



Draft Environmental Impact Report
SCH No. 2022110389

Citrus & Oleander Avenue at
Santa Ana Avenue Project
City of Fontana, California

Lead Agency



City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Public Review Draft | April 7, 2023

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**Citrus & Oleander Avenue at Santa
Ana Avenue Project
City of Fontana, California**

Lead Agency

City of Fontana
8353 Sierra Avenue
Fontana, CA 92355

CEQA Consultant

T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Project Applicant

Acacia Real Estate Group, Inc.

Lead Agency Discretionary Permits

Master Case No. (MCN No. 22-053)
General Plan Amendment (GPA No. 22-004)
Zone Change Application (ZCA No. 22-005)
Specific Plan Amendment (SPA No. 22-002)
Design Review Project – Building No. 1 (DRP No. 22-029)
Design Review Project – Building No. 2 (DRP No. 22-061)
Design Review Project – Building No. 3 (DRP No. 22-062)
Tentative Parcel Map – Building No. 1 (TPM No. 22-009)
Tentative Parcel Map – Building No. 2 (TPM No. 22-030)
Tentative Parcel Map – Building No. 3 (TPM No. 22-031)

April 7, 2023



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APPENDICES (BOUND SEPARATELY)

- A: Notice of Preparation and Written Comments on the NOP
- B1: Air Quality Impact Analysis
- B2: Mobile Source Health Risk Assessment
- C: Biological Resources Report
- D: Cultural Resources Study
- E: Energy Analysis
- F1: Geotechnical Investigation
- F2: Paleontological Assessment
- G: Greenhouse Gas Analysis
- H: Phase I Environmental Site Assessment
- I1: Stormwater Quality Management Plan (Building 1)
- I2: Stormwater Quality Management Plan (Building 2)
- I3: Stormwater Quality Management Plan (Building 3)
- I4: Preliminary Hydrology Calculations (Building 1)
- I5: Preliminary Hydrology Calculations (Building 2)
- I6: Preliminary Hydrology Calculations (Building 3)
- J: Noise Analysis
- K: Traffic Study



ACRONYMS AND ABBREVIATIONS

| <u>Acronym</u> | <u>Definition</u> |
|----------------|--|
| § | Section |
| > | greater than |
| ≥ | greater than or equal to |
| a.m. | Ante Meridiem (between the hours of midnight and noon) |
| AAQS | Ambient Air Quality Standards |
| AB | Assembly Bill |
| AB 52 | Native Americans: California Environmental Quality Act |
| AB 1493 | Pavley Fuel Efficiency Standards |
| AB 1327 | California Solid Waste Reuse and Recycling Act |
| AB 939 | California Solid Waste Integrated Management Act |
| AB 1881 | California Assembly Bill 1881, California Water Conservation Act of 2006 |
| AC | Acres |
| ACMs | Asbestos Containing Materials |
| ACOE | Army Corps of Engineers |
| A.D. | Anno Domini |
| ADP | Area Drainage Plan |
| AERMOD | Air Quality Dispersion Modeling |
| ADT | Average Daily Traffic |
| AFY | Acre Feet per Year |
| AGI | Anacapa Geoservices, Inc. |
| AIA | Airport Influence Area |
| AICUZ | Air Installation Compatible Use Zone |
| ALUC | Airport Land Use Commission |
| ALUCP | Airport Land Use Compatibility Plan |
| AMSL | Above Mean Sea Level |
| A-P Act | Alquist-Priolo Earthquake Fault Zoning Act |
| APS | Alternative Planning Strategy |
| APN | Assessor Parcel Number |
| AQMP | Air Quality Management Plan |
| ARB | Air Reserve Base |
| ASTM | American Society of Testing and Materials |
| ASTs | Above ground storage tanks |
| Av. | Avenue |
| BACM | Best Available Control Measure |



