uses, clean industry, supporting retail uses, and truck and equipment sales and related services. Warehouses that are designed in ways that limit off-site impacts also are permitted in areas designated for I-L land uses. The I-G land use designation allows for uses such as manufacturing, warehousing, fabrication, assembly, processing, trucking, equipment, and automobile and truck sales. (Fontana, 2018a, p. 15.25 and 15.26)

2.4.2 ZONING

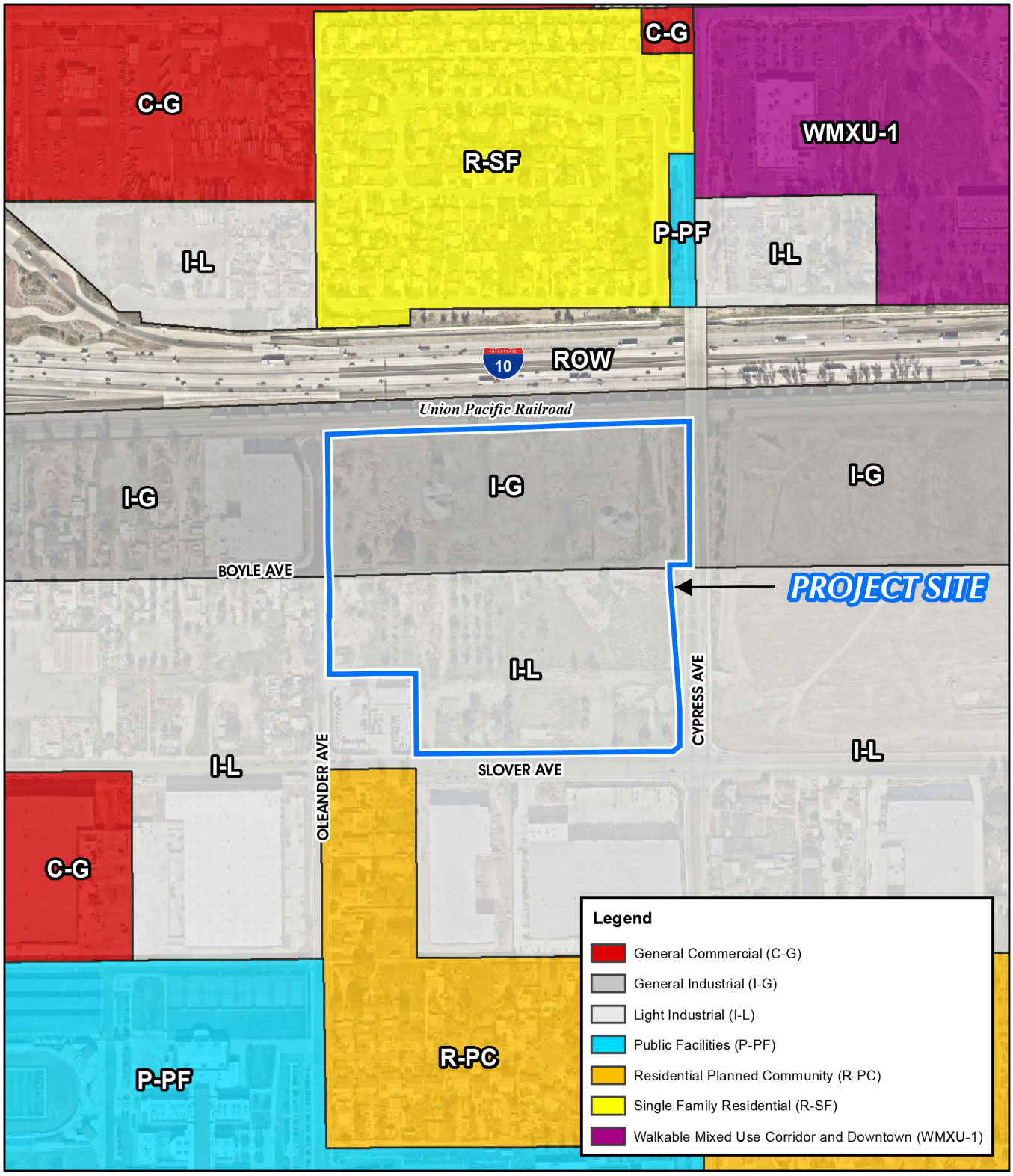
As shown on Figure 2-3, *Existing Zoning Classifications*, the City of Fontana Zoning District Map classifies the portion of the Project Site located south of Boyle Avenue for "Light Industrial (M-1)" land uses, and classifies the portion of the Project Site located north of Boyle Avenue for "General Industrial (M-2)" land uses. According to the City of Fontana Municipal Code, the M-1 zoning district is intended to accommodate employee-intensive uses, such as business parks, research and technology centers, offices, and supporting retail uses; high cube/warehousing which does not permit heavy manufacturing; processing of raw materials; and business logistics which generate high volumes of truck traffic. The M-2 zoning district is a general industrial zoning district that accommodates the manufacture and treatment of goods from raw materials and high cube warehousing and logistics facilities, and permits other types of industrial uses not suitable for location in the M-1 District. (Fontana, 2021, Sec. 30-522)

Source(s): ESRI, Nearmap (2023), SB County (2022)

Figure 2-1

0 125 250 500 Feet

Surrounding Land Uses

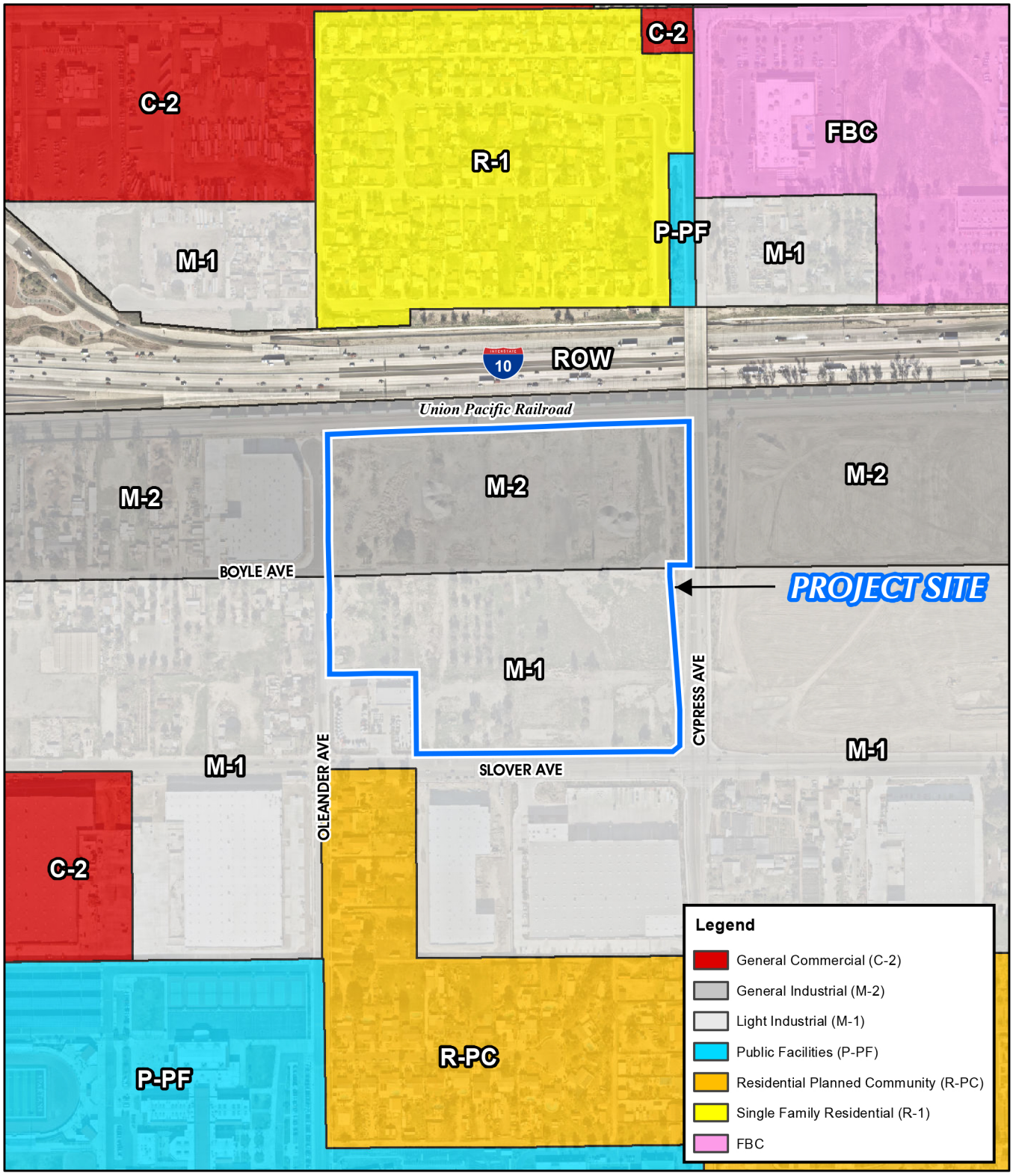


Source(s): ESRI, Nearmap (2023), SB County (2022), City of Fontana GPLU (03-02-2021)

Figure 2-2

0 125 250 500 Feet

Existing General Plan Land Use Designations



Source(s): ESRI, Nearmap (2023), SB County (2022), City of Fontana GPLU (03-02-2021)

Figure 2-3

0 125 250 500 Feet

Existing Zoning Designations

2.4.3 Ontario International Airport Land Use Compatibility Plan

The Ontario International Airport (ONT) 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 or Airspace Protection Zone, and is located outside of areas subject to airport-related noise that exceeds 60 dB CNEL. (Ontario, 2011, Policy Maps 2-1 through 2-5)

2.4.4 SCAG Regional Transportation Plan / Sustainable Communities Strategy

SCAG is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project Site is within SCAG's regional authority. 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. (SCAG, 2020a)

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 December 3, 2021, and a description of the Project Site's physical environmental condition ("existing conditions") as of that approximate date is provided in the following subsections. More information regarding the Project Site's environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

2.5.1 Land Use

As depicted on Figure 2-4, *Existing On-Site Land Uses*, under existing conditions the Project Site contains a mixture of residential, light industrial, and vacant land uses. Specifically, the northwest portion of the Project

Site, north of existing Boyle Avenue, contains several existing residential structures, a mobile home, several sheds, and truck trailer parking areas. The northeastern portion of the Project Site, north of existing Boyle Avenue, includes light industrial businesses, as well as storage yards for construction equipment and parking areas for truck trailers, and vacant land. The northeastern portion of the Project Site abutting Cypress Avenue is vacant and contains a manufactured slope that supports the Cypress Avenue overpass. To the south of existing Boyle Avenue in the western portion of the Site are several existing residential structures. The southwest portion of the Project Site is vacant land that appears to have been heavily disturbed as part of past residential development on the Project Site. (Google Earth, 2021)

2.5.2 Aesthetics and Topographic Features

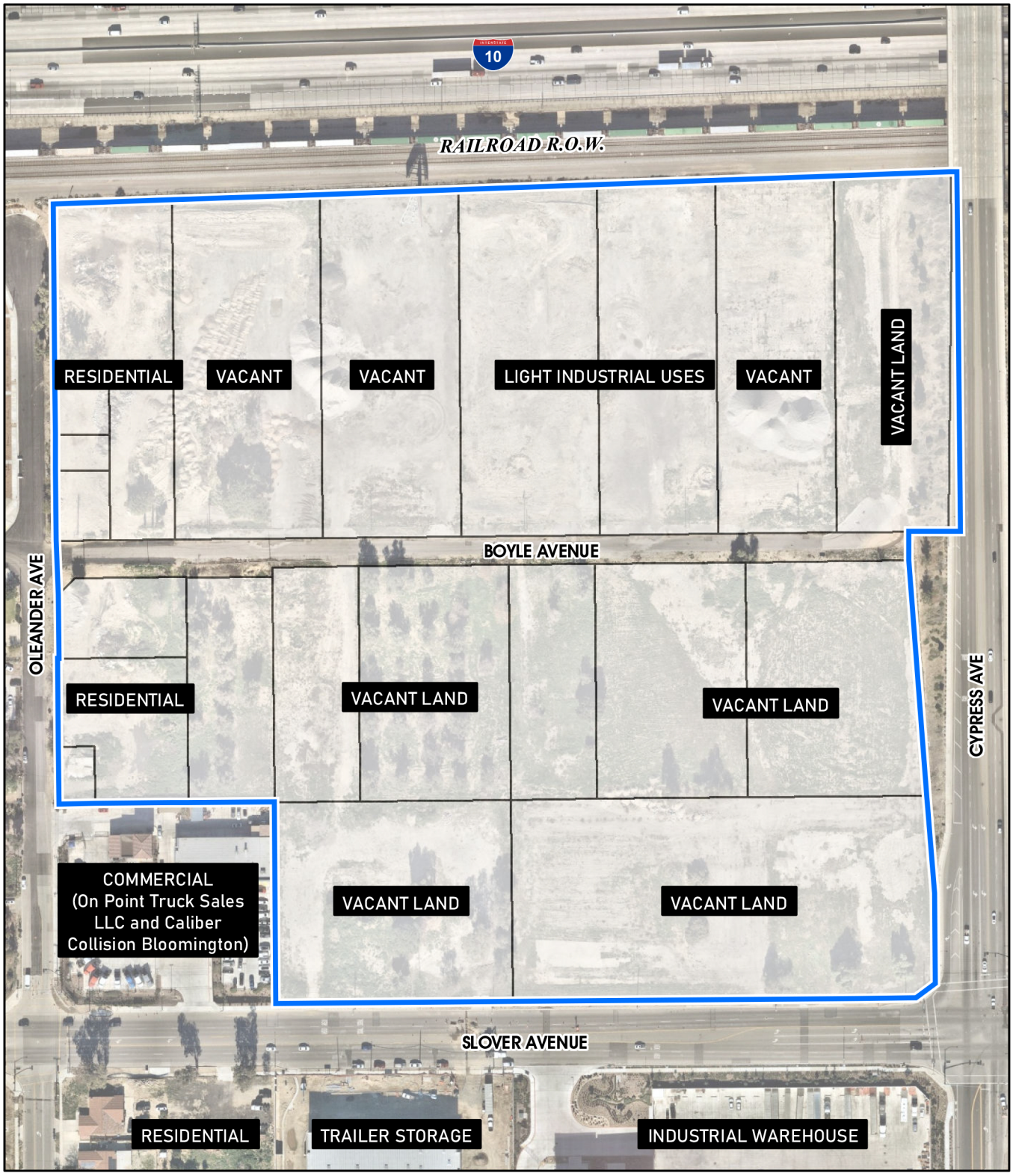
The Project Site slopes very gradually from north to south and is perceived to be flat; the Site's high point is approximately 1,110 feet above mean sea level (amsl) in the northeast portion of the Project Site and the site's low point is approximately 1,078 feet amsl in the southwest corner of the Project Site. Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0 depicts the Project Site's existing topographic conditions. The Project Site contains a mixture of residential and light industrial developments. The existing residential uses contain a variety of ornamental landscaping, with areas containing light industrial uses generally consisting of unvegetated dirt or paved lots with very little landscaping. There are no rock outcroppings or other unique topographic or aesthetic features present on the property under existing conditions.

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, 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. As documented in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to this EIR), 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 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, pp. 11-12)

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 (O_3; one-hour and eight-hour), particulate matter (PM_{10} [State standard only] and $PM_{2.5}$), and Lead (only in the Los Angeles County portion of the SCAB). No areas of the SCAB exceeded federal or State standards for nitrogen dioxide (NO_2), sulfur dioxide (SO_2), or carbon monoxide (CO). (Urban Crossroads, 2021a, Table 2-3)

Refer to EIR Subsections 4.1, *Air Quality*, and 4.6, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.



Source(s): ESRI, Nearmap (2023), SB County (2022)

Figure 2-4

0 50 100 200 Feet

Existing On-Site Land Uses

2.5.4 Cultural Resources & Tribal Cultural Resources

The Project Site contains nine buildings – all single-family residences – that were constructed more than 40 years ago, as well as several modern structures and outbuildings (BFSA, 2022a, p. 3.0-2).

Forty recorded cultural resources, all classified as "historic" resources, are located within a one-mile radius of the Project Site; however, none are mapped within the Project Site boundaries (BFSA, 2022a, p. 1.0-17). The recorded historic resources are primarily comprised of historic residences but, also, include a railroad alignment, farm/ranch complex, and the Kaiser Fontana Medical Center campus. 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, 2022a, pp. *vii*, 1.0-18)

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. Near the surface, 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). At depth, the Project Site is underlain by late to middle Pleistocene old alluvial fan deposits, which have high potential for terrestrial vertebrate fossils (BFSA, 2022b, p. 9).

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 (SGC, 2021, p. 12).

The Project Site is underlain by artificial fill and alluvium. Artificial fill occurs at depths ranging from 2.5 to 8 feet below the site surface, and generally consist of loose to medium dense silty sands with varying fine to coarse gravel. Native alluvium occurs on site at least up to 25 feet in depth below existing site grades. Native alluvium consists of medium dense to very dense sands, gravelly sands and silty sands, with occasional medium dense sandy silts. (SGC, 2021, pp. 8-9)

2.5.6 Hydrology

The Project Site is located within the Santa Ana River Watershed, which drains a 2,840 square-mile area and is the principal surface flow water body within the region. The Santa Ana River flows over 100 miles and drains the largest coastal stream system in Southern California. It discharges into the Pacific Ocean at the City of Huntington Beach. The total stream length of the Santa Ana River and its major tributaries is about 700 miles.

Under existing conditions, the Project Site is largely developed/disturbed with single-family homes, vacant lands, and tractor-trailer parking/storage lots. Runoff from the Project Site, as well as offsite run-on from the railroad to the north of the Site, currently sheet flows onto Slover Avenue and Boyle Avenue, is collected by the existing Oleander Avenue storm drain system, and ultimately is discharged through Declez Channel, San Sevaine Channel, and Prado Basin.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8654H, the Project Site is located in Flood Zone X (unshaded), which includes areas determined to be outside the 0.2% annual chance floodplain (FEMA, 2008).

Refer to EIR Subsection 4.8, *Hydrology and Water Quality*, for a more detailed discussion of the Project Site's 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 to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 61.0 equivalent level decibels (dBA L_{eq}) to 67.9 dBA L_{eq} and nighttime noise levels from 56.0 dBA L_{eq} to 64.4 dBA L_{eq}. (Urban Crossroads, 2021d, p. 22)

Refer to EIR Subsection 4.9, *Noise*, for a more detailed discussion of the Project Site's existing noise setting.

2.5.8 TRANSPORTATION

The Project Site abuts Slover Avenue to the south and Cypress Avenue to the east, while Oleander Avenue occurs approximately 180 feet west of the Project Site. Under existing conditions, Boyle Avenue bisects the Project Site in an east-west orientation. To the north is an existing rail line (Southern Pacific) 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 0.6 roadway mile southeast of the Citrus Avenue on/off ramps at the I-10, and approximately 0.8 mile from the Sierra Avenue on/off ramps. I-10 provides access to I-15 (located approximately 5.6 miles to the west of the Project Site) and I-215 (located approximately 6.7 miles east of the Project Site). Both I-15 and I-215 provide access to/from SR-60 (located approximately 3.3 miles to the south of the Project Site).

There are no existing bicycle facilities within the study area; however, Citrus Avenue and Cypress Avenue are planned Class II bike facilities. 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. There is existing bus service along Citrus Avenue and Slover Avenue via Omnitrans Route 82 with multiple existing stops along Slover Avenue in close proximity to the Project Site, including a stop along the Project Site frontage (approximately 300 feet west of Cypress Avenue).

Refer to EIR Subsection 4.10, *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. Under existing conditions, water mains are installed beneath Slover Avenue, Cypress Avenue, and Boyle Avenue. Under existing conditions, sewer mains are installed beneath Cypress Avenue and Slover Avenue. 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

Non-native grassland is present in the east-central portion of the Project Site, which is composed of non-native grasses (wild oats [*Avena* sp.] and ripgut grass [*Bromus diandrus*]). An olive grove is located in the west-central portion of the Site and, although not actively cultivated, is a remnant of former agriculture activities on the Site. Disturbed habitat occurs in the northeastern portion of the Project Site and has been cleared, leveled, graveled, and is developed with active uses; the area is sparsely vegetated with non-native species. The remainder of the Project Site is developed, which is a constructed land cover type characterized by residences, parking areas, pavement, structures, and storage areas. (Alden, 2021, p. 3)

Refer to EIR Subsection 4.2, *Biological Resources*, for a more detailed discussion of the Project Site's existing biological setting.

2.5.11 Wildlife

No sensitive animal species were observed or detected on the Project Site and none is anticipated to occur given its developed/disturbed nature of the Site (Alden, 2021, p. 4). Animals observed were limited to common, non-sensitive bird species – such as Anna's hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), Eurasian collared dove (*Streptopelia decaocto*), house sparrow (*Passer domesticus*) – the side-blotched lizard (*Uta stansburiana*), and small mammals, including feral cat (*Felis catus*), domestic rabbit (*Oryctolagus cuniculus domesticus*), and gopher (*Thomomys bottae*).

Refer to EIR Subsection 4.2, *Biological Resources*, for a more detailed discussion of the Project Site's 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 a 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

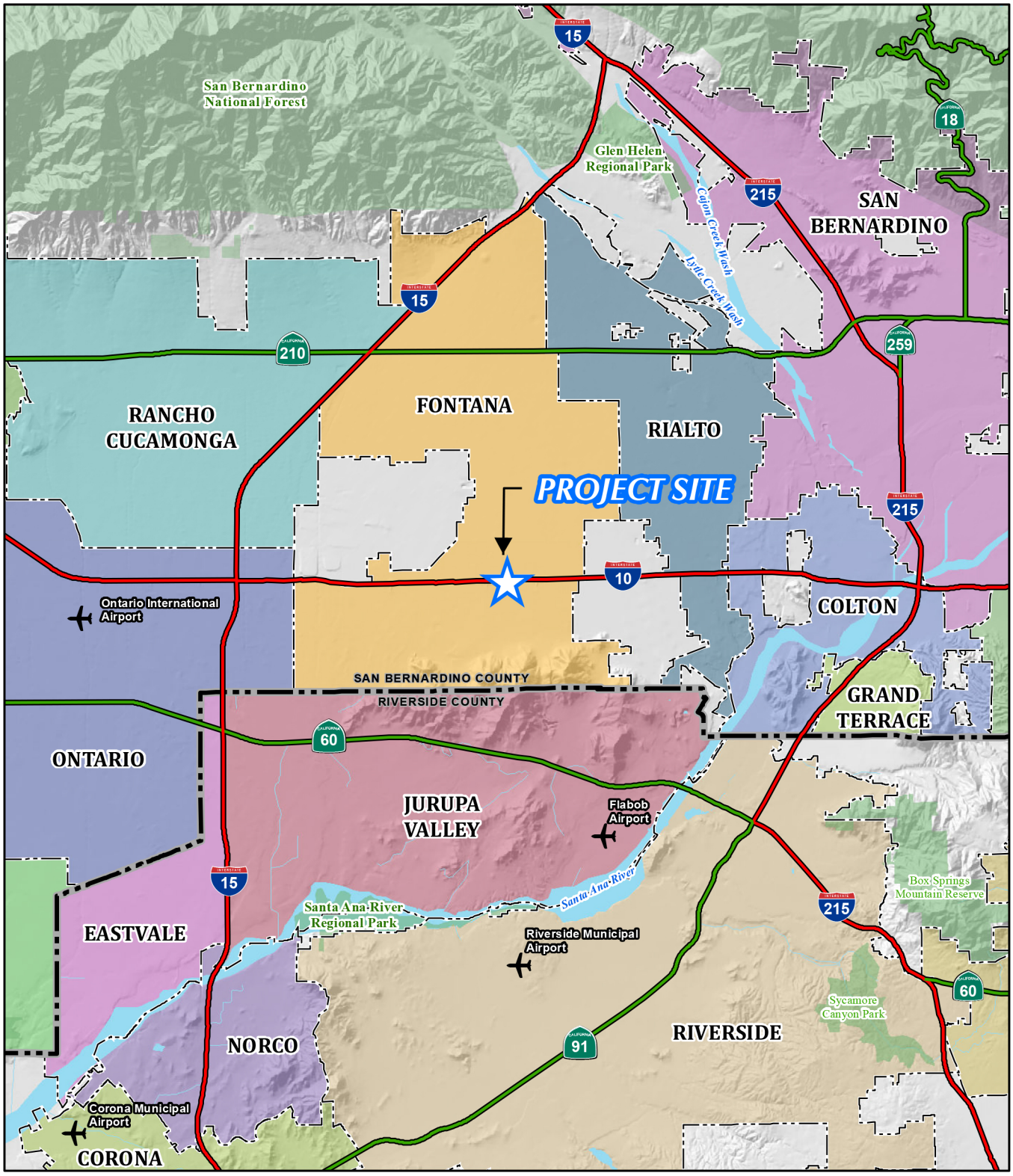
The Project Site is located in the southern portion of the City of Fontana. As shown on Figure 3-1, *Regional Map*, the City of Fontana is located in the southwest portion of San Bernardino County, east of the Cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley.

At the local scale, the Project Site is located at the northwest corner of the Slover Avenue and Cypress Avenue intersection (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The Project Site is approximately 0.1-mile south of Interstate 10 (I-10), approximately 5.6 miles east of Interstate 15 (I-15), and approximately 6.7 miles west of Interstate 215 (I-215). The Project Site includes Assessor Parcel Numbers (APNs) 0251-163-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, and -13 and 0251-164-03, -04, -10, -11, -12, -14, -15, -16, -20, -23, and -25. The Project Site is located within Section 19, Township 1 South, Range 5 West, San Bernardino Baseline and Meridian.

3.2 STATEMENT OF OBJECTIVES

The objectives of the Project are as follows:

1. To expand economic development in the City of Fontana by re-developing an underutilized property with an in-demand industrial use within a portion of the City that is planned for long-term industrial development.
2. To make efficient use of a property in the City of Fontana by maximizing its buildout potential for employment-generating uses.
3. 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.
4. To develop an industrial building with loading bays adjacent to City of Fontana truck routes and in close proximity to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.
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 are compatible with other existing and planned land uses in the immediate vicinity of the Project Site.
7. To redevelop a property that has access to available infrastructure, including roads and utilities.

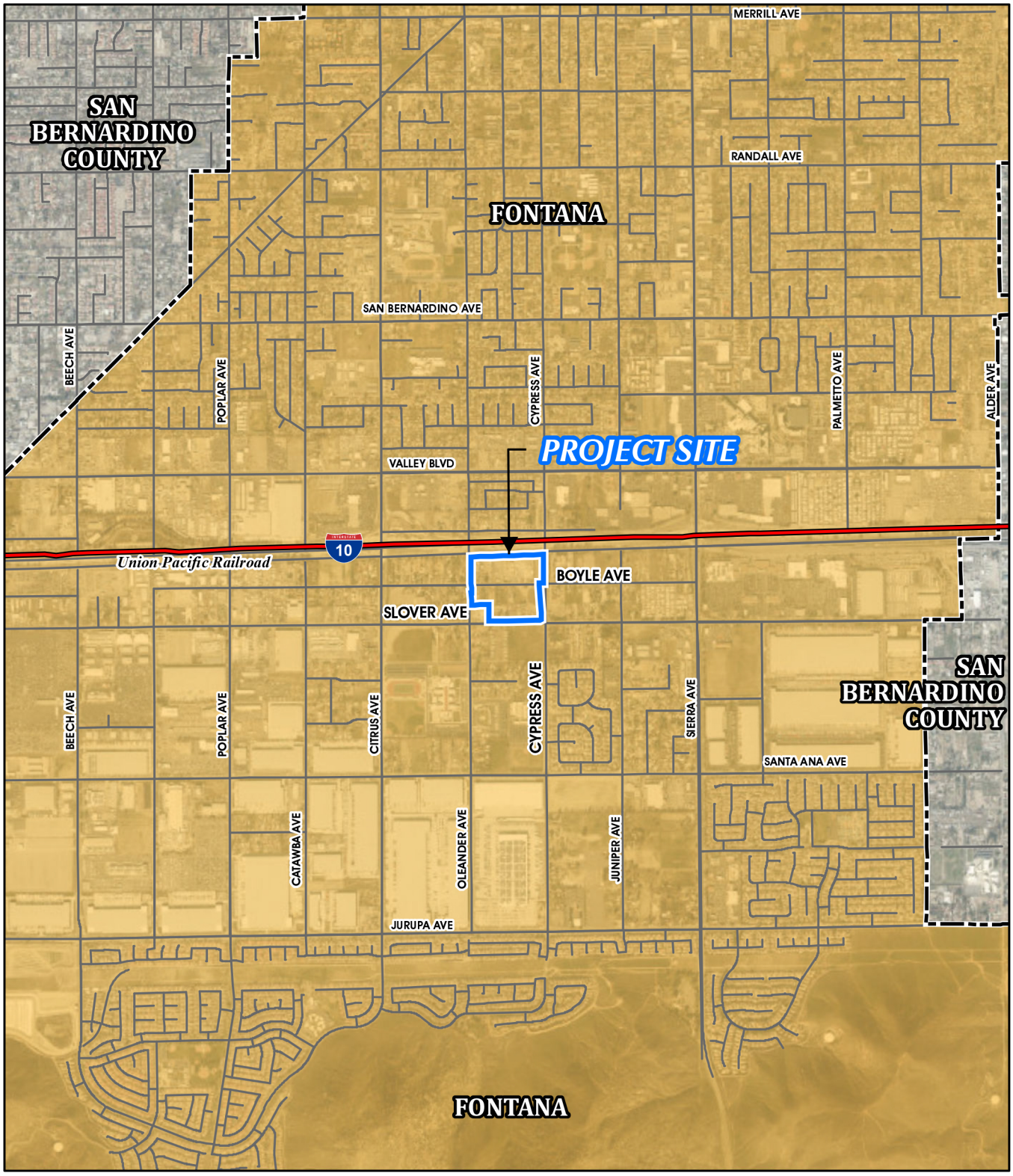


Source(s): ESRI, SB County (2022)

Figure 3-1

0 0.75 1.5 3 Miles

Regional Map

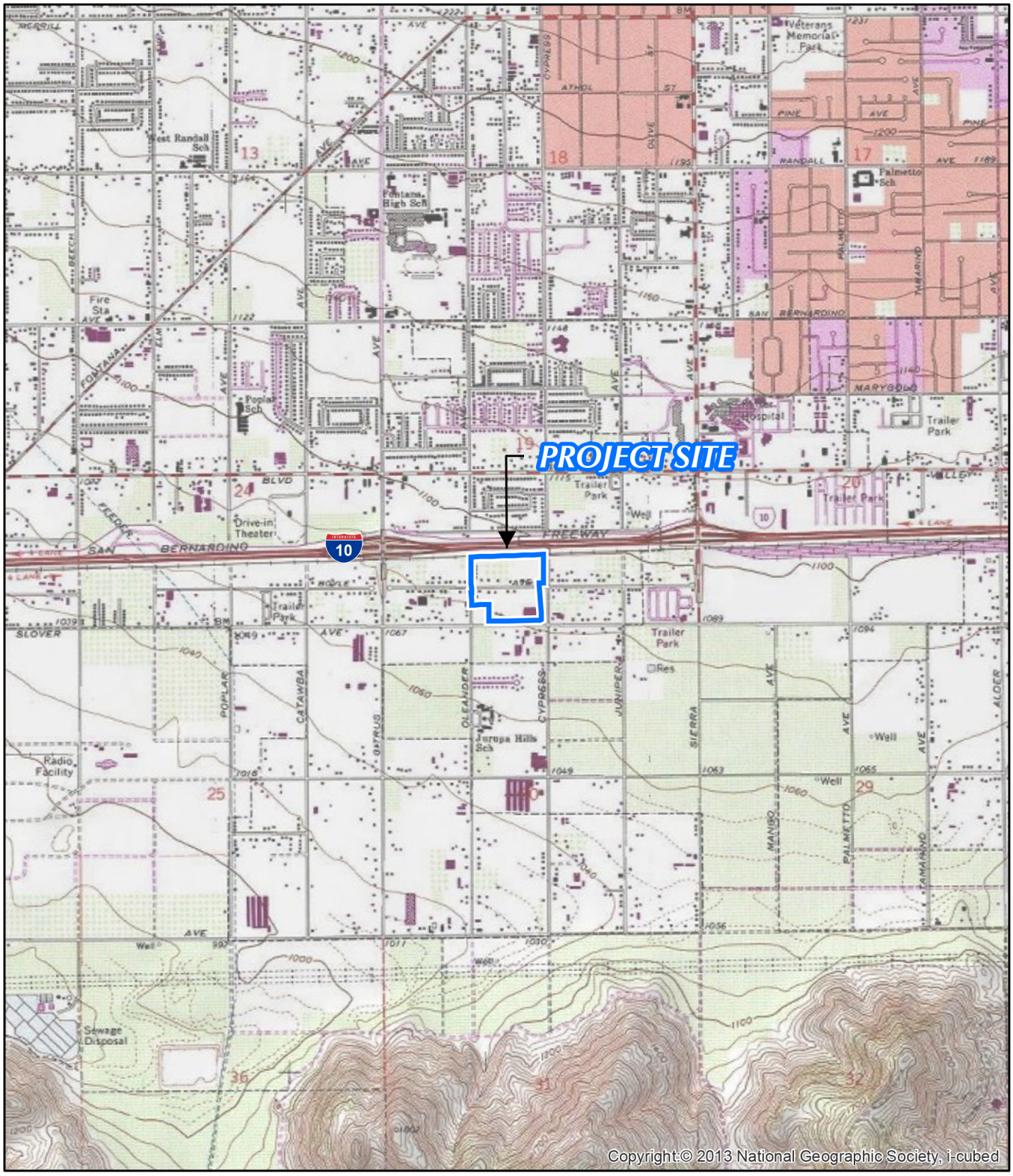


Source(s): ESRI, SB County (2022)

0 625 1,250 2,500 Feet

Figure 3-2

Vicinity Map



Source(s): USGS (2013)

Figure 3-3

0 625 1,250 2,500 Feet

USGS Topographic Map

3.3 PROJECT COMPONENTS

The Project involves the development of an industrial warehouse building on approximately 29.8 acres of land located in the southern portion of the City of Fontana, San Bernardino County, California. Discretionary approvals requested from the City of Fontana by the Project Applicant include a Design Review Project (DRP 21-013) and a Tentative Parcel Map No. 20456 (TPM 21-007). These two applications are collectively referred to by the City of Fontana as Master Case No. 21-038 (MCN 21-038). Approval of these applications would allow for the development of a 623,460 square foot (s.f.) warehouse distribution building. The individual components of the Project are discussed below.

3.3.1 DESIGN REVIEW PROJECT NO. 21-013 (DRP 21-013)

DRP 21-013 proposes a development plan for the Project Site that provides for the construction and operation of a single warehouse distribution building. The DRP application materials depict a conceptual layout of the proposed building and associated physical design features, conceptual architectural design for the building, and a conceptual landscaping plan. DRP 21-013 complies with applicable design standards from Fontana Municipal Code Chapter 9, Article V (Industrial Commerce Centers Sustainability Standards).

A. Conceptual Site Plan

The proposed site plan for DRP 21-013 is illustrated on Figure 3-4, *Conceptual Site Plan*. The proposed building would operate as a cross-dock warehouse (i.e., dock doors on two, opposite sides of the building) that would include 623,460 s.f. of total building floor area, including 609,460 s.f. of warehouse space and ancillary office uses comprising a total of 14,000 s.f. (10,000 s.f. on the ground floor and 4,000 s.f. on the mezzanine level). A total of 45 truck dock doors are proposed along the northern façade of the building, with an additional 38 truck dock doors proposed along the southern façade of the building. Office uses are proposed at the northwest and southwest corners of the building, which also would serve as the primary entrances into the building. Bicycle parking racks are provided adjacent to the proposed office locations. A total of 180 truck trailer parking stalls are proposed, split between the northern and southern portions of the Project Site. A total of 225 parking spaces for passenger vehicles are provided on the Project Site; most of the spaces are proposed on the western portion of the Site but a small number of spaces are proposed on the eastern portion of the Site. The Project provides preferential passenger vehicle parking for carpool/vanpool and clear air vehicles.

Access to the Project would be provided from one driveway connecting to Slover Avenue[1] and three driveways connecting to Oleander Avenue. The proposed driveway connecting to Slover Avenue would be limited to truck traffic only, with all trucks restricted to right turns when entering or exiting the Project Site. The three proposed driveways connecting to Oleander Avenue would have no turning movement restrictions (both right and left turns would be allowed for vehicles entering and exiting the Site); however, truck traffic would be restricted to the northernmost and southernmost driveways only. Passenger vehicles could utilize all three of the driveways connecting to Oleander Avenue.

[1]The Project provides a second driveway to Slover Avenue (west of Cypress Avenue); however, this other driveway is provided for emergency vehicle access only and would not be used by Project traffic.

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT,
2. PAVING PER CIVIL.
3. CONCRETE WALKWAY
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER "L" DRAWINGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 8'H WROUGHT IRON FENCE WITH 18" WIDTH PILASTER @ 8' ON CENTER
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE
9. FUTURE EV CHARGING STATION
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST "6 DIA. U.N.O. 42" H,
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 14' H CONCRETE SCREEN WALL, SEE SHEET A4.3 AND A4.4
15. ACCESSIBLE PARKING STALL SIGN
16. SHORT TERM BIKE RACK

SITE PLAN GENERAL NOTES

1. NOT USED
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
14. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
15. NOT USED
16. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
17. NOT USED.
18. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING – SEE "C" DRWGS. FOR THICKNESS
- HEAVY BROOM FINISH CONC SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

Property owner

DUKE
200 SPECTRUM CENTER DRIVE, SUITE 1600
IRVINE, CA 92618
PHONE: 949-797-7038
CONTACT: ADAM SCHMID

Address of the property

TBD

Assessor's Parcel Number

0251-164-10-0-000, 0251-164-23-0-000, 0251-164-04-0-000
0251-164-25-0-000, 0251-164-03-0-000

Legal description

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

TITLE COMMITMENT NO. NCS-917377-1-CH2

THE EAST 210 FEET OF THE NORTH HALF OF THE EAST HALF OF THE WEST HALF OF FARM LOT 742, ACCORDING TO THE LANDS BELONGING TO SEMI-TROPIC LAND AND WATER COMPANY, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 12 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE NORTH 6 FEET FOR ROAD PURPOSES AS GRANTED TO THE COUNTY OF SAN BERNARDINO IN THE GRANT DEED RECORDED SEPTEMBER 24, 1926, IN BOOK 134, PAGE 369, OF OFFICIAL RECORDS.

NOTE: THE AREA AND DISTANCES OF THE ABOVE DESCRIBED PROPERTY ARE COMPUTED TO THE CENTER OF THE ADJOINING STREETS SHOWN ON SAID MAP.