| | |
|--------------------------|--|
| BAU | Business as Usual |
| B.C. | Before Christ |
| bgs | Below ground surface |
| Blvd. | Boulevard |
| BMPs | Best Management Practices |
| BLM | Bureau of Land Management |
| BPUSD | Baldwin Park Unified School District |
| BSA | Biological Study Area |
| | |
| C2F6 | Hexafluoroethane |
| C2H6 | Ethane |
| CA | California |
| CAA | Federal Clean Air Act |
| CAAQS | California Ambient Air Quality Standards |
| CAFE | Corporate Average Fuel Economy |
| CA H2 Net | California Hydrogen Highway Network |
| 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 |
| CAPSSA | Criteria Area Plant Species Survey Area |
| CARB | California Air Resources Board |
| CASSA | Criteria Area Species Survey Area |
| CASQUA | California Stormwater Quality Association |
| CAT | Climate Action Team |
| CAW | California American Water |
| CBC | California Building Code |
| CBSC | California Building Standards Code |
| CCR | California Code of Regulations |
| CCAA | California Clear Air Act |
| CDC | California Department of Conservation |
| CDD | Community Development Director |
| CDE | California Department of Education |
| CDFW | California Department of Fish and Wildlife |
| CEC | California Energy Commission |
| CEPA | California Environmental Protection Agency |
| CEQA | California Environmental Quality Act |



| | |
|---------|---|
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CESA | California Endangered Species Act |
| CETAP | Community & Environmental Transportation Acceptability Process |
| CFC | California Fire Code |
| CFCs | Chlorofluorocarbons |
| C2F6 | Hexaflouroethane |
| CF4 | Tetraflouromethane |
| CF3CH2F | HFC-134a |
| CFR | Code of Federal Regulations |
| CFS | Cubic Feet per Second |
| CGS | California Geologic Survey |
| CH | Conservation Habitat |
| C2H6 | Ethane |
| CH4 | Methane |
| CH3CHF2 | HFC-152a |
| CHF3 | HFC-23 |
| CHHSL | California Human Health Screening Level |
| CHL | California Historical Landmark |
| CHP | combined heat and power |
| CHRIS | California Historic Resources Information System |
| CIWMB | California Integrated Waste Management Board |
| CLCA | California Land Conservation Act |
| CLOMR | Conditional Letter of Map Revision |
| CLUP | Comprehensive Land Use Plan |
| CMP | Congestion Management Program |
| CNDDDB | California Natural Diversity Database |
| CNEL | Community Noise Equivalent Level |
| CNPS | California Native Plant Society |
| CO | Carbon Monoxide |
| COG | Council of Governments |
| CO2 | Carbon Dioxide |
| CO2e | Carbon Dioxide Equivalent |
| COHb | carboxyhemoglobin |
| CPUC | California Public Utilities Commission |
| CREED | Citizens for Responsible Equitable Environmental Development |
| CSU | California State University |
| CSRG | Conservation Summary Report Generator |
| CTC | California Transportation Commission |
| CTP | Clean Truck Program |
| CUP | Conditional Use Permit |



| | |
|-----------------------|--|
| CVIFD | Chino Valley Independent Fire District |
| CVUSD | Chino Valley Unified School District |
| CWA | Clean Water Act |
| CWC | California Water Code |
| CWHR | California Wildlife Habitat Relationships |
| CY | Cubic Yards |
| CZ | Change of Zone |
| | |
| dB | Decibel |
| dba | A-weighted Decibels |
| DBESP | Determination of Biologically Equivalent or Superior Preservation |
| DEH | Department of Environmental Health |
| DIF | Development Impact Fee |
| DOSH | Division of Occupational Safety and Health |
| DP | Development Permit |
| DPM | Diesel Particulate Matter |
| DRC | Design Review Committee |
| DRRP | Diesel Risk Reduction Plan |
| DTSC | Department of Toxic Substances Control |
| DU | Dwelling Unit |
| DU/AC | Dwelling units per acre |
| DWR | Department of Water Resources |
| | |
| e/o | East of |
| E+A+P | Existing plus Ambient Growth plus Project Conditions |
| E+A+P+C Conditions | Existing plus Ambient Growth plus Project Conditions plus Cumulative |
| E+P | Existing plus Project Conditions |
| EAP II | Energy Action Plan II |
| ECS | Environmental Constraints Sheet |
| EDR | EDR Sanborn |
| EIR | Environmental Impact Report |
| EIS | Environmental Impact Statement |
| EMFAC | Emission Factor Model |
| EO | Executive Order |
| EPA | Environmental Protection Agency |
| EPCRA | Emergency Planning and Community Right-To-Know Act |
| EPS | Emission Performance Standard |
| ESA | Environmental Site Assessment |
| et seq. | et sequentia, meaning "and the following" |