APN: 0251-164-10-0-000

TITLE COMMITMENT NO. NCS-917377-3-CH2

THE NORTH 1/2 OF THE EAST 1/2 OF FARM LOT 742, ACCORDING TO MAP OF SUBDIVISION OF LANDS, BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE NORTH 6 FEET, AND EXCEPTING THEREFROM THE WEST 120 FEET.

AREA AND DISTANCES COMPUTED TO STREET CENTERS.

EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO CITY OF FONTANA, A CALIFORNIA MUNICIPAL CORPORATION, AS DESCRIBED IN GRANT DEED RECORDED MARCH 7, 2008 AS INSTRUMENT NO. 2008-0102579, OF OFFICIAL RECORDS.

APN: 0251-164-23-0-000 (AFFECTS PORTION OF SAID LAND) AND 0251-164-04-0-000 (AFFECTS PORTION OF SAID LAND)

TITLE COMMITMENT NO. NCS-917377-4-CH2

PARCELS 1 AND 2 OF PARCEL MAP NO. 19279, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240, PAGES 87 THROUGH 89, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 0251-164-25-0-000

TITLE COMMITMENT NO. NCS-917377-5-CH2

THE WEST 120 FEET OF THE WEST HALF OF THE NORTH HALF OF THE EAST HALF OF LOT 742, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE NORTH 6 FEET CONVEYED FOR ROAD PURPOSES.

AREAS AND DISTANCES COMPUTED TO STREET CENTERS.

APN: 0251-164-03-0-000

Zoning

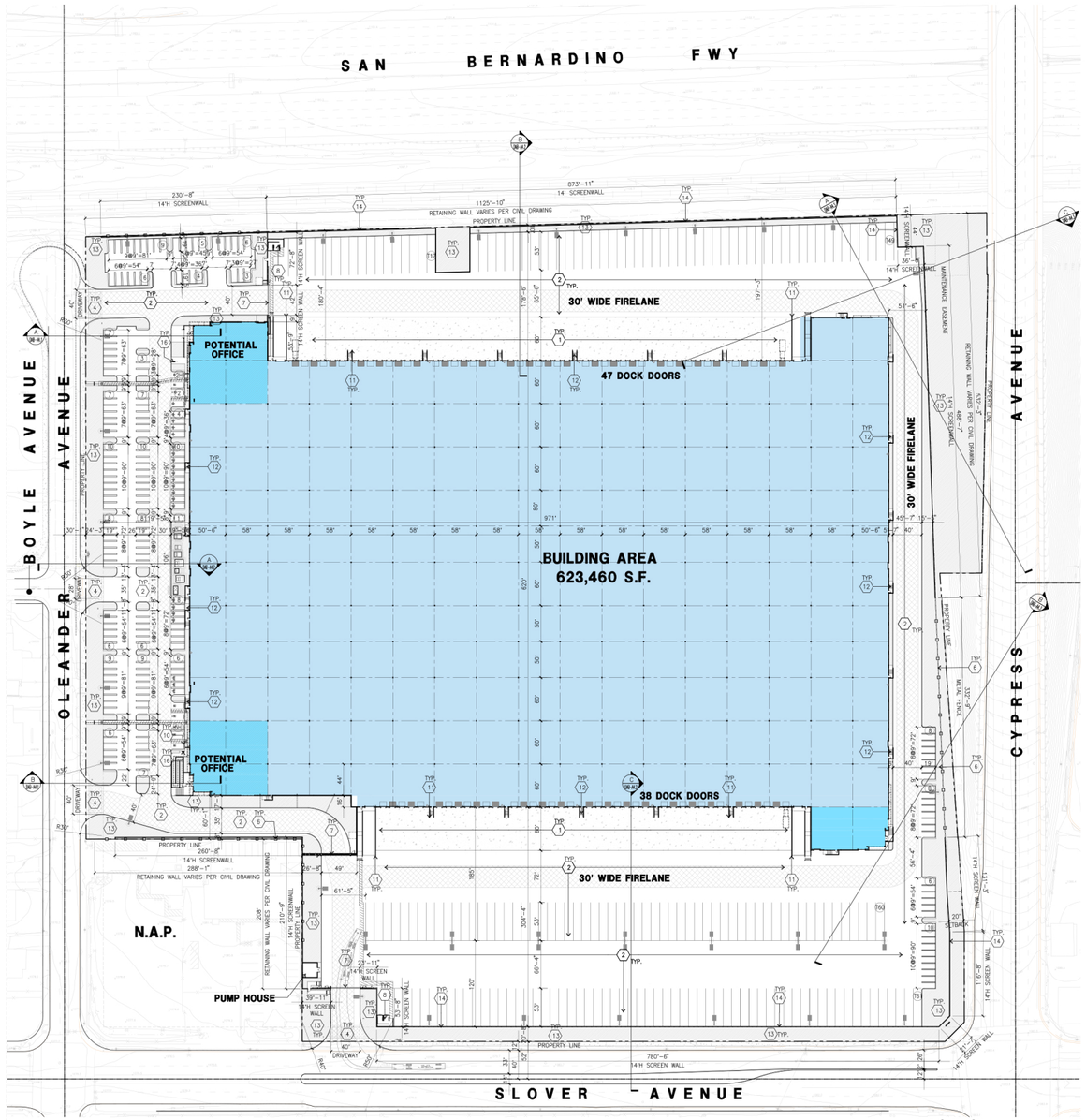
LIGHT INDUSTRIAL (M-1)

Applicant

DUKE REALITY
200 SPECTRUM CENTER DRIVE, SUITE 1600
IRVINE CA 92618
PHONE: 949-797-7038
CONTACT: ADAM SCHMID

Applicant's respresentative

HPA, INC.
18831 BARDEEN AVE SUITE 100
IRVINE CA 92612
TEL: 949-862-2108
ATTN: SHA LIU MAHONEY



Project data

SITE AREA	
Gross area In s.f.	1,298,960 s.f.
Gross area In acres	29.82 ac
Net area In s.f.	1,252,786 s.f.
Net area In acres	28.76 ac
BUILDING AREA	
Office - ground	10,000 s.f.
Office - mezzanine	4,000 s.f.
Warehouse	609,460 s.f.
TOTAL	623,460 s.f.
COVERAGE	48.0%
AUTO PARKING REQUIRED	
Office: 1/250 s.f. (if exceed 10% GFA)	n/a stalls
Whse: 1st 20K @ 1/1,000 s.f.	20 stalls
2nd 20K @ 1/2,000 s.f.	10 stalls
above 40K @ 1/5,000 s.f.	117 stalls
TOTAL	147 stalls
AUTO PARKING PROVIDED	
Standard (9'x 19')	218 stalls
TRAILER PARKING REQURIED	
1 per 5,000 s.f. for 200K building or larger.	125 stalls
TRAILER PARKING PROVIDED	
Trailer (12' x 53')	180 stalls
ZONING ORDINANCE FOR CITY	
Zoning Designation - Light Industrial (M-1)	
MAXIMUM BUILDING HEIGHT ALLOWED	
Height - 100'	
MAXIMUM LOT COVERAGE	
Coverage - 60%	
MAXIMUM FLOOR AREA RATIO	
FAR - .60	
SETBACKS	
Slover Ave. - 20'	
Cypress Ave. - 20'	
Oleander Ave. - 20'	
LANDSCAPE REQUIREMENT	
Percentage - excluding bldg. area	15%
LANDSCAPE PROVIDED	
Percentage -	21.6%
In s.f.	145,698 s.f.

Source(s): HPA (12-12-2022)

Figure 3-4

Not to Scale

Conceptual Site Plan

B. Architectural Design

Figure 3-5, *Conceptual Building Elevations*, depicts the proposed building elevations. The proposed building would measure a maximum of 48 feet, 6 inches in height, measures from the finished floor elevation to the top of parapets. The building would be constructed of concrete tilt-up panels and low-reflective glass. The building's exterior color palette would be comprised of various shades of white and gray colors, with indigo-colored paint used as accents; windows would feature blue glazing. Decorative building elements include a varied roofline, horizontal offsets, mullions, and canopies at office entries.

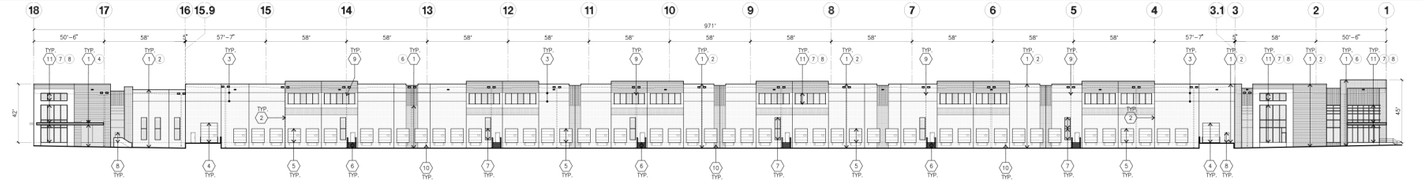
C. Conceptual Landscape Plan

Figure 3-6, *Conceptual Landscape Plan*, depicts the Project's proposed landscape plan. As shown, landscaping would consist of a combination of deciduous and evergreen trees, shrubs, and groundcover. The Project Site's frontage with Slover Avenue would be planted with 24-inch box Brisbane box trees (*Tristania conferta*) and 15-gallon Australian willow trees (*Geijera parviflora*), shrubs, and groundcover. The Project Site's entries from Slover Avenue and Oleander Avenue would be highlighted with 24-inch crape myrtle trees (*Lagerstroemia I.* 'Watermelon Red') with enhanced paving treatments consisting of colored concrete with a grid pattern. Passenger vehicle parking areas would be landscaped with 24-inch box Chinese elm trees (*Ulmus parvifolia*) and 15-gallon Australian willow trees, along with shrubs. Landscaping along the eastern and western sides of the proposed building would include a combination of 15-gallon fern pine (*Podocarpus gacilior*) and 15-gallon shoestring acacia trees (*Acacia stenophylla*), along with shrubs and groundcover. The southwestern and northwestern building entry at the proposed office space would be landscaped with 24-iunch crape myrtle trees and 15-gallon fern pine, along with shrubs and groundcover. Landscaping along the northern and eastern boundary of the Project Site would include 24-inch box Mondell pine trees (*Pinus eldarica*), shrubs, and groundcover, with 24-inch box holly oak trees (*Quercus ilex*) proposed near the southeastern corner of the property and at the easterly terminus of Boyle Avenue.

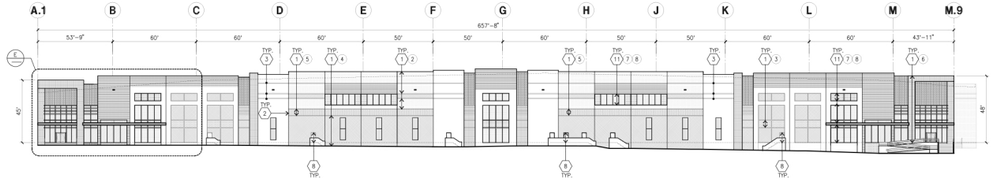
Prior to the issuance of a building permit for Project construction, the Project Applicant would be required to submit final planting and irrigation plans to the City of Fontana for review and approval. The plans are required to comply with the "Landscape and Water Conservation Ordinance" from Chapter 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.

D. Walls and Fencing

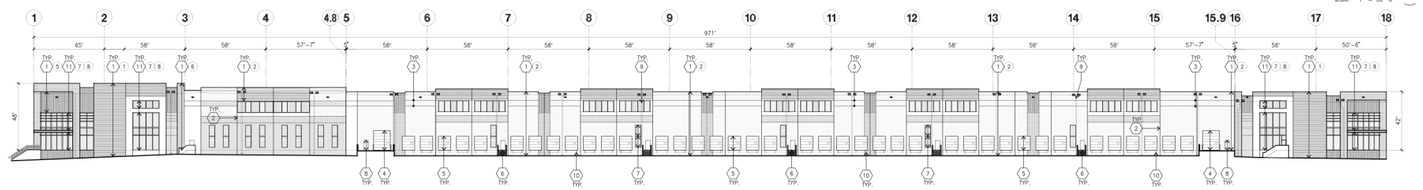
As shown on Figure 3-7, *Proposed Walls and Fencing*, concrete screen walls are proposed along portions of the southern, northern, and eastern sides of the Project Site. The walls would consist of concrete tilt-up panels which would mostly would measure 14 feet in height, with 5-foot-wide sections provided at approximately 40 foot intervals that would measure up to 14 feet, 6 inches in height. The screen walls would be painted gray and white. Eight-foot-tall metal sliding gates are proposed at the access from Slover Avenue and at the entrance into the truck court along the northern side of the building.



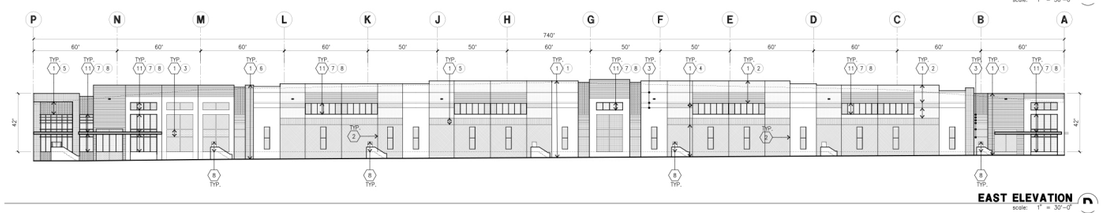
NORTH ELEVATION
scale: 1" = 30'-0"



WEST ELEVATION
scale: 1" = 30'-0"



SOUTH ELEVATION
scale: 1" = 30'-0"



EAST ELEVATION
scale: 1" = 30'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 90 MPH WIND EXPOSURE "C".
5. OVERHEAD DOOR @ DOCK HIGH. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 110 MPH WIND EXPOSURE "C".
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, DESIGN TO RESIST 90 MPH WIND EXPOSURE "C". PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR. DESIGN TO RESIST 90 MPH WIND EXPOSURE "C".
9. EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION. DESIGN TO RESIST 90 MPH WIND EXPOSURE "C".

GLAZING LEGEND

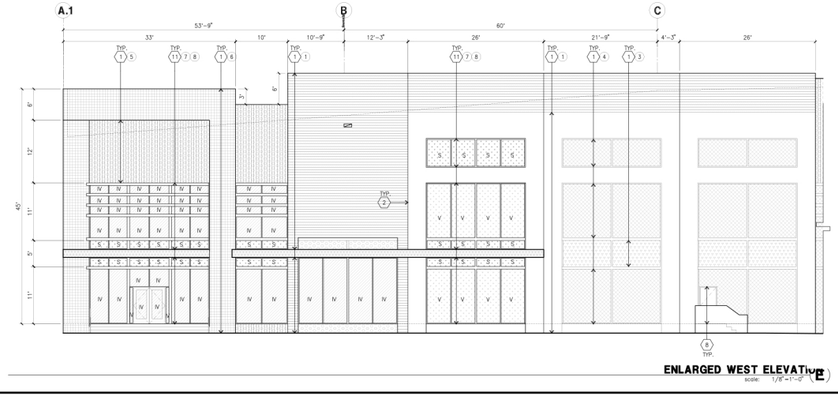
V VISION GLASS
IV INSULATED VISION GLASS
S SPANDREL GLASS

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 90 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS FOR APPROVAL. OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

1. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7005 PURE WHITE
2. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7071 GRAY SCREEN
3. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7074 SOFTWARE
4. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7073 NETWORK GRAY
5. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7075 WEB GRAY
6. CONCRETE TILT-UP PANEL PAINT BRAND, SHERWIN WILLIAMS SW 7602 INDIGO BATIK
7. MULLIONS PAINT BRAND, CLEAR ANODIZED
8. GLAZING COLOR, BLUE ON BLUE REFLECTIVE GLAZING
9. METAL CANOPY PAINT BRAND, SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/HIGH PERFORMANCE SW 7005 PURE WHITE



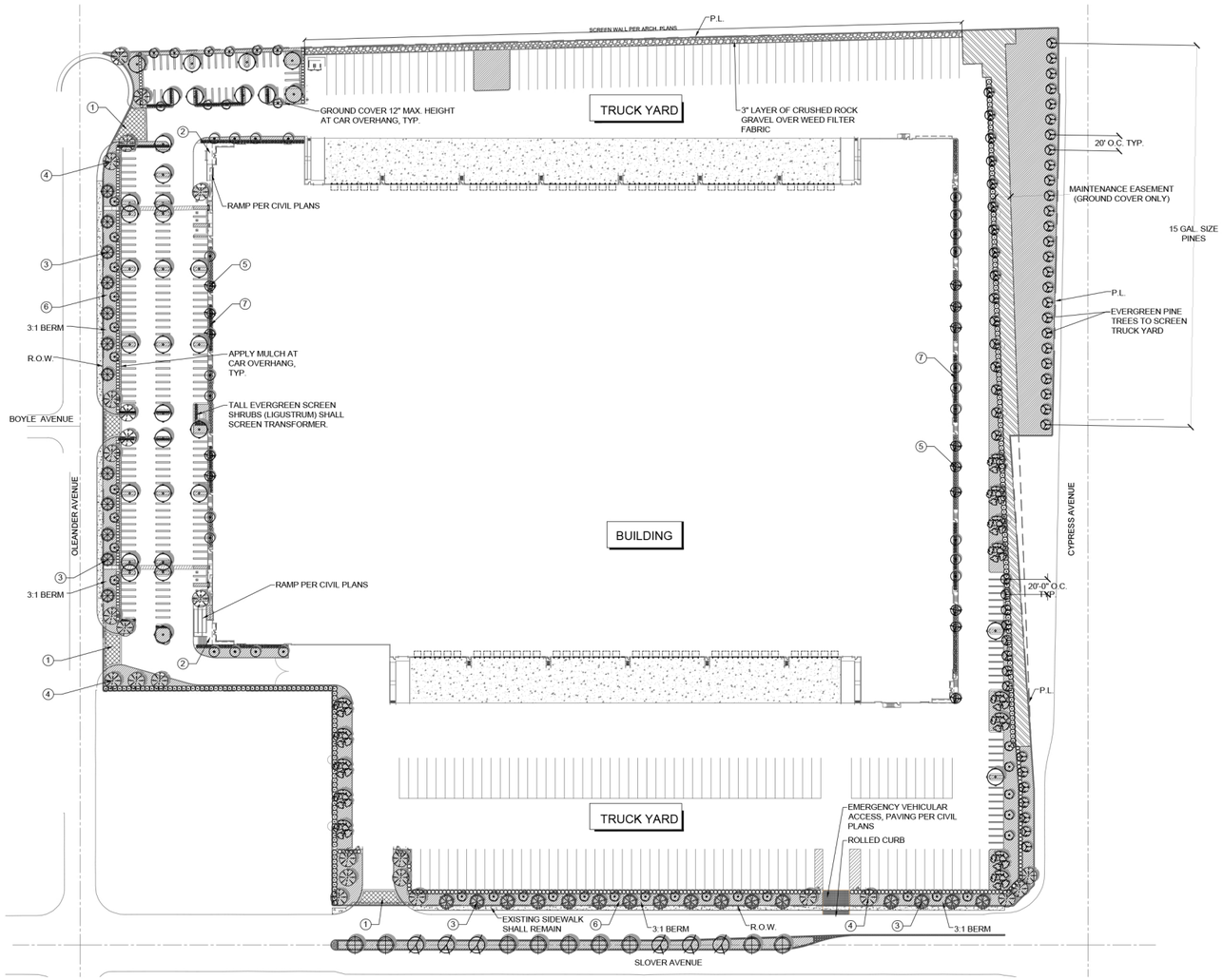
ENLARGED WEST ELEVATION
scale: 1/8" = 1'-0"

Source(s): HPA (12-12-2022)

Figure 3-5

Not to Scale

Conceptual Building Elevations



CONCEPTUAL PLAN NOTE:

THIS IS A CONCEPTUAL LANDSCAPE PLAN. IT IS BASED ON PRELIMINARY INFORMATION WHICH IS NOT FULLY VERIFIED AND MAY BE INCOMPLETE. IT IS MEANT AS A COMPARATIVE AID IN EXAMINING ALTERNATE DEVELOPMENT STRATEGIES AND ANY QUANTITIES INDICATED ARE SUBJECT TO REVISION AS MORE RELIABLE INFORMATION BECOMES AVAILABLE.

IRRIGATION NOTE:

THE PROJECT WILL BE EQUIPPED WITH A LOW FLOW IRRIGATION SYSTEM CONSISTING OF ET WEATHER BASED SMART CONTROLLER, LOW FLOW ROTORS, BUBBLER AND/ OR DRIP SYSTEMS USED THROUGHOUT. THE IRRIGATION WATER EFFICIENCY WILL MEET OR SURPASS THE CURRENT STATE MANDATED AB-1881 WATER ORDINANCE.

GENERAL NOTES:

- SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH EROSION CONTROL GROUND COVER PER LEGEND, AND MULCH MATERIAL WITH 'BINDER' MATERIAL SHALL BE APPLIED FOR EROSION CONTROL.
- ROCK RIP-RAP MATERIAL SHALL BE INSTALLED WHERE DRAIN LINES CONNECT TO INFILTRATION AREAS.
- ALL UTILITY EQUIPMENT SUCH AS TRANSFORMERS, BACKFLOW UNITS, FIRE DETECTOR CHECKS AND FIRE CHECK VALVES WILL BE SCREENED WITH EVERGREEN PLANT MATERIAL ONCE FINAL LOCATIONS HAVE BEEN DETERMINED.

DESIGN KEY NOTES:

1. ENHANCED VEHICULAR PAVING AT NEW DRIVEWAY ENTRIES CONSISTING OF COLORED CONCRETE WITH 4'X4' GRID PATTERN. GRID PATTERN SHALL BE SAW-CUT AT 45° ANGLE WITH 18" COLORED CONCRETE PERIMETER BAND. ALL CONCRETE SHALL RECEIVE A MEDIUM BROOM FINISH.
2. ENHANCED PAVING AT BUILDING ENTRY CONSISTING OF COLORED CONCRETE WITH 3'X3' GRID PATTERN. GRID PATTERN SHALL BE SAW-CUT AT 45° ANGLE WITH 12" COLORED CONCRETE PERIMETER BAND. ALL CONCRETE SHALL RECEIVE A MEDIUM BROOM FINISH.
3. NEW STREET TREE PER LEGEND.
4. PROPOSED FLOWERING ACCENT TREE AT FOCAL AREAS PER LEGEND.
5. VERTICAL TREE ALONG BUILDING PER LEGEND.
6. LAYERED DROUGHT TOLERANT GROUND COVER AND SHRUB MASSES PLANTING PER LEGEND.
7. FOUNDATION SHRUB ALONG BUILDING PER LEGEND.

PLANTING LEGEND

TREES				
SYMBOL	TREE NAME		QTY.	WUCOLS
	NEW STREET TREE ALONG SLOVER AVE. TRISTANIA CONFERTA, BRISBANE BOX 24" BOX SIZE.		16	L
	NEW STREET TREE ALONG OLEANDER AVE. BRACHYCHITON POPULNEUS, BOTTLE TREE 24" BOX SIZE.		12	L
	FLOWERING ACCENT TREE LAGERSTROEMIA I. 'WATERMELON RED', CRAPE MYRTLE 24" BOX SIZE.		30	M
	PARKING LOT SHADE TREE ULMUS PARVIFOLIA, CHINESE ELM TREE 24" BOX SIZE.		34	L
	SECONDARY PARKING LOT TREE GEIJERA PARVIFLORA, AUSTRALIAN WILLOW 15 GAL. SIZE.		39	L
	VERTICAL TREE ALONG BUILDING PODOCARPUS GRACILIOR, FERN PINE 15 GAL. SIZE.		23	L
	VERTICAL TREE ALONG BUILDING ACACIA STENOPHYLLA, SHOESTRING ACACIA 15 GAL. SIZE.		14	L
	EVERGREEN SCREEN TREE PINUS ELDARICA, MONDELL PINE 15 GAL. SIZE & 24" BOX SIZE.	15 GAL. SIZE	26	L
		24" BOX SIZE	31	
	QUERCUS ILEX, HOLLY OAK 24" BOX SIZE.		13	L
	PLATANUS ACERIFOLIA, LONDON PLANE TREE 24" BOX SIZE.		6	M
	PINUS PINEA, ITALIAN STONE PINE 24" BOX SIZE.		9	M

SHRUBS - SHRUBS SHALL BE CHOSEN FROM THE FOLLOWING:

SYMBOL	NAME	WUCOLS
	DODONAEA VISCOSA 'PURPUREA', PURPLE HOPSEED BUSH 5 GAL. SIZE.	L
	LIGUSTRUM TEXANUM, TEXAS PRIVET 5 GAL. SIZE.	L
	WESTRINGIA FRUTICOSA, COAST ROSEMARY 5 GAL. SIZE.	L
	LEUCOPHYLLUM FRUTESCENS, TEXAS RANGER 5 GAL. SIZE.	L
	CALLISTEMON 'LITTLE JOHN', DWARF BOTTLE BRUSH 5 GAL. SIZE.	L
	RHAPHIOLEPIS INDICA, INDIAN HAWTHORN 5 GAL. SIZE.	M

GROUND COVERS & SHRUB MASSES

GROUND COVER AND SHRUB MASSES SHALL BE CHOSEN FROM THE FOLLOWING:

SYMBOL	NAME	WUCOLS
	CARISSA MACROCARPA 'GREEN CARPET', NATAL PLUM 1 GAL @ 24" O.C.	L
	MUHLENBERGIA RIGENS, DEER GRASS 1 GAL @ 42" O.C.	L
	SALVIA GREGGI, AUTUMN SAGE 1 GAL @ 24" O.C.	L
	SALVIA 'BEE'S BLISS', BEE'S BLISS SAGE 5 GAL @ 42" O.C.	L
	DIANELLA TASMANICA 'VARIEGATA', WHITE STRIPED TASMAN FLAX LILY 1 GAL @ 24" O.C.	L
	MAINTENANCE EASEMENT AREA. NO TREES OR SHRUBS. LOW GROWING GROUND COVER ONLY.	L

APPLY A 3" MIN. LAYER OF MULCH TOP DRESSING WITHIN ALL PLANTING AREAS. A SAMPLE IS REQUIRED PRIOR TO APPLICATION.

WUCOLS PLANT FACTOR

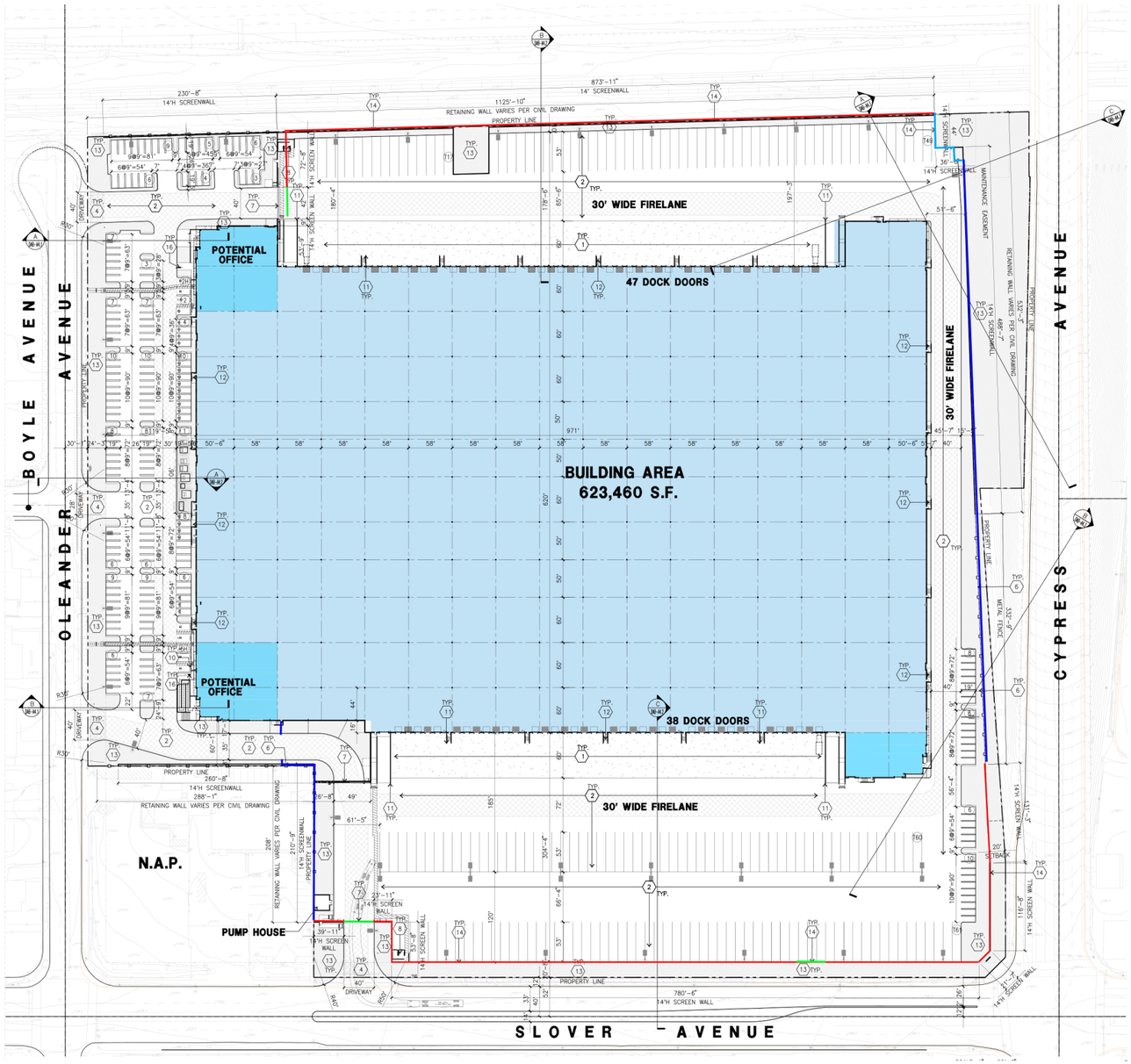
THIS PROJECT IS LOCATED IN 'WUCOLS' REGION '4-SOUTH INLAND VALLEY'.

Source(s): Scott Peterson Landscape Architect Inc (12-2021)

Figure 3-6

Not to Scale

Conceptual Landscape Plan



Legend

- Metal Fence
- Fence
- 8' Metal Gate
- 14' Screen Wall

Source(s): HPA (12-12-2022)

Figure 3-7

Not to Scale

Proposed Wall and Fencing

3.3.2 Tentative Parcel Map No. 20456 (TPM 21-007)

TPM 21-007 is proposed to reconfigure the existing 22 parcels within the Project Site into one parcel. As part of TPM 21-007, the existing right-of-way for the Boyle Avenue segment that bisects the Project Site would be vacated. TPM 21-007 also would establish easements for maintenance access to the existing slope for the Cypress Avenue overpass that abuts the Project Site on the east, as well as easements for a public sidewalk abutting Slover Avenue. TPM 21-007 is illustrated on Figure 3-8.

3.4 Project Improvements

3.4.1 Public Roadway Improvements

Slover Avenue is the existing public street that abuts the Project Site to the south. The Project would not alter the paved vehicle travel way of Slover Avenue, as the street is constructed to its full, planned pavement width under existing conditions. The Project would result in the closure of the five existing driveways on the Project Site connecting to Slover Avenue, which would require the installation of new curb and gutter improvements at the locations where the driveways would be removed, and the construction of the two proposed driveways shown on Figure 3-4. The Project also would re-locate the existing sidewalk along the Project Site's frontage with Slover Avenue. Under existing conditions, the sidewalk along Slover Avenue abuts the curb; the Project would re-locate the sidewalk to the edge of the right-of-way and would construct a landscaped parkway between the sidewalk and the existing curb.

Oleander Avenue is the existing public street that abuts the Project Site to the west. As part of the Project, the eastern half of Oleander Avenue would be widened along the Project Site frontage to: 1) provide a 22-foot-wide paved vehicle travel way; 2) curb and gutter; and 3) an eight-foot-wide sidewalk. Also, the Project provides for the construction of an offset cul-de-sac where Oleander Avenue terminates abutting the northwest corner of the Project Site.

Boyle Avenue bisects the Project Site under existing conditions. As part of the Project, Boyle Avenue would be demolished between Oleander Avenue and Cypress Avenue and the public right-of-way would be abandoned.

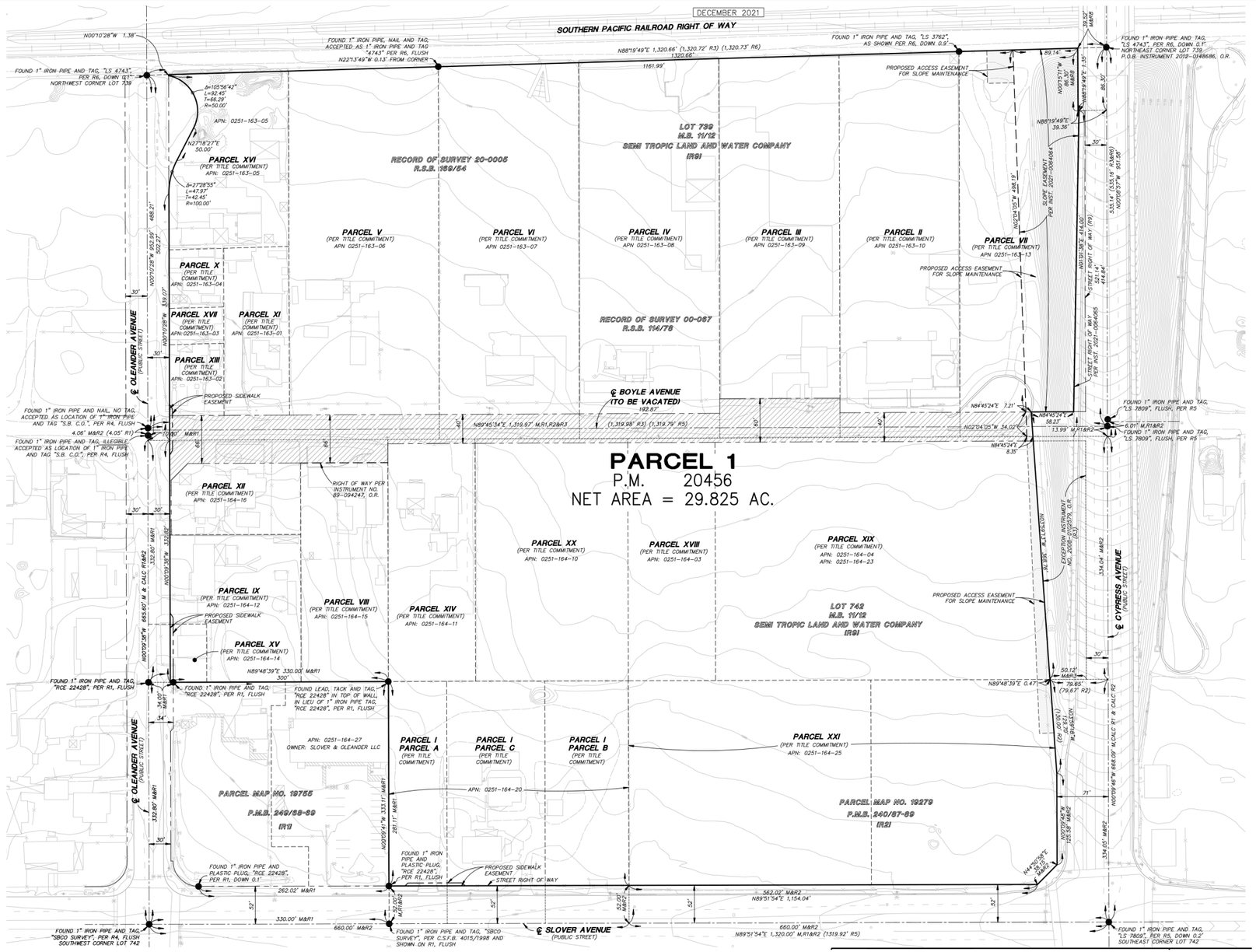
3.4.2 Utility Improvements

A. Water Service

The Fontana Water Company (FWC) would provide water service to the Project. As shown on Figure 3-9, *Conceptual Utility Plan*, the Project would connect to an existing water main beneath Oleander Avenue. All connections to existing water mains would be constructed in accordance with FWC standards.

B. Sewer Service

The City of Fontana owns and maintains sewer lines within the City and would provide wastewater conveyance services to the Project. The Project would connect to an existing sewer main located beneath Slover Avenue (see Figure 3-9). All connections to existing sewer lines would be constructed in accordance with City standards.



LEGEND

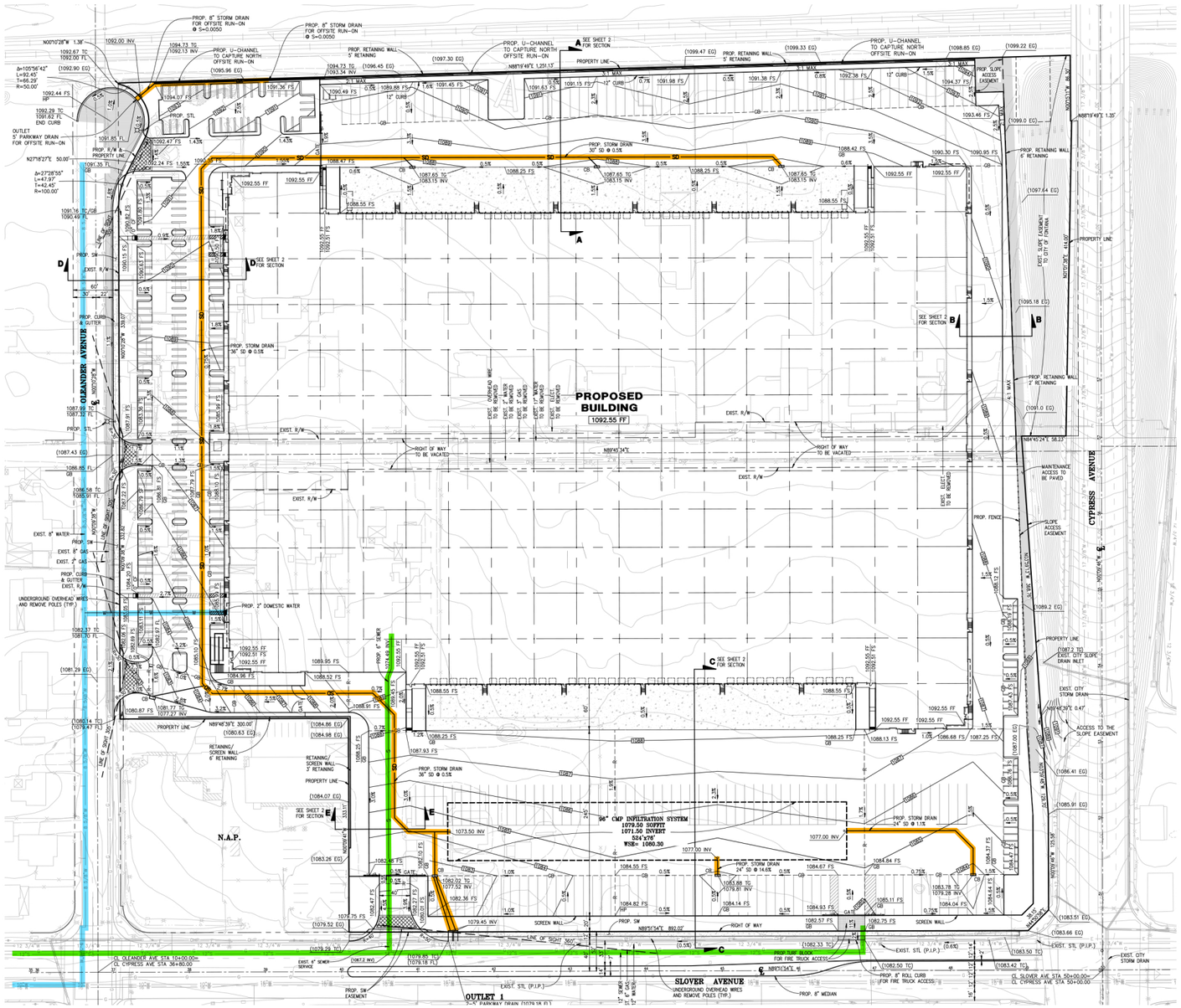
— — — — —	CENTERLINE
———	PROPERTY LINE
— — — — —	EXIST. RIGHT OF WAY
——— — — ———	PROPOSED RIGHT OF WAY
— — — — — — — — —	EXIST. LOT LINE
APN	ASSESSOR'S PARCEL NUMBER
E'LY	EASTERLY
N'LY	NORTHERLY
PL	PROPERTY LINE
S'LY	SOUTHERLY
W'LY	WESTERLY
AP	ANGLE POINT
SFN	SEARCHED FOUND NOTHING
C&G	CURB AND GUTTER
SW	SIDEWALK
	BOYLE AVENUE TO BE VACATED
	ACCESS EASEMENT FOR SLOPE MAINTENANCE

Source(s): Huitt-Zollars (09-2021)

Figure 3-8

Not to Scale

Tentative Parcel Map No. 20456



Legend

- Proposed Sewer
- Proposed Water
- Proposed Storm Drain

Source(s): Huitt-Zollars (12-2021)

Figure 3-9

Not to Scale

Conceptual Utility Plan

C. *Stormwater Drainage*

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), and discharge peak flows from the property. All surface runoff captured on-Site would be directed through catch basins fitted with filters (Bio Clean or equivalent) to remove large debris, trash, sediment and oil/grease from runoff before flows are transported to an underground infiltration/detention basin located beneath the truck court on the south side of the proposed building. Once the infiltration/detention basin reaches capacity, flows will bypass the basin and discharge to Slover Avenue via one of two proposed parkway drains. The Project also provides for the installation of a surface channel along the northern Project Site boundary to capture flows from the abutting railroad tracks that run-on to the Project Site under existing conditions. The channel would convey all captured flows to the west, where they would be discharged into Oleander Avenue via a parkway drain. An illustration of the Project's proposed stormwater drainage plan is provided on Figure 3-9.

D. *Dry Utilities*

The Project would result in the removal of all existing power poles along the Project Site's frontages with Slover Avenue and Oleander Avenue and the overhead electrical transmission lines suspended from these poles would be relocated underground. The removal of the power poles and the relocation of the transmission lines would be performed in coordination with Southern California Edison.

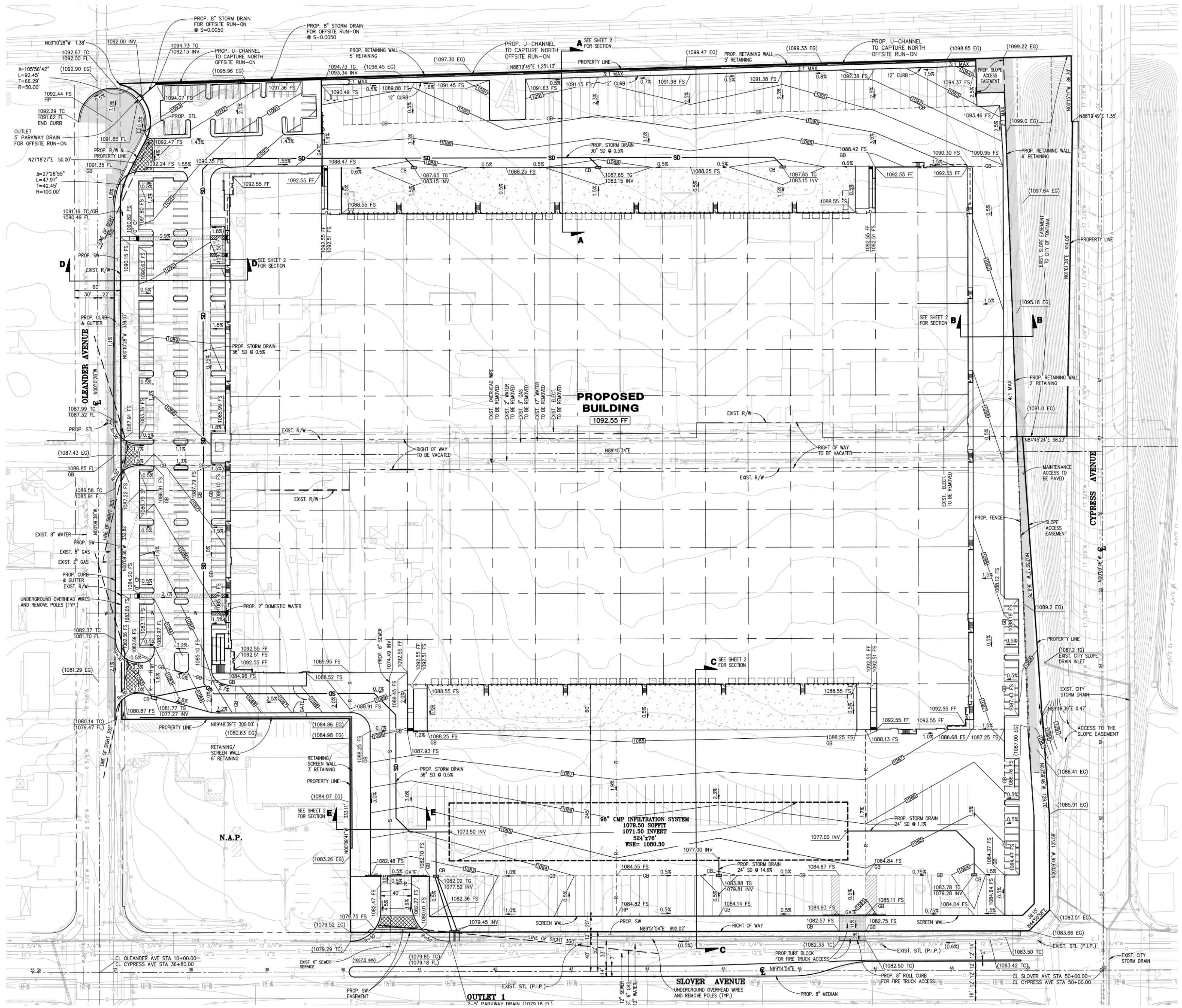
3.5 Construction Characteristics

Project construction activities and equipment would be required to comply with the applicable sustainability standards established by Fontana Municipal Code Chapter 9, Article V (Industrial Commerce Centers Sustainability Standards).

3.5.1 Proposed Physical Disturbance

Implementation of the Project would result in the full disturbance to all of the 29.82-acre Project Site, with exception of the existing slopes that abut the Cypress Avenue overpass along the eastern boundary of the Project Site, which would not be subject to grading or disturbance and would be placed in a slope easement as part of the Project. With exception of proposed Site-adjacent water, sewer, and storm drain connections and roadway improvements within Slover Avenue and Oleander Avenue, the Project would not result in or require any physical impacts beyond the Project Site boundary. The proposed water, sewer, and storm drain utility connections and roadway improvements would occur fully within the developed and fully disturbed rights-of-ways for Slover Avenue and Oleander Avenue.

Figure 3-10, *Conceptual Grading Plan*, depicts the conceptual grading plan for the Site. Grading of the property would entail a total of 144,032 cubic yards (c.y.) of cut and 141,421 c.y. of fill, requiring a total export of approximately 2,611 c.y. The earthwork materials requiring export are assumed to be transported to a location within 20 miles of the Project Site. As part of the Project's grading concept, retaining/screening walls



EARTHWORK VOLUMES

	Cut (cy)	Fill (cy)
Raw Volumes:	80,200	65,800
(-) Shrinkage:	5,614	---
(+) Subsidence:	---	4,819
Subtotal:	74,586	70,619
Overexcavation Raw:	70,802	70,802
(-) Shrinkage:	4,956	---
Subtotal:	65,846	70,802
Additional Volumes:		
Slab Thickness (6")		
Parking Thickness (6")		
Spoils	3,600	
Total:	144,032	141,421
	2611	CY LONG
		(PRELIMINARY)

NOTE:
EARTHWORK ESTIMATE IS PRELIMINARY AND BASED ON CONCEPTUAL DESIGN ONLY AND TAKES INTO ACCOUNT PRELIMINARY SOILS PARAMETERS PROVIDED BY THE SOILS ENGINEER. ADJUSTMENTS MAY BE REQUIRED BASED ON FINAL DESIGN OF SITE PAVING THICKNESS. ADDITIONAL ADJUSTMENTS MAY BE REQUIRED BASED ON SITE SOIL CHARACTERISTICS EXPERIENCED DURING CONSTRUCTION.

LEGEND

Symbol	Description
—SD—	PROPOSED STORM DRAIN
—S—	PROPOSED SEWER
—W—	PROPOSED WATER
– – –GB– –	GRADE BREAK
– – –R– – –	RIDGE LINE
———	PROPERTY LINE
—— – ——	CL
— – – —	EXISTING R/W
– – – – – –	EASEMENT
— – – —	PROPOSED R/W
—— —— ——	LINE OF SIGHT
▭	PROPOSED CURB OPENING INLET
☒⊸	PROPOSED STREET LIGHT
(shaded)	PROPOSED AC/AB
CF	CURB FACE
CB	CATCH BASIN
C&G	CURB & GUTTER
CL	CENTERLINE
DWY	DRIVEWAY
EXIST.	EXISTING
EG	EXISTING GROUND
FF	FINISHED FLOOR
FS	FINISHED SURFACE
FL	FLOWLINE
GB	GRADE BREAK
INV	INVERT
LA	LANDSCAPE AREA
LP	LOW POINT
LT.	LEFT
N.A.P.	NOT A PART
P.I.P.	PROTECT IN PLACE
PP	POWER POLE
PL	PROPERTY LINE
PROP.	PROPOSED
RT.	RIGHT
R/W	RIGHT-OF-WAY
STL	STREET LIGHT
T.E.	TRASH ENCLOSURE
TP	TOP OF PAVEMENT
TC	TOP OF CURB
TG	TOP OF GRATE
EP	EDGE OF PAVEMENT
WSE	WATER SURFACE ELEVATION

BENCHMARK:
BENCH MARK PID EV9266
ELEVATION=1018.060' (NAVD88)

BASIS OF BEARINGS:
BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SLOVER AVENUE BEING NORTH 89°51'54" EAST ON PARCEL MAP NO. 19279, P.M.B. 240/87-89.

Source(s): Huitt-Zollars (12-2021)

Not to Scale

Figure 3-10

Conceptual Grading Plan

measuring up to six feet in height are proposed near the eastern boundary of the site, with additional retaining/screening walls measuring up to six feet and three feet in height proposed along the southwestern boundary of the site adjacent to the existing light industrial development. No manufactured slopes are proposed as part of Project grading activities.

3.5.2 Construction Schedule

The Project Applicant anticipates that the Project's construction process will occur over a 10-month timeframe. Site preparation would occur first, followed by 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 Duration*.

Table 3-1 Construction Duration

Construction Activity	Days
Site Preparation	20
Grading	45
Building Construction	150
Paving	35
Architectural Coating	70

Source: (Urban Crossroads, 2021a, Table 3-3)

3.5.3 Construction Equipment

The construction equipment fleet that is estimated to be used for Project construction is summarized in Table 3-2, *Construction Equipment Assumptions*.

Table 3-2 Construction Equipment Assumptions

Construction Activity	Equipment	Amount	Hours Per Day
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	1	8
	Forklifts	3	8
	Generator Sets	1	8
	Tractors/Loaders/Backhoes	3	8
	Welders	1	8

Table 3-2 Construction Equipment Assumptions

Construction Activity	Equipment	Amount	Hours Per Day
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

Source: (Urban Crossroads, 2021a, Table 3-4)

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.

3.6 Operational Characteristics

The Project would operate as an indoor storage facility; no outdoor materials storage is proposed for the Project Site. The building's interior floor space could be subdivided with partitions/walls to allow the building to be occupied by more than one user. The Project is proposed as a speculative development and the user(s) of the building are not known at this time. The Project is expected to be used by a warehouse distribution/logistics operator(s) for the storage of consumer goods. For analysis purposes, this EIR assumes that up to 25 percent of the building could be utilized for cold (refrigerated) storage. 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. Project operational activities and equipment would be required to comply with the applicable sustainability standards established by Fontana Municipal Code Chapter 9, Article V (Industrial Commerce Centers Sustainability Standards).

The Project is designed such that business operations would be conducted within the proposed building, 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) is expected to 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.

For purposes of analysis in this EIR, employment estimates were calculated using the employment density factors identified in the Southern California Association of Governments (SCAG) *Employment Density Study* (October 2001), which identifies a rate of one (1) employee per 1,195 s.f. of building area for industrial warehouse uses. As such, the Project is estimated to create jobs for approximately 523 employees (623,460 s.f. ÷ 1,195 s.f./employee = 523 employees).

3.7 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 3-3, *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 3-3 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 3-3 Project-Related Approvals/Permits

Public Agency	Approvals and Decisions
City of Fontana	
Proposed Project – City of Fontana Discretionary Approvals	

Planning Commission	• Approve, conditionally approve, or deny:
	  ○ Design Review Project No. 21-013, and
	  ○ Tentative Parcel Map No. 20456 (TPM 21-007).
	• Certify or reject the Project's EIR along with appropriate CEQA Findings.

Subsequent City of Fontana Discretionary and Ministerial Approvals	
City of Fontana Subsequent Implementing Approvals	• 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	• Approvals for construction of water infrastructure and connection to water distribution system.
Santa Ana Regional Water Quality Control Board (RWQCB)	• Issuance of a Construction Activity General Construction Permit. • Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit. • Approval of WQMP.
Southern California Edison	• Approvals for undergrounding electric utility lines.

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, 11 primary environmental subject areas are evaluated in detail in this Section 4.0, as listed below. Each Subsection in Section 4.0 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	Air Quality	4.7	Hazards and Hazardous Materials
4.2	Biological Resources	4.8	Hydrology and Water Quality
4.3	Cultural Resources	4.9	Noise
4.4	Energy	4.10	Transportation
4.5	Geology and Soils	4.11	Tribal Cultural Resources
4.6	Greenhouse Gas Emissions		

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 has no potential to result in significant impacts to nine (9) environmental subjects: Aesthetics; Agriculture and Forestry Resources; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems; and Wildfire. These nine 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 includes the fifteen (15) other past, present, and reasonably foreseeable projects described in Table 4.0-1, *Cumulative Development Land Use Summary*, and illustrated on Figure 4.0-1, *Cumulative Development Location Map*.

Table 4.0-1 Cumulative Development Land Use Summary

TAZ	Project	Land Use	Quantity [2]
1	Southwest Industrial Park (SWIP)[1]	Freeway Industrial Commercial (Central)	
		Warehousing	761.067 TSF
		Office	147.786 TSF
		Office Park	152.213 TSF
		Commercial Retail	456.640 TSF
		Freeway Industrial Commercial (East)	
		Warehousing	886.410 TSF
		Office	172.125 TSF
		Office Park	177.282 TSF
		Commercial Retail	531.846 TSF
		Freeway Industrial Commercial (North)	
		Warehousing	335.885 TSF
		Office	65.223 TSF
		Office Park	67.177 TSF
		Commercial Retail	201.531 TSF
		Freeway Industrial Commercial (West)	
		Warehousing	747.959 TSF
		Office	145.241 TSF
		Office Park	149.592 TSF
		Commercial Retail	448.776 TSF
		Jurupa North Research & Development (West)	
		Light Industrial	1344.901 TSF
		Office	478.407 TSF
		Office Park	847.485 TSF
		Research & Development	677.988 TSF
		Jurupa North Research & Development (Central)	
		Light Industrial	964.045 TSF
		Office	342.930 TSF
		Office Park	607.490 TSF
		Research & Development	485.992 TSF
		Jurupa North Research & Development (East)	
		Light Industrial	917.459 TSF
		Office	326.358 TSF
		Office Park	578.134 TSF
		Research & Development	462.506 TSF
		Jurupa South Industrial	
		Light Industrial	70.985 TSF
		Warehousing	1799.899 TSF
		Slover Central Manufacturing/Industrial	
		Manufacturing	1113.002 TSF
		Warehousing	2597.004 TSF

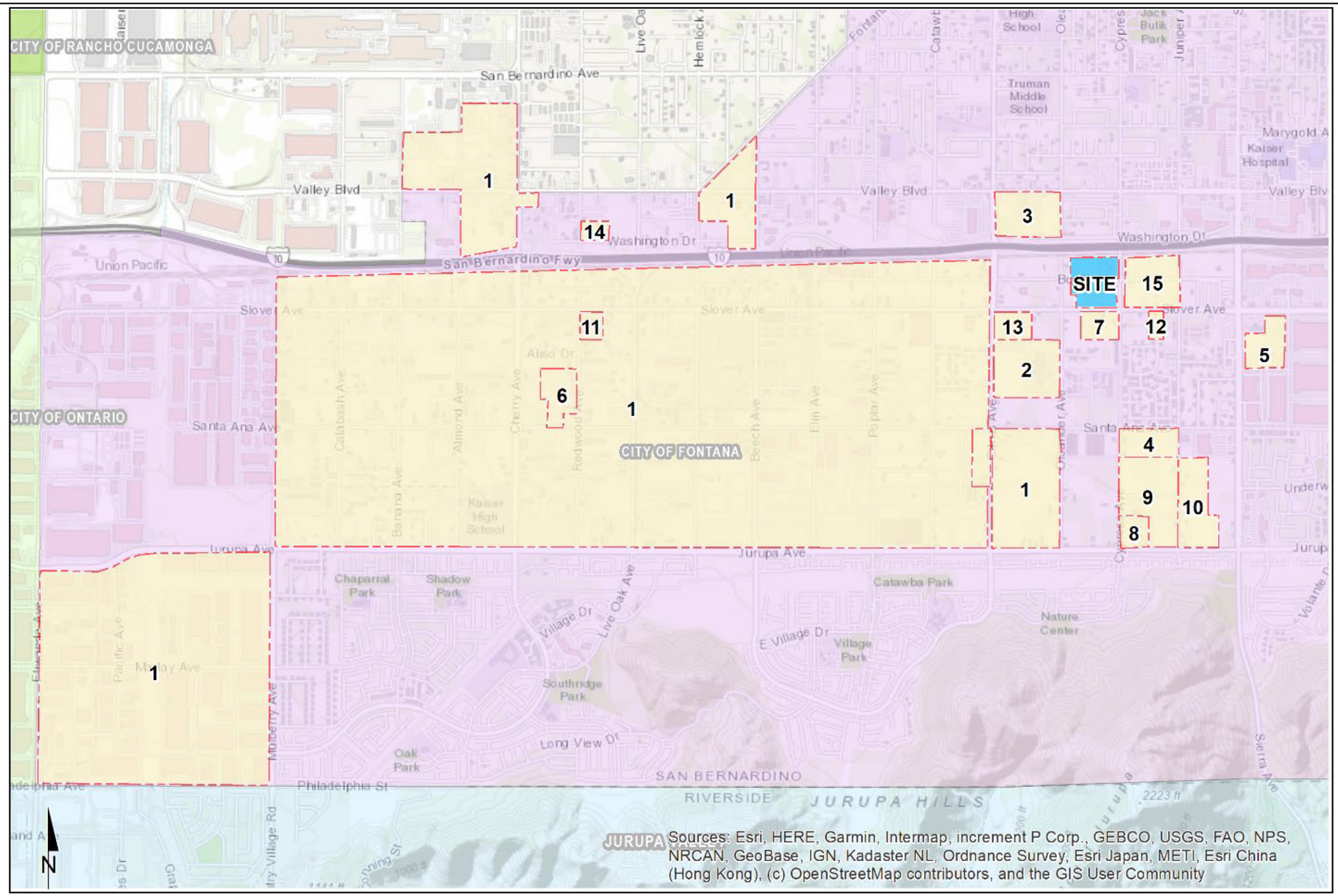
Table 4.0-1 Cumulative Development Land Use Summary (cont.)

TAZ	Project	Land Use	Quantity [2]
1	Southwest Industrial Park (SWIP)[1]	Slover East Industrial	
		Light Industrial	719.464 TSF
		Warehousing	1006.149 TSF
		Office Park	503.074 TSF
		Slover West Industrial	
		Light Industrial	1384.886 TSF
		Warehousing	3518.167 TSF
		Speedway Industrial	
		Light Industrial	930.121 TSF
		Warehousing	762.191 TSF
		Office Park	13.264 TSF
		SWIP Residential Trucking (1,3 and 4)	
		Single Family Detached Residential	84 DU
2	Citrus Center	Office	47.000 TSF
		Retail	44.500 TSF
		Fast Food w/ Drive-Thru	8.658 TSF
3	ASP 16-018	Retail w/ Gas Station	18.800 TSF
4	Southwest Fontana Logistics Center Project	City Park	17.45 AC
5	Walmart Shopping Center	Free-Standing Discount Superstore	200.000 TSF
		Specialty Retail Center	9.490 TSF
		Fast Food w/o Drive-Thru	9.490 TSF
6	First Redwood Logistics	High-Cube Warehouse / Distribution Center	360.000 TSF
		General Light Industrial	41.436 TSF
7	SWC Oleander Av. & Slover Av.	High-Cube Warehouse (Cold Storage)	52.580 TSF
		Warehousing	157.740 TSF
8	St. Mary's Catholic Church	Church	19.508 TSF
9	GLC Fontana III	Warehousing	362.416 TSF
		High-Cube Cold Storage Warehouse	90.604 TSF
10	Fontana Foothills	High-Cube Warehouse / Distribution Center	754.408 TSF
11	14801 Slover Avenue Warehouse	High-Cube Warehouse (Cold Storage)	77.053 TSF
		Warehousing	231.158 TSF
12	Slover Industrial Center	High-Cube Warehouse (Cold Storage)	20.421 TSF
		Warehousing	115.719 TSF
13	SEC of Citrus Av. & Slover Av.	Warehousing	194.212 TSF
14	10131 Redwood Av.	High-Cube Warehouse / Distribution Center	250.160 TSF
15	Sierra Business Center	High-Cube Fulfillment Center (Sort)	705.735 TSF

[1] Source: Southwest Industrial Park (SWIP) Project TIA, RBF Consulting, September 29, 2011.

[2] TSF = Thousand Square Feet; AC = Acres; DU = Dwelling Units

Source: (Urban Crossroads, 2021e, Table 4-4)



Source(s): Urban Crossroads (12-20-2021)

Figure 4.0-1

Not to Scale

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 4.11 of this EIR evaluate the 11 environmental subjects warranting detailed analysis as determined by the City of Fontana 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 who 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 that outweigh the unavoidable impacts, supported by substantial evidence in the Project's administrative record.

4.1 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 "Slover Avenue & Cypress Avenue Warehouse Air Quality Impact Analysis," dated March 8, 2022, and is included as *Technical Appendix B* to this EIR (Urban Crossroads, 2022a). The second report, a mobile source health risk assessment (HRA), is titled "Slover Avenue & Cypress Avenue Warehouse Mobile Source Diesel Health Risk Assessment," dated January 6, 2022, and is included as *Technical Appendix C* to this EIR (Urban Crossroads, 2022b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.1.1 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 (SO_2) to sulfates (SO_4). 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.

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.

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.

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.

The discussion above summarizes information from the Project's AQIA. Refer to Sections 2.2 and 2.3 of the Project's AQIA (*Technical Appendix B*) for a detailed description of regional climate and wind patterns.

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.

- **Sulfur Dioxide (SO_2)** is a colorless gas or liquid. SO_2 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 SO_2 oxidizes in the atmosphere, it forms sulfates (SO_4). Collectively, these pollutants are referred to as sulfur oxides (SO_X). SO_2 is a respiratory irritant to people afflicted with asthma. After a few minutes' exposure to low levels of SO_2, 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 SO_2 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.

- **Nitrogen Oxides (NO_X)** consist of nitric oxide (NO), nitrogen dioxide (NO_2) and nitrous oxide (N_2O) and are formed when nitrogen (N_2) combines with oxygen (O_2). 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. NO_2 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, NO_2 is the most abundant in the atmosphere. As ambient concentrations of NO_2 are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO_2 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 NO_2. Short-term exposure to NO_2 can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO_2 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.

- **Ozone (O_3)** 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.

- **Particulate Matter less than 10 microns (PM_{10}) 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 SO_2 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 PM_{10} 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 (PM_{10} 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 PM_{10} and $PM_{2.5}$.

- **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.

- **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.

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 4.1-1, *Ambient Air Quality Standards* .

Table 4.1-1 Ambient Air Quality Standards

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/m³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.070 ppm (137 µg/m³)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12.0 µg/m³	15 µg/m³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m³)		9 ppm (10 mg/m³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)		0.053 ppm (100 µg/m³)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m³)	Ultraviolet Fluorescence	75 ppb (196 µg/m³)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m³)	
	24 Hour	0.04 ppm (105 µg/m³)		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/m³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m³ (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m³		
Visibility Reducing Particles[14]	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

Source: (Urban Crossroads, 2022a, Table 2-2)

Table 4.1-1 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, PM2.5, 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 $\mu g/m^3$ is equal to or less than one. For PM2.5, 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 PM2.5 primary standard was lowered from 15 $\mu g/m^3$ to 12.0 $\mu g/m^3$. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. The existing 24-hour PM10 standards (primary and secondary) of 150 $\mu g/m^3$ 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 SO_2 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 SO_2 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 $\mu g/m^3$ 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, 2022a, Table 2-2)

1. *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 4.1-2, *Attainment Status of Criteria Pollutants in the SCAB*.

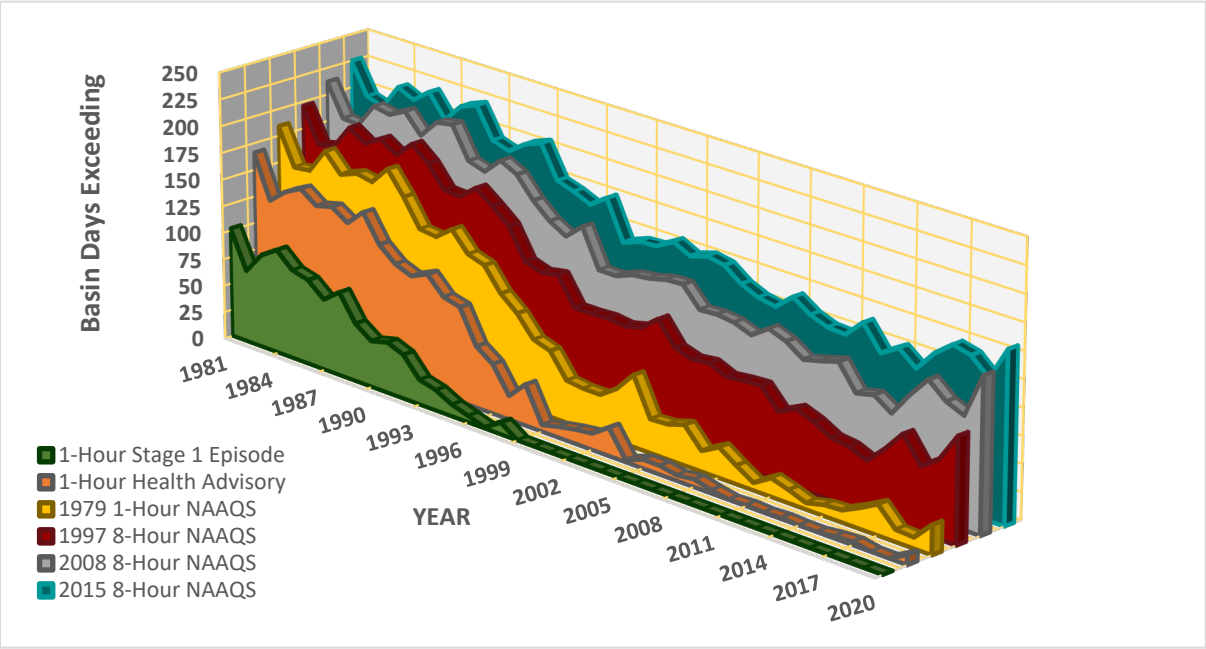
Table 4.1-2 Attainment Status of Criteria Pollutants in the SCAB

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 from the Project's AQIA for a detailed map of State/National Area Designations within the SCAB
"-" = The national 1-hour O_3 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, Table 2-3)

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. 28-35). Emissions of O_3, NO_X, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease. 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. NO_X emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. O_3 contour maps show that the number of days exceeding the 8-hour NAAQS decreased between 1997 and 2007. Of note, due to higher temperatures and stagnant weather conditions, O_3 levels have increased in the past two years within the SCAB; however, O_3 levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations experienced in the late 1970s, as illustrated on Figure 4.1-1, *SCAB Ozone Trend.*

Figure 4.1-1 SCAB Ozone Trend



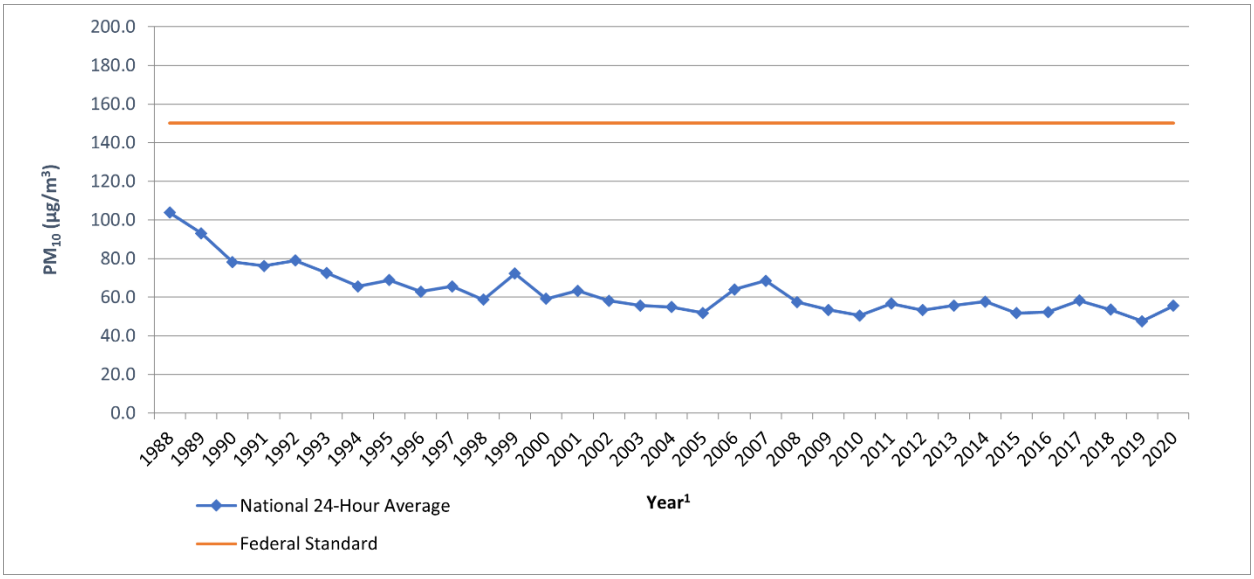
Source: (Urban Crossroads, 2022a, Table 2-5)

The most recent PM_{10} statistics also show an overall improvement within the SCAB as illustrated in Figure 4.1-2, *SCAB PM_{10} Trend (Federal Standard)*, and Figure 4.1-3, *SCAB PM_{10} Trend (Based on State Standard)*. During the period for which data are available, the 24-hour annual average concentration for PM_{10} 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, 2022a, p. 30). The 24-hour annual average for emissions for PM_{10} 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.).

Figure 4.1-4, *SCAB $PM_{2.5}$ Trend (Federal Standard)*, and Figure 4.1-5, *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, 2022a, p. 31). It should be noted that the SCAB is currently designated as nonattainment for the State and federal $PM_{2.5}$ standards (ibid.).

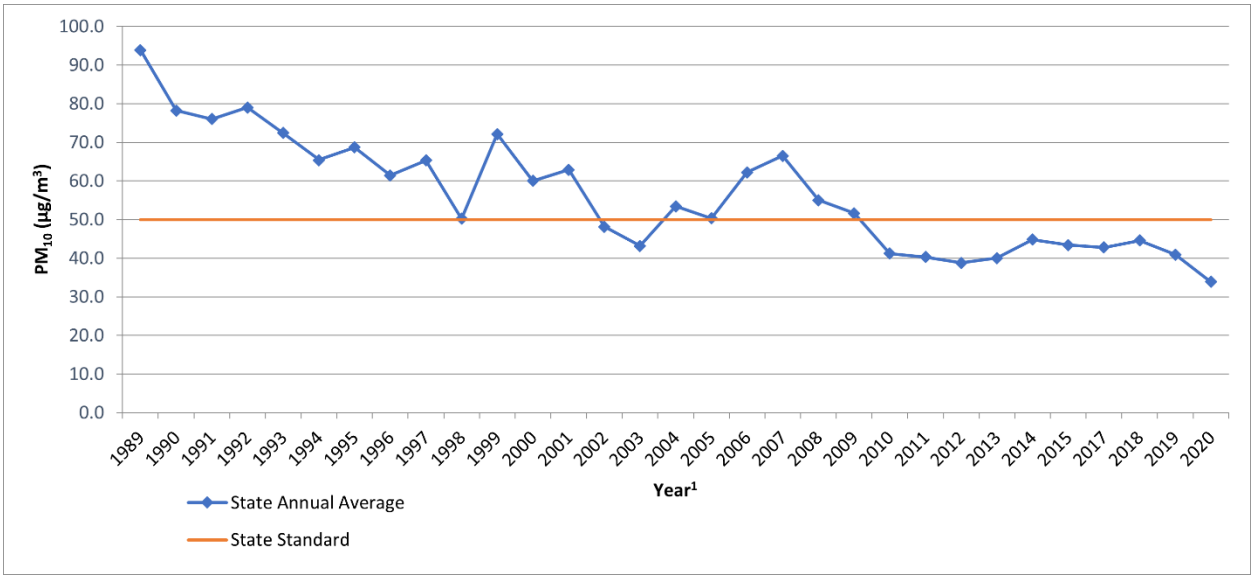
The most recent CO concentrations in the SCAB are shown in Figure 4.1-6, *SCAB CO Trend*. CO concentrations in the SCAB have decreased markedly - a total decrease of more about 80 percent in the peak 8-hour concentration from 1986 to 2012 (Urban Crossroads, 2022a, p. 33). 2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB.