| | |
|---------------------|--|
| EV | Electric Vehicle |
| F | Fahrenheit |
| FAA | Federal Aviation Administration |
| FAR | floor area ratio |
| FAR | Federal Aviation Regulations |
| FEIR | Final Environmental Impact Report |
| FEMA | Federal Emergency Management Agency |
| FESA | Federal Endangered Species Act |
| FHSZ | Fire Hazard Severity Zone |
| FIRM | Flood Insurance Rate Map |
| FHA | Federal Housing Administration |
| FHWA | Federal Highway Administration |
| FIA | Fiscal Impact Analysis |
| FICON | Federal Interagency Committee on Noise |
| FMMP | Farmland Mapping and Monitoring Program |
| FTA | Federal Transit Association |
| FY | Fiscal Year |
| FYI | For Your Information |
| | |
| GCC | Global Climate Change |
| Gg | Gigagrams |
| GHG | Greenhouse Gas |
| GIS | Geographic Information System |
| GISD | Geographic Information Services Database |
| GgCO ₂ e | Gigagrams of carbon dioxide equivalent |
| GLO | General Land Office |
| GP | General Plan |
| GPA | General Plan Amendment |
| gpd | Gallons per Day |
| gpm | Gallons per minute |
| GPS | Global Positioning System |
| GSA | Groundwater Sustainability Agencies |
| GVWR | Gross Vehicle Weight Rating |
| GWP | Global Warming Potential |
| | |
| H ₂ O | Water Vapor |
| HCM | Highway Capacity Manual |
| HCP | Habitat Conservation Plan |
| HCS+ | Highway Capacity Software Plus |



| | |
|---------|---|
| HDG | HD Geosolutions, Inc. |
| HDV | Heavy-duty vehicles |
| HFCs | Hydrofluorocarbons |
| HET | High-Efficiency Toilet |
| HI | Hazard Index |
| HMBEP | Hazardous Materials Business Emergency Plan |
| HMMD | Hazardous Materials Management Division |
| HMMP | Hazardous Materials Management Plan |
| HMTA | Hazardous Materials Transportation Act |
| HMTAUSA | Hazardous Materials Transportation Uniform Safety Act |
| Hp | horsepower |
| HPLV | High Pressure Low Volume |
| HRI | Historical Resource Inventory |
| HSC | Health and Safety Code |
| HUC | Hydrologic Unit Code |
| HVAC | Heating, Ventilation, and Air Conditioning |
| I | Interstate |
| i.e. | that is |
| IA | Implementing Agreement |
| IBC | International Building Code |
| ICU | Intersection Capacity utilization |
| ID | Identification |
| IE | Infrastructure Element |
| IEPR | Integrated Energy Policy Report |
| INCE | Institute of Noise Control Engineering |
| IPA | Inland Port Airport |
| IPCC | Intergovernmental Panel on Climate Change |
| IRP | Installation Restoration Program |
| IS | Initial Study |
| ITE | Institute of Transportation Engineers |
| ITS | intelligent transportation systems |
| JD | Jurisdictional Delineation |
| JPA | Joint Powers Authority |
| JPR | Joint Project Review |
| kg | kilogram |
| kBTU | kilo-British thermal units |
| kWh | kilowatt-hour |