Figure 4.1-2 SCAB PM_{10} Trend (Federal Standard)



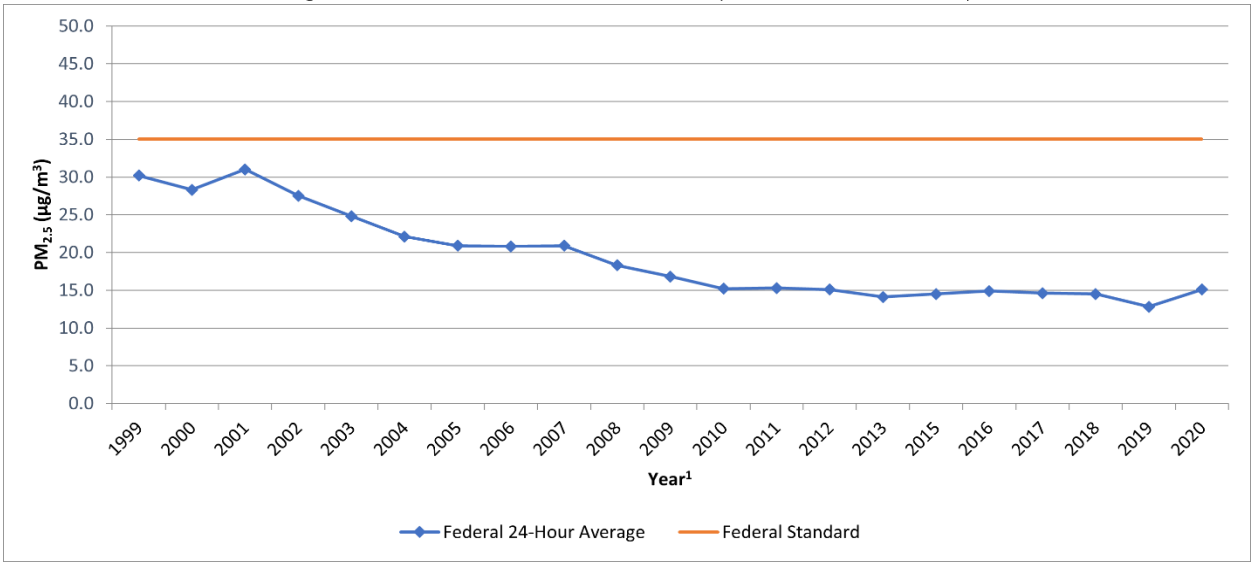
Data from 2020 CARB, iADAM: Top Four Summary: PM_{10} 24-Hour Averages (1988-2020)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2022a, Table 2-6)

Figure 4.1-3 SCAB PM_{10} Trend (State Standard)



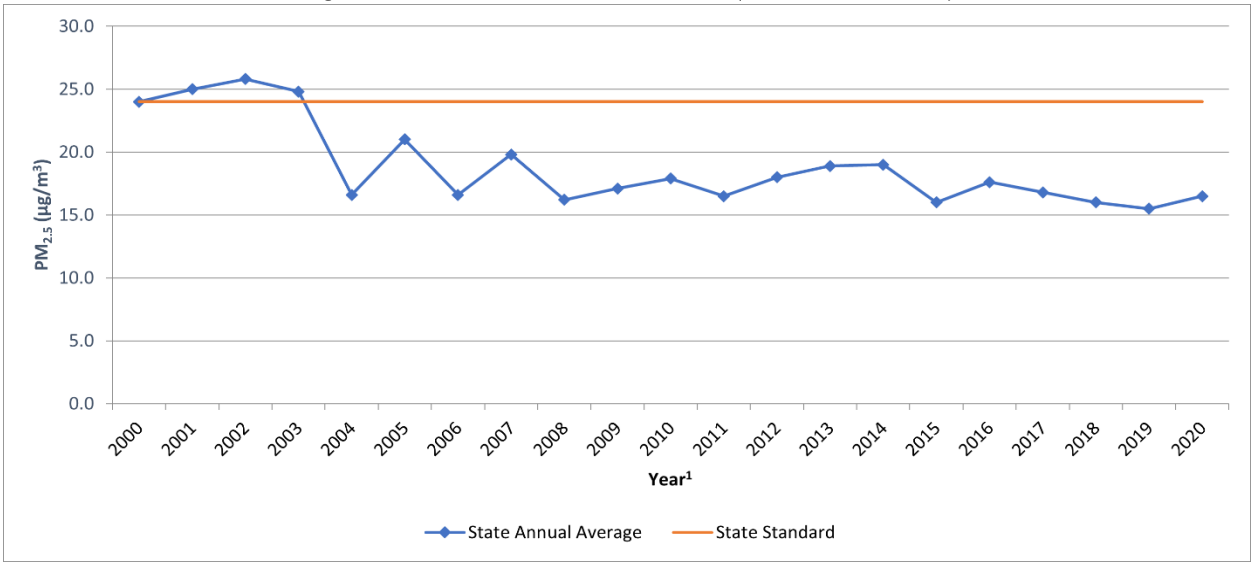
Data from 2020 CARB, iADAM: Top Four Summary: PM_{10} 24-Hour Averages (1988-2020)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2022a, Table 2-7)

Figure 4.1-4 SCAB $PM_{2.5}$ Trend (Federal Standard)



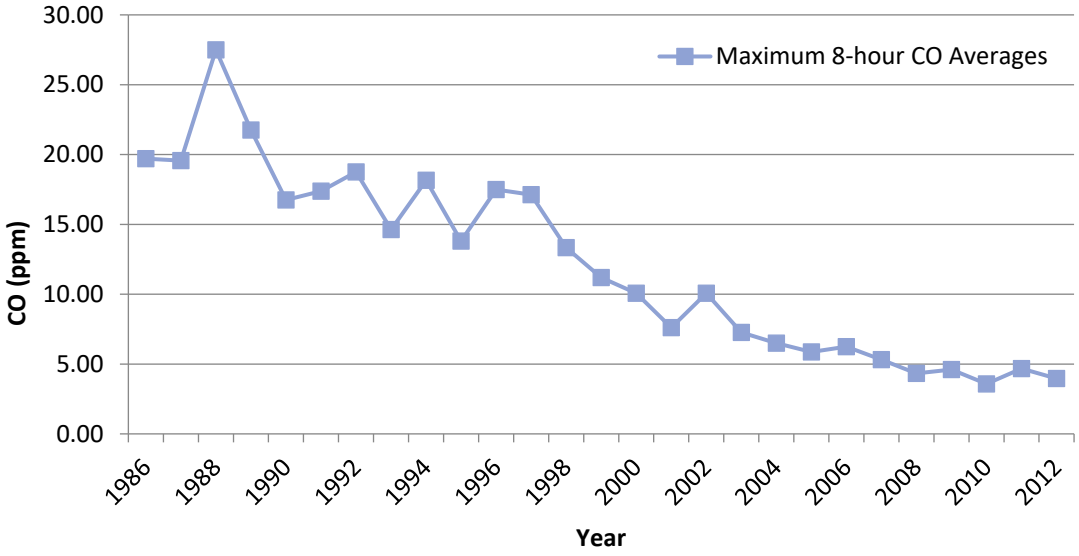
Data from 2020 CARB, iADAM: Top Four Summary: $PM_{2.5}$ 24-Hour Averages (1999-2020)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2022a, Table 2-8)

Figure 4.1-5 SCAB $PM_{2.5}$ Trend (State Standard)



Data from 2020 CARB, iADAM: Top Four Summary: $PM_{2.5}$ 24-Hour Averages (1999-2020)
[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, 2022a, Table 2-9)

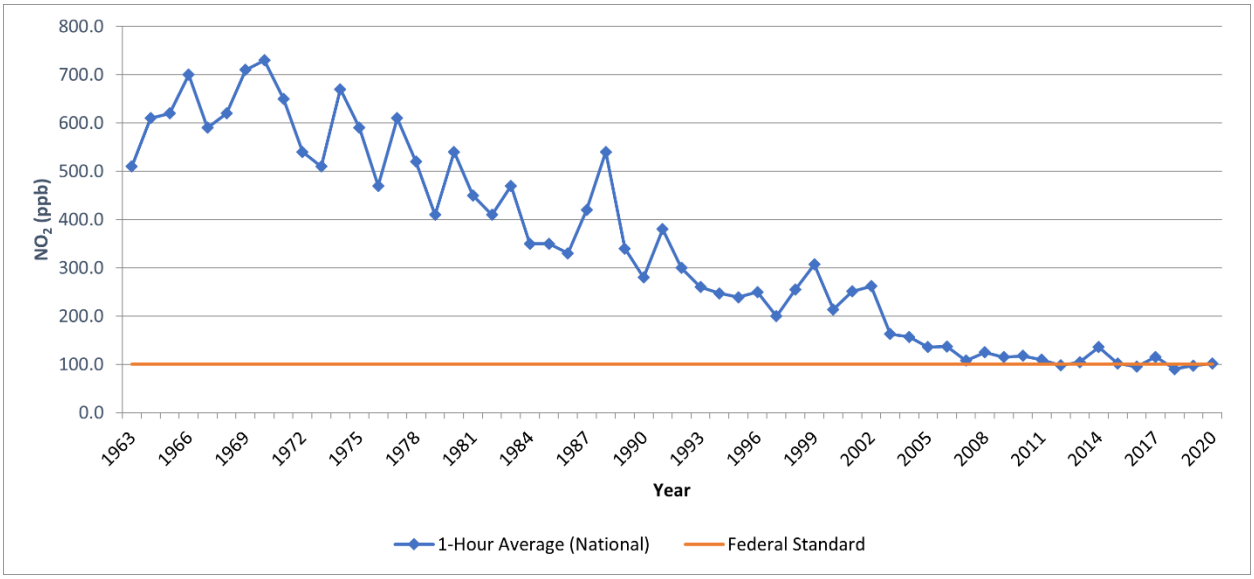
Figure 4.1-6 SCAB CO Trend



Data from 2020 CARB, iADAM: Top Four Summary: CO 8-Hour Averages (1999-2012)
[1] The most recent year where 8-hour concentration data is available is 2012.
Source: (Urban Crossroads, 2022a, Table 2-10)

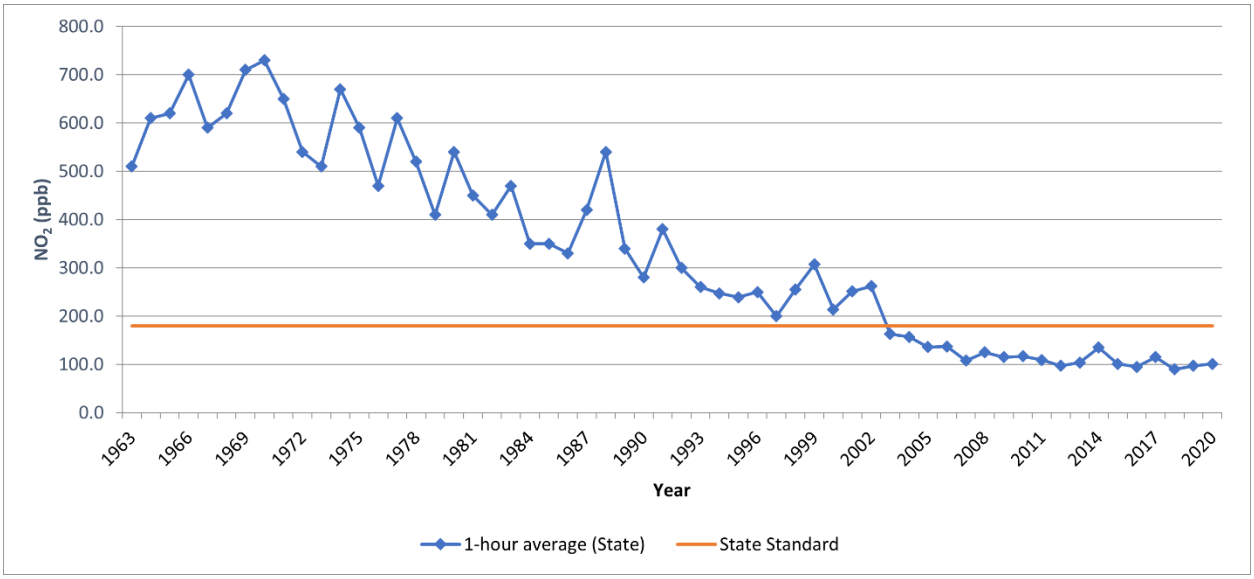
The most recent NO_2 data for the SCAB is shown in Figure 4.1-7, *SCAB 1 NO_2 Trend (Federal Standard)*, and Figure 4.2-8, *SCAB NO_2 Trend (State Standard)*. Over the last 50 years, NO_2 values have decreased significantly; the peak 1-hour national and State averages for 2020 are approximately 80 percent lower than what they were during 1963 (Urban Crossroads, 2022a, p. 34). The SCAB attained the State 1-hour NO_2 standard in 1994, bringing the entire State into attainment. 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. NO_2 is formed from NO_X emissions, which also contribute to O_3. As a result, the majority of the future emission control measures would be implemented as part of the overall O_3 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.

Figure 4.1-7 SCAB NO_2 Trend (Federal Standard)



Data from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2020)
Source: (Urban Crossroads, 2022a, Table 2-11)

Figure 4.1-8 SCAB NO_2 Trend (State Standard)

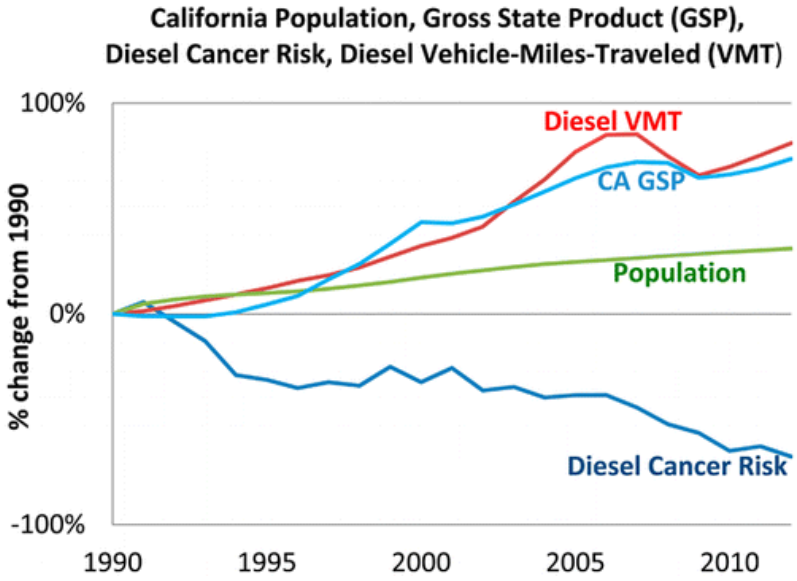


Data from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2020)
Source: (Urban Crossroads, 2022a, Table 2-12)

❑ 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. 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 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 85 percent reduction in TAC emissions from light- and medium-duty vehicles in the State between 1990 and 2012 (Urban Crossroads, 2022a, p. 36). 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, as shown on Figure 4.1-9, *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, 2022a, p. 37).

Figure 4.1-9 DPM and Diesel Vehicle Miles Trend



Source: (Urban Crossroads, 2022a, Exhbit 2-A)

2. *Local Air Quality*

❑ Criteria Pollutants

Ambient air pollutant concentrations in the Project area are summarized in Table 4.1-3, *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 1 area (SRA 34). Data was collected for the three most recent years for which data was available (2018-2020).

Table 4.1-3 Project Area Air Quality Monitoring Summary 2018-2020

Pollutant	Standard	Year		
		2018	2019	2020
O_3				
Maximum Federal 1-Hour Concentration (ppm)		0.141	0.124	0.151
Maximum Federal 8-Hour Concentration (ppm)		0.111	0.109	0.111
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	38	41	56
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	69	67	89
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.9	2.7	1.7
Maximum Federal 8-Hour Concentration	> 20 ppm	1.1	1.0	1.2
NO_2				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.063	0.076	0.066
Annual Federal Standard Design Value		0.018	0.017	0.019
PM_{10}				
Maximum Federal 24-Hour Concentration ($\mu g/m^3$)	> 150 $\mu g/m^3$	64	88	61
Annual Federal Arithmetic Mean ($\mu g/m^3$)		34.1	34.8	35.8
Number of Days Exceeding Federal 24-Hour Standard	> 150 $\mu g/m^3$	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 $\mu g/m^3$	9	12	6
$PM_{2.5}$				
Maximum Federal 24-Hour Concentration ($\mu g/m^3$)	> 35 $\mu g/m^3$	29.20	46.50	46.10
Annual Federal Arithmetic Mean ($\mu g/m^3$)	> 12 $\mu g/m^3$	11.13	10.84	11.95
Number of Days Exceeding Federal 24-Hour Standard	> 35 $\mu g/m^3$	0	0	0

ppm = Parts Per Million
$\mu g/m^3$ = Microgram per Cubic Meter
Data for O_3, CO, NO_2, PM_{10}, and $PM_{2.5}$ was obtained from SCAQMD Air Quality Data Tables.
Source: (Urban Crossroads, 2022a, Table 2-4)

❑ 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 465 in one million for the Project area, placing the Project area within the 80th percentile for cancer risk (SCAQMD, 2022). For comparison, the prior version of SCAQMD's *MATES* analysis, *MATES-IV*, estimated the Project area was in the 94th percentile for cancer risk with an excess cancer risk of 892 in one million (ibid.). It also bears noting that 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). The trend in the Project area of improving toxic air contaminant risk levels mirrors the overall trend of improving air quality within the SCAB, as described earlier in this Subsection.

Notwithstanding the improvement in local toxic air contaminant risk levels modeled by SCAQMD and Ramboll, the census tract containing the Project Site is mapped by OEHHA within the 97th percentile for pollution burden which, based on the census tract's demographic characteristics, results in OEHHA ranking the area within the 71st percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).

4.1.2 Regulatory Setting

The following is a brief description of the 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 the 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 (O_3), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO_2), particulate matter (PM_{10}), $PM_{2.5}$, and lead (Pb). (EPA, 2021a)

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, 2021a)

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 O_3 (smog), CO, and PM_{10}. 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, 2021b)

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, 2021a)

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, 2021a)

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 (PM_{10} 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 amends 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 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.

4.1.3 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 10 months and will include five (5) activity phases: 1) site preparation; 2) grading; 3) building construction; 4) paving; and 5) architectural coating. For purposes of the air quality analysis, the Project's construction activities are assumed to occur between August 2022 and May 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 (Urban Crossroads, 2022a, p. 40). 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 Site, 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 five (5) receptor locations near the Project Site, including existing residences north of I-10 and west of Oleander Avenue and existing businesses west, south, and southeast 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, including TRUs, 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 4.10, *Transportation*. The travel length for Project-related heavy-duty truck trips is based on figures published by SCAQMD: 14.2 miles for 2- and 3-axle heavy-duty trucks and 40.0 miles for 4+-axle heavy-duty trucks. The travel length for Project-related passenger vehicles trips is based on the CalEEMod default of 16.6 miles.

In order to account for the possibility of the Project containing refrigerated (cold) storage space, TRUs have been modeled for 118 two-way truck trips (or 59 round trips) accessing the Project Site. The TRU calculations are based on the 2017 Off-road Emissions model, version 1.0.1 (Orion), developed by the CARB. Orion does not provide emission rates per hour or mile as with the on-road emission model and only provides emission inventories. Therefore, the emissions inventory was converted into emission rates to accurately calculate emissions from TRU operation associated with project level details. This was accomplished by converting the annual horsepower hours to daily operational characteristics and converting the daily emission levels into

hourly emission rates based on the total emission of each criteria pollutant by equipment type and the average daily hours of operation.

The Project's operational analysis assumes the use of two, 200 horsepower 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. Each yard tractor was assumed to be electric-powered as required by Fontana Ordinance No. 1891.

The estimated area source emissions and energy source emissions analyses for the Project rely on default inputs within CalEEMod. Pursuant to Ordinance No. 1891, the Project would be required to obtain 100 percent of its electricity demand for non-refrigerated space from rooftop solar panels, thus the air quality analysis assumes that the Project would only draw from the electrical grid to satisfy the energy needs of the refrigerated portion of the proposed building.

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

2. Localized Pollutant Emissions

The SCAQMD's *Final Localized Significance Threshold 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 29.8-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 *Final Localized Significance Threshold 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, which far exceeds the actual maximum distance a passenger car or truck could travel through the Project's parking lots and, thus, represents a conservative assumption that overstates the actual localized impact of the Project's on-site mobile source emissions.

The operational LST analysis utilizes the same sensitive receptor locations that were utilized in the construction LST analysis.

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

Diesel particulate matter (DPM) emissions from trucks traveling to and from the Project Site were calculated using emission factors for PM_{10} generated with the EMission FACtor 2017 model (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.

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 that any individual 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.

4.1.4 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 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 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:

- 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
- 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 4.1-4, *Maximum Daily Regional Emissions Thresholds*.

Table 4.1-4 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, 2022a, Table 3-1)

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 4.1-5, *Maximum Daily Localized Construction Emissions Thresholds*, and Table 4.1-6, *Maximum Daily Localized Operational Emissions Thresholds*.
- 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.

Table 4.1-5 Maximum Daily Localized Construction Emissions Thresholds

Construction Phase	Pollutant	Construction Localized Thresholds
Site Preparation & Grading	NO_X	270 lbs/day
	CO	1,746 lbs/day
	PM_{10}	19 lbs/day
	$PM_{2.5}$	8 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD Final LST Methodology, July 2008
Source: (Urban Crossroads, 2022a, Table 3-10)

Table 4.1-6 Maximum Daily Localized Operational Emissions Thresholds

Pollutant	Operational Localized Thresholds
NO_X	270 lbs/day
CO	1,746 lbs/day
PM_{10}	5 lbs/day
$PM_{2.5}$	2 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD Final LST Methodology, July 2008
Source: (Urban Crossroads, 2022a, Table 3-13)

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.

4.1.5 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, PM_{10}, and $PM_{2.5}$ also are considered in this 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. In addition, as disclosed under the analysis for Threshold "b," below, operation of the Project would not result in emissions of any criteria pollutant in excess of the applicable SCAQMD regional

threshold and, therefore, would not result in a long-term increase in the frequency or severity of existing air quality violations in the SCAB. Based on the foregoing information, the Project would not 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 "Light Industrial (I-L)" and "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

For the reasons stated above, the Project would not result in a substantial adverse environmental impact due to an increase in the frequency or severity of existing air quality violations, the creation of new violations, the delay the timely attainment of air quality standards or the interim emissions reductions specified in the *AQMP*, or the exceedance of growth assumptions in the *AQMP*. As such, impacts would be less-than-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 PM_{10}) under existing conditions; thus, any direct emissions of these pollutants or their precursors that exceed applicable SCAQMD significance thresholds would be considered significant.

A. Construction Emissions Impact Analysis

Peak emissions from Project construction are summarized in Table 4.1-7, *Peak Construction Emissions Summary*. Detailed air model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.1-7, peak construction-related emissions of VOCs, NO_X, CO, SO_X, and particulate matter (PM_{10} 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 VOCs, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ would all be less than significant, even without mitigation.

Table 4.1-7 Peak Construction Emissions Summary

Year	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
2022	3.20	30.51	43.10	0.11	19.16	6.16
2023	56.95	34.86	65.34	0.15	9.91	3.94
Winter						
2022	3.10	30.71	39.31	0.10	19.16	6.16
2023	56.85	35.22	61.10	0.14	9.91	3.94
Maximum Daily Emissions	**56.95**	**35.22**	**65.34**	**0.15**	**19.16**	**6.16**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

CalEEMod construction-source (unmitigated) emissions are presented in Appendix 3.1 of the Project's AQIA.
Source: (Urban Crossroads, 2022a, Table 3-5)

B. Operational Emissions Impact Analysis

The calculated peak operational-source emissions are summarized on Table 4.1-8, *Peak Operational Emissions Summary*. The air model outputs for the operational analysis are provided in Appendix 3.2 and 3.3 of the Project's AQIA.

Table 4.1-8 Peak Operational Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
Area Source	14.21	1.85E-03	0.20	2.00E-05	7.20E-04	7.20E-04
Energy Source	0.27	2.43	2.04	0.01	0.18	0.18
Mobile Source	5.02	43.76	56.58	0.31	18.06	5.23
TRU Source	0.78	6.40	8.58	1.31E-03	0.15	0.13
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	**20.28**	**52.60**	**67.41**	**0.33**	**18.39**	**5.55**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Winter						
Area Source	14.21	1.85E-03	0.20	2.00E-05	7.20E-04	7.20E-04
Energy Source	0.27	2.43	2.04	0.01	0.18	0.18
Mobile Source	4.51	46.05	51.24	0.30	18.06	5.23
TRU Source	0.78	6.40	8.58	1.31E-03	0.15	0.13
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	**19.76**	**54.89**	**62.06**	**0.32**	**18.39**	**5.55**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

CalEEMod operational-source emissions are presented in Appendices 3.2 and 3.3 of the Project's AQIA.
Source: (Urban Crossroads, 2022a, Table 3-9)

As summarized in Table 4.1-8, Project-related operational emissions of VOCs, NO_X, CO, SO_X, PM_{10} 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, PM_{10} and $PM_{2.5}$ would be less than significant.

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

The Project has the potential to result in the exposure of sensitive receptors to substantial pollutant concentrations during construction and operation. The following analysis addresses the potential for Project-related activities to exceed applicable LSTs for criteria pollutant emissions; cause or contribute to CO "hot spots," and result in cancer risks and non-cancer health hazards to nearby sensitive receptors.

A. Localized Criteria Pollutant Analysis

1. Construction Analysis

Table 4.1-9, *Localized Construction-Source Emissions Summary*, presents the localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Project Site with highest exposure to Project construction activities. Detailed construction model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.1-9, localized emissions from Project construction would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

Table 4.1-9 Localized Construction-Source Emissions Summary

On-Site Emissions	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Site Preparation				
2022	27.05	30.31	18.83	6.06
Maximum Daily Emissions	**27.05**	**30.31**	**18.83**	**6.06**
SCAQMD Localized Threshold	270	1,746	19	8
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**
Grading				
2022	26.51	32.04	14.16	3.51
Maximum Daily Emissions	**26.51**	**32.04**	**14.16**	**3.51**
SCAQMD Localized Threshold	270	1,746	19	8
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, 2022a, Table 3-11)

2. Operational Analysis

Table 4.1-10, *Localized Operations-Source Emissions Summary*, presents localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Project Site with highest exposure to Project operational activities. Detailed construction model outputs are presented in Appendix 3.2 and 3.3 of the Project's AQIA. As shown in Table 4.1-10, localized emissions from Project operations would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

Table 4.1-10 Localized Operations-Source Emissions Summary

On-Site Emissions	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Summer	4.94	5.50	1.10	0.45
Winter	5.05	5.23	1.10	0.45
Maximum Daily Emissions	**5.05**	**5.50**	**1.10**	**0.45**
SCAQMD Localized Threshold	270	1,746	5	2
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

CalEEMod localized operational-source emissions are presented in Appendix 3.2 and 3.3 of the Project's AQIA.
Source: (Urban Crossroads, 2022a, Table 3-14)

B. CO Hot Spot Impact Analysis

A CO "hot spot" is an isolated geographic area where localized concentrations of CO exceed the CAAQS one-hour (20 parts per million) or eight-hour (9 parts per million) standards. A Project-specific 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*). The *2003 AQMP* and the *1992 CO Plan* found that peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion. For context, the CO "hot spot" analysis performed for the *2003 AQMP* recorded a CO concentration of 9.3 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. The vast majority of the recorded CO concentrations at the Long Beach Boulevard/Imperial Highway intersection (8.6 parts per million) were attributable to unique local meteorological conditions that resulted in elevated ambient air concentrations. In comparison, the busiest intersections in the Project Site vicinity would neither experience peak congestion levels or ambient CO concentrations comparable to the conditions observed at the Long Beach Boulevard/Imperial Highway intersection nor feature atypical meteorological conditions (Urban Crossroads, 2022a, pp. 54-57). Further, data from other air pollution control districts in the State indicate that under existing and future vehicle emission rates, an individual development 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 local 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." Impacts would be less than significant.

C. Toxic Air Contaminant Emissions Impact Analysis

The following analysis evaluates the potential for implementation of the Project to result in acute and chronic health hazards – including cancer –at sensitive receptors in the vicinity of the Project Site. Detailed air dispersion model outputs and risk calculations are presented in Appendices 2.1 through 2.5 of the Project's HRA.

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 10424 Oleander Avenue approximately 94 feet west of the Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Project is 1.86 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2022b, p. 1). 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 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) for operational emissions, which is a residence located at 10480 Oleander Avenue approximately 393 feet west of the Project Site, the maximum incremental cancer risk attributable to Project-related DPM emissions is calculated to be 4.11 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2022b, 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 auto body repair facility located approximately three 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 1.08 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2022b, 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.

At the maximally exposed school child receptor (MEISC), the Jurupa Hills High School located approximately 897 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 0.18 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2022b, 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 school campuses in the general vicinity of the Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEISC due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEISC identified above. Impacts to school child receptors would be less than significant.

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, 2022a, p. 61) 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, 2022a, p. 61) 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.

4.1.6 Cumulative Impact Analysis

The area immediately surrounding the Project Site contains a variety of uses, including vacant parcels and parcels developed (or under construction) with industrial, transitional, and conforming and non-conforming residential uses. Due to the adjacency of I-10 and Union Pacific railroad tracks, which are generally not compatible with residential land uses due to air pollution concerns, the City has designated the corridor south of I-10 and north of Slover Avenue for industrial land uses within the Project Site vicinity.

The census tract containing the Project Site is in the 97th percentile for pollution burden which, based on the census tract's demographic characteristics, results in the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area within the 71st percentile of communities that are disproportionately burdened by

multiple sources of pollution (OEHHA, 2022). As part of their *MATES-V* study, SCAQMD estimates the Project area is located within the 80th percentile for cancer risk within the SCAB (which is an improvement from the *MATES-IV* study six years prior that found the Project area to be in the 94th percentile for cancer risk) (SCAQMD, 2022). Additionally, 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). Thus, although air pollutant levels in the Project area remain elevated, the observed trend is of improving air conditions within the City, generally, and the Project area, specifically.

As discussed under the analysis for Threshold "a," the Project would be consistent with the *2016 AQMP*; therefore, there is no potential for the Project to result in a cumulatively considerable effect on the environment due to an inconsistency with the *2016 AQMP*.

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 Thresholds "b" and "c" the Project would not emit any air pollutants during construction or operation that exceed the applicable SCAQMD regional or localized threshold and, thus, the Project would result in effects to regional and local air quality that would not be cumulatively considerable. In addition, the Project will be required to comply with newly enacted City of Fontana Ordinance No. 1891, which goes above and beyond current state and regional air quality regulations and will serve to further reduce emissions of air pollutants.

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.

4.1.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would neither contribute to a delay in the attainment of federal and State air quality standards in the SCAB nor exceed local growth projections. Accordingly, the Project would not conflict with or obstruct implementation of the *2016 AQMP*.

Threshold b: Less than Significant Impact. Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.

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.

4.1.8 Mitigation

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

4.2 BIOLOGICAL RESOURCES

This Subsection evaluates the potential for Project-related activities to impact sensitive biological resources on or adjacent to the Project Site. The analysis in this Subsection is based, primarily, on information contained in a report ("Biology Report") prepared by Alden Environmental, Inc. (hereinafter, "Alden"). This report, titled "Slover-Cypress Biological Resources" and dated January 13, 2022, is provided as *Technical Appendix D* to this EIR (Alden, 2022). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.2.1 EXISTING CONDITIONS

A. Vegetation Communities and Land Cover Types

The Project Site contains one vegetation community (non-native grassland) and three land cover types (agriculture, disturbed habitat, and developed) under existing conditions. A summary of the vegetation community and land cover types on the Project Site is provided below.

- Non-Native Grassland: Non-native grassland is present in the east-central portion of the Project Site, covering approximately 2.4 acres. This community is comprised of non-native grasses (wild oats [*Avena* sp.] and ripgut grass [*Bromus diandrus*]). Non-native grassland is not a sensitive or natural vegetation community. (Alden, 2022, p. 3)

- Agriculture: The remnants of a former olive tree grove are located on approximately 1.3 acres in the west-central portion of the Site. Although this area is vacant and not actively cultivated, it is classified as agriculture for biological resources evaluation purposes. The agriculture land cover type is not a sensitive or natural vegetation community. (Alden, 2022, p. 3)

- Disturbed: The Project Site contains approximately 1.1 acres of disturbed area. The disturbed habitat on the Site has been cleared, leveled, and covered with gravel. The area is sparsely vegetated with non-native species. The disturbed area on the Project Site is not a sensitive or natural vegetation community. (Alden, 2022, p. 3)

- Developed: The remaining area of the Project Site is classified as "Developed." The developed areas on the Project Site are characterized by man-made features such as residences, parking areas, pavement, structures, and storage areas. The developed area on the Project Site is not a sensitive or natural vegetation community. (Alden, 2022, p. 3)

B. Special-Status Plant Species

According to the California Natural Diversity Data Base (CNDDB), 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 the Project Site consist primarily of non-native and ornamental species. See Attachment A from the Project's Biology Report for the full list of plant species observed on the Project Site. (Alden, 2022, pp. 2, 4)

C. Special-Status Wildlife Species

No sensitive animal species were observed or detected on the Project site during visits by Alden biologists, and none is anticipated to occur given the developed/disturbed nature of the Project Site and lack of suitable habitat areas surrounding the Site. Animals observed were limited to common, non-sensitive bird species such as Anna's hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), American crow (*Corvus brachyrhynchos*), raven (*Corvus corax*), and Eurasian collared dove (*Streptopelia decaocto*), small mammals such as the feral cat (*Felis catus*), domestic rabbit (*Oryctolagus cuniculus domesticus*), and Botta's pocket gopher (*Thomomys bottae*), and reptiles such as the side-blotched lizard (*Uta stansburiana*). Refer to Attachment B from the Project's Biology Report for the full list of wildlife species observed on the Project Site. (Alden, 2022, p. 4)

According to the CNDDB, one federal endangered species, the Delhi sands flower-loving fly (*Rhaphiomidas terminates abdominalis*), was reported in the Site vicinity – but not on the Project Site – however; this species occurs only in association with Delhi sands soils which are not present on Site (Alden, 2022, p. 4).

D. Nesting Birds

The Project Site contains groundcover, shrubs, and 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, 2022, p. 4).

E. Riparian/Riverine and Vernal Pool Resources

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, 2022, pp. 2, 4)

4.2.2 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. Native Plant Protection Act (NPPA) of 1977

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. (CDFW, n.d.)

4. 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. 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, 2021)

4.2.3 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 (CNDDB), 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. Refer to the Project's Biology Report for detailed descriptions of the Project Site survey dates, scopes of study, and research and survey methodologies used in the biological resources analysis. (Alden, 2022, pp. 1-2)

4.2.4 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 Section 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 Game or U.S. Fish and Wildlife Service;

b. Have a substantial 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 Game or US 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 native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

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 Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.2.5 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 Game 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 the lack of natural plant communities on or adjacent to the Site, the Project Site does not have potential to support special-status plant species known to occur in the general Project area. (Alden, 2022, pp. 2, 5) 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, substantial plant cover, or special site features that could be used by special-status wildlife species and because of the high level of human activity on the Site and adjacent areas, no special-status wildlife species are expected to be present on or periodically use the Project Site. (Alden, 2022, pp. 2, 4, 5) No impacts to special-status animal species would occur.

C. Indirect Impacts to Special-Status Biological Resources

The Project Site is highly disturbed 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. In addition, the one special-status wildlife species known to occur in the Project Site vicinity – the Delhi sands flower-loving fly – does not occur on the Project Site due to the lack of the specific soil series that is requisite for this species' habitat (i.e., Delhi sands). 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.

The Project Site is in area that is surrounded by existing development with habitat conditions very similar to those that exist on the Project Site. There are no native open space areas adjacent to the Project Site and no listed or special-status plant or wildlife species are expected to occur within the developed and disturbed areas abutting the site. 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 substantial 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 Game or US Fish and Wildlife Service?***

Based on field surveys conducted on the Project Site no riparian habitat is present on the Project Site and, as noted previously under Subsection 4.2.1, none of the vegetation communities or land cover types observed on the Project Site (i.e., non-native grassland, agriculture, disturbed, developed) are classified as a sensitive or natural community (Alden, 2022, pp. 4-5). Implementation of the Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified 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 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, 2022, p. 5). As such, the Project would not 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. No impact would occur.

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

The Project Site 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. The Project Site also does not serve as a wildlife corridor nor is it connected to an established corridor, and there are no native wildlife nurseries on or adjacent to the Site. Therefore, there is no potential for the Project to impede the use of a native wildlife nursery Site. (Alden, 2022, p. 5) 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 vegetation (i.e., trees, shrubs, and grasses) from the Project Site that serves as provides potential roosting and nesting habitat for birds common to the Fontana area, although no nests were observed on the Project Site and no birds are known to nest on the Site Site (Alden, 2022, p. 5). As noted previously, numerous non-sensitive bird species common to the Fontana area were observed on the Project Site, including but not limited to Anna's hummingbird, house finch, American crow, raven, and Eurasian collared dove. Although these species are not considered special-status or sensitive based on their prevalence in southern California, the MBTA and California Fish and Game Code 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 to impact nesting birds is a potentially 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 approximately 80 mature trees from the Project Site. Tree species observed on-Site include the Peruvian pepper (*Schinus molle*), California fan palm (*Washingtonia filifera*), ficus (*ficus benjamina*), olive (*Olea europaea*), pine (*Pinus sp.*), orange (*Citrus sinensis*), tree of heaven (*Ailanthus altissima*), and Chinese elm (*Ulmus chinensis*). With the exception of the approximately 20 olive trees on the Project Site, none of the trees that would be removed from the Site meet the definition for heritage, significant, and/or specimen trees, as established by the City's Tree Protection Ordinance (Chapter 28 Article III of the Fontana Municipal Code). The olive trees on the Project Site have the potential to meet the City's definition of a "heritage tree." As required by the Tree Protection Ordinance, the Project Applicant would be required to have a professional arborist survey the Project Site prior to the issuance of a grading permit. Based on the findings of the arborist, the trees on the Project Site 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 a minimum of 264 trees on the Project Site. As part of the City's standard building permit review process, City staff would confirm if the 264 trees proposed by the Project would be sufficient to meet the number of replacement trees required by the Tree Protection Ordinance or if additional trees would be needed (or fees paid to the City's tree account to provide for the planting of trees on City land) in order to comply the requirements of the Municipal Code. The City would not issue a building

permit until and unless compliance with the Tree Protection Ordinance can be demonstrated. Accordingly, implementation of the Project would not result in a conflict with the City's Tree Preservation Ordinance. No impact would occur.

The City of Fontana does not have any additional policies or ordinances in place to protect biological resources that are applicable to the Project Site.

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

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.

4.2.6 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.

4.2.7 Significance of Impacts Before Mitigation

Threshold a: No Impact. The Project Site does not contain or support any special-status plant or wildlife species. As such, implementation of the proposed Project would not 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 Game or U.S. Fish and Wildlife Service, and no impact would occur.

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: Potentially 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 should nesting birds be present.

Threshold e: Less-than-Significant 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.

4.2.8 Applicable Regulations, Design Requirements, and Mitigation

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

MM 4.2-1 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 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, verifies that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.

4.2.9 Significance of Impacts After Mitigation

Threshold d: Less-than-Significant Impact with Mitigation. Implementation of Mitigation Measure MM 4.2-1 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.

4.3 CULTURAL RESOURCES

The analysis in this Subsection is based on a cultural resources report prepared by Brian F. Smith and Associates, Inc. (hereinafter, "BFSA"). This report, titled "A Cultural Resources Study for the Cypress/Slover Industrial Center Project" and dated January 27, 2022 (BFSA, 2022a), is included as *Technical Appendix E* to this EIR.

Confidential information has been redacted from *Technical Appendix E* 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)).

4.3.1 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 E* for a more detailed discussion about the prehistoric cultural periods in the Inland Empire (BFSA, 2022a, p. 1.0-5 through 1.0-12).

- 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.

- 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.

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

The territory of the Gabrieliño 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 Gabrieliño 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 Gabrieliño 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.

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, Gabrieliño, and Cupeño clans. Serrano village locations were typically located near water sources and the Serrano were primarily hingers and gatherers.

2. Project Site Conditions

BFSA surveyed the Project Site for the presence of prehistoric and protohistoric archaeological resources. BFSA noted that the entire Project Site was heavily disturbed and appeared to have been rough-graded in the past. Ground visibility on the Site was limited due to the residential and industrial development present on portions of the Site at the time of the survey, while other portions of the Site contained rubble from completed demolition activities. Notwithstanding, BFSA did not observe any prehistoric or protohistoric resources on the Project Site. (BFSA, 2022a, p. 3.0-2)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton. 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 or protohistoric artifacts have been recorded on the Project Site or within a one-mile radius of the Site. (BFSA, 2022a, p. 1.0-17)

B. Historic Resources

1. Regional Setting

The general historical setting for the southern California region and the City of Fontana is summarized below. Refer to *Technical Appendix E* 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.

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.

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.

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.

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.

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 nine historic period residential structures on the Project Site, as well as several modern residential outbuildings (e.g., sheds). The historic period residential structures on the Project Site were constructed as early as 1923 and as late as 1966. (BFSA, 2022b, p. 3.0-2)

BFSA also performed an archaeological records search through the SCICC at CSU Fullerton. 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 40 historic resources have been recorded within a one-mile radius of the Site. The recorded historic resources are primarily comprised of historic residences but, also, include a railroad alignment, farm/ranch complex, and the Kaiser Fontana Medical Center campus. (BFSA, 2021a, p. 1.0-17)

4.3.2 Regulatory Setting

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 (NPS, 2021a). 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."

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.

An Advisory Council on Historic Preservation (ACHP), the first and only federal entity created solely to address historic preservation issues, was established as a cabinet-level body of Presidentially-appointed citizens, experts in the field, and federal, state, and local government representatives, to ensure that private

citizens, local communities, and other concerned parties would have a forum for influencing federal policy, programs, and decisions as they impacted historic properties and their attendant values.

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, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions.

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.

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 (NPS, 2021b). Authorized by the NHPA 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 archaeological resources.

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 archaeological investigation about our past?

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 NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state.

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.

3. National Historic Landmarks Program

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States (NPS, 2021c). Today, over 2,600 historic places bear this national distinction. Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks.

4. 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, 2021d).

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).

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 archaeological 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.

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.

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" (NPS, n.d.).

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 archaeological 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 archaeological or historical interest or value is found" (NAHC, n.d.).

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 archaeological resources (OHP, n.d.). The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, 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.

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).

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property 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.

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.

4. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (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. 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, 2017). 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 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015.

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.

5. 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. (CA Legislative Info, n.d.)

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.

6. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological 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 Section 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 Section 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.

4.3.3 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.

4.3.4 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.*

4.3.5 IMPACT ANALYSIS

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

Nine (9) historic period structures, all residences, constructed between 1923 and 1966 are present on the Site. All of these structures would be demolished as part of the Project. BFSA evaluated all of the on-Site historic period structures for significance. None of the structures were found to be eligible for listing on the CRHR or to be significant historic resources under CEQA due to a lack of integrity – most if not all of the structures had been substantially altered since their original construction – combined with a lack of any association with significant persons or noteworthy architectural elements (BFSA, 2022a, pp. 3.0-84 to 3.0-104). 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, 2022a, pp. 1.0-17 to -18, 3.0-2). 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 90-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 exceed five (5) feet below the existing ground surface while previously disturbed soils on-site (i.e., artificial fills) extend only to a depth of approximately 2.5 to 8.5 feet below the ground surface; thus, excavations on-Site would occur within previously undisturbed soils that could, in theory, 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 potentially 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, 2022a, 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.

4.3.6 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 resources 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 potentially 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, potential 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.

4.3.7 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: Potentially 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 potentially direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources 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.

4.3.8 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. The City also will assign Mitigation Measure 4.3-4 as a condition of Project approval.

MM 4.3-1 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that an archaeologist that meets the latest version of the Secretary of the Interior Professional Qualifications Standards (hereafter "Project Archaeologist") has been retained to conduct the training and monitoring activities described in Mitigation Measure 4.3-2 and Mitigation Measure 4.3-3.

MM 4.3-2 Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the City of Fontana that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize archaeological resources (historic and prehistoric) should such resources be unearthed during ground-disturbing construction activities. The training will include a brief review of the cultural sensitivity of the area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of archaeological resources are

identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new supervisorial construction personnel involved with grading and trenching operations that begin work on the Project Site after the initial training session must take the training prior to beginning work on-site.

MM 4.3-3 The Project Archaeologist shall conduct monitoring during all grading, trenching, and excavation activities. The Project Archaeologist shall be equipped to salvage artifacts if they are unearthed to avoid construction delays. Should the Project Archaeologist determine during construction activities that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low, archaeological monitoring activities can be reduced to spot-checking or may be allowed to cease.

MM 4.3-4 In the event that suspected cultural resources are discovered during Project construction activities:

a. Upon discovery of any cultural, tribal cultural, or archaeological resources, construction activities in the immediate vicinity of the find shall cease 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 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.

b. 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.

c. 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.

4.3.9 Significance of Impacts After Mitigation

Threshold b: Less-than-Significant Impact with Mitigation. Implementation of MMs 4.3-1 through 4.3-4 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.

4.4 ENERGY

The analysis in this Subsection is primarily based on information contained in a technical a report prepared by Urban Crossroads, Inc. titled, "Fontana Corporate Center Energy Analysis," dated March 8, 2022 (Urban Crossroads, 2022c). The technical report is included as *Technical Appendix F* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.4.1 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, 2022c, p. 10)

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 pipeline 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, 2022c, p. 11)

C. Transportation Energy/Fuel Consumption

Gasoline and other vehicle fuels are commercially-provided commodities. The Department of Motor Vehicles (DMV) identified 35.8 million registered vehicles in California, and those vehicles consume an estimated 17.4 billion gallons of fuel each year. In 2015, Californians used approximately 15.8 billion gallons of gasoline and 3.7 billion gallons of diesel fuel. (Urban Crossroads, 2022c, p. 7;14)

4.4.2 REGULATORY SETTING

A. Federal Plans, 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, 2022c, 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, 2022c, p. 17)

B. State Plans, 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, 2022c, pp. 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, 2022c, 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, 2022c, 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, 2022c, 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, 2022c, 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 electrified 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, 2022c, p. 19)

C. Local Plans, 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.

2. City of Fontana Ordinance No. 1879

City of Fontana Ordinance No. 1879 amends 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. 1879 that would directly affect the consumption of energy resources include but are not limited to: 1) Restricting diesel truck idling to three 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. 1879. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.

4.4.3 Methodology for Calculating Project Energy Demands

Information from the CalEEMod (version 2020.4.0) outputs from the Project's AQIA *(*see *Technical Appendix B*) was utilized to detail the Project's construction equipment, transportation energy demands, and facility energy demands. These outputs are referenced in Appendices 4.1 through 4.3 of the Project's energy analysis report (see *Technical Appendix F*). 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 4.4 of the Project's energy analysis report.

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 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.

4.4.5 IMPACT ANALYSIS

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

A. Energy Use During Construction

The Project's construction process would require the use of fuels (gasoline and diesel) and electricity. Project-related construction would represent a "single-event" energy demand and would not require on-going or permanent commitment of energy resources. Project construction activities are estimated to consume approximately 213,110 kilowatt hours (kWh) of electricity, approximately 44,319 gallons of diesel fuel from operation of construction equipment, 22,926 gallons of diesel fuel from construction vendor trips, and 45,953 gallons of fuel from construction worker trips. (Urban Crossroads, 2022c, pp. 23-28) 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 F*).

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 or less energy efficient 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, 2022c, pp. 28-29) Accordingly, the equipment and vehicles employed in construction of the Project would 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, 2022c, p. 29)

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

B. Energy Use During Project Operation

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 Project Site maintenance activities).

The Project's energy demand is calculated to be 516,447 gallons of fuel, 7,371,414 kWh of electricity, and 9,031,641 kBTU of natural gas per year (Urban Crossroads, 2022c, pp. 30-31). Refer to Subsection 4.4 from the Project's energy analysis (see *Technical Appendix F*) for detailed calculations of all components of the Project's operational energy use. It should be noted that City of Fontana Ordinance No. 1879 requires the Project to provide 100 percent of its electrical demand for non-refrigerated building space via rooftop solar panels, which for purposes of this analysis is estimated to be approximately 1,088,300 kWh per year.

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, 2022c, p. 31)

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.

A. 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, 2022c, p. 36)

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, 2022c, p. 36)

B. 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, 2022c, p. 36)

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 Project would support the goals presented in the 2020 IEPR. (Urban Crossroads, 2022c, p. 36)

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, 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, 2022c, p. 37)

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, 2022c, p. 37)

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, 2022c, p. 37)

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, 2022c, p. 37)

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, 2022c, p. 37)

C. 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.

City of Fontana Ordinance No. 1879

The City of Fontana will require the Project to be designed, constructed, and operated to meet the requirements of Ordinance No. 1879, including the installation and operation of rooftop solar panels. The City would confirm the Project's compliance with Ordinance No. 1879 as part of the building permit review process and as part of the City's on-going code compliance process. On this basis, the Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of Ordinance No. 1879.

D. Conclusion

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

4.4.6 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.

4.4.7 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.

4.4.8 Mitigation

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

4.5 GEOLOGY AND SOILS

The analysis in this Subsection is based primarily on information contained within technical reports prepared by Southern California Geotechnical (hereinafter, "SCG") and BFSA, respectively. The report prepared by SCG, titled "Geotechnical Investigation Proposed Warehouse" and dated August 10, 2021, is provided as *Technical Appendix G* to this EIR (SCG, 2021). The report prepared by BFSA, titled "Paleontological Assessment for the Cypress and Slover Avenue Project" and dated January 27, 2022, is provided as *Technical Appendix H* to this EIR (BFSA, 2022b). 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, 2021). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.5.1 EXISTING CONDITIONS

A. Soils

Two types of soil conditions were encountered on the Project Site during the soils and geotechnical investigations performed by SGC: artificial fill and alluvium. The characteristics of the soil conditions encountered on the Project Site are summarized below.

1. Artificial Fill

Artificial fill soils were encountered at the ground surface at all subsurface testing locations, extending to depths of 3 to 7½± feet below the existing Site grades. The fill soils generally consist of loose to medium dense silty sands with varying fine to coarse gravel. The fill soils possess a disturbed mottled appearance resulting in their classification as artificial fill. (SCG, 2021, p. 8)

2. Alluvium

Native alluvium was encountered beneath the artificial fill soils at all subsurface testing locations, extending to the maximum depth explored on the Project Site (25± feet below existing Site grades). The alluvium generally consists of medium dense to very dense sands, gravelly sands and silty sands, with occasional medium dense sandy silts. Occasional to extensive cobbles were encountered at most of the boring locations as shallow as of 7± feet from the ground surface. (SCG, 2021, pp. 8-9)

B. Groundwater

SCG did not observe any free water at any subsurface testing location on the Project Site. Based on the lack of water at subsurface testing locations and the moisture contents of the recovered soil samples, SCG concluded that the groundwater table beneath the Project Site is located in excess of 25 feet below the existing ground surface. According to data from the nearest monitoring well (State Well Number: 01S06W24R001S), located 0.5 mile west of the Project Site, groundwater is estimated to occur approximately 322 feet below the ground surface. (SCG, 2021, p. 9)

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 7.7 miles northwest of the Project Site. (CGS, 2015; Google Earth, 2021) 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. There are no active or potentially active faults occurring on the Project Site and no known faults are mapped trending through or toward the Site. Therefore, SGC considered the potential for fault rupture on the Project Site to be low. (SCG, 2021, p. 12)

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 mapping conducted by the County of San Bernardino, the Project Site is not located within a designated liquefaction hazard zone, and the potential for liquefaction hazards affecting the Project Site is low due to the absence of historic ground water levels within 50 feet of the ground surface (SCG, 2021, p. 14).

3. Unstable Soils and Slopes

The Project Site is generally flat and does not contain steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the Site (Google Earth, 2021; CGS, 2022). As such, the Site does not have any history of unstable soils or slopes and 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 have a "slight" susceptibility to water erosion hazards. (NRCS, n.d.; USDA, 1980, p. 26)

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 have a "moderate" to "high" susceptibility to wind erosion hazards (NRCS, n.d.; USDA, 1980, p. 26). Under existing conditions, the portions of the Project Site that are undeveloped with little or no vegetative cover – which comprises a majority of the Site – has the potential to contribute windblown soil and sand.

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 SGC, the existing undocumented fill soils and the near-surface native alluvial soils present on the Project Site have settlement potential (SCG, 2021, p. 15).

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 of soil as the water content of the soil drops (i.e., loss of volume). Testing conducted by SCG on soils collected from the Project Site indicates that the estimated shrinkage of the individual soil layers at the Site is highly variable, locally ranging from 1 to 13 percent shrinkage, and the soils on the Project Site are subject to minor ground subsidence (approximately 0.1 feet). (SCG, 2021, p. 16)

4. Soil Expansion Potential

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. On-Site soils contain no appreciable clay content and SCG visually classified the soils as "non-expansive" (SCG, 2021, p. 15).

5. Landslide Potential

The Project Site is generally flat and does not contain steep natural or manufactured slopes. As such, there is no potential for landslides to occur on or immediately adjacent to the Site. The Project Site does abut a manufactured slope that supports the Cypress Avenue overpass (bordering the northeast corner of the Project Site).

E. Paleontological Setting

Paleontological resources are the remains of prehistoric life that have been preserved in geologic strata. These remains are called fossils and include bones, shells, teeth, and plant remains (including their impressions, casts, and molds) in the sedimentary matrix, as well as trace fossils such as footprints and burrows. Fossils are considered older than 5,000 years of age, but may include younger remains (subfossils) when viewed in the context of local extinction of the organism or habitat, for example. Fossils are considered a nonrenewable resource under State, county, and local guidelines.

The City of Fontana 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)

A fossil records search conducted by the Project's paleontologist did not identify any previously-recorded fossil localities within the Project Site. However, the Project Site is underlain by Quaternary (middle to late Pleistocene) old alluvial fan deposits that occur as slightly raised areas protruding through the surrounding Quaternary (Holocene and late Pleistocene) young alluvial fan sediments of the Lytle Creek fan. Old, Pleistocene alluvial and alluvial fan deposits in the Inland Empire often yield important Ice Age terrestrial vertebrate fossils, such as extinct mammoths, mastodons, giant ground sloths, extinct species of horse, bison, and camel, saber-toothed cats, and others. Thus, the Pleistocene sediments present on the Project Site are accorded a "High" sensitivity for containing paleontological resources. (BFSA, 2022b, pp. 7, 8)

4.5.2 Regulatory Setting

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

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, 2020a)

B. State 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. The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. (CA Legislative Info, n.d.)

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 (SCG, 2021, p. 12).

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 (SCG, 2021, p. 12).

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). (CBSC, 2019, p. 1)

The CBSC 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, 2014). 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 (RWQCBs) (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 RWQCB decisions. In addition, the State Water Board allocates rights to the use of surface water. The RWQCB have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and RWQCB have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs 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 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 RWQCBs and are 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 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 City of Fontana Municipal Code. (Fontana, 2021)

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, 2021)

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, 2021)

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, 2021)

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)

4.5.3 Methodology for Evaluating Geology & Soils Impacts

The analysis of potential geology and soils-related impacts is based upon geotechnical investigations 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.

4.5.4 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 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 Section 1803.5.3 of the California Building Code (2019), 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.*

4.5.5 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 (SCG, 2021, p. 12). 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, SCG, to prepare geotechnical report for the Project Site, which is included as *Technical Appendix G* 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

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 (SCG, 2021, p. 14). 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 and there are no steep slopes or recorded landslides in the immediate vicinity of the Project Site (CGS, 2022). The Project would not disturb or modify the existing manufactured slope for the Cypress Avenue overpass that abuts the Project Site and the Project provides an easement so that the City can adequately access the manufactured slope for required, on-going maintenance to ensure its long-term stability. Mandatory compliance with the recommendations contained within the Project Site's geotechnical reports (as required by City of Fontana Municipal Code Chapter 26, Division 4) 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 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 L* 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 and the Project does not propose the construction of any manufactured slopes. Additionally, the Project would not disturb or modify the existing manufactured slope for the Cypress Avenue overpass that abuts the Project Site and would not result in the slope becoming unstable. Accordingly, the Project would result in less-than-significant impacts associated with landslide hazards.

SCG determined that removal and re-compaction of the existing artificial fill soils and near-surface alluvium would result in an average shrinkage of one (1) to 13 percent in the remaining portions of the Project Site (SCG, 2021, p. 16). 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 surface and near surface soils down to competent materials and replacement with properly compacted fill with optimum moisture content (SCG, 2021, pp. 14-20). 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 response to Threshold "a," the Project Site is not located within an area of liquefaction susceptibility based on its topography and soil characteristics. Thus, the potential for lateral spreading is low (SCG, 2021, p. 12). 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?***

SCG determined that near surface soils on the Project Site are classified as "non-expansive" (SCG, 2021, p. 15). 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 is designed to connect to the City-owned municipal wastewater conveyance system, with wastewater treatment services supplied by the Inland Empire Utilities Authority (IEUA). The Project does not include septic tanks or alternative wastewater disposal systems. Accordingly, implementation of the Project

would result in no impact related to the use or performance of septic tanks and/or alternative wastewater systems.

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

As previously noted, there are no known unique paleontological resources or unique geologic features on the Project Site under existing conditions. However, the Project Site is underlain at depth (approximately 10 feet below ground surface) by old, Pleistocene alluvial and alluvial fan deposits, which are accorded a "High" sensitivity for containing paleontological resources (BFSA, 2022b, 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. Therefore, the Project's potential to directly or indirectly destroy a unique paleontological resource buried beneath the ground surface is determined to be a potentially significant impact and mitigation is required.

4.5.6 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 compliance 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 potentially cumulatively-considerable impact for which mitigation is required.

4.5.7 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 National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (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 Water Quality Management Plan (WQMP) 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 Project's site-specific geotechnical reports during Project construction.

Threshold d: No Impact. The Project Site contains soils with no 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: Potential 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.

4.5.8 Mitigation

The following mitigation measures (MMs) would address the Project's potential to result in impacts to previously-undiscovered paleontological resources that may be present beneath the Project Site's surface.

MM 4.5-1 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 4.5-2 The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed late Pleistocene old alluvial fan deposits starting at a depth of 10 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 4.5-3 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 4.5-4 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.

4.5.9 Significance of Impacts After Mitigation

Threshold f: Less-than-Significant Impact with Mitigation. Implementation of MMs 4.5-1 through 4.5-4 would ensure that grading activities within late Pleistocene alluvial fan deposits would be subject to monitoring by a qualified paleontologist or paleontological monitor, and require that any uncovered paleontological resources are recovered and prepared for long-term preservation at an accredited institution (university or museum). Implementation of the required mitigation would reduce the Project's potential direct and cumulatively-considerable impacts to paleontological resources to below a level of significance.

4.6 GREENHOUSE GAS EMISSIONS

The analysis provided in this Subsection evaluates whether greenhouse gas (GHG) emissions resulting from the Project have the potential to 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, "Slover Avenue & Cypress Avenue Warehouse Greenhouse Gas Analysis," dated March 8, 2022 (Urban Crossroads, 2022d). The GHG analysis report (GHGA) is included as *Technical Appendix I* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.6.1 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 due to human activity and industrialization over the past 200 years. 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. (Urban Crossroads, 2022d, p. 16)

An individual land development project is not capable of generating the magnitude of GHG emissions necessary to cause a discernible effect on global climate. However, individual development projects may contribute to GCC by generating GHGs that combine with other regional and global sources of GHGs. (Urban Crossroads, 2022d, p. 16)

B. Greenhouse Gases

Carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) emissions are the focus of evaluation in this Subsection because these gases are the primary contributors to GCC resulting from land development projects. 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. (Urban Crossroads, 2022d, pp. 16-17)

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 4.6-1. *GWP and Atmospheric Lifetime of Select GHGs*. As shown in Table 4.6-1, GWP values range from 1 for CO_2 up to 23,900 for Sulfur Hexafluoride (SF_6).

Table 4.6-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100-year time horizon)	
		2nd Assessment Report (SAR)	5th Assessment Report (AR5)
CO_2	See*	1	1
CH_4	12.4	21	28
N_2O	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, 2022d, Table 2-2)

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 I* and the reference sources cited therein.

- **Water Vapor (H_2O)** 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 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, 2022d, p. 17)

- **Carbon Dioxide (CO_2)** is an odorless and colorless GHG that is emitted from natural and man-made sources. Natural CO_2 sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Man-made CO_2 sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, human activities that produce CO_2 have increased dramatically. As an example, prior to the industrial revolution, CO_2 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 CO_2 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, 2022d, p. 18)

- **Methane (CH_4)** absorbs thermal radiation (i.e., retains heat) extremely effectively. 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, 2022d, p. 19)

- **Nitrous Oxide (N_2O)** concentrations began to rise in the atmosphere at the beginning of the industrial revolution. N_2O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N_2O 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. N_2O 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, N_2O 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, 2022d, p. 19)

- **Chlorofluorocarbons (CFCs)** are gases formed synthetically by replacing all hydrogen atoms in CH_4 or ethane (C_2H_6) 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, 2022d, p. 20)

- **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 from largest to smallest), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). 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, 2022d, p. 21)

- **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 (CF_4) and hexafluoroethane (C_2F_6). No human health effects are known to result from exposure to PFCs. (Urban Crossroads, 2022d, p. 21)

- **Sulfur Hexafluoride (SF_6)** 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, 2022d, p. 21)

- **Nitrogen Trifluoride (NF_3)** is a colorless gas with a distinctly moldy odor. The World Resources Institute (WRI) indicates that NF_3 has a 100-year GWP of 17,200. NF_3 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, 2022d, p. 22)

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 (CO_2e). The United States is the world's second-largest emitter of GHGs, producing 6,676,650 Gg CO_2e in 2018. (Urban Crossroads, 2022d, pp. 23-24)

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) CO_2e per year between 2000-2019. This total represents approximately six (6) percent of the GHGs generated by the United States. (Urban Crossroads, 2022d, p. 24)

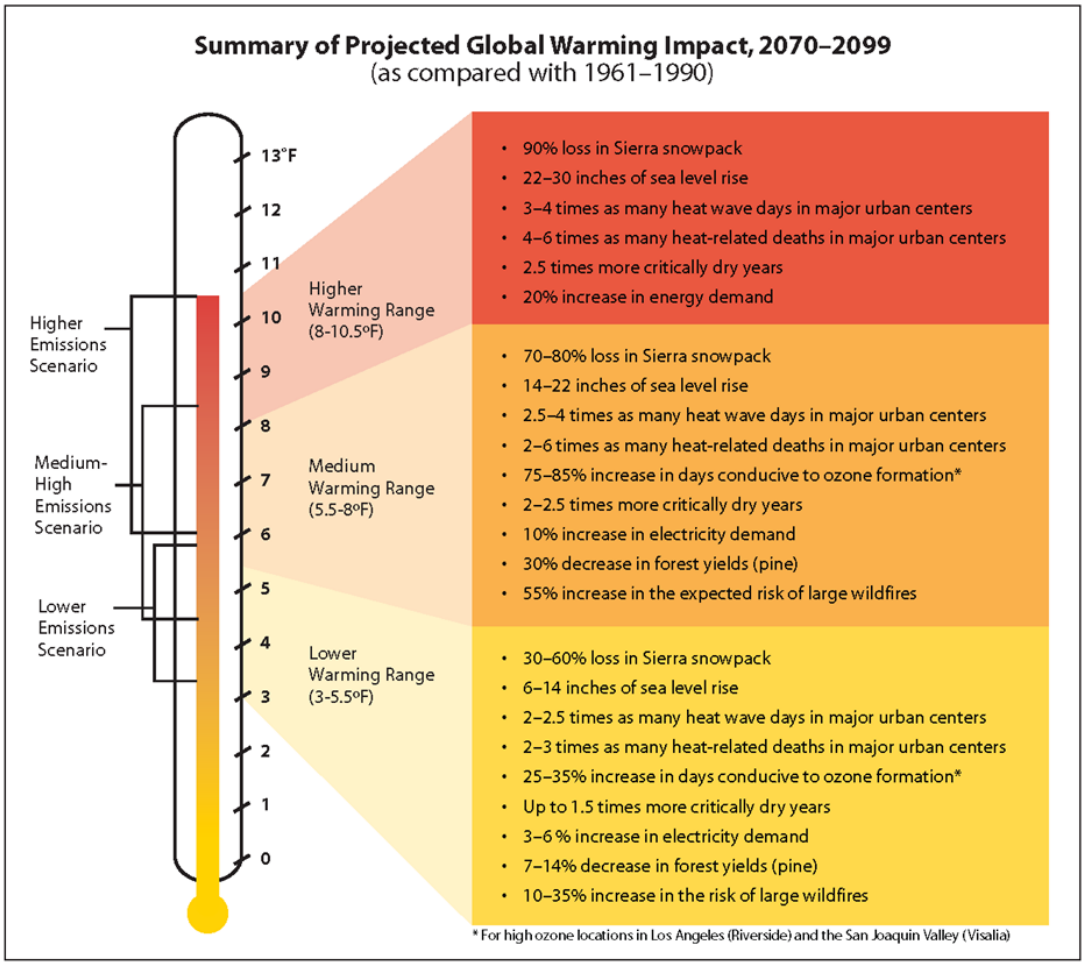
D. Potential Effects of Climate Change in California

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 Adaption Strategy reports, *Table 4.6-2, Summary of Projected Global Warming Impact, 2070-2099*, presents potential impacts of GCC within California.

Table 4.6-2 Summary of Projected Global Warming Impact, 2070-2099



Source: (Urban Crossroads, 2022d, Exhibit 2-A)

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)

4.6.2 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 Joseph 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, 2021a; 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

($MMTCO_2e$) was established as the emissions limit for 2020. For comparison, CARB's estimate for baseline GHG emissions was 473 $MMTCO_2e$ for 2000 and "business as usual" (without GHG reductions measures) GHG emissions were projected to be 532 $MMTCO_2e$ in 2010 and 596 $MMTCO_2e$ 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 4.6-3, *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.

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 $MMTCO_2e$. As a result, CARB determined that achieving the 1990 emissions level in 2020 would now only require a reduction of GHG emissions of 80 $MMTCO_2e$, 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 of 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)

Table 4.6-3 Scoping Plan GHG Reduction Measures Towards 2020 Target

Recommended Reduction Measures	*Reductions Counted toward 2020 Target of 169 MMT CO2e*	*Percentage of Statewide 2020 Target*
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
[1]Reductions represent an estimate of what may be achieved from local land use changes. It is not the SB 375 regional target.
[2]According 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

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). 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.

CEQA Guidelines Section 15064.4 was further amended in 2018 to assist agencies in determining the significance of GHG emissions. This Section gives discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant or cumulatively considerable.

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 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.

4.6.3 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, 2022d, p. 49). 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 I*).

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; therefore, 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 of 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. 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. 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. (Urban Crossroads, 2022d, pp. 49-50)

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, 2022d, pp. 50-51). Refer to EIR Subsection 4.2 and the Project's GHGA (see *Technical Appendix I*) 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, 2022d, p. 51)

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, 2022d, pp. 52-55). Refer to EIR Subsection 4.2 and the Project's GHGA (see *Technical Appendix I*) for a detailed description of the methodology used to calculate the Project's operational GHG emissions.

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*. 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 addressed by CEQA. CEQA case law has upheld local agencies' discretion to determine the significance of GHG emissions impacts. The 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.

The City of Fontana does not have an adopted threshold of significance for GHG emissions, but for CEQA purposes, it has discretion to select an appropriate significance criterion, based on substantial evidence. To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD Board adopted an Interim CEQA GHG Significance Threshold of 3,000 $MTCO_2e$ emissions per year. The City has selected this value as a significance criterion which has been supported by substantial evidence.

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 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.

4.6.5 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 Project would result in emissions of 7,482.63 $MTCO_2e$ per year, as summarized in Table 4.6-4, *Project GHG Emissions*. The GHG emissions from the Project would exceed the significance threshold of 3,000 $MTCO_2e$ per year and, thus, are considered a significant impact on the environment.

Table 4.6-4 Project GHG Emissions

Emission Source	Emissions (MT/yr)			
	CO_2	CH_4	N_2O	Total CO_2e
Annual construction-related emissions amortized over 30 years	34.14	4.23E-03	1.50E-03	34.70
Area Source	0.05	1.30E-04	0.00	0.05
Energy Source	1,596.25	0.10	0.02	1,604.86
Mobile Source	4,691.68	0.19	0.56	4,863.40
TRU Source				143.28
On-Site Equipment	0.00	0.00	0.00	0.00
Waste	119.41	7.06	0.00	295.82
Water Usage	387.76	4.74	0.11	540.51
Total CO_2e (All Sources)	**7,482.63**			

CalEEMod output, See Appendix 3.1 and 3.3 of the Project's GHGA for detailed model outputs.
Source: (Urban Crossroads, 2022d, Table 3-7)

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 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 SB 32, which 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, 2022d, p. 37). As explained in point-by-point detail in Table 3-9 of the Project's GHGA which is herein incorporated by reference and attached to this EIR as *Technical Appendix I*, 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, 2022d, pp. 57-62)

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 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 EIR Section 4.10, *Transportation*, 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.

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, 2022d, pp. 40-43). 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 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 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.

4.6.6 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 4.6.5 reflects a cumulative impact analysis of the effects related to the Project's GHG emissions, which concludes that the Project would not conflict with applicable GHG-reduction plans, policies, or regulations but would generate cumulatively-considerable GHG emissions that may have a significant impact on the environment because the Project would exceed the City's GHG emissions threshold of 3,000 $MTCO_2e$ per year.

4.6.7 Significance of Impacts Before Mitigation

Threshold a: Cumulatively Considerable Impact. The Project would exceed the City's significance threshold of 3,000 MTCO2e per year. As such, the Project would generate substantial, cumulatively-considerable GHG emissions that may 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.

4.6.8 Mitigation

The Project will be required to implement design measures to maximize energy efficiency and reduce GHG emissions as required by State law (for example, the use of energy efficient appliances as required by the CBSC) and by local regulations (for example, the installation of rooftop solar panels, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). Although mandatory compliance with applicable State and local regulations would reduce Project-related GHG emissions, these requirements would not substantially reduce Project mobile source GHG emissions (i.e., emissions from construction equipment, passenger cars, and heavy-duty trucks), which comprise approximately 66 percent of all Project-related GHG emissions. Mobile source GHG emissions are regulated by State and federal fuel standards and tailpipe emissions standards, and are outside of the control and authority of the City, the Project Applicant, and future Project occupants. CEQA Guidelines Section 15091 provides that mitigation measures must be within the responsibility and jurisdiction of the Lead Agency (i.e., City) in order to be implemented. No other mitigation measures are available that are feasible for the City to enforce that have a proportional nexus to the Project's level of impact.

4.6.9 Significance of Impacts After Mitigation

Threshold a: Significant Unavoidable Cumulatively-Considerable Impact. As noted above, a majority of the Project's GHG emissions would be produced by mobile sources. Neither the Project Applicant nor the Lead Agency (City of Fontana) can substantively or materially affect reductions in Project mobile-source emissions beyond federal and State regulations. Accordingly, the City finds that the Project's GHG emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

4.7 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis presented in this Subsection is based in part on an environmental site assessment (ESA) report prepared by Apex Companies (hereinafter, "Apex") to determine the presence or absence of hazardous materials on the Project Site under existing conditions. The technical report, titled "Phase I Environmental Site Assessment Update 2021, Cypress Avenue and Slover Avenue, Fontana, California" and dated August 31, 2021, is included as *Technical Appendix J* to this EIR (Apex, 2021). This Subsection also relies on information from the City of Fontana General Plan (Fontana, 2018a); the City of Fontana General Plan EIR (Fontana, 2018b); Cal Fire (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).

4.7.1 EXISTING CONDITIONS

Under existing conditions, the Project Site contains a mixture of residential, light industrial, and vacant land uses. Specifically, the northwest portion of the Project Site, north of existing Boyle Avenue, contains several existing residential structures, a mobile home, several sheds, and truck trailer parking areas. The northeastern portion of the Project Site, north of existing Boyle Avenue, includes light industrial businesses, as well as storage yards for construction equipment and parking areas for truck trailers, and vacant land. The northeastern portion of the Project Site abutting Cypress Avenue is vacant and contains a manufactured slope that supports the Cypress Avenue overpass. To the south of existing Boyle Avenue in the western portion of the Site are several existing residential structures. The southwest portion of the Project Site is vacant land that appears to have been heavily disturbed as part of past residential development on the Project Site.

A. Historical Review, Regulatory Records Review, and Field Reconnaissance

1. Historical Review

Apex reviewed various sources of information to determine the historical uses of the Project Site, including prior environmental site assessments (ESAs) for the subject property, 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 *Technical Appendix J* of this EIR for more detailed information from the historical review.

The portion of the Project Site located north of existing Boyle Avenue was used for agriculture (orchards) and residential uses beginning sometime between the early 1900s and the 1930s, except for the northeast corner of the Site which was vacant. By the 1950s, the orchards were cleared from several parcels in the northeast corner of the Site and replaced with a barn (possibly a commercial chicken house) abutting the existing alignment of Cypress Avenue. The northern portion of the Project Site was mostly unchanged until the mid-1990s/early-2000s when the parcels north of Boyle Avenue, except for the parcels abutting Oleander Avenue, were cleared and used for industrial land uses (a trucking business, trailer parking, and a construction company).

The portion of the Project Site located south of existing Boyle Avenue was used for agriculture (orchards) and residential uses beginning sometime between the early 1900s and the 1930s, except for the southeast corner of the Site which was vacant. These uses continued until the 1950s, when several residences and commercial chicken houses were constructed on the portions of the Project Site abutting the existing alignment of Slover Avenue. The chicken houses were removed from the southwestern portion of the Project Site by 1975 and were removed from the southeastern portion of the Project Site by the early 2000s. Following the removal of the chicken houses on the southern portion of the Project Site, these areas were used for industrial purposes (a trucking business, trailer parking, and a recycling business).

2. Regulatory Records Review

Apex researched federal, State, and local environmental records databases to identify properties on or adjacent to the Project Site with reported environmental issues. A summary of the research results is provided below; detailed information is provided in the Project's ESA (refer to *Technical Appendix J*).

The address of 16470 Slover Avenue, located in the southeastern portion of the Project Site, is listed on seven (7) environmental records databases related to the former operation of a materials recycling business. The listings include: 1) San Bernardino County Permit database for operation as a special waste handler and generator; 2) California Integrated Water Quality System (CIWQS) database for construction and operation of a stormwater control system; 3) Resource Conservation and Recovery Act NonGen/No Longer Regulated (RCRA/NLR) database for operation as a special waste handler and generator; 4) Facility Index System (FINDS) database as a special waste handler and generator; 5) Enforcement and Compliance History Online (ECHO) database as a special waste handler and generator; and 6) HAZNET database for handling of waste oil and mixed oil, and recovery of reclamation of reuse including acid regeneration and organics recovery; and 7) Hazardous Waste Tracking System (HWTS) database for handling of waste oil and mixed oil, and

recovery of reclamation of reuse including acid regeneration and organics recovery. No spills or releases of hazardous materials were noted in the environmental records databases (Apex, 2021, pp. 6-7).

The address of 16357 Boyle Avenue, located in the central-northern portion of the Project Site, was listed on one (1) environmental records database related to the former operation of a trucking/transport company. The listing is: 1) San Bernardino County Permit database for operation as a special waste handler and generator. No spills or releases of hazardous materials were noted in the environmental records databases (Apex, 2021, pp. 6-7).

The address of 16368 Boyle Avenue, located in the central-northern portion of the Project Site, was listed on two (2) environmental records databases related to the former operation of a trucking/transport company. The listings include: 1) San Bernardino County Permit database for operation as a special waste handler and generator; and 2) FINDS database for operation as a special waste handler and generator. No spills or releases of hazardous materials were noted in the environmental records databases (Apex, 2021, pp. 6-7).

The address of 16398 Boyle Avenue, located in the central-northern portion of the Project Site, was listed on one (1) environmental records database related to the former operation of a construction company. The listing is: 1) RCRA/NLR database for operation as a special waste handler and generator. No spills or releases of hazardous materials were noted in the environmental records databases (Apex, 2021, pp. 6-7).

Properties in the general vicinity of the Project Site are included on environmental records databases due to the use and storage of hazardous materials on these properties, potential contamination concerns (e.g., leaking storage tanks), and soil contamination. A detailed description of the environmental record review results in included in *Technical Appendix J*. Apex reviewed the environmental records listings for these properties, including documentation related to completed remediation activities, and determined that the historic use and storage of hazardous materials on properties in proximity of the Project Site were unlikely to affect the soil and groundwater conditions at the Project Site due to their distance from and orientation to the Site (Apex, 2021, p. 7).

3. Field Reconnaissance

Apex conducted an inspection of the Project Site and immediately abutting area on July 19, 2021. At 10349 Oleander Avenue (a residential property), Apex observed two plastic aboveground storage tanks (ASTs) totes containing unknown substances outside a garage and, also, observed various retail-sized containers of petroleum products and cleaners within the garage and storage sheds on the property. The AST totes and all containers were observed in good condition with no evidence of leaks or staining. (Apex, 2021, p. 3)

At 16398 Boyle Avenue (occupied at the time by Ohno Construction), Apex observed three 55-gallon drums of engine oil, one 55-gallon drum of grease, one 55-gallon drum of waste oil filters, one 55-gallon drum of hydraulic oil, one 55- gallon drum of waste oil, one 55-gallon drum of antifreeze, several five-gallon containers of gasoline, and five oxygen cylinders, all stored within a garage. Minor concrete staining was observed in the vicinity of these containers; however, the concrete was observed to be in good condition. Additionally, two 55-gallon drums of engine oil, one 55-gallon drum of waste oil, propane cylinders, and one

plastic AST tote containing unknown petroleum products were observed outside of the garage. Minor concrete staining was observed in the vicinity of the drums; however, the concrete was observed to be in good condition. Apex also observed various retail-sized containers of petroleum products and cleaners throughout the property. All containers were observed to be in good condition with no evidence of leaks or staining.

Apex observed minor staining at the 16434 and 16464 Boyle Avenue properties from former truck storage activities. Apex considered the staining to be *de minimis*. No evidence of underground storage tanks, unusual odors, water wells, stressed vegetation, ponds, or lagoons were found on the Project Site. Septic tanks were observed at the 16326, 16398, 16434, and 16464 Boyle Avenue properties; however, details regarding the status of these septic tanks were not available. Finally, Apex observed pole mounted transformers along the existing Boyle Avenue segment that bisects the Project Site. All transformers were observed in good condition with no evidence of leaks or staining. (Apex, 2021, pp. 3-4)

Based on the preceding, Apex did not identify recognized environmental conditions associated with the Project Site during the field reconnaissance (Apex, 2021, p. 4).

B. Airport Hazards

The Project Site is located approximately 7.6 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 located in a portion of the City of Fontana that is not located adjacent to any wildlands. The Fontana General Plan designated the Project Site and its surrounding area as being subject to "little or no threat" from wildland fires (Fontana, 2018b, p. 11-4). According to the California Department of Forestry and Fire Protection (Cal Fire), the Project Site is located within a non-very high fire hazard severity zone (Cal Fire, 2008).

4.7.2 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, 2021a). 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, 2021b). 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, 2021c). 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, 2021d). 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 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 (OSHA, n.d.). 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. 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. 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. Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

California's Unified Program, overseen by 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.

5. 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.

6. 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.

7. Title 17, California Code of Regulations (CCR), Division 1, Chapter 8: Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards

Title 17 requires that work on any structure built before January 1, 1978 must use lead-safe work practices including containment and clean the work area after the project is completed. The revised state law went into effect on April 30, 2008 and applies to everyone including contractors, painters, homeowners, renters, and maintenance staff. The regulations also cover accreditation of training providers and certification of individuals to perform lead abatement and sets work practice standards for lead hazard evaluations and the abatement of lead hazards. Title 17 implements the mandates of the California Health and Safety Code regarding lead-based paint and lead hazards.

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 for the Project 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. Although the Project Site is located approximately 7.6 miles east of the nearest runway at the ONT, the Site is within the airport influence area (AIA) for the ONT and subject to compatibility with the ONT ALUCP.

The Project Site is not located within any ONT Safety Zone or Airspace Protection Zone, and is located outside of areas subject to airport-related noise that exceeds 60 dB CNEL. The Project Site is located within an area where the ONT 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). (Ontario, 2011, Policy Maps 2-1 through 2-5)

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).

4.7.3 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, and field investigations. 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.

4.7.4 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* 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.*

4.7.5 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, improvements, and solid waste from the Project Site and would result in the construction and long-term operation of an industrial warehouse building 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

As discussed in subsection 4.7.1, no RECs were identified on the Project Site. The Project's ESA did identify several environmental issues associated with the property, which do not qualify as RECs but warrant further discussion.

1. Septic Systems

Septic tanks were observed at the 16326, 16398, 16434, and 16464 Boyle Avenue properties. Septic systems occurring on-site would be required to be removed, handled, and disposed of in accordance with all applicable local and State regulations, including but not limited to the CCR Title 5, Appendix H. Accordingly, implementation of the Project would not expose the public or the environment to significant hazards associated with the removal and disposal of the on-site septic systems from the Project Site; impacts would be less than significant.