| | |
|---------|---|
| LACDPW | Los Angeles County Department of Public Works |
| LACSD | Los Angeles County Sanitation District |
| LACFD | Los Angeles County Fire Department |
| LACTMA | Los Angeles County Metropolitan Transport Authority |
| LAFCD | Los Angeles Flood Control District |
| LAFCO | Local Agency Formation Commission |
| LARWQCB | Los Angeles Regional Water Quality Control Board |
| LBP | Lead based paint |
| lbs | pounds |
| LBVI | least Bell's vireo |
| LCA | Life-cycle analysis |
| LCFS | low carbon fuel standard |
| LDA | Light duty autos |
| LDV | Light duty vehicles |
| LED | light-emitting diode |
| Leq | equivalent continuous sound level |
| LHD | light-heavy duty trucks |
| LID | low impact development |
| Lmax | Maximum level measured over the time interval |
| Lmin | Maximum level measures over the time interval |
| LOMR | Letter of Map Revision |
| LOS | Level of Service |
| LSAA | Lake and Streambed Alteration Agreement |
| LSTs | Localized Significance Thresholds |
| LUST | Leaking Underground Storage Tank |
| M3 | Cubic Meter |
| m-2 | heavy manufacturing zone |
| MACT | Maximum achievable control technology |
| MBTA | Migratory Bird Treaty Act |
| MC | Municipal Code |
| MDP | Master Drainage Plan |
| MEISC | maximally exposed individual school child |
| MEIR | maximally exposed individual receptor |
| MEIW | maximally exposed individual worker |
| mg | milligrams |
| MGD | million gallons per day |
| MH | medium-heavy duty truck |
| MICR | Maximum Individual Cancer Risk |



| | |
|---------------------|--|
| MM | Mitigation Measure |
| MMRP | Mitigation Monitoring and Reporting Program |
| MMTs | million metric tons |
| MMTCO _{2e} | million metric tons of carbon dioxide equivalent |
| MND | Mitigated Negative Declaration |
| Mph | Miles per hour |
| MPO | Metropolitan Planning Organization |
| MRZ-3 | Mineral Resource Zone 3 |
| MRF | Material Recovery Facility |
| MS4 | Municipal Separate Storm Sewer System |
| MT | metric ton |
| MTCO _{2e} | Metric Tons of Carbon Dioxide Equivalent |
| MUTCD | Manual on Uniform Traffic Control Devices |
| MWD | Metropolitan Water District |
| | |
| N/A | Not Applicable |
| n/o | North of |
| N ₂ | Nitrogen |
| n.d. | no date |
| NAHC | Native American Heritage Commission |
| NAAQS | National Ambient Air Quality Standards |
| NAIOP | Commercial Real Estate Association |
| NATA | National Air Toxic Assessment |
| NB | Northbound |
| ND | Negative Declaration |
| NDC | nationally determined contributions |
| NEPSSA | Narrow Endemic Plant Species Survey Area |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NFIP | National Flood Insurance Program |
| NHP | National Register of Historic Places |
| NHPA | National Historic Preservation Act |
| NIOSH | National Institute for Occupational Safety and Health |
| No. | Number |
| NO | Nitric Oxide |
| NO ₂ | Nitrogen Dioxide |
| NOX | Nitrogen Oxides |
| N ₂ | Nitrogen |
| N ₂ O | Nitrous Oxide |
| NOP | Notice of Preparation |
| NPDES | National Pollutant Discharge Elimination System |



| | |
|----------------|--|
| n.p. | No page |
| NPA | No project alternative |
| NPC | National Park Service |
| NPDES | National Pollutant Discharge Elimination System |
| NPL | National Priorities List |
| NRCS | Natural Resources Conservation Service |
| | |
| O2 | Oxygen |
| O3 | Ozone |
| OD | Officially Designated |
| OEHHA | Office of Environmental Health Hazard Assessment |
| OHWM | Ordinary High-Water Mark |
| OPR | Office of Planning and Research |
| OSHA | Occupational Safety and Health Assessment |
| Ord. | Ordinance |
| | |
| Pb | Lead |
| PCBs | Polychlorinated biphenyls |
| PCEs | Passenger Car Equivalents |
| PDF | Project Design Feature |
| PeMS | Caltrans' Performance System Website |
| PF | Public Facilities land use designation |
| PFCs | Perfluorocarbons |
| PHF | peak hour factor |
| PHI | Points of Interest |
| P-I | Public Institutional land use designation |
| p.m. | Post Meridiem (between the hours of noon and midnight) |
| PM | Particulate Matter |
| PM2.5 | Fine Particulate Matter (2.5 microns or smaller) |
| PM10 | Fine Particulate Matter (10 microns or smaller) |
| Porter-Cologne | Porter-Cologne Water Quality Control Act |
| ppb | parts per billion |
| ppm | parts per million |
| pp. | pages |
| ppt | parts per trillion |
| PPV | peak particle velocity |
| PRC | Professional Regulation Commission |
| PRC | Public Resources Code |
| PSE | Public Safety Element |
| QP | Public/Quasi-Public |