2. Storage Tanks

Storage tanks (i.e., AST totes and 55-gallons drums) holding petroleum products were observed at the 10349 Oleander Avenue and 16398 Boyle Avenue properties. Minor concrete staining was observed in the vicinity of the tanks; however, the concrete was observed to be in good condition and no unusual odors or stressed vegetation was observed on the Project Site. Accordingly, the presence and removal of the storage tanks is not presumed to create a negative adverse effect to the environment. The Project's construction contractor would be required to remove, handle, and dispose of the storage tanks under the oversight of the San Bernardino County Fire Department, Hazardous Materials Division and in accordance with its requirements/regulations (as discussed under subsection 4.7.2.A.3). Accordingly, implementation of the Project would not expose the public or the environment to significant hazards associated with the removal and disposal of the storage tanks found on the Project Site. Impacts would be less than significant.

3. Building Materials

Due to the age of the buildings present in the western and northern portions of the Project Site, there is a potential that the existing buildings may contain Asbestos-Containing Materials (ACMs) and/or Lead-Based Paints (LBPs). 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 the potential that ACMs and/or lead paint is 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 Code of Federal Regulations (CFR) Title 40, Part 61, Subpart M, and are enforced in the Project area by the South Coast Air Quality Management District (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. Assuming that ACMs are present in the existing construction debris and/or structures located on the property, 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 LBPs. 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 these regulations would ensure that construction workers and the public are not exposed to significant health hazards associated with LBPs 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 to requirements imposed by the EPA, DTSC, and the Santa Ana RWQCB. Upon mandatory compliance with applicable hazardous materials regulations, the Project would not create a 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.

Although impacts would be less than significant upon compliance with the regulations cited above, Mitigation Measure (MM) 4.7-1 is specified herein to ensure regulatory compliance, which requires the Project Applicant to conduct soil testing in the event that any unidentified subsurface feature, oil, or chemical-stained concrete is discovered during grading and removal/remediation actions (if deemed hazardous). Impacts would remain less than significant.

C. Impact Analysis for Long-Term Operation

The Project Site would be developed with an industrial warehouse building; the future building user(s) are not yet identified. Hazardous materials storage is not expected to occur within the building or on the Project Site; however, the future user(s) of the Project could use hazardous chemicals and/or materials could be utilized during routine Project operations and maintenance, including but not limited to aerosols, cleaners, fertilizers, lubricants, paints or stains, solvents, and fuels (e.g., gasoline, propane). 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 require 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?***

The Project Site is located approximately 0.14-mile northeast of Jurupa Hills High School, located at 10700 Oleander Avenue (Google Earth, 2021). Accordingly, the Project has the 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.

As described above under the analysis for Thresholds "a" and "b," the use of and transport of hazardous substances or materials to-and-from the Project Site during construction and long-term operational activities would be required to comply with applicable federal, State, and local regulations that would preclude substantial public safety hazards. Accordingly, there would be no potential for existing or proposed schools to be exposed to substantial safety hazards associated with emission, handling of, or the routine transport of hazardous substances or materials to-and-from the Project Site and impacts would be less than significant.

Although impacts would be less than significant upon compliance with applicable federal, State, and local regulations, MM 4.7-2 is specified herein to ensure regulatory compliance, which requires the Project Applicant to provide a Hazardous Materials Business Emergency Plan (HMBEP) (if required by law) to the Superintendent's Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School. Therefore, impacts would remain less than significant.

Refer to EIR Subsection 4.1, *Air Quality*, for analysis pertaining to human health risks associated with air pollutant emissions associated with the Project, including risks to school child receptors at Jurupa Hills High School. As disclosed in EIR Subsection 4.1, the Project's toxic air contaminant emissions (and their associated health risks) would be less than significant.

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. 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?***

As previously described, the Project Site is not located within any ONT Safety Zone or Airspace Protection Zone and the ONT does not impose any land use restriction on the Project Site or design restrictions on the Project. The Project would not interfere with flight operations at the ONT because the building proposed by the Project would be no greater than 50 feet tall and the Project does not include an air travel component (e.g., runway, helipad). Accordingly, implementation of the Project would not result in a safety hazard for people living or working in the Project area and impacts would be less than significant.

Additionally, the Project Site is located outside of the 60 dB CNEL noise contour for the ONT. 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.

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, Oleander Avenue, or Cypress Avenue. Limited Project construction activities would occur within the Slover Avenue and Oleander 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: ***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.

4.7.6 Cumulative Impact Analysis

Because the issue of hazards and hazardous materials tend to be site-specific in nature, the cumulative study area includes existing and planned developments within a one-mile radius of each Project Site. A one-mile radius is appropriate because that is the standard distance used in regulatory database searches of properties that may generate or store toxic materials.

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. 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. 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-cumulatively-significant level.

The Project Site is located within one-quarter mile of Jurupa Hills High School. There are several cumulative development projects within one-quarter mile of Jurupa Hills High School listed in Table 4.0-1. All cumulative development Projects would be required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials. Compliance with these regulations would ensure the safe handling of hazardous materials, including the appropriate response and clean-up in the event of an accident, to preclude substantial health and safety hazards to students at Jurupa Hills High School. Potential cumulative impacts to students at Jurupa Hills High School related to the use, handling, and transport of hazardous materials would be less than significant.

The Project Site is not located on the list of hazardous materials sites compiled pursuant to Government Code Section 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.

4.7.7 Significance of Impacts Before Mitigation

Thresholds a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance with federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Threshold c: Less-than-Significant Impact. The Project Site is located within one-quarter mile of Jurupa Hills High School; however, the Project would comply with applicable federal, State, and local regulations related to the handling, storage, use, and transport of hazardous materials to ensure that students at Jurupa

Hills High School are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.

Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 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.

4.7.8 Mitigation

Even though impacts would be less than significant upon the Project Applicant's compliance with applicable federal, State, and local regulations addressing hazardous materials, the following mitigation measures will be implemented to ensure regulatory compliance.

MM 4.7-1 In the event that any unidentified subsurface feature, oil, or chemical-stained concrete is discovered during grading or other ground-disturbing construction activity, all activity in the vicinity of the unidentified material shall be halted and a qualified hazardous materials professional shall be called to inspect the site and determine if further assessment is needed. The results of any testing shall be provided to the City. In the event that the material is determined not to be hazardous, no further action is required. In the event that the material is deemed hazardous, removal/remediation shall be conducted pursuant to applicable State Department of Toxic Substances Control (DTSC) or California Code of Regulations (CCR) Title 22 hazardous waste criteria or contamination standards for industrial land uses. This work must be carried out by a qualified hazardous materials professional hired by the Project Applicant. Prior to the completion of material removal, the Project Applicant shall submit evidence to the City for review and approval demonstrating that the hazardous material has been appropriately removed/remediated. This measure shall be implemented to the satisfaction of the City of Fontana's Community Development Department.

MM 4.7-2 Prior to the issuance of any new occupancy permit for a use/user within the Project's warehouse buildings, and to the extent hazardous materials exist on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Project

Applicant/Developer or Project Site owner shall provide a copy of its approved Emergency Response Plan to the Superintendent's Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Project Site. If so requested, the Project Applicant/Developer or Project Site owner shall also meet with School District and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Fontana's Planning Division, with input from the Fontana Unified School District Superintendent as appropriate. All meetings shall be documented and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Project Site.

4.8 HYDROLOGY AND WATER QUALITY

Information in this Subsection relies on two technical reports prepared for the Project by Huitt-Zollars, Inc. (hereinafter, "Huitt-Zollars"): 1) "Preliminary Drainage Report for Cypress at Slover Industrial," dated September 13, 2021 (Huitt-Zollars, 2021a); and 2) "Preliminary Water Quality Management Plan for Cypress at Slover Industrial," dated September 13, 2021 (Huitt-Zollars, 2021b). These reports are provided as *Technical Appendices K and L*, 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.

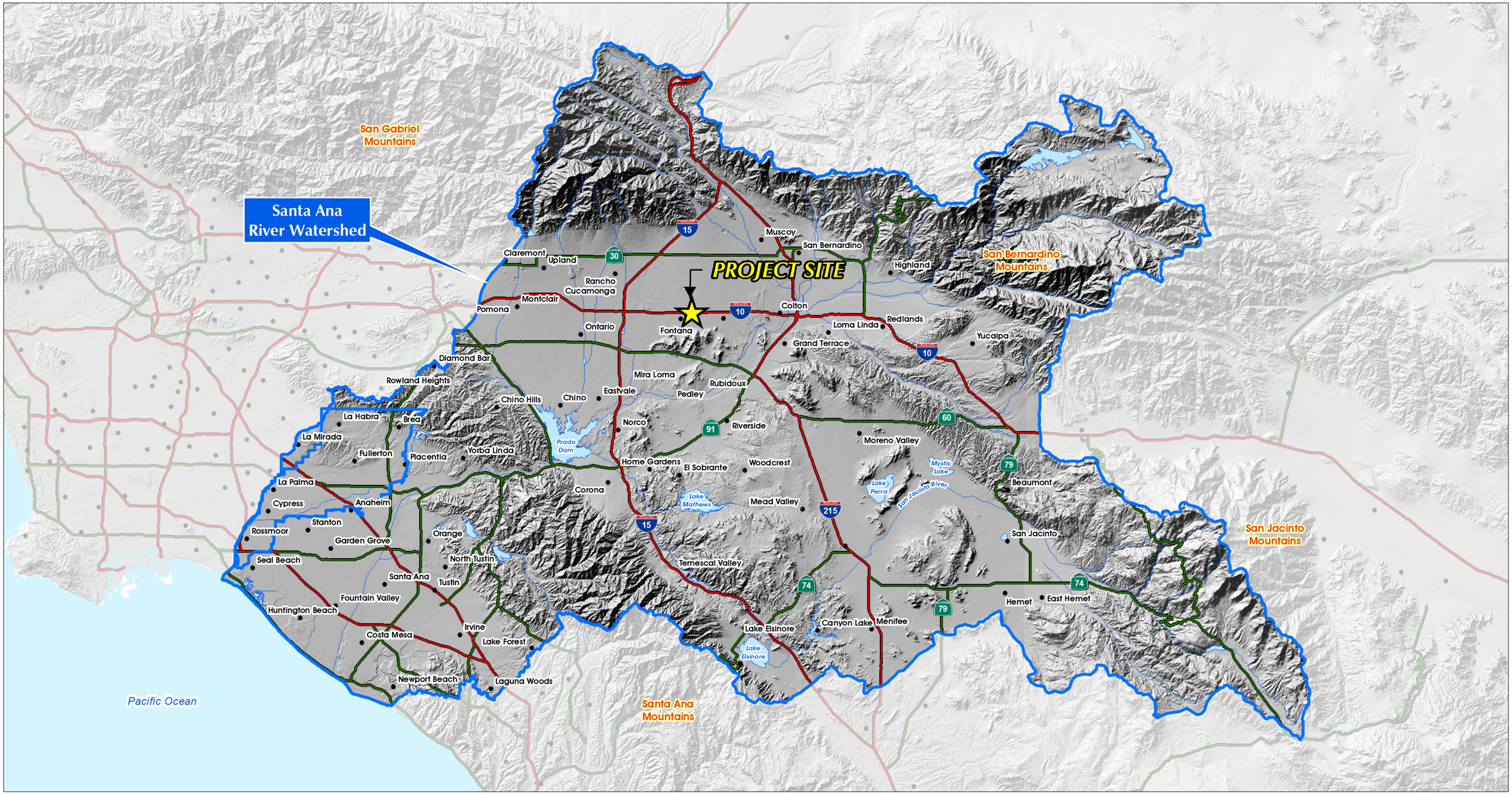
4.8.1 EXISTING CONDITIONS

A. Regional Hydrology

The Project Site is located within the Santa Ana River Watershed, which drains a 2,840 square-mile area and is the principal surface flow water body within the region. The Santa Ana River flows over 100 miles and drains the largest coastal stream system in Southern California. It discharges into the Pacific Ocean at the City of Huntington Beach. The total stream length of the Santa Ana River and its major tributaries is about 700 miles. The location of the Project Site within the Santa Ana River watershed is depicted on Figure 4.8-1, *Santa Ana River Watershed Map*. The Project Site is specifically located within the Chino Hydrologic Subarea of the Middle Santa Ana River Hydrologic Area Split of the Santa Ana River Hydrologic Unit (RWQCB, 2019, p. 4-33).

B. Site Hydrology

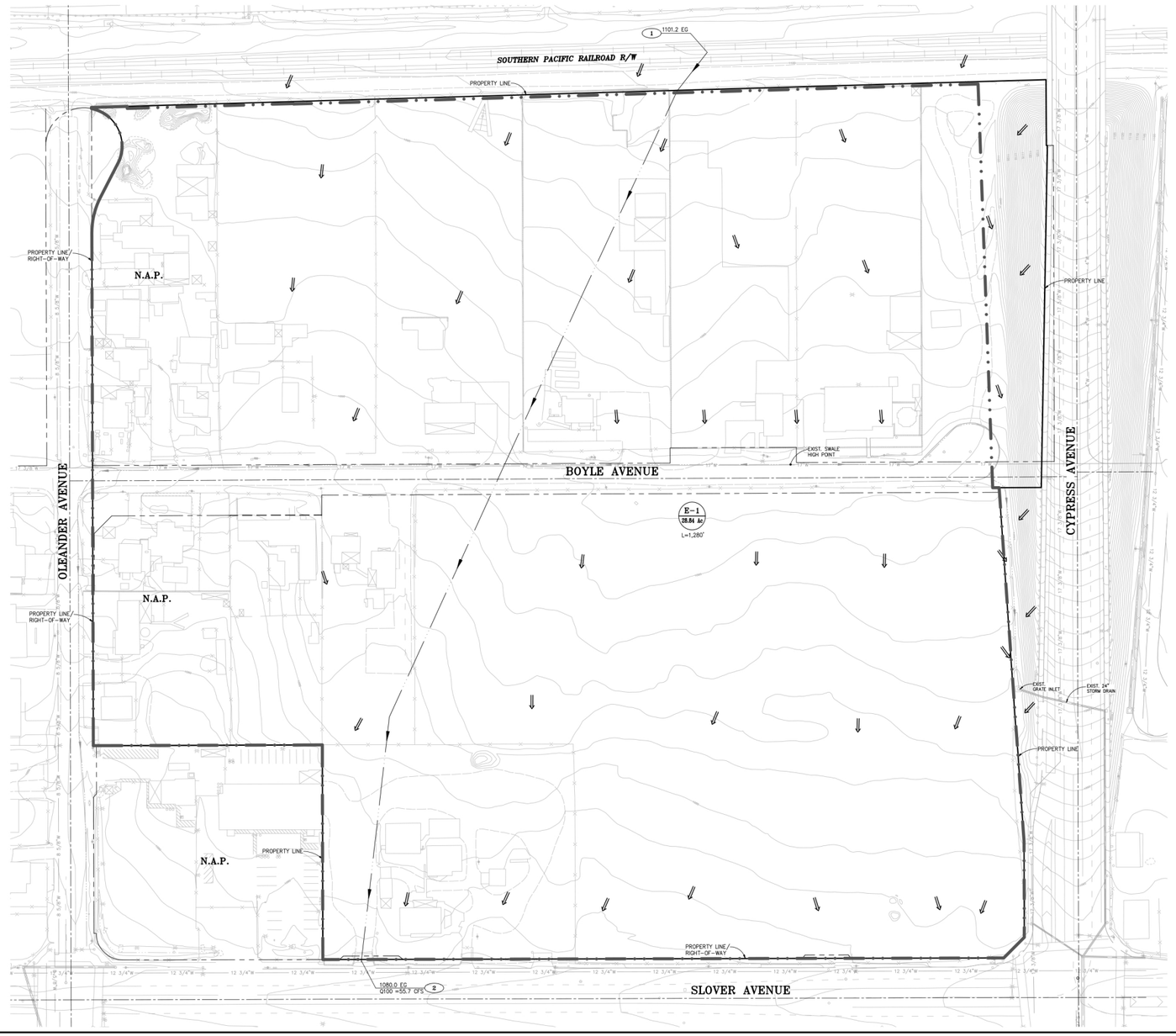
The Project Site's existing stormwater drainage pattern is illustrated on Figure 4.8-2, *Existing Conditions Hydrology Map*. Under existing conditions, runoff from the Project Site and offsite run-on from the railroad to the north of the Site currently sheet flows across the Site in a southerly direction onto Slover Avenue. From Slover Avenue, runoff is conveyed westerly via the existing curb and gutter system on the north side of Slover Avenue to an existing storm drain inlet at the northeast corner of the Slover Avenue and Oleander Avenue intersection. The storm drain carries stormwater flows downstream to the Declez Channel, San Sevaine Channel and Prado Basin before ultimately discharging to the Santa Ana River. The peak runoff flow rate from the Project Site during 100-year storm conditions is approximately 60.8 cubic feet per second (cfs) under existing conditions. (Huitt-Zollars, 2021a, p. 1)



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

Figure 4.8-1

Santa Ana River Watershed Map



Source(s): Huitt-Zollars (09-13-2021)

Figure 4.8-2

Not to Scale

Existing Conditions Hydrology Map

C. Flooding and Dam Inundation

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8654H, the Project Site is located in "Flood Zone X (unshaded)," 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 within a 100-year flood hazard area. (FEMA, 2008)

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 Oleander Avenue Storm Drain, Declez Channel, San Sevaine Channel, Prado Control Basin, Santa Ana River Reaches 1-3, and the Pacific Ocean. Of the Project Site's receiving waters, the Santa Ana River Reach 2 is included on the CWA's Section 303(d) list of impaired waters because of bacterial indicators; the Santa Ana River Reach 3 is included on the CWA's Section 303(d) list of impaired waters because of excessive copper, lead, and pathogens; and the Prado Control Basin is included on the CWA's Section 303(d) list of impaired waters because of excessive nutrients, pathogens, and total suspended solids (Huitt-Zollars, 2021b, p. 3-8).

E. Groundwater

The Project Site is underlain by groundwater resources associated with the Chino Groundwater Basin. The Project Site is located within the eastern portion of the Groundwater Basin within the "Chino North" groundwater management zone. According to geotechnical investigation prepared for the Project (refer to EIR *Technical Appendix G*), the groundwater table beneath the Project Site is located approximately 322 feet below the existing ground surface (SCG, 2021, p. 9).

4.8.2 Regulatory Setting

The following is a brief description of the federal, state, and local environmental laws and related regulations 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 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, 2020a)

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 (SWRCB, 2014). 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 RWQCBs (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 RWQCB 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 RWQCBs have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs 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 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 RWQCBs and are 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.

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 the gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses (SWRCB, 2016, pp. 14-15). 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.

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 Water Quality Management Plan (WQMP), 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, 2021)

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, 2021)

3. SCAQMD Rule 403 (Fugitive Dust)

South Coast Air Quality Management District (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)

4.8.3 Methodology for 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.

4.8.4 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 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 groundwater 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 of 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 of provide substantial additional sources of polluted runoff; or

iv. Impede or redirect flood flows;

d. 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.

4.8.5 IMPACT ANALYSIS

Threshold a: ***Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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, noxious aquatic plants, sediment, metals, oil/grease, trash/debris, pesticides/herbicides, and organic compounds. The expected pollutants of concern for the Project are pathogens, phosphorous, nitrogen, sediment, and metals. (Huitt-Zollars, 2021b, p. 2-3)

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 Huit-Zollars and is included as *Technical Appendix L* to this EIR. As identified in the preliminary SWQMP, the Project is designed to include structural source control BMPs that include an underground infiltration/ detention system, 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 before they are discharged into the City's storm drain system. 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.

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 November 6, 2018, the California State Water Resources Control Board (SWRCB) adopted an amended the NPDES permit for storm water discharge associated with industrial activities (referred to as the "Industrial General Permit") (SWRCB, 2021). The new Industrial General Permit, which is more stringent than the former Industrial General Permit, became effective

on July 1, 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?***

Water service to the Project would be provided by the Fontana Water Company (FWC), and the Project would not utilize wells or any other groundwater extractive activities. Therefore, the Project would not directly draw water from the groundwater basin. Accordingly, implementation of the Project has no potential to substantially deplete or decrease groundwater supplies and the Project's direct 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. However, a majority of the groundwater recharge in the Chino Groundwater Basin occurs in the northern and western portions of the Basin (and north and west of the City of Fontana), within percolation or "recharge" basins (CBWM, 2021, Exhibit 3-5). 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 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?

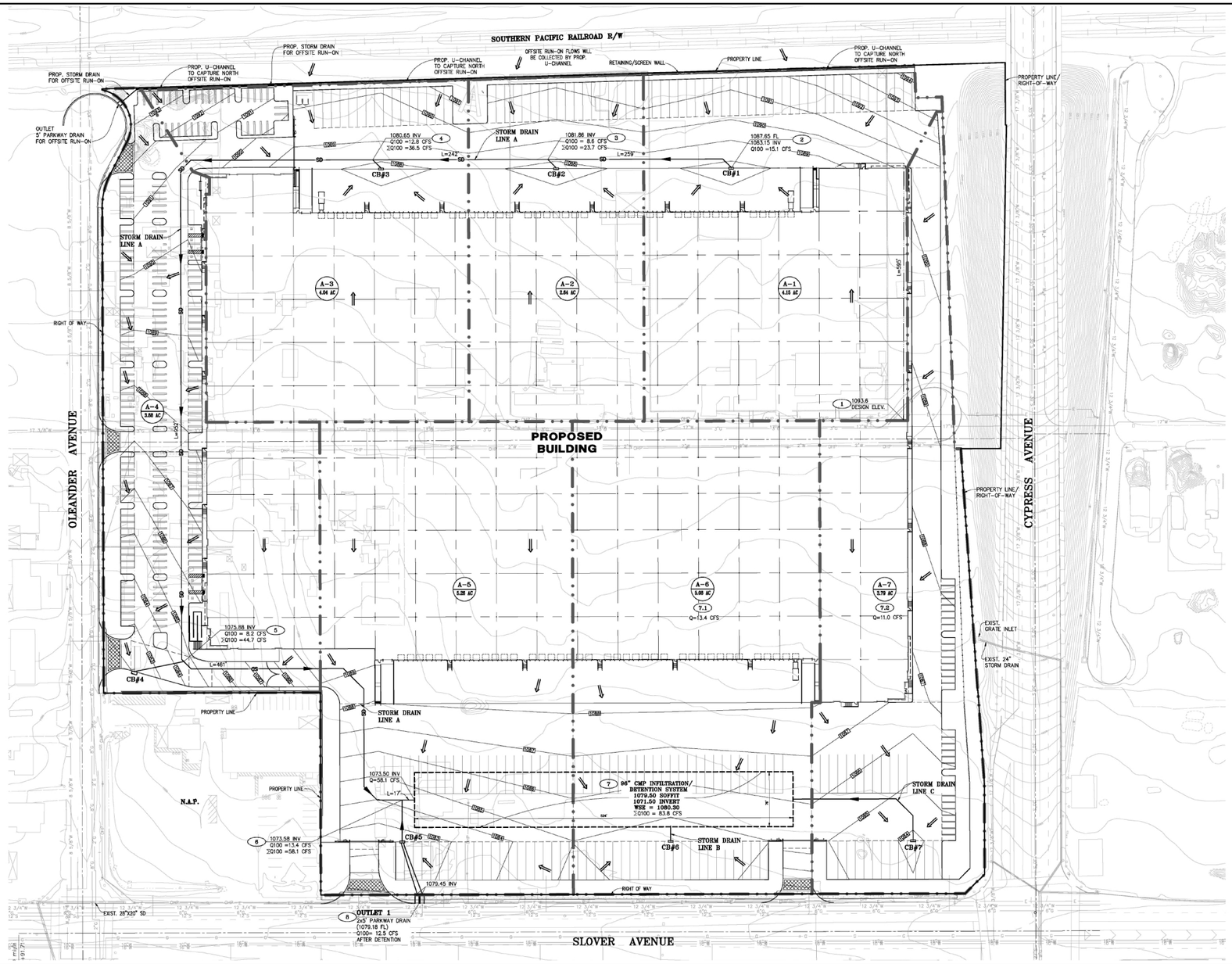
iv. Impede or redirect flood flows?

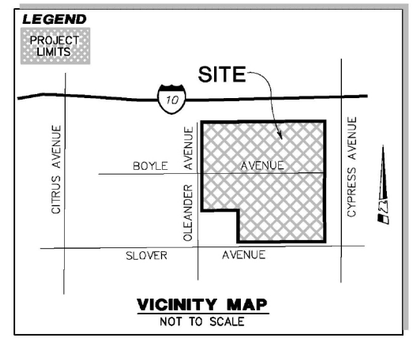
Implementation of the Project would alter the existing ground contours of the Project Site and result in the installation of impervious surfaces, which would result in changes to the site's existing, internal drainage patterns. The Project would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and an underground infiltration/detention system 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 Slover Avenue. Figure 4.8-3, *Proposed Post-Development Hydrology Map*, illustrates the post-development drainage conditions on the Project Site, while EIR Figure 3-9 (previously presented) depicts the location of the proposed catch basins, storm drain lines, and the underground infiltration/detention system.

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 Project Site'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 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 Best Management Practices (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 also





LEGEND

- NO. — HYDROLOGY MODEL NODE NUMBER
- A-11 / 7.40 Ac — TRIBUTARY AREA IN ACRES
- 673' — LENGTH OF FLOW
- DRAINAGE BOUNDARY
- FLOW LINE
- FLOW DIRECTION
- DRAINAGE INLET/CATCH BASIN (CB)
- SD — PROPOSED STORM DRAIN

Source(s): Huitt-Zollars (09-13-2021)

Figure 4.8-3

Not to Scale

Proposed Post-Development Hydrology Map

would be required to ensure compliance with SCAQMD Rule 403 to minimize water- and windborne erosion. 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, water quality 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 is the long-term maintenance of erosion and sediment control features. The preliminary SWQMP for the Project is provided as *Technical Appendix L* 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 and convey these flows to an existing storm drain beneath Slover Avenue (inlet located at the northeast corner of the Slover Avenue and Oleander Avenue intersection), which receives all stormwater runoff discharge from the Project Site under existing conditions. Upon Project buildout, approximately 48.3 cfs of stormwater runoff would be discharged from the Project Site during peak storm conditions to the existing storm drain beneath Slover Avenue, which represents an approximately 21% reduction relative to existing conditions (Huitt-Zollars, 2021a, p. 1). The Project's design provides for the reduction in stormwater runoff from the Project Site through the use of underground infiltration/detention basins. Due to the reduction in the volume of peak stormwater runoff leaving the Project Site and discharging into the existing municipal storm drain system, implementation of the Project would not substantially increase the rate or amount of surface water runoff from the site in a manner that would result in flooding on- or off-site; no impact would occur.

C. Stormwater Drainage System Capacity & Polluted Runoff

As described above, buildout of the Project would substantially 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 detail earlier under 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

According to the FEMA FIRM No. 06071C8654H, the Project Site is not located in a special flood hazard area, rather the Site is located in an area outside of the 500-year (0.2% annual chance) floodplain (FEMA, 2008). 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 43 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 10 miles southwest of the Project Site, which is too far away from the subject property to impact the property with a seiche. 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 in 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 WQMP. 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 Subbasin. No component of the Project would obstruct 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.

4.8.6 CUMULATIVE IMPACT ANALYSIS

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

A majority of the groundwater recharge in the Chino Groundwater Basin occurs in the northern and western portions of the Basin (and north and west of the City of Fontana), within percolation basins. The Project would not physically impact any of the major groundwater recharge facilities in the Basin and other development projects in the Basin similarly would be prohibited by the Chino Basin Watermaster from resulting in adverse physical effects to recharge basins. The Project incorporates permeable landscape areas and other design features (i.e., an underground infiltration/detention system) that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by the lead agency for the project to incorporate design features (e.g., through minimum landscaped area requirements and site-specific WQMP requirements) that facilitate percolation and minimize surface runoff. Lastly, the Chino Groundwater Basin is an adjudicated basin that operates 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 Basin's management plan and other development projects within the 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 recharge facilities, the provision of design measures that would facilitate percolation,

and compliance with the Basin's groundwater management plan, 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 Basin 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 substantially 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.

4.8.7 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 WQMP 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.

4.8.8 MITIGATION

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

4.9 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 "Slover Avenue and Cypress Avenue Warehouse Noise Impact Analysis" ("Noise Analysis") and dated December 4, 2022 (Urban Crossroads, 2022e). The report is included as *Technical Appendix M* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.9.1 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, 2022e, 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}). Leq 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, Leq can vary depending on the time of day. (Urban Crossroads, 2022e, 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 Leq 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, 2022e, 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, 2022e, p. 8)

2. Ground Absorption

The path of travel for noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver 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. When added to the cylindrical spreading, the ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source. (Urban Crossroads, 2022e, pp. 8-9)

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. Additionally, sound levels can be increased at large distances (typically more than 500 feet) due to atmospheric temperature inversions. Other factors that may affect noise levels include air temperature, humidity, and turbulence. (Urban Crossroads, 2022e, p. 9)

4. Shielding

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Shielding by trees and other such vegetation that blocks the line-of-sight typically reduces the perceived noise levels; however, for vegetation to provide a noticeable noise reduction (up to 5 dBA of noise reduction), the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of sight between the source and the receiver. (Urban Crossroads, 2022e, 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, 2022e, 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, 2022e, 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, 2022e, 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, 2022e, p. 11)

4.9.2 Existing Noise Conditions

A. Existing Study Area Ambient Noise Conditions

Urban Crossroads recorded 24-hour noise readings at four (4) locations in the Project vicinity on August 5, 2021. The noise measurement locations are identified in Figure 4.9-1, *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 M*). 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.

- Location L1 represents the noise levels located in the middle of the Project Site at the address 16434 Boyle Avenue. The noise level measurements collected show an average daytime noise level calculated to be 61.3 dBA L_{eq} and an average nighttime noise level calculated to be 58.8 dBA L_{eq} at location L1. (Urban Crossroads, 2022e, p. 21)

- Location L2 represents the noise levels located east of the Project Site (and east of Cypress Avenue) at the address 16521 Boyle Avenue. The noise level measurements collected show an average daytime noise level calculated to be 61.0 dBA L_{eq} and an average nighttime noise level calculated to be 56.0 dBA L_{eq} at Location L2. (Urban Crossroads, 2022e, p. 21)

- Location L3 represents the noise levels located south of the Project Site (and south of Slover Avenue) near the address 10600 Cypress Avenue. The noise level measurements collected show an average daytime noise level calculated to be 61.8 dBA L_{eq} and an average nighttime noise level calculated to be 57.3 dBA L_{eq} at Location L3. (Urban Crossroads, 2022e, p. 21)

- Location L4 represents the noise levels located in the southern portion of the Project Site at 16376 Slover Avenue. The noise level measurements collected show an average daytime noise level calculated to be 67.9 dBA L_{eq} and an average nighttime noise level calculated to be 64.4 dBA L_{eq} at Location L4. (Urban Crossroads, 2022e, p. 21)

B. Existing Groundborne Vibration

Based on the nature of the existing uses on the Project Site – and the lack of heavy, impact machinery – there are no sources of groundborne vibration on the Project Site under existing conditions.

C. Existing Airport Noise

The Project Site is located approximately 7.7 miles northeast of the Ontario International Airport (ONT). This places the Project Site within the ONT Airport Influence Area. According to the ONT Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is located outside the 60 dB CNEL airport noise contour (Ontario, 2011, Map 2-3).

4.9.3 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

Source(s): Urban Crossroads (12-21-2021)

Figure 4.9-1

Not to Scale

Noise Measurement Locations

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, 2021)

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, 2021)

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, pp. 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 4.9-1, *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)

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

Table 4.9-1 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)

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: Consistent with the CEQA Guidelines, this analysis does not evaluate the noise exposure of construction workers within the Project Site, 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 7.7 miles northeast 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. The Project Site is located outside the 60 dB CNEL airport noise contour, which is a compatible zone for industrial land uses (Ontario, 2011, Map 2-3, Table 2-3).

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)

4.9.4 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 4.9-2, *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, 2022e, p. 43)

The construction noise analysis evaluates Project construction-related noise levels at the closest nearby receiver locations in the Project study area. Four (4) representative receiver locations were considered in the construction noise analysis, including existing residences adjacent to Oleander Avenue, Slover Avenue, and Washington Drive. The receiver locations used in the construction noise analysis are shown on Figure 4.9-2, *Noise Receiver Locations*. The modeled noise-sensitive receiver locations are representative of existing receptors nearest the Project Site. It is not necessary to quantify Project construction-related noise levels at every receiver location in proximity to the Project Site 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.

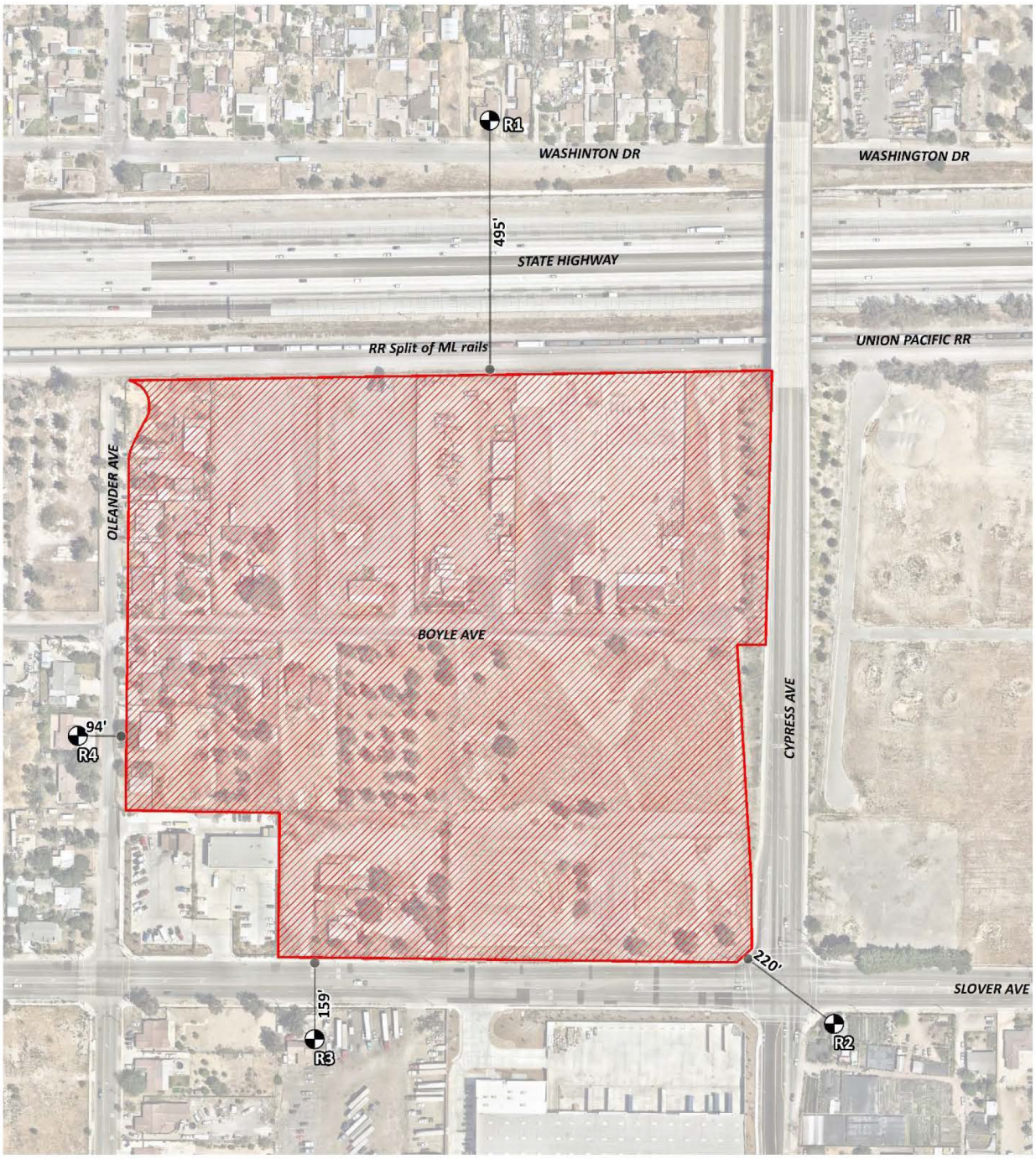
Table 4.9-2 Reference Construction Noise Levels

Construction Stage	Reference Construction Activity	Reference Noise Level @ 50 Feet (dBA L_{eq})	Highest Reference Noise Level (dBA L_{eq})
Demolition	Demolition Equipment	69	73
	Backhoes	61	
	Hauling Trucks	71	
Site Preparation	Crawler Tractors	77	79
	Hauling Trucks	71	
	Rubber Tired Dozers	71	
Grading	Graders	79	79
	Excavators	64	
	Compactors	67	
Building Construction	Cranes	67	74
	Tractors	72	
	Welders	65	
Paving	Pavers	70	74
	Paving Equipment	69	
	Rollers	69	
Architectural Coating	Cranes	67	72
	Air Compressors	67	
	Generator Sets	67	

Source: (Urban Crossroads, 2022e, Table 10-1)

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 (Lw) are connected to the sound source and are independent of



Source(s): Urban Crossroads (12-21-2021)

Figure 4.9-2

Not to Scale

Noise Reciever Locations

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 4.9-3, *Reference Stationary Noise Levels*.

Table 4.9-3 Reference Stationary Noise Levels

Noise Source[1]	Noise Source Height (Feet)	Min./Hour[2]		Reference Noise Level @ 50 feet (dBA L_{eq})	Sound Power Level (dBA)[3]
		Day	Night		
Cold Storage and Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	57.2	88.9
Parking Lot Vehicle Movements	5'	60	60	56.1	79.0
Trash Enclosure Activity	5'	10	10	57.3	89.0
Truck Movements	8'	60	60	58.0	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.
Source: (Urban Crossroads, 2022e, Table 9-1)

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 Nearmap 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 M*) for a description of the CadnaA Noise Prediction Model parameters. Noise levels were calculated at the receiver locations shown in Figure 4.9-2. (Urban Crossroads, 2022e, p. 38)

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, 2022e, p. 25) Tables 6-1 through 6-6 from the Project's Noise Analysis (refer to *Technical Appendix M*) 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, 2022e, p. 49). The vibration source levels for Project construction equipment are summarized in Table 4.9-4, *Vibration Source Levels for Construction Equipment*.

Table 4.9-4 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, 2022e, Table 10-5)

4.9.5 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 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 magnitude of temporary construction noise levels is taken from the Federal Transit Authority (FTA) and the significance of the Project's permanent increase in ambient noise levels is adapted from the Federal Interagency Committee on Noise (FICON). A detailed discussion of the noise exposure criteria is provided in Sections 3 and 8 of the Project's noise impact analysis (refer to *Technical Appendix M*). Accordingly, in consideration of the City's General Plan, Municipal Code, and the FTA and FICON 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)) and FTA criteria as follows:

- Construction activities occur within the hours permitted by right 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 exceed 80 dBA L_{eq} at adjacent land uses; or
- 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).

Project operational activities would result in a significant impact if operational noise exceeds the levels allowed by the City of Fontana Municipal Code (Section 30-543) and FICON criteria 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
    - When the ambient noise levels at existing and future noise-sensitive land uses (e.g. residential, schools, churches, etc.) is less than 60 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 5 dBA CNEL; or
    - When the ambient noise levels at existing and future noise-sensitive land uses is between 60 and 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 3 dBA CNEL; or
    - When the ambient noise levels at existing and future noise-sensitive land uses exceed 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 1.5 dBA CNEL.