| | |
|------------------|--|
| PV | photovoltaic |
| Rapanos Decision | John A. Rapanos v. United States: and June Carabell v. United States Army Corps of Engineers |
| RBBD | Road and Bridge Benefit District |
| RCA | Regional Conservation Authority |
| RCP | Reinforced Concrete Pipe |
| RCP | Regional Comprehensive Plan |
| RCNM | Roadway Construction Noise Model |
| RCRA | Resource Conservation and Recovery Act |
| Rd. | Road |
| REC | Recognized environmental Concerns |
| RECLAIM | Regional Clean Air Incentives Market |
| REL | Reference Exposure Level |
| REMEL | Reference Mean Emission Level |
| RHA | Rivers and Harbor Act of 1899 |
| RIX | Rapid Infiltration Extraction |
| RME | resource management element |
| RMP | Resource Management Plan |
| RMS | root mean square |
| ROGs | Reactive Organic Gasses |
| ROW | Right of Way |
| RPS | Renewable Portfolio Standards |
| RPW | Relative Permanent Water |
| RPZ | Runway Protection Zone |
| RTP | Regional Transportation Plan |
| RTPA | Regional Transportation Planning Agency |
| RTP/SCS | Regional Transportation Plan/Sustainable Communities Strategy |
| RV | Recreational Vehicle |
| RWQCB | Regional Water Quality Control Board |
| s/o | south of |
| SF/s.f. | square foot or square feet |
| SARA | Superfund Amendments and Reauthorization Act |
| SB18 | Bill of Rights for Children and Youth of California |
| SB | Southbound |
| SB | Senate Bill |
| SB 375 | California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008 |
| 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 |
| SCWR | Southern Cottonwood Willow Riparian |
| SF6 | Sulfur Hexafluoride |
| SLF | Sacred Lands File |
| SGMA | Sustainable groundwater management act |
| SHMA | Seismic Hazards Mapping Act |
| SIP | State Implementation Plan |
| SKR | Stephens' Kangaroo Rat |
| SMARA | Surface Mining Reclamation Act |
| SNUR | Significant New Use Rule |
| SO2 | Sulfur Dioxide |
| SO4 | Sulfates |
| SOX | Sulfur Oxides |
| SOI | Sphere of Influence |
| SP | Specific Plan |
| SPA | Specific Plan Amendment |
| SPT | Standard Penetration Test |
| SR | State Route |
| SRA | Source Receptor Area |
| SRRE | Source Reduction and Recycling Element |
| St. | Street |
| STC | Sound Transmission Class |
| SURRGO | Soil Survey Geographic |
| SUSMP | Standard Urban Stormwater Management Plan |
| SWANCC | Solid Waste Agency of Northern Cook County vs. USACE |
| SWFF | Southwestern willow flycatcher |
| SWH | solar water heaters |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWRCB | State Water Regional Control Board |
| | |
| TAC | Toxic Air Contaminants |
| TBD | To be determined |
| TEA-21 | Transportation Equality Act for 21st Century |
| TIA | Traffic Impact Analysis |
| TNW | Traditional Navigable Water |
| TPM | Tentative Parcel Map |



| | |
|---------|--|
| TRUs | Transportation Refrigeration Units |
| TS | Traffic Signal |
| TSCEA | Toxic Substance Control Act |
| TSF | Thousand Square Feet |
| TTM | Tentative Tract Map |
| TUMF | Transportation Uniform Mitigation Fee |
| | |
| µg | microgram |
| UBC | Uniform Building Code |
| UNFCCC | United Nations' Framework Convention on Climate Change |
| URBEMIS | URBan EMISsions |
| U.S. | United States |
| USACE | United States Army Corps of Engineers |
| USCB | United States Census Bureau |
| USEPA | United States Environmental Protection Agency |
| USDA | U.S. Department of Agriculture |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Society |
| USTs | Underground storage tanks |
| UWMP | Urban Water Management Plan |
| | |
| V/C | Volume to Capacity Ratio |
| VFP | Vehicle Fueling Positions |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | Vehicle Miles Traveled |
| VOCs | Volatile Organic Compounds |
| VPH | Vehicles per Hour |
| | |
| WDR | Water discharge report |
| w/o | West of |
| WoUS | Waters of the United States |
| WoS | Waters of the State |
| WQC | Water Quality Certification Program |
| WQMP | Water Quality Management Plan |
| WRF | Water Reclamation Facility |
| WRP | Water Reclamation Plan |
| WRRRA | Water Reuse and Recycle Act |
| WSA | Water Supply Assessment |