Project-related traffic noise would result in a significant impact if traffic noise exceeds the levels established by FICON as follows:

- When off-site traffic noise levels at existing noise-sensitive land uses (e.g. residential, schools, churches, etc.) is less than 60 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 5 dBA CNEL; or
- When off-site traffic noise levels at existing noise-sensitive land uses is between 60 and 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 3 dBA CNEL; or
- When off-site traffic noise levels at existing noise-sensitive land uses exceed 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 1.5 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 0.2 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.

4.9.6 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 through 10.2 of the Project's Noise Analysis (see *Technical Appendix M*).

A. Construction Noise Impact Analysis

Construction activities on the Project Site would proceed in six (6) stages: 1) demolition; 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 4.9-5, *Construction Equipment Noise Level Summary*.

Table 4.9-5 Construction Equipment Noise Level Summary

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})						
	Demolition	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels[2]
R1	62.4	68.4	68.4	63.4	63.4	61.4	68.4
R2	63.5	69.5	69.5	64.5	64.5	62.5	69.5
R3	65.6	71.6	71.6	66.6	66.6	64.6	71.6
R4	67.5	73.5	73.5	68.5	68.5	66.5	73.5

[1] Noise receiver locations are shown on Figure 4.9-2.
[2] Construction noise level calculations based on distance from the construction activity, which is measured from the Project Site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 10.1 of the Project's Noise Analysis (see *Technical Appendix M*).
Source: (Urban Crossroads, 2022e, Table 10-2)

The noise levels presented in Table 4.9-5 are expected to occur during daytime hours when construction activities are allowed by right pursuant to City Municipal Code Section 18-63(7). As previously noted, the Municipal Code does not limit construction noise 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, thus proposed daytime construction activities would not conflict with or exceed the standards established by the Municipal Code. Notwithstanding, noise from daytime construction activities is evaluated against a secondary standard, established by the FTA, to ensure that daytime construction noise does not result in a substantial adverse effect to nearby receptor locations. The FTA standard of 80 dBA L_{eq} is consistent with safety standards adopted by the National Institute for Occupational Safety and Health (NIOSH) and construction noise levels of 80 dBA L_{eq} or below have been demonstrated to result in insignificant health effects to exposed receptors during prolonged exposure (more than 8 hours per day) (Urban Crossroads, 2022e, p. 35). Accordingly, daytime Project construction activities would not expose nearby receptors to substantial adverse effects and impacts would be less than significant.

If the Project's construction requires concrete pouring during nighttime hours (and if the City allows such nighttime activities pursuant to Municipal Code Section 18-63(b)(7)), the resulting noise levels are summarized in Table 4.9-6, *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 4.9-6 Nighttime Concrete Pouring Noise Level Summary

Receiver Location[1]	Use	Construction Noise Levels (dBA L_{eq})		
		Paving Construction[2]	Nighttime Threshold[3]	Threshold Exceeded?[4]
R1	Residence	53.8	65	No
R2	Residence	51.1	65	No
R3	Residence	52.2	65	No
R4	Residence	54.2	65	No

[1] Noise receiver locations are shown on Figure 4.9-2.
[2] Paving construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.
[3] Exterior noise level standards based on the City of Fontana Development Code Section 30-543.
[4] Do the estimated Project construction noise levels exceed the nighttime construction noise level threshold?
Source: (Urban Crossroads, 2022e, Table 10-4)

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 delivery trailers, and parking lot vehicle movements. The daytime and nighttime stationary noise levels from Project operations, as heard from nearby sensitive receptor locations, are summarized on Table 4.9-7 and Table 4.9-8, respectively.

Table 4.9-7 Daytime Project Operational (Stationary) Noise Level Summary

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)			
	R1	R2	R3	R4
Cold Storage Loading Dock Activity	53.7	51.0	51.8	53.0
Roof-Top Air Conditioning Units	26.8	21.0	27.8	34.4
Parking Lot Vehicle Movements	23.3	3.7	23.5	39.3
Trash Enclosure Activity	22.2	0.0	0.0	2.4
Truck Movements	35.0	35.3	41.8	47.1
Total (All Noise Sources)	**53.8**	**51.1**	**52.2**	**54.2**

[1] See Exhibit 9-A from the Project's Noise Analysis (*Technical Appendix M*) for the on-Site noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Project's Noise Analysis (see *Technical Appendix M*).
Source: (Urban Crossroads, 2022e, Table 9-2)

Table 4.9-8 Nighttime Project Operational (Stationary) Noise Level Summary

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)			
	R1	R2	R3	R4
Cold Storage Loading Dock Activity	53.7	51.0	51.8	53.0
Roof-Top Air Conditioning Units	24.4	18.6	25.4	32.0
Parking Lot Vehicle Movements	22.4	2.7	22.5	38.3
Trash Enclosure Activity	21.2	0.0	0.0	1.5
Truck Movements	34.0	34.3	40.9	46.1
Total (All Noise Sources)	**53.8**	**51.1**	**52.2**	**54.0**

[1] See Exhibit 9-A from the Project's Noise Analysis (*Technical Appendix M*) for the on-Site noise source locations.
CadnaA noise model calculations are included in Appendix 9.1 of the Project's Noise Analysis (see *Technical Appendix M*).
Source: (Urban Crossroads, 2022e, Table 9-3)

Table 4.9-7 and Table 4.9-8 demonstrate that Project operations will satisfy the City of Fontana 70 dBA L_{eq} daytime and 65 dBA L_{eq} nighttime exterior noise level standards at the nearest receiver locations. Furthermore, as shown in Table 4.9-9 and Table 4.9-10, Project operations are not expected to generate a substantial daytime or nighttime noise level increase at the nearest receiver locations. Accordingly, the Project's stationary noise impact would be less than significant.

Table 4.9-9 Daytime Project Operational Noise Level Increases

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?
R1	53.8	L1	61.3	61.4	0.1	3.0	No
R2	51.1	L3	61.8	62.2	0.4	3.0	No
R3	52.2	L4	67.9	68.0	0.1	1.5	No
R4	54.2	L1	61.3	62.1	0.8	3.0	No

[1] See Exhibit 9-A of the Project's Noise Analysis (see *Technical Appendix M*) for the on-Site noise source locations.
[2] Total Project daytime operational noise levels as shown on Table 4.9-8.
[3] Reference noise level measurement locations as shown on Figure 4.9-1.
[4] Observed daytime ambient noise levels.
[5] Represents the combined ambient conditions plus the Project activities.
[6] The noise level increase expected with the addition of the proposed Project activities.
[7] See Subsection 4.9.5.
Source: (Urban Crossroads, 2022e, Table 9-5)

Table 4.9-10 Nighttime Operational Noise Level Increases

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?
R1	53.8	L1	58.8	59.0	0.2	5.0	No
R2	51.1	L3	57.3	58.2	0.9	5.0	No
R3	52.2	L4	64.4	64.7	0.3	3.0	No
R4	54.0	L1	58.8	60.0	1.2	5.0	No

[1] See Exhibit 9-A of the Project's Noise Analysis (see *Technical Appendix M*) for the on-Site noise source locations.
[2] Total Project nighttime operational noise levels as shown on Table 4.9-8.
[3] Reference noise level measurement locations as shown on Figure 4.9-1.
[4] Observed nighttime ambient noise levels.
[5] Represents the combined ambient conditions plus the Project activities.
[6] The noise level increase expected with the addition of the proposed Project activities.
[7] See Subsection 4.9.5.
Source: (Urban Crossroads, 2022e, Table 9-6)

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)

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 4.9-11, *E+P Traffic Noise Levels*. Under E+P traffic conditions, Project-related traffic would contribute a maximum of 0.5 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 4.9-11 E+P Traffic Noise Levels

ID	Road	Segment	CNEL at Receiving Land Use (dBA)[1]			Adjacent Noise Sensitive Land Use?	Incremental Noise Level Increase Threshold	
			No Project	With Project	Project Addition		Limit[2]	Exceeded?
1	Slover Av.	w/o Oleander Av.	75.5	76.0	0.5	Yes	1.5	No
2	Slover Av.	w/o Cypress Av.	75.9	76.1	0.2	Yes	1.5	No
3	Slover Av.	w/o Juniper Av.	76.0	76.3	0.3	Yes	1.5	No

[1] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.
[2] See Subsection 4.9.5.
Source: (Urban Crossroads, 2022e, Table 7-5)

2. Opening Year plus Cumulative (2023) Conditions

Opening Year plus Cumulative traffic noise conditions in the Project vicinity are summarized in Table 4.9-12, *Opening Year Traffic Noise Levels*. Under Opening Year plus Cumulative traffic conditions, Project-related traffic would contribute a maximum of 0.4 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.

Table 4.9-12 Opening Year Traffic Noise Levels

ID	Road	Segment	CNEL at Receiving Land Use (dBA)[1]			Adjacent Noise Sensitive Land Use?	Incremental Noise Level Increase Threshold	
			No Project	With Project	Project Addition		Limit[2]	Exceeded?
1	Slover Av.	w/o Oleander Av.	76.4	76.8	0.4	Yes	1.5	No
2	Slover Av.	w/o Cypress Av.	76.7	76.9	0.2	Yes	1.5	No
3	Slover Av.	w/o Juniper Av.	76.8	77.0	0.2	Yes	1.5	No

[1] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.
[2] See Subsection 4.9.5.
Source: (Urban Crossroads, 2022e, Table 7-6)

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 4.9-14, *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 4.9-13 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	495'	0.000	0.000	0.001	0.001	0.001	0.2	No
R2	220'	0.000	0.001	0.003	0.003	0.003	0.2	No
R3	159'	0.000	0.002	0.005	0.006	0.006	0.2	No
R4	94'	0.000	0.005	0.010	0.012	0.012	0.2	No

[1] Receiver locations are shown on Figure 4.9-2
[2] Distance from receiver location to Project construction boundary.
[3] Based on the Vibration Source Levels of Construction Equipment (Table 4.9-4).
Source: (Urban Crossroads, 2022e, Table 10-6)

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 and a less-than-significant impact would occur.

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?***

The Project Site not located outside of the 60 dB CNEL airport noise contour for the ONT and is not located within an ONT Noise Impact Zone (Ontario, 2011, Table 2-3). Pursuant to Table 2-3 of the ONT ALUCP, all industrial land uses – including the warehouse building proposed by the Project – are suitable outside of the 60 dBA CNEL noise contour with no sound attenuation needed. Accordingly, the Project would be a

compatible use within the vicinity of the ONT 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.

4.9.7 CUMULATIVE IMPACT ANALYSIS

A. Construction Noise

There are no known active, pending, or planned construction projects in the immediate vicinity of the Project Site that would overlap with the Project's proposed construction schedule. Although the Project Site is adjacent to the approved Sierra Business Center site (located north of Slover Avenue and east of Cypress Avenue), simultaneous construction on the Project Site and the Sierra Business Center site is not expected to occur because the Sierra Business Center project is substantially "ahead" of the proposed Project, having already been approved and only requiring construction permits whereas the Project still needs to complete the City's discretionary review process before being considered for approval by the City's decision-makers (and, if approved, would still require the City's review and issuance of construction permits). Notwithstanding, in the unlikely event that construction on the Project Site and the Sierra Business Center site occur simultaneously, the effect to sensitive receptors in proximity to the Project Site would not be cumulatively considerable in consideration of the existing built environment adjacent to both sites. Specifically, the segment of Cypress Avenue that separates the Project Site and the Sierra Business Center sites is an overpass that is supported by a manufactured slope of solid, packed dirt that, essentially, serves as a noise barrier that disrupts the line of sight between the two development sites and would substantially reduce the commingling of construction noise between the two sites. Accordingly, there is no potential for the Project to contribute to the exposure of nearby sensitive receptors to substantial temporary (construction-related) increases in daytime or nighttime ambient noise levels.

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.

4.9.8 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.

4.9.9 Mitigation

Project impacts would be less than significant and mitigation is not required.

4.10 TRANSPORTATION

This Subsection assesses transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.10.2 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 ("Traffic Study") prepared by Urban Crossroads (Urban Crossroads, 2022f). This report, which is titled "Slover Avenue & Cypress Avenue Warehouse Traffic Study" and dated December 5, 2022, 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 N* to this EIR.

4.10.1 EXISTING TRANSPORTATION SETTING

A. Existing Vehicle Miles Traveled

The San Bernardino County Transportation Authority (SBCTA) provides VMT data for each of its member agencies and for the County of San Bernardino region via its San Bernardino Transportation Analysis Model (SBTAM). The SBTAM identifies a baseline VMT per service population value, which calculates the number of daily vehicles miles traveled by each member of the "service population," which includes area employees and residents. Based on data from the SBTAM, the regional average VMT per service population is 28.37 (Urban Crossroads, 2022f, p. 60).

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. The Project Site has five (5) driveway connections to Slover Avenue under existing conditions. Existing traffic on Slover Avenue consists of both passenger vehicles and trucks passing through the area and accessing nearby land uses.

The Project Site is located west of Cypress Avenue. The Fontana General Plan classifies Cypress Avenue as a "Secondary Highway." Secondary Highways have up to 4 lanes of travel and are typically used to carry traffic along the perimeters of large developments. Abutting the Project Site, Cypress Avenue is elevated and does not provide access to the Project Site. Existing traffic on Cypress Avenue consists of both passenger vehicles and trucks passing through the area.

The Project Site is located east of Oleander Avenue. The Fontana General Plan classifies Oleander Avenue as a "Collector Street." Collector Streets are 2- or 4-lane roadways that are used to funnel traffic to Primary and

Secondary Highways. The Project Site has eight (8) driveway connections to Oleander Avenue under existing conditions. Existing traffic on Oleander Avenue primarily consists of passenger vehicles.

The primary regional 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 0.6-mile (driving distance) southeast of the Citrus Avenue on/off ramps at the I-10, and approximately 0.8-mile (driving distance) from the Sierra Avenue on/off ramps.

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), Citrus Avenue (which is located approximately 0.4-mile west of the Project Site), and Sierra Avenue (which is located approximately 0.5-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 is existing bus service along Citrus Avenue and Slover Avenue via Omnitrans Route 82 with multiple existing stops along Slover Avenue in close proximity to the Project Site, including a stop along the Project Site frontage (approximately 300 feet west of Cypress Avenue).

E. Existing Bicycle and Pedestrian Facilities

There are no existing bicycle facilities in the Project area; however, Citrus Avenue and Cypress Avenue are planned Class II bike facilities. There are no existing sidewalks abutting the Project Site along Slover Avenue or Oleander Avenue; however, there is an existing sidewalk along Cypress Avenue abutting the Site.

4.10.2 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 subsection "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* arterial roadway network (Urban Crossroads, 2022f, 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.

4.10.3 VMT Evaluation Criteria and Methodology

The Project's VMT analysis 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 relies on the analysis methodologies that are generally summarized below. Refer to Section 7 of the Project's Traffic Study (*Technical Appendix N*) for a detailed description of the methodology used in the VMT analysis.

The Project's VMT analysis relies on the SBTAM to extract baseline and cumulative VMT values with and without the Project. The model runs with the Project account for the Project's land use and service population. For employment-generating land uses, like the proposed Project, the City considers the service population to be the number of employees supported by the Project. Project-generated VMT includes all employee vehicle trips that are traced to the Project's TAZ, this includes internal to internal, internal to external, and external to internal trips, and is generated as a total VMT value. The Project's VMT is converted to a service population efficiency metric by dividing the VMT by the Project's number of employees to allow a comparison with the baseline and cumulative VMT generated by the SBTAM.

As noted in the City's VMT analysis guidelines, a development project would result in a significant VMT impact if either of the following conditions is met: 1) Baseline project-generated VMT per service population is not at least 15 percent below the baseline VMT in San Bernardino County; or 2) Cumulative project-generated VMT per service population is not at least 15 percent below the baseline VMT in San Bernardino County. The baseline VMT per employee vehicle trip originating within San Bernardino County is 16.90 miles; therefore, for analysis purposes, the City's VMT significance threshold for the Project is set at 14.37 VMT per Project employee (Urban Crossroads, 2022f, p. 60).

4.10.4 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 transportation-related effects that could result from development projects. The proposed Project would result in a significant transportation impact 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?*

4.10.5 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.

❑ SCAG 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. As indicated below, implementation of the Project would not conflict with the goals and policies of SCAG's regional planning program that are applicable to the Project and related to vehicular and non-vehicular circulation. As such, Project impacts would be less than significant.

Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.

No component of the Project would alter, modify, or obstruct local transportation facilities in a manner that would adversely affect the mobility, accessibility, or reliability of the local transportation network. As discussed later in this section under the response to Threshold "c," the Project would not result in a substantial safety hazard to motorists. Additionally, the proposed building – as an indoor storage facility in close proximity to State highway facilities – would facilitate the mobility and reliability of the movement of goods throughout the region. The Project would not conflict with this goal from *Connect SoCal.*

Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.

The Project would not conflict with the City's transportation network or the City's coordination with other agencies. The Project contributes to and would be consistent with planned land use and growth assumptions in the City of Fontana, as anticipated by the General Plan. The Project Applicant would pay applicable development impact fees that would fund additional local traffic improvements and maintenance of roadway infrastructure in the Project area. The Project would not conflict with this goal from *Connect SoCal.*

Goal 4: Increase person and goods movement and travel choices within the transportation system.

The Project involves development of an industrial building within a developing industrial area on a property that abuts a designated City truck route in proximity to the State highway system, which would facilitate goods movement locally and within the region. The Project would construct new sidewalks along Slover Avenue and Oleander Avenue and would retain an existing bus stop along the Site's frontage with Slover Avenue. Also, the Project provides on-Site bicycle parking facilities and no component of the Project would obstruct or prevent the use of Slover Avenue as a planned Class II bicycle facility. Accordingly, the Project would ensure that multiple travel choices are available for future employees. The Project would not conflict with this goal from *Connect SoCal.*

❑ 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 result in the alteration of the vehicular travel way for Slover Avenue or Cypress Avenue and, thus, would not hinder either roadway's ability to serve adjacent land uses. The Project provides for improvements to the eastern half of Oleander Avenue abutting the Project Site that would improve the safety and efficiency of vehicle access north of Slover Avenue. The Project provides for the construction of new sidewalks along the Project Site's frontages with Slover Avenue and Oleander Avenue and would retain the existing sidewalk along Cypress Avenue. In addition, the proposed site plan provides bicycle parking facilities for Project employees and retains an existing bus stop along the Site's frontage with Slover Avenue. 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. Based on the foregoing information, 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 applicable transportation goals and policies of SCAG's regional planning program. Further, the Project would include bicycle parking facilities for employees and the Project provides for the construction of new sidewalks where the Project Site abuts Slover Avenue and Oleander Avenue, 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 result in any modifications to the vehicle travel way for Slover Avenue or Cypress Avenue along the Project Site's frontages, which would ensure that these roadways remain accessible for motor vehicles and bicyclists. The Project would result in the widening of Oleander Avenue along the Project Site frontage, which would make the roadway more accessible to vehicle and bicycle traffic. The Project would not introduce any hazards or obstacles within any public right of right-of-way while providing for the construction of new sidewalks along the Project Site's frontages with Slover Avenue and Oleander Avenue (and the retention of the existing sidewalk along Cypress Avenue), thereby ensuring safe local access for pedestrians. Lastly, ramps provided at Project driveways connecting to Slover Avenue and Oleander 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 Citrus Avenue or Sierra Avenue, which also are designated City of Fontana truck routes. Accordingly, Project-related truck traffic is expected to solely utilize City truck routes between the Project Site and the State highway system and would not utilize 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 operates Route 82 along Slover Avenue with multiple stops in the vicinity of the Project Site, including a stop along the Project Site frontage (approximately 300 feet west of Cypress Avenue). The Project would not result in an impact to the existing transit stop along its frontage and would not introduce any improvements within the right-of-way that would hinder the operations of Route 82. Accordingly, the Project would not affect the accessibility of transit service or the safety of transit stops adjacent to the Project Site. 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 three designated City of Fontana truck routes that would provide easy access to/from the Site from I-10: Slover Avenue, Citrus Avenue, and Sierra Avenue. Slover Avenue abuts the Project Site on the south. Citrus Avenue is located approximately 0.4-mile west of the Site. Sierra Avenue is located approximately 0.5-mile east of the Project Site. Via Slover Avenue and Citrus Avenue, the Project Site is located at a driving distance of approximately 0.6-mile from the Citrus Avenue on/off-ramp to I-10. Via Slover Avenue and Sierra Avenue, the Project Site is located at a driving distance of approximately 0.8-mile from the Sierra 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 – with easy access to regional transportation routes. The Project Site is located adjacent to three designated City of Fontana truck routes that provide access to/from the Site from I-10: Slover Avenue, Citrus Avenue, and Sierra Avenue. Slover Avenue abuts the Project Site on the south. Citrus Avenue is located approximately 0.4-mile west of the Site. Sierra Avenue is located approximately 0.5-mile east of the Project Site. Via Slover Avenue and Citrus Avenue, the Project Site is located at a driving distance of approximately 0.6-mile from the Citrus Avenue on/off-ramp to I-10. Via Slover Avenue and Sierra Avenue, the Project Site is located at a driving distance of approximately 0.8-mile from the Sierra Avenue on/off-ramp to I-10.

❑ 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 VMT generated by the Project's service population (i.e., employees) would be less than the regional average. The regional average VMT per employee is 16.90 whereas the Project's VMT per employee is calculated to range between 13.8 and 14.2 VMT (an approximately 16 to 18 percent reduction to the existing baseline, see response to Threshold "b" for more information). Because the Project would generate VMT that is below the regional baseline, 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 provide new sidewalks along the Project Site's frontages with Slover Avenue and Oleander Avenue and would retain the existing sidewalk along the Project Site's frontage with Cypress Avenue, thereby preserving and promoting local opportunities for walking. The site plan for the Project provides bicycle parking facilities for Project employees, thereby promoting local opportunities for 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 provide new sidewalks along the Project Site's frontages with Slover Avenue and Oleander Avenue and would retain the existing sidewalk along the Project Site's frontage with Cypress Avenue, thereby preserving and promoting local opportunities for walking. The site plan for the Project provides bicycle parking facilities for Project employees, thereby promoting local opportunities for 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 would not result in any modifications to the vehicle travel way for Slover Avenue or Cypress Avenue along the Project Site's frontages, which would ensure that these roadways remain accessible for motor vehicles and bicyclists. The Project would result in the widening of Oleander Avenue along the Project Site frontage, which would make the roadway more accessible to vehicle and bicycle traffic. The Project would not introduce any hazards or obstacles within any public right of right-of-way while providing for the construction of new sidewalks along the Project Site's frontages with Slover Avenue and Oleander Avenue (and the retention of the existing sidewalk along Cypress Avenue), thereby ensuring safe local access for pedestrians. Lastly, ramps provided at Project driveways connecting to Slover Avenue and Oleander 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 section 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 highway?***

The City of Fontana's VMT analysis guidelines, as set forth in the City's *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment*, are consistent with the requirements established by CEQA Guidelines Section 15064.3. The City's VMT analysis guidelines establish analysis methodologies that the City's Engineering Department determined to be most appropriate for different types of development projects. The City's VMT analysis guidelines classify the Project as a single-employment generating land use, for which VMT per employee is the metric used to evaluate the significance of Project-related VMT.

Using employment generation factors from SCAG, the Project's transportation analysis assumed the Project would have 523 employees (Urban Crossroads, 2022f, p. 58). Under Baseline (2021) traffic conditions, the Project is calculated to generate 14.40 VMT per employee without consideration of the Project's design

features (Urban Crossroads, 2022f, p. 59). With consideration of the Project's design features – preferential parking for carpool/vanpools and bicycle parking – the Project's VMT is calculated to range between 13.8 and 14.2 VMT per employee (Urban Crossroads, 2022f, p. 60).The Project's VMT would be approximately 16 to 18 percent below the average regional trip length, which would surpass the VMT reductions required by the applicable City significance threshold (15 percent below the average regional trip length). Accordingly, the Project's VMT impact is considered to be less than significant and the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3.

There are no CMP arterial roadways in the vicinity of the Project Site and the Project would neither generate 250 or more peak hour trips nor send 50 or more peak hour trips to a State highway facility (Urban Crossroads, 2022f, pp. 5, 38-41). As such, the Project would not be considered a major traffic generator pursuant to the *San Bernardino County CMP*'s traffic impact analysis guidelines and is not expected to substantially affect the performance of the *CMP* circulation network. The *CMP*'s land use and travel demand management goals and policies are directed to local and regional public agencies and none would be directly applicable to the Project. Notwithstanding, the Project does not include any component that would prevent or obstruct the implementation of the *CMP*'s goals and policies. Accordingly, the Project would not conflict with the applicable congestion management plan and no impact would occur.

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 site plan drawings 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 site plan drawings 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, Cypress Avenue, or Oleander 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.

4.10.6 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.

Under cumulative traffic conditions, the Project is calculated to generate 7.29 VMT per employee (Urban Crossroads, 2022f, p. 59). The Project's cumulative VMT would be approximately 49 percent below the average regional trip length (i.e., 14.37 miles), which would surpass the VMT reductions required by applicable significance threshold (15 percent below the average regional trip length). Accordingly, the Project's cumulative VMT impact is considered to be less than significant.

As noted under the analysis for Threshold "b," the Project would not conflict with the *San Bernardino County CMP*. None of the goals or policies within the *CMP* are applicable to private development projects. Therefore, the Project would have no potential to contribute to a conflict with the *CMP* that would result in a cumulatively considerable environmental effect.

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.

4.10.7 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. The VMT generated by the Project would not exceed the City's significance threshold. Further, the Project would not conflict with the *San Bernardino County CMP*.

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.

4.10.8 Mitigation

The Project would result in a less than significant transportation impact and no mitigation is required.

4.11 TRIBAL CULTURAL RESOURCES

This Subsection relies on information from a cultural resource report titled "A Cultural Resources Study for the Cypress/Slover Industrial Center Project" (dated January 27, 2022). The report was prepared by BFSA and is included as *Technical Appendix E* 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*.

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)). Accordingly, confidential information has been redacted from *Technical Appendix E* for purposes of public review. In addition, written and oral communication between Native American tribes, the City, and BFSA with respect to places that may have traditional tribal cultural significance is considered confidential and are not available for public review (California Government Code Section 65352.4).

4.11.1 EXISTING CONDITIONS

A. Regional Setting

Refer to Subsection 4.3, *Cultural Resources*, for a description of the pre/protohistoric period setting for the Inland Empire region and the Fontana area.

B. Project Site Conditions

The portion of the Project Site located north of existing Boyle Avenue was used for agriculture (orchards) and residential uses beginning sometime between the early 1900s and the 1930s, except for the northeast corner of the Site which was vacant. By the 1950s, the orchards were cleared from several parcels in the northeast corner of the Site and replaced with a barn (possibly a commercial chicken house) abutting the existing alignment of Cypress Avenue. The northern portion of the Project Site was mostly unchanged until the mid-1990s/early-2000s when several parcels were cleared and used for industrial land uses (a trucking business, trailer parking, and a construction company).

The portion of the Project Site located south of existing Boyle Avenue was used for agriculture (orchards) and residential uses beginning sometime between the early 1900s and the 1930s, except for the southeast corner which remained vacant. These uses continued until the 1950s, when several residences and commercial chicken houses were constructed on the portions of the Project Site abutting Slover Avenue. The chicken houses were removed from the southwestern portion of the Project Site by 1975 and were removed from the southeastern portion of the Project Site by the early 2000s. Following the removal of the chicken houses on the southern portion of the Project Site, these areas were used for industrial purposes (a trucking business, trailer parking, and a recycling business).

BFSA surveyed the Project Site for the presence of prehistoric and protohistoric archaeological resources. BFSA noted that the entire Project Site was heavily disturbed and appeared to have been rough-graded in the past. Ground visibility on the Site was limited due to the residential and industrial

development present on portions of the Site at the time of the survey, while other portions of the Site contained rubble from completed demolition activities. Notwithstanding, BFSA did not observe any prehistoric or protohistoric resources on the Project Site. (BFSA, 2022a, p. 3.0-2)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton. 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 or protohistoric artifacts have been recorded on the Project Site or within a one-mile radius of the Site. (BFSA, 2022a, p. 1.0-17)

4.11.2 Regulatory Setting

A. Federal Plans, Policies, and Regulations

1. 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.

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).

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 archaeological 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.

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 (CCR) Title 14, Section 1427 provides that: "No person shall collect or remove any object or thing of archaeological 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 archaeological or historical interest or value is found."

3. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (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. 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. 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 (PRC) 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." (PRC, Section 21084.2.) To help determine whether a project may have such an effect, the PRC 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. (PRC, 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. PRC Section 20184.3 (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 PRC 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.

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 HSC, 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.

5. California Code of Regulations Section 15064.5

California Code of Regulations (CCR), Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological 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 Section 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 Section 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.

4.11.3 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.

4.11.4 Basis for Determining Significance

The thresholds listed below are 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 is 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.*

4.11.5 IMPACT ANALYSIS

Threshold a: ***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) 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

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?

No pre/protohistoric 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 (BFSA, 2022a, pp. 1.0-17 to -18, 3.0-2). 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. (PRC, Section 5024.1, Title 14 CCR, Section 4852)

No tribal cultural 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 prehistoric resource sites or isolates are known to exist on the Project Site (ibid.). Furthermore, no substantial evidence was presented to or found by the City during the tribal consultation process that led to the identification of any features or 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 on July 26, 2022. No Native American tribe requested consultation with the City or provided the City with substantial evidence indicating that tribal cultural resources, as defined in PRC 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 likelihood is considered low due to the pervasive, historic and on-going disturbances that have occurred on the Project Site. In the event a tribal cultural resource, as defined in PRC Section 21074, is found on the Project Site during construction a significant impact could occur. Mitigation is required.

As discussed under EIR Subsection 4.3, 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 HSC Section 7050.5 and PRC 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.

4.11.6 Cumulative Impact Analysis

Development activities on the Project Site would not impact any known tribal cultural 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 uses. Nonetheless, the potential exists for tribal cultural resources that meet the definition from PRC Section 21074 to be buried below the existing ground surface and 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 tribal cultural resources. Therefore, the Project would potentially result in a cumulatively considerable impact to tribal cultural resources if such resources are unearthed during Project construction.

4.11.7 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.

4.11.8 Mitigation

MMs 4.3-1 through 4.3-4 shall apply (refer to Subsection 4.3, *Cultural Resources*).

4.11.9 Significance of Impacts After Mitigation

Threshold a: Less than Significant with Mitigation Incorporated. Implementation of MMs 4.3-1 through MM 4.3-4 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 their effect, should be described (CEQA Guidelines Section 15126(b) & Section 15126.2(c)). As described in detail in Section 4.0, *Environmental Analysis*, of this EIR, the proposed Project is anticipated to result in impacts to the environment that cannot be reduced to below a level of significance 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's significant impacts that cannot be mitigated to a level below thresholds of significance consist of the following:

- GHG Emissions Generation: After the application of Project design features and mandatory regulatory requirements, Project-related GHG emissions would exceed the applicable significance threshold and would result in a cumulatively-considerable impact to the environment. (Refer to EIR Subsection 4.6, *Greenhouse Gas Emissions*.)

Notwithstanding the significant and unavoidable effects listed above, the Project is proposed to develop a modern warehouse distribution building in the City that is located in close proximity to the State highway system, that will increase local employment opportunities, and improve the City's economic competitiveness. This underlying purpose aligns with various aspects of the SCAG's *2020-2045 RTP/SCS*, primarily related to accommodating goods movement industries and balancing job and housing opportunities in local areas to reduce long commutes from home to work. SCAG identifies the Inland Empire as a housing-rich area and the coastal communities as job rich areas, and is striving in its policies to achieve more equal balances locally. The Project would contribute toward the achievement of a more equal jobs-to-housing ratio in the Inland Empire by creating short-term construction jobs and creating long-term employment opportunities.

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, as well as City of Fontana Ordinance No. 1879, which will require the Project to install and utilize roof-mounted solar panels (among other energy efficiency design measures). A more detailed discussion of Project energy consumption is provided in EIR Subsection 4.4, *Energy*.

Implementation of the Project would commit the Project Site to long-term use as a warehouse distribution facility. The land use proposed by the Project is consistent with the Project Site's existing General Plan land use designation and zoning classification, and the proposed use would be compatible with existing and planned industrial developments within the corridor between I-10 and Slover Avenue. Although the proposed warehouse distribution building could be perceived to be incompatible with the existing legal, non-conforming residential land uses that abut the Project Site on the west, the Project would not result in any significant and unavoidable local/localized physical impacts to these receptors. Although the Project would result in unavoidable physical impacts from GHG emissions, these effects are significant due to their effect on the region (and planet), not their local impacts to receptors located near the Project Site. 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 of Fontana General Plan. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.7, *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 4.7, 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 4.4, *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 persons between 2016 and 2045 (an approximately 1.1% annual increase). Over this same time period, employment in the City is expected to add 18,400 new jobs (an approximately 1.0% annual increase). (SCAG, 2020, Demographics and Growth Forecast Technical Report, Table 14) Economic growth would likely take place as a result of the Project's operation as a warehouse distribution building. 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 of Fontana 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 Inland Empire area, the Project's introduction of 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 represents infill, urban redevelopment with land uses in an area of the City that is planned for employment-generating land uses. The Project would not extend roads or infrastructure to an area that is not already served by these facilities. Thus, the Project would not remove obstacles to growth or include improvements that that could induce growth. Furthermore, the area surrounding the Project Site consists of a mixture of light industrial and legal, non-conforming residential land uses. Development of the Project Site is not expected to place short-term development pressure on abutting properties because these areas are either already developed or are planned for future development with light industrial land uses. Furthermore, the Project area is already served by utilities and infrastructure, and there are no components of the Project or the Project's proposed infrastructure improvements that would remove obstacles for surrounding properties to develop.

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 nine (9) environmental issue areas: aesthetics; agriculture and forestry 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 summary of the Project's impacts to aesthetics, agriculture/forestry resources, land use/planning, mineral resources, population and housing, public services, recreation, utilities/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 Aesthetics

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

Under existing conditions, the Project Site does not serve as a scenic vista or contribute to a scenic vista; the Project Site is mainly vacant with scattered vegetation and demolition debris. Furthermore, 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 (City of Fontana, 2018b, p. 5.1-1).

Scenic resources visible (at least partially) from public viewpoints adjacent to the Project Site include the San Gabriel Mountains (approximately 7.3 miles to the northwest and partially visible from Slover Avenue and visible from Cypress Avenue) and the Jurupa Hills (approximately 1.4 miles to the south and visible from Slover Avenue and visible from I-10) (Google Earth Pro, 2021). Under existing conditions, views of the San Gabriel Mountains to the northwest are mostly obscured from Slover Avenue due to intervening development and landscaping, topography, and atmospheric haze that is common in the Inland Empire throughout the year. Under existing conditions, views of the Jurupa Hills are largely unobstructed from Slover Avenue and I-10.

The Project would not substantially alter any existing views of the San Gabriel Mountains from Slover Avenue. As stated above, views of the San Gabriel Mountains from Slover Avenue are mostly obscured from the Project Site by existing development and on-site landscaping (and, for parts of the year, atmospheric haze). The Project would construct an approximately 48.5-foot-tall warehouse and install new landscaping on the Project Site. The proposed building and site improvements would partially obscure views of the San Gabriel Mountains from Slover Avenue – although not substantially more than views are obscured under existing conditions – and views of the Mountains would continue to be available above the building. The Project would not obstruct views of the San Gabriel Mountains from Cypress Avenue because Cypress Avenue is elevated above the Project Site and views of the San Gabriel Mountains would remain available looking over the Project.

Similarly, implementation of the Project would not substantially alter existing views of the Jurupa Hills from I-10 because I-10 is elevated above the Project Site and views of the Jurupa Hills would remain available looking over the Project. Due to the orientation of the Jurupa Hills in relation to the Project Site (the Hills are located south of the Project Site and south of Slover Avenue), implementation of the Project would not alter views of the Hills from Slover Avenue because the Project would not result in any improvements/alterations to the south side of Slover Avenue.

Based on the foregoing analysis, the Project would not have a substantial adverse effect on a scenic vista or scenic resources in the Project vicinity. No impact 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 Project Site is not located within or adjacent to an officially designated State scenic highway corridor and does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings (Caltrans, 2017). The nearest officially designated scenic highway to the Project Site is the segment of State Route 38 (SR-38) at I-10 near Redlands and SR-18 near Fawnskin, located approximately 15.1 miles to the east of the Project area (Google Earth Pro, 2021; Caltrans, 2017). Because of distance and intervening development and topography, the Project would not be visible from the aforementioned segment of SR-38 and, therefore, would not adversely affect views from this scenic corridor. No impact would occur.

Threshold c:	***In non-urbanized areas, would the Project 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 United States Census Bureau defines "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 within the boundaries of the Census-defined "Riverside-San Bernardino urban area" (USCB, 2012); therefore, the Project would be considered to result in a significant adverse impact under this threshold only if the Project design would conflict with applicable zoning and other regulations governing scenic quality.

The Project's design, including site layout, architecture, and landscaping is discussed and illustrated in detail in EIR Section 3.0. As previously described, the Project's architecture incorporates a neutral color palette that would not be visually offensive and also incorporates accent elements, such as colored glass and decorative building elements for visual interest. Additionally, the Project's landscape plan incorporates low-water-need plant species that can maintain vibrancy during drought conditions. The proposed visual features of the Project would ensure a high-quality aesthetic for the site. 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 City of Fontan's Zoning and Development Code that govern scenic quality. 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??***

Under the existing conditions, the Project Site contains no sources of artificial lighting; but, artificial lighting (i.e., street lights) is present along the Project Site's frontage on Slover Avenue and Cypress Avenue. The Project Applicant proposes to develop the site with a warehouse facility and would introduce additional lighting elements on-site to illuminate the parking areas, truck docking areas, and building entrances.

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. While window glazing has a potential to result in minor glare effects, such effects would not adversely affect daytime views of surrounding properties, including motorists along adjacent roadways, because the glass proposed for the Project would be

low-reflective and proposed landscaping would provide a buffer between all proposed glass surfaces and the public right of way. Thus, no glare impacts would occur.

5.4.2 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 mapping information available from the California Department of Conservation, the Project Site does not contain any soils mapped as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" (CDC, 2016). As such, implementation of the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. 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 subject to a land conservation (Williamson Act) contract and, thus, would not conflict with a land conservation contract (City of Fontana, 2018b, p. 7-10). In addition, the Project Site is zoned for "Light Industrial (M-1)" and General Industrial (M-2)" land uses under existing conditions, which are not zoning categories for agricultural use. Therefore, implementation of the Project has no potential to conflict with existing zoning for an agricultural use. No impact would occur.

Threshold c:	***Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in 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, implementation of the Project has no potential to conflict with or cause the rezoning of any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands. As such, no impact would occur.

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, implementation of the 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 in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

"Farmland" is defined in Section II(a) of Appendix G of the CEQA Guidelines to mean "Prime Farmland," "Unique Farmland" or "Farmland of Statewide Importance." As noted above in Response 3.2(a), the Project Site does not contain any soils mapped by the Department of Conservation as "Farmland." Additionally, as described above in preceding responses under the "Agricultural Resources" topic, the Project Site and surrounding areas do not contain forest lands or areas designated for forest land uses. Thus, implementation of the Project would not result in the conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur.

5.4.3 LAND USE AND PLANNING

Threshold a:	***Would the Project physically divide an established community?***

Development of the Project would not physically disrupt or divide the arrangement of an established community. Railroad tracks and I-10 form the northern boundary of the Project Site; Slover Avenue forms the southern boundary of the Project Site; Oleander Avenue forms the western boundary; and Cypress Avenue forms the eastern boundary of the Project Site. Due to the existing barriers that already separate the Project Site from abutting properties, implementation of the Project would not result in the physical disruption or division of an established community. Furthermore, the proposed vacation of the segment of Boyle Avenue that bisects the Project Site would not divide an established community because this segment of Boyle Avenue terminates west of Cypress Avenue and is not a through street. Therefore, 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?***

❑ 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 no impact would occur.

❑ 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, no impacts would occur.

Table 5-1 SCAG's Connect SoCal Goal Consistency Analysis

Goals	Goal Statement	Project Consistency Discussion
1	Encourage regional economic prosperity and global competitiveness.	No conflict identified. 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.	No conflict identified. 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 4.10, *Transportation*.
3	Enhance the preservation, security, and resilience of the regional transportation system.	No conflict identified. 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 Fontana 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.	No conflict identified. The Project involves development of a warehouse facility within a developing 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.
5	Reduce greenhouse gas emission and improve air quality.	No conflict identified. As required by State building codes and City of Fontana Ordinance No. 1879, the Project would incorporate various measures related to building design, landscaping, and energy systems to promote energy efficiency. The Project also 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
6	Support healthy and equitable communities.	No conflict identified. 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.	No conflict identified. *Connect SoCal* indicates that since the adoption of the *Connect SoCal*, 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.	No conflict identified. *Connect SoCal* 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 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.
9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	Not applicable. 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.	Not applicable. The Project Site is completely disturbed and developed under existing conditions and has been so for at least 90 years. The entire Project Site is developed.

Source: (SCAG, 2020a, p. 9)

❑ **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 4.1, 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.

❑ **San Bernardino County Congestion Management Program**

The Project's consistency with the *San Bernardino County CMP* is addressed in EIR Subsection 4.10, *Transportation*. As concluded in EIR Subsection 4.10, 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* and no impacts would occur.

5.4.4 Mineral Resources

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

The Project Site is located within Mineral Resource Zone 3 (MRZ-3), which indicates the significance of local mineral deposits is undetermined (CDC, 1995). Accordingly, the Project Site is not located within an area known to be underlain by regionally-important mineral resources. In addition, the Project Site is not identified as a locally-important mineral resource recovery site in the City of Fontana General Plan (City of Fontana, 2018a, Chapters 7 and 15). Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or to the residents of the State of California. Therefore, no impact would occur.

5.4.5 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 Project Applicant would develop the Project Site with employment land uses. The Project Site is located in an area of Fontana that is already developing with employment land uses – and on a site that is planned for employment land uses by the Fontana General Plan. Accordingly, development of the Project would sustain the ongoing trend of the development of employment land uses in the City of Fontana and would generate job growth that is consistent with what was already anticipated by the City in their General Plan and evaluated in the General Plan EIR. Additionally, the Project Site is located in an area of Fontana that is served by existing roadways and public utility infrastructure and the Project would not require the extension or expansion of any

infrastructure beyond what is needed to service the Project. Accordingly, implementation of the Project would not induce direct or indirect substantial unplanned growth in the area and no impact would occur.

Threshold b:	***Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

The Project would result in the demolition of all housing units on the Project Site. The Site contains 10 legal non-conforming dwelling units. According to data from the California Department of Finance, the average household in Fontana contains approximately four (4) people (DOF, 2021). Thus, the loss of 10 dwelling units on the Project Site would displace up to 40 people. The City of Fontana contains approximately 59,909 dwelling units and a population of 213,944 (ibid.). The dwelling units that would be lost on the Project Site represent approximately 0.02 percent of the total dwelling units in the City; the 40 people that would be displaced from the Project Site represent approximately 0.02 percent of the total population of the City. In comparison to City-wide figures, neither the people nor housing on the Project Site represent a substantial number. Furthermore, the City contains an estimated 2,836 vacant dwelling units under existing conditions which would be more than adequate to provide housing for the people that may be displaced from the Project Site (ibid.). Based on the foregoing information, the Project would not displace substantial numbers of people, displace substantial housing, or require the construction of replacement housing elsewhere. No impact would occur.

5.4.6 Public Services

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

Under existing conditions, the Project Site receives fire protection services from the Fontana Fire Protection District (FFPD) via Station 77. Station 77 is located at 17459 Slover Avenue, Fontana, CA 92335, (Google Earth Pro, 2021). The FFPD has a response time goal of 5 minutes (FFPD, 2018). Station 77 is located approximately 1.3 roadway miles from the Project Site; therefore, the response time to the Project Site from Station 77 is estimated to be approximately 2 minutes (1.3 roadway miles traveled at 35 miles per hour average vehicle travel speed = 2 minutes). Implementation of the Project would not substantially impact the Station's 5-minute response time goal. Furthermore, the City of Fontana Community Development Department, Planning Division forwarded the Project's application materials to the FFPD for review and comment. The FFPD did not provide any comments to the Planning Division indicating that the Project would not be adequately served by fire protection services or that incremental increase in the demand for FFPD services would result in or require new or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

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 77 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/Developer or Project Site owner 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 (City of Fontana, 2021, Section 21-122).

Based on the foregoing, the Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. No impacts to fire protection facilities would occur.

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

The Project Site receives police protection services from the Fontana Police Department (FPD). The Project would introduce a new building, employees, and visitors to the Project Site, which would result in an incremental increase in demand for police protection services. The City of Fontana Community Development Department, Planning Division forwarded the Project's application materials to the FPD for review and comment. The FPD did not provide any comments to the Planning Division indicating that the Project would necessitate or result in the construction of new or physically altered police facilities. 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. 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, no impacts to police protection services would occur.

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

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. 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/Developer or Project Site owner 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. No impacts to FUSD schools would occur.

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

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

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.

5.4.7 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.

5.4.8 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 storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?***

The Project would construct an on-site network of water and sewer pipes and stormwater facilities that would connect to existing water, sewer, and storm drain lines beneath Oleander Avenue and Slover Avenue. The Project also would install connections to existing electricity (including undergrounding exiting overhead powerlines along the Project Site frontage with Slover Avenue), natural gas, and communications infrastructure that already exist in the area, and all such connections would be accomplished in conformance with the rules and standards enforced by the applicable service provider. The installation of water and sewer line connections, stormwater drainage facilities, electricity, natural gas, and communications infrastructure as proposed by the Project would result in physical impacts to the environment; however, these impacts are considered to be part of the Project's construction phase and the construction phase impact analysis provided

under the individual topic areas addressed in this EIR was inclusive of the environmental effects from the construction of utility infrastructure. Where potentially 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. No impacts would occur specifically related to construction of the Project's utility connections.

Threshold b:	***Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?***

The total area of the Project Site and the square footage of the proposed building is below the threshold for which a Water Supply Analysis would be required under SB 610. 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. 7-5 through 7-7). 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. No impact would occur.

Threshold c:	***Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

The Project is calculated to generate 65,560 gallons per day (gpd) of wastewater (2,200 gpd/acre × 29.8 acres = 65,560 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 0.4 percent of the excess treatment capacity of RP-1 ([65,560 gpd ÷ 16 million gpd] × 100 = 0.4%) or approximately 1.6 percent of the excess treatment capacity of RP-4 ([65,560 gpd ÷ 4 million gpd] × 100 = 1.6%); 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 no impact would occur.

Threshold d:	***Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity or local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

Implementation of the Project would generate an incremental increase in solid waste volumes requiring off-site disposal during short-term construction and long-term operational activities. Solid waste generated by the Project would be disposed at the Mid-Valley Landfill. The Mid-Valley Landfill is permitted to receive 7,500 tons of refuse per day and has a total capacity of 101,300,000 cubic yards. According to CalRecycle, the Mid-Valley Landfill has a total remaining capacity of 61,219,377 cubic yards. The Mid-Valley Landfill is estimated to reach capacity, at the earliest time, in the year 2045. (CalRecycle, 2019) 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).

❑ Construction Impact Analysis

Solid waste requiring disposal would be generated by the construction process, primarily consisting of discarded materials and packaging. Based on the size of the Project (i.e., 623,460 s.f. building) and the United States Environmental Protection Agency's (U.S. EPA) construction waste generation factor of 4.34 pounds per s.f. for non-residential uses, approximately 1,357.2 tons of waste is expected to be generated during the Project's construction phase ([623,460 s.f. × 4.34 pounds per s.f.] ÷ 2,000 pounds per ton = 1,352.9 tons) (EPA, 2009, Table A-2). California Assembly Bill 939 (AB 939) requires that a minimum of 50% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies); therefore, the Project is estimated to generate approximately 676.5 tons during its construction phase. The Project's construction phase is estimated to last for up to 10 months; therefore, the Project is estimated to generate approximately 2.25 tons of solid waste per day (676.5 tons ÷ 300 days = 2.25 tons per day) requiring landfill during construction.

Non-recyclable construction waste generated by the Project would be disposed at the Mid-Valley Landfill. As described above, this landfill receives well below their maximum permitted daily disposal volume; thus, the relatively minimal construction waste generated by the Project is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Furthermore, the Mid-Valley Landfill is not expected to reach its total maximum permitted disposal capacities during the Project's construction period. 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, no impacts to the Mid- Valley Landfill facility would occur during the Project's short-term construction activities.

❑ Operational Impact Analysis

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of industrial building area obtained from CalRecycle, long-term, on-going operation of the Project would generate approximately 4.44 tons of solid waste per day ([[1.42 pounds ÷ 100 s.f.] × 623,460 s.f.] ÷ 2,000 pounds = 4.4 tons per day) (CalRecycle, n.d.). Pursuant to AB 939, at least 50 percent of the Project's solid waste is required to be diverted

from landfills; therefore, the Project would generate a maximum of 2.2 tons of solid waste per day requiring landfilling (4.4 tons per day × 50% = 2.2 tons per day) (CalRecycle, 2018).

Non-recyclable solid waste generated during long-term operation of the Project would be disposed at the Mid-Valley Landfill. As described above, this landfill receives well below their maximum permitted daily disposal volume; thus, waste generated by the Project's 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 would occur during Project operation.

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, no impacts would occur.

5.4.9 WILDFIRE

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 the 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 on 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 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. No impact would occur.

6.0 ALTERNATIVES

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.*

As discussed in Section 4.0 of this EIR, the Project would result in significant adverse environmental effects under one environmental issue area that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and all feasible mitigation measures. The unavoidable significant impact of the Project is:

- GHG Emissions Generation: After the application of Project design features and mandatory regulatory requirements, Project-related GHG emissions would exceed the applicable significance threshold and would result in a cumulatively-considerable impact to the environment.

It should be noted that although the Project would not result in any other significant and unavoidable impacts, mitigation measures are required to reduce potentially significant impacts to levels considered less than significant for the following topical issues: 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.

6.1 ALTERNATIVES UNDER CONSIDERATION

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 analyzes a "No Project" Alternative where the Project does not proceed. The Project is consistent with the General Plan land use map 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 Project Site remains in its existing condition for the foreseeable future.

In compliance with CEQA Guidelines Section 15126.6(a), an EIR must describe "a range of reasonable alternatives to a project, or to the location of a 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." The EIR need not consider every conceivable alternative; rather it must consider a reasonable range of potentially feasible alternatives to the project, or to the location of the project, which would avoid or substantially lessen significant effects of the project, even if "these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines Section 15126.6(b)).

The following alternatives are analyzed in this Section:

6.1.1 No Project Alternative

The No Project Alternative considers no development on the Project Site beyond what occurs on the Site under existing conditions. Under this Alternative, the residential units on the northern and western portions of the Project Site would be retained while the remaining portions of the Site would be kept vacant for the foreseeable future. This Alternative was used to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing state.

6.1.2 Boyle Avenue Preservation and Reduced Building Area Alternative

The Boyle Avenue Preservation and Reduced Building Area Alternative (hereinafter "Boyle Avenue Alternative") considers a proposal where the segment of Boyle Avenue located east of Oleander Avenue and west of Cypress Avenue is retained, splitting the Project Site into two halves. Under this Alternative, both the northern and southern halves of the Project Site would be developed with warehouse distribution/commerce center buildings at floor-to-area ratio (FAR) of 0.45, as allowed by the City of Fontana General Plan and Zoning and Development Code. This Alternative was selected to evaluate whether the retention of Boyle Avenue and the development of the Site with two smaller industrial buildings would result in fewer environmental impacts than the one larger building proposed by the Project.

6.1.3 Modified Building Operations Alternative

The Modified Building Operations Alternative considers a proposal where proposed building operations are less intensive than the Project, but all other aspects of the Project (building size, site layout, architecture, landscaping, etc.) are unchanged. Specifically, the Modified Building Operations Alternative would reduce the amount of refrigerated warehouse space to half the amount provided by the Project, or approximately 12.5 percent of the total building floor area. This Alternative was selected to evaluate whether modifying a relatively energy-intensive aspect of the Project's operations would result in a substantive reduction to any of the significant environmental impacts that would result from the Project.

6.2 ALTERNATIVES CONSIDERED AND REJECTED

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.

6.2.1 ALTERNATIVE SITES

CEQA does not require that an analysis of alternative sites be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site, then an alternative sites analysis should be considered and analyzed in the EIR. In making the decision to include or exclude an analysis of an alternative site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to 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 90+ years. The Project Site does not contain any natural/native habitat and the Project Site has most recently been used for residential and industrial land uses. Based on review of aerial photography and the City of Fontana land use and zoning maps, there are no other properties available for purchase by the Project Applicant in the City of Fontana that are zoned for industrial land uses with similar accessibility to the regional goods movement system (discussed in further detail below) that are large enough to support the proposed Project, and that have fewer environmental and development constraints than the Project Site evaluated in this EIR.

Development of the Project at an alternative location would likely result in similar (or greater) environmental impacts as would occur with implementation of the Project at the proposed Project Site. The Project's significant and unavoidable impact is related primarily to vehicles traveling to/from the Project Site and not related to the presence of sensitive resources on the Project Site or its location near sensitive receptors. Vehicle-related impacts are a direct reflection of the Project's expected operational characteristics as a warehouse distribution facility, regardless of where the Project is located. Because the Project Site abuts a

designated truck route (Slover Avenue) and is located in close proximity to on/off-ramps to I-10, any alternative site that was located farther from State freeways or major arterial roads that are designated truck routes than the Project Site would increase vehicle miles traveled (and would result in a concomitant increase in the severity of GHG emissions from tailpipe emissions). Further, an alternative site that was not as thoroughly disturbed by existing development as the Project Site may have additional environmental impacts that the Project would not.

In light of the foregoing reasons, a more detailed analysis of alternative sites is not warranted.

6.3 ALTERNATIVE ANALYSIS

The discussion on the following pages compares the environmental impacts expected from each alternative considered by the Lead Agency relative to the impacts of the Project. A conclusion is provided for each topic as to whether the alternative results in one of the following: (1) reduction of elimination or the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the Project, or (4) a new impact in addition to the Project's impacts. Table 6-1, *Alternatives to the Project – Comparison of Environmental Impacts*, at the end of this section compares the impacts of the alternatives against those of the Project and identifies the ability of the alternative to meet the basic objectives of the Project. As previously listed in EIR Section 3.0, the Project's basic objectives are:

1. To expand economic development in the City of Fontana by re-developing an underutilized property with an in-demand industrial use within a portion of the City that is planned for long-term industrial development.
2. To make efficient use of a property in the City of Fontana by maximizing its buildout potential for employment-generating uses.
3. 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.
4. To develop an industrial building with loading bays adjacent to City of Fontana truck routes and in close proximity to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.
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 are compatible with other existing and planned land uses in the immediate vicinity of the Project Site.
7. To redevelop a property that has access to available infrastructure, including roads and utilities.

6.3.1 NO PROJECT ALTERNATIVE

The No Project Alternative allows decision-makers to compare the environmental impacts of approving the Project to the environmental impacts that would occur if the Project Site were left in its existing conditions for the foreseeable future. Under existing conditions, the Project Site is entirely disturbed/developed with

residential units on the northern and western portions of the Project Site and the remaining portions of the Site are vacant. Refer to the description of the Project Site's existing physical conditions in Section 2.0 of this EIR.

A. Air Quality

The No Project Alternative would not involve construction activities and would generate no construction-related air pollutant emissions. Although the Project would result in a less than significant air quality impact from construction activities, the No Project Alternative would avoid all construction-related air quality impacts.

The Project Site contains residential land uses and vacant land. Nominal amounts of air pollution associated with typical residential uses and routine property maintenance activities (e.g., mowing/discing) are produced at 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). Although the Project would result in a less than significant air quality impact from operational activities, the No Project Alternative would avoid all construction-related air quality impacts.

B. 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 4.2 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 resources associated with the Project and would require no mitigation.

C. 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 archeological resources that may be present beneath the existing ground surface. Although there are mitigation measures identified in EIR Subsection 4.3 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.

D. 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, natural gas, 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.

E. 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. Although there are mitigation measures identified in EIR Subsection 4.5 that would reduce the Project's direct and cumulatively considerable impacts to paleontological resources to below a level of significance, implementation of the No Project Alternative would avoid potential impacts to paleontological resources associated with the Project and would require no mitigation.

F. Greenhouse Gas Emissions

Under the No Project Alternative, no new development would occur on the Project Site and the existing uses on the Site would continue to operate. Therefore, with the exception of ongoing nominal GHG emissions associated with on-site residential uses, there would be no new sources of near-term or long-term GHG emissions under the No Project Alternative. The No Project Alternative would avoid the significant and unavoidable impacts related to GHG emissions that would result from the Project.

G. Hazards and Hazardous Materials

The No Project Alternative would not involve construction activities; therefore, the potential for exposure to asbestos containing materials and lead-based materials during demolition would be reduced. As with the Project, the No Project Alternative would be required to follow applicable hazardous materials 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.

H. 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 without treatment from BMPs 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.

I. Noise

The No Project Alternative would not involve construction activities; no noise or vibration effects associated with construction would occur. Although the Project would result in a less than significant noise impact from construction activities, the No Project Alternative would avoid all construction-related noise impacts.

Under the No Project Alternative, no new sources of permanent noise would be introduced on the Project Site. 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.

J. 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.

K. Tribal 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 tribal cultural resources that may be present beneath the existing ground surface. Although there are mitigation measures identified in EIR Subsection 4.11 that would reduce the Project's direct and cumulatively considerable impacts to tribal cultural resources to below a level of significance, implementation of the No Project Alternative would avoid impacts to tribal cultural resources associated with the Project and would require no mitigation.

L. 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.

6.3.2 Boyle Avenue Preservation and Reduced Building Area Alternative

The Boyle Avenue Preservation and Reduced Building Area Alternative ("Boyle Avenue Alternative") considers a proposal where the segment of Boyle Avenue located east of Oleander Avenue and west of Cypress Avenue is retained, splitting the Project Site into two halves. Under this Alternative, both the northern and southern halves of the Project Site would be developed with warehouse distribution/commerce center land uses at a FAR of 0.45, as allowed by the City of Fontana General Plan and Zoning and Development Code, resulting in a combined total of approximately 560,250 s.f. of building area on the Site. The northern half of the Project Site would feature an approximately 258,750 s.f. warehouse distribution/commerce center building with automobile parking, trailer parking, landscaping, walls and fences, signage, outdoor light fixtures and utility connections. The southern half of the Project Site would feature an approximately 301,500 s.f. warehouse distribution/commerce center building with automobile parking, trailer parking, landscaping, walls and fences, signage, outdoor light fixtures and utility connections. Both buildings provided by this Alternative would be constructed to the same height as the building proposed by the Project (48 feet and 6 inches) and would orient loading dock doors toward Boyle Avenue (and away from Slover Avenue and I-10). Boyle Avenue would be

re-built under this Alternative with new pavement, a curb and gutter system, and sidewalks on both side of the street. This Alternative was used to evaluate whether a scenario that would retain Boyle Avenue and develop the Site with smaller industrial buildings would result in fewer environmental impacts than the Project.

A. Air Quality

The Boyle Avenue Alternative would result in construction activities across the entire Project Site, similar to the Project. This Alternative would utilize similar construction equipment (and in similar quantities) as the proposed Project. The Boyle Avenue Alternative would result in a reduction to the Project's proposed building area – a 65,210 s.f. reduction – which would result in a reduction in daily construction emissions. Both the Project and this Alternative would result in less than significant air quality impacts from construction activities.

Under the Boyle Avenue Alternative, neither building would utilize rooftop solar panels. Pursuant to City of Fontana Ordinance No. 1891, the Project would be required to utilize rooftop solar panels to supply 100% of the Project's electricity demand for non-refrigerated building space. The requirement in Ordinance No. 1891 for rooftop solar panels only applies to buildings with more than 400,000 s.f. of building area and, thus, would not be applicable to the 258,750 s.f. and 301,500 s.f. buildings provided by this Alternative. All other aspects of operation, including traffic, would be similar to the proposed Project. Because the Boyle Avenue Alternative would not utilize rooftop solar panels for electricity generation, this Alternative would draw more energy from the power grid than the Project, which would result in additional air pollution from electricity generation. Although the Boyle Avenue Alternative would reduce daily vehicle traffic to/from the Project Site due to the reduction in building area – resulting in a reduction of approximately 140 vehicle trips per day – the air quality benefits from the reduction of these vehicles would be partially, if not wholly, offset by the additional air pollution from electricity generation. The operation of the Boyle Avenue Alternative is expected to result in similar, less than significant impacts to air quality as the proposed Project.

B. Biological Resources

The Boyle Avenue Alternative would disturb the entire Project Site, similar to the Project. This Alternative would have the same impacts to biological resources and would require the same mitigation as the proposed Project. After mitigation, both the Boyle Avenue Alternative and the Project would result in less-than-significant impacts to biological resources.

C. Cultural Resources

The Boyle Avenue Alternative would disturb the entire Project Site and would require a similar depth of grading/earthwork as the Project. Thus, the Boyle Avenue Alternative would have the same potential to impact cultural resources as the proposed Project. The Boyle Avenue Alternative would require similar mitigation as the Project and, after mitigation, both the Boyle Avenue Alternative and the Project would result in less-than-significant impacts to cultural resources.

D. Energy

The Boyle Avenue Alternative would require a less energy to construct than the Project, due to a reduction in total building area. However, because this Alternative would not utilize rooftop solar panels, its electricity

demand would be substantially higher than the Project. Adequate electricity would be available to service the Boyle Avenue Alternative, and its lack of rooftop solar panels would neither prevent the building's energy demands being adequately met nor result in a wasteful use of energy. The Boyle Avenue Alternative would generate similar daily traffic, which would travel a similar distance as Project-related traffic, thus this Alternative would consume similar – and less than significant - amounts of transportation fuels as the Project.

E. Geology and Soils

This Alternative would disturb the same physical area as the Project and would, therefore, have the same potential for soil erosion during the construction phase as the Project. Soil erosion impacts would be less than significant under both the Project and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Boyle Avenue Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking. The Boyle Avenue Alternative would result in a similar, less-than-significant impacts related to geology and soils hazards as the Project.

The Boyle Avenue Alternative would disturb the entire Project Site and would require a similar depth of grading/earthwork as the Project. Thus, the Boyle Avenue Alternative would have the same potential to impact paleontological resources as the proposed Project. The Boyle Avenue Alternative would require similar mitigation as the Project and, after mitigation, both the Boyle Avenue Alternative and the Project would result in less-than-significant impacts to paleontological resources.

F. Greenhouse Gas Emissions

The Boyle Avenue Alternative would utilize similar construction equipment (and in similar quantities) as the proposed Project. The Boyle Avenue Preservation Alternative would result in a reduction to the Project's proposed building area – an approximately 65,210 s.f. reduction – which would result in an incremental reduction in total GHG emissions from construction. During long-term operation, the Boyle Avenue Alternative would produce more GHG emissions from energy consumption than the Project due to the lack of rooftop solar panels under this Alternative. All other sources of operational GHG emissions would be similar under this Project. The Boyle Avenue Alternative would increase the severity of the Project's significant and unavoidable impact related to GHG emissions.

G. Hazards and Hazardous Materials

Neither the Boyle Avenue Alternative nor the Project would result in a significant impact related to hazards or hazardous materials. The land uses proposed by this Alternative would have a similar potential to handle and store hazardous materials than the Project. With mandatory regulatory compliance, both the Boyle Avenue Alternative and the Project would pose a less-than-significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials.

H. Hydrology and Water Quality

Neither the Project nor the Boyle Avenue Alternative would result in substantial alterations to the drainage pattern of the Project Site or would result in substantial erosion effects. Accordingly, implementation of the

Project and the Boyle Avenue Alternative would both result in less-than-significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Project Site would be similar under both the Boyle Avenue Alternative and the Project due to this Alternative and the Project both disturbing the same physical area. Like the Project, the Boyle Avenue Alternative would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the Boyle Avenue Alternative would result in similar – and less-than-significant – construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects on the Project Site would be similar under both the Boyle Avenue Alternative and the Project. Similar to the Project, the Boyle Avenue Alternative would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Project Site. Additionally, similar to the Project, the Boyle Avenue Alternative would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the site does not contain substantial pollutant concentrations. The Project and the Boyle Avenue Alternative would result similar operational hydrology and water quality impacts. Impacts under the Boyle Avenue Alternative and the Project would be less than significant.

I. Noise

Noise associated with this Alternative would occur during short-term construction activities and under long-term operation. Under the construction scenario, the Boyle Avenue Alternative is expected to result in similar short-term noise levels as the Project due to the similarities between the construction activities and construction equipment being used. Under operational conditions, the Boyle Avenue Alternative is expected to result in a similar long-term noise impact as the Project due to the similar types of vehicles accessing the Site and similar types of operational activities on the Site (i.e., loading and unloading of trailers). Under both the Project and the Boyle Avenue Alternative, long-term noise impacts would be less than significant.

J. Transportation

Because the Boyle Avenue Alternative is a similar land use as the proposed Project, would construct similar improvements as the proposed Project, and would utilize the same travel routes as the Project, this Alternative would not conflict with any program, plan, ordinance or policy addressing the circulation system and would not result in any local transportation safety hazards. The volume of traffic generated by this Alternative would be less than the Project (by approximately 140 trips per day); the average distance traveled by vehicle trips under this Alternative would be identical to the Project. Accordingly, the Boyle Avenue Alternative would result in a similar – and less than significant – impact as the Project to transportation.

K. Tribal Cultural Resources

The Boyle Avenue Alternative would disturb the entire Project Site and would require a similar depth of grading/earthwork as the Project. Thus, the Boyle Avenue Alternative would have the same potential to impact tribal cultural resources as the proposed Project. The Boyle Avenue Alternative would require similar

mitigation as the Project and, after mitigation, both the Boyle Avenue Alternative and the Project would result in less-than-significant impacts to tribal cultural resources.

L. Conclusion

The Boyle Avenue Alternative would not reduce – but would likely increase – the Project's significant and unavoidable environmental impact from GHG emissions. This Alternative would also increase energy consumption in comparison to the Project; however, energy impacts would remain less than significant. Upon application of the same mitigation measures as the Project, the Boyle Avenue Alternative would result in similar, less than significant impacts as the Project to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation, and tribal cultural resources.

The Boyle Avenue Alternative would not meet Project Objective 2 because it provides a reduced scale of development in comparison to the proposed Project and would not maximize employment-generating potential of development on the Project Site. The Boyle Avenue would meet all other Project objectives because it provides a similar land use and building design as the Project.

6.3.3 Modified Building Operations Alternative

The Modified Building Operations Alternative considers a proposal where a physical development design that is identical to the proposed Project is provided, but operations of the building are modified to limit refrigerated warehouse space to no more than 12.5 percent of the total proposed building area (approximately 78,200 s.f.). Other than reducing the amount of floor area that would potentially be utilized for refrigerated storage uses, all other aspects of the proposed Project – including but not limited to its site plan, building height, architecture design, landscape design, proposed use, and hours of operation – would remain unchanged. Due to the reduction in the amount of cold storage provided, operation of this Alternative would require less electricity than the Project and, also, fewer heavy trucks equipped with transport refrigeration units (TRUs). This Alternative was selected to evaluate whether modifying a relatively energy-intensive aspect of the Project's operations would result in a substantive reduction to any of the significant environmental impacts that would result from the Project.

A. Air Quality

The Modified Building Operations Alternative would result in construction activities across the entire Project Site that are identical to the Project. This Alternative would utilize the construction equipment in the same quantities as the proposed Project. Because the Modified Building Operations Alternative would require the same construction activities as the Project, this Alternative would result in identical – and less than significant – construction-related impacts to air quality as the Project.

Because the Modified Building Operations Alternative would provide less refrigerated storage space than the Project, this Alternative would consume less electricity than the Project and would require service from fewer heavy trucks outfitted with TRUs than the Project. Thus, operation of this Alternative would produce less regional criteria air pollution than the Project from electricity generation and TRU operation; the reduction would vary by criteria pollutant but could be as high as an approximate 8 percent reduction to peak NO_X and

CO emissions under the Project. The reduction in TRU operations also would result in an incremental reduction in localized health risk impacts from diesel particulate matter emissions in comparison to the Project. Notwithstanding, the reductions to operational air pollutant emissions under this Alternative, both the Project and the Modified Operations Alternative would result in less than significant operational air quality impacts.

B. Biological Resources

The Modified Operations Alternative would redevelop the entire Project Site and would have an identical development footprint as the Project. This Alternative would have the same impacts to biological resources and would require the same mitigation as the proposed Project. After mitigation, both the Modified Operations Alternative and the Project would result in less-than-significant impacts to biological resources.

C. Cultural Resources

The Modified Operations Alternative would have an identical development footprint as the Project and would require a similar depth of grading/earthwork as the Project. Thus, the Modified Operations Alternative would have the same potential to impact cultural resources as the proposed Project. The Modified Operations Alternative would require similar mitigation as the Project and, after mitigation, both the Modified Operations Alternative and the Project would result in less-than-significant impacts to cultural resources.

D. Energy

The Modified Operations Alternative would require the same energy to construct as the Project, due to a identical development and construction plan. The Modified Operations Alternative would reduce the Project's consumption of electricity during operation due to a reduction of refrigerated storage space. Adequate electricity would be available to service the Modified Operations Alternative and this Alternative's energy usage would not be wasteful; this is the same conclusion as the Project. The Modified Operations Alternative would generate similar daily traffic, which would travel a similar distance as Project-related traffic, thus this Alternative would consume similar – and less than significant - amounts of transportation fuels as the Project.

E. Geology and Soils

This Alternative would disturb the same physical area as the Project and would, therefore, have the same potential for soil erosion during the construction phase as the Project. Soil erosion impacts would be less than significant under both the Project and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Modified Operations Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking. The Modified Operations Alternative would result in a similar, less-than-significant impacts related to geology and soils hazards as the Project.

The Modified Operations Alternative would have an identical development footprint as the Project and would require a similar depth of grading/earthwork as the Project. Thus, the Modified Operations Alternative would have the same potential to impact paleontological resources as the proposed Project. The Modified Operations Alternative would require similar mitigation as the Project and, after mitigation, both the Modified Operations Alternative and the Project would result in less-than-significant impacts to paleontological resources.

F. Greenhouse Gas Emissions

The Modified Operations Alternative would result in identical construction activities as the Project and would rely on identical construction equipment in the same quantities as the Project. Because the Modified Building Operations Alternative would require the same construction activities as the Project, this Alternative would result in identical construction-related GHG emissions as the Project. The Modified Building Operations Alternative would reduce GHG emissions as compared to the Project due to a reduction of refrigerated warehouse space within the proposed building; GHG emissions from electricity emissions and TRU operations would be halved relative to the Project which would result in an annual reduction of approximately 850 MT of CO_2e emissions. This reduction correlates to an approximately 11 percent reduction of the Project's GHG emissions. Despite the reduction to GHG emissions afforded by this Alternative, impacts from GHG emissions would remain significant and unavoidable under the Modified Operations Alternative.

G. Hazards and Hazardous Materials

Neither the Modified Operations Alternative nor the Project would result in a significant impact related to hazards or hazardous materials. The land uses proposed by this Alternative would have a similar potential to handle and store hazardous materials than the Project. With mandatory regulatory compliance, both the Modified Operations Alternative and the Project would pose a less-than-significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials.

H. Hydrology and Water Quality

Neither the Project nor this Alternative would result in substantial alterations to the drainage pattern of the Project Site or would result in substantial erosion effects. Accordingly, implementation of the Project and the Modified Operations Alternative would both result in less-than-significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Project Site would be identical under both the Modified Operations Alternative and the Project due to this Alternative and the Project having an identical development footprint. Like the Project, this Alternative would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the Modified Operations Alternative would result in similar – and less-than-significant – construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects on the Project Site would be identical under both the Modified Operations Alternative and the Project. Both the Modified Operations Alternative and the Project would be required to implement a drainage plan and a WQMP to adequately capture and convey stormwater runoff and preclude substantial concentrations of waterborne pollution. Impacts under the Modified Operations Alternative and the Project would be less than significant.

I. Noise

Under the construction scenario, the Modified Operations Alternative is expected to result in identical short-term noise levels as the Project due to the similarities between the construction activities and construction

equipment being used. Under operational conditions, the Modified Operations Alternative is expected to result in a similar long-term noise impact as the Project due to the similar types of vehicles accessing the Site and similar types of operational activities on the Site (i.e., loading and unloading of trailers). Under both the Project and the Modified Operations Alternative, long-term noise impacts would be less than significant.

J. Transportation

Because the Modified Operations Alternative is a similar land use as the proposed Project, would construct similar improvements as the proposed Project, and would utilize the same travel routes as the Project, this Alternative would not conflict with any program, plan, ordinance or policy addressing the circulation system and would not result in any local transportation safety hazards. The volume of traffic generated by this Alternative would be similar to the Project and the average distance traveled by vehicle trips under this Alternative would be identical to the Project. Accordingly, the Modified Operations Avenue Alternative would result in a similar – and less than significant – impact as the Project to transportation.

K. Tribal Cultural Resources

The Modified Operations Alternative would have an identical development footprint as the Project and would require a similar depth of grading/earthwork as the Project. Thus, the Modified Operations Alternative would have the same potential to impact tribal cultural resources as the proposed Project. The Modified Operations Alternative would require similar mitigation as the Project and, after mitigation, both the Modified Operations Alternative and the Project would result in less-than-significant impacts to tribal cultural resources.

L. Conclusion

The Modified Operations Alternative would reduce – but not avoid – the Project's significant and unavoidable environmental impact from GHG emissions. This Alternative would reduce energy consumption in comparison to the Project; however, both the Project and the Modified Operations Alternative would result in less than significant environmental impacts from energy consumption. The Modified Operations Alternative would require the same mitigation measures as the Project for biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Upon consideration of all required mitigation measures, the Modified Operations Alternative would result in less than significant impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation, and tribal cultural resources, which is the same conclusion drawn for the Project.

Because the Modified Operations Alternative provides a similar land use and identical building design and scale of development as the proposed Project, this Alternative would meet all of the Project's objectives.

6.4 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 the Project site and its surrounding environment.

As shown in Table 6-1, the No Project Alternative would avoid or reduce all of the Project's significant environmental impacts and, therefore, can be considered environmentally superior to the Project. The No Project Alternative is considered to be a "no project" alternative as defined by CEQA Guidelines Section 15126.6(e)(3). If a "no project" alternative is identified as the environmentally superior alternative then the EIR shall also identify an environmentally superior alternative among the other alternatives (see CEQA Guidelines Section 15126.6(e)(2). Thus, the Modified Building Operations Alternative, as described above in Subsection 6.3.3, is identified as the environmentally superior alternative, because the Modified Building Operations Alternative would result in the greatest reduction of environmental impacts among the remaining alternatives as summarized in Table 6-1.

Table 6-1 Alternatives to the Project – Comparison of Environmental Impacts

Environmental Topic	Project Significance of Impacts After Mitigation	No Project Alternative	Boyle Avenue Preservation Alternative	Modified Building Operations Alternative
Air Quality	Less than Significant (Construction)	Reduced	Similar	Similar
	Less than Significant (Operations)	Reduced	Similar	Similar
Biological Resources	Less than Significant	Reduced	Similar	Similar
Cultural Resources	Less than Significant	Reduced	Similar	Similar
Energy	Less than Significant	Reduced	Increased	Similar
Geology & Soils	Less than Significant	Reduced	Similar	Similar
Greenhouse Gas Emissions	Significant and Unavoidable	Reduced	Increased	Reduced
Hazards & Hazardous Materials	Less than Significant	Increased	Similar	Similar
Hydrology & Water Quality	Less than Significant (Construction)	Increased	Similar	Similar
	Less than Significant (Operations)	Increased	Similar	Similar
Noise	Less than Significant (Construction)	Reduced	Similar	Similar
	Less than Significant (Operations)	Reduced	Similar	Similar
Transportation	Less than Significant	Reduced	Similar	Similar
Tribal Cultural Resources	Less than Significant	Reduced	Similar	Similar
Ability to Meet Project Objectives				
Objective 1. To expand economic development in the City of Fontana by re-developing an underutilized property with an in-demand industrial use within a portion of the City that is planned for long-term industrial development.		No	Yes	Yes

Table 6-1 Alternatives to the Project – Comparison of Environmental Impacts

Environmental Topic	Project Significance of Impacts After Mitigation	No Project Alternative	Boyle Avenue Preservation Alternative	Modified Building Operations Alternative
Ability to Meet Project Objectives				
Objective 2: To make efficient use of a property in the City of Fontana by maximizing its buildout potential for employment-generating uses.		No	No	Yes
Objective 3: 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.		No	Yes	Yes
Objective 4: To develop an industrial building with loading bays adjacent to City of Fontana truck routes and in close proximity to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.		No	Yes	Yes
Objective 5: To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.		No	Yes	Yes
Objective 6: To develop a project that has architectural design and operational characteristics that are compatible with other existing and planned land uses in the immediate vicinity of the Project Site.		No	Yes	Yes
Objective 7: To redevelop a property that has access to available infrastructure, including roads and utilities.		No	Yes	Yes

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 Slover and Cypress 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: A: Notice of Preparation and Written Comments on the NOP
Appendix B: Air Quality Impact Analysis
Appendix C: Mobile Source Health Risk Assessment
Appendix D: Biological Resources Report
Appendix E: Cultural Resources Study
Appendix F: Energy Analysis
Appendix G: Geotechnical Investigation
Appendix H: Paleontological Assessment
Appendix I: Greenhouse Gas Analysis
Appendix J: Phase I Environmental Site Assessment
Appendix K: Preliminary Drainage Report
Appendix L: Preliminary Water Quality Management Plan
Appendix M: Noise Analysis
Appendix N: Traffic Study

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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