| | |
|-----|----------------------|
| YBP | Years before Present |
| Yr | year |
| ZC | Zone change |



S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

The California Environmental Quality Act (CEQA), 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. 2022110389, 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 Citrus & Oleander at Santa Ana Avenue Project (hereafter, 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 impacts that the Project may cause to the physical environment. 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.

This Executive Summary complies with CEQA Guidelines Section 15123, “Summary.” This EIR includes a description of the proposed Project and evaluates the physical environmental effects that could result from Project implementation. Pursuant to CEQA Guidelines § 15063(a), when a lead agency can determine that an EIR will be required for a project, an Initial Study is not required. An Initial Study was not prepared for this Project, however, the City of Fontana has determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines §15161, is required. As stated in CEQA Guidelines §15161, a Project EIR should “...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.”

The City of Fontana determined that the scope of this EIR should cover 20 subject areas. The scope was determined through the independent judgment of the City of Fontana’s pursuant to CEQA Guidelines Section 15063, and in consideration of public comment received by the City in response to this EIR’s Notice of Preparation (NOP). 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 comment on the NOP, the 20 environmental subject areas that could be reasonably and significantly affected by planning, constructing, and/or operating the proposed Project are analyzed herein, including:

- | | |
|---------------------------------------|----------------------------|
| 1. Aesthetics | 11. Land Use and Planning |
| 2. Agriculture and Forestry Resources | 12. Mineral Resources |
| 3. Air Quality | 13. Noise |
| 4. Biological Resources | 14. Population and Housing |
| 5. Cultural Resources | 15. Public Services |



- | | |
|------------------------------------|-----------------------------------|
| 6. Energy | 16. Recreation |
| 7. Geology and Soils | 17. Transportation |
| 8. Greenhouse Gas Emissions | 18. Tribal Cultural Resources |
| 9. Hazards and Hazardous Materials | 19. Utilities and Service Systems |
| 10. Hydrology and Water Quality | 20. Wildfire |

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. 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 (November 17, 2022); 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 proposed Project’s significant environmental impacts and the mitigation measures imposed by the City of Fontana on the Project to lessen or avoid those impacts is included in this Executive Summary as Table S-1, *Mitigation Monitoring and Reporting Program*. The City of Fontana applies mitigation measures that it determines 1) are feasible and practical for project applicants to implement, 2) are feasible and practical for the City to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Project’s impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to impose mitigation measures that are duplicative of mandatory regulatory requirements.

S.2 PROJECT OVERVIEW

S.2.1 LOCATION AND SETTING

The Project Site is located in the City of Fontana, which is in the southwestern portion of San Bernardino County, California. Fontana is located east of the cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley. The Project Site is approximately 0.6-mile south of Interstate 10 (I-10), approximately 5.3 miles east of Interstate 15 (I-15), and approximately 8.5 miles west of Interstate 215 (I-215). The Project Site’s location in a regional context is shown on Figure 3-1, *Regional Map*, in EIR Section 3.0, *Project Description*.

At the local scale, the Project Site is located north of Santa Ana Avenue and south of Jurupa Hills High School, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection. The Project Site’s location on a local scale is shown on Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*, in Section 3.0 of this EIR.

S.2.2 PROJECT SUMMARY

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. The Project proposes certain legislative actions, as well as site-specific actions for the construction and operation of three commerce center buildings collectively having up to 540,849 square feet (s.f.) of building space. The legislative actions for the Project entail a proposed General Plan Amendment (GPA No. 22-004), a Zone Change Application (ZCA No. 22-



005), and a Specific Plan Amendment (SPA No. 22-002) to amend the land use and zoning designations on 29.4 acres from residential designations to a light industrial designation and to incorporate the Project Site into the Southwest Industrial Park (SWIP) Specific Plan. The Project's Site-specific actions entail a proposed Design Review Project (DRP No. 22-029) and a Tentative Parcel Map (TPM No. 22-009) for Building 1; a proposed Design Review Project (DRP No. 22-061) and a Tentative Parcel Map (TPM No. 22-030) for Building 2, and a proposed Design Review Project (DRP No. 22-062) and a Tentative Parcel Map (TPM No. 22-031) for Building 3 to permit the development and operation of the three commerce center buildings on 24.4 acres of the 29.4-acre Project Site. No site-specific development is currently proposed on the remaining 5.0 acres of the Project Site, although a reasonably foreseeable consequence of the Project would be the development of that 5.0-acre property with a commerce center use. For purposes of this EIR, it is assumed that the 5.0 acres on which a site-specific development plan is not currently proposed, could be built out in the future with up to 131,464 s.f. of general light industrial use. In addition, the Project includes an action pertaining to 507 planned multi-family housing units pursuant to the City of Fontana's No Net Loss Density Bonus/Replacement Program to ensure compliance with California's Housing Crisis Act of 2019 (SB 330). The Project will also be subject to City Ordinance No. 1891 which establishes buffering and screening requirements, methods to improve traffic circulation, requirements for alternative energy, and improvements to circulation as it relates to industrial commerce center development in Fontana.

S.2.3 PROJECT OBJECTIVES

The fundamental purpose and goal of the Project is to accomplish the orderly development of commerce center buildings on underutilized property in South Fontana. The Project would achieve this goal through the following objectives.

1. To expand economic development in the City of Fontana by developing underutilized properties with an in-demand industrial use.
2. To make efficient use of a property in South 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 commerce center buildings in close proximity to City of Fontana truck routes and 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 develop 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 was distributed for a 30-day public review period, which began on November 17, 2022. 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 interested public agencies and members of the general public in a remote online format on December 7, 2022.

This EIR is being 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 Draft EIR public comment period, 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 Fontana City Council. 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, the City must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR. A MMRP will be separately prepared and implemented for the Project to ensure that each Project meets its mitigation obligations. The MMRP also will ensure CEQA compliance during Project construction and operation.

S.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(2) requires the Lead Agency (City of Fontana) to identify any known issues of controversy in the Executive Summary. The Lead Agency has not identified any issues of controversy associated with the Project after consideration of all comments received in response to the NOP. Notwithstanding, the Lead Agency has identified several issues of local concern including, but not limited to, potential impacts to greenhouse gas emissions, noise, and transportation, and proximity of the Project Site to Jurupa Hills High School.

Regarding issues to be resolved, this EIR addresses the environmental issues that are known by the City, and that were identified in the comment letters that the City of Fontana received on this EIR's NOP (refer to *Technical Appendix A*), and comments received during the EIR scoping meeting. Items raised in written comment to the NOP are summarized in Table 1-1, *Summary of NOP and Scoping Meeting Comments*, in Section 1.0 of this EIR.



S.5 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines Section 15126.6, an EIR must describe a range of reasonable alternatives to 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*. The Reduced Project Alternative is identified as the Environmentally Superior Alternative. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis.

S.5.1 NO DEVELOPMENT ALTERNATIVE

The No Development Alternative considers no development on the Project Site beyond what occurs on the Site under existing conditions. Under this Alternative, the residential uses on the approximately 29.4-acre Project Site would be retained while the undeveloped portions of the Site would be kept vacant for the foreseeable future. No roadway frontage improvements would occur on Citrus Avenue, Santa Ana Avenue, or Oleander Avenue. 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.

S.5.2 NO PROJECT ALTERNATIVE

The No Project Alternative considers the development of the Project Site in accordance with its existing land use designations of “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH).” The R-PC land use designation allows up to 6.4 dwelling units per acre and the R-MFMH land use designation allows up to 39 dwelling units per acre. Under this alternative, the Project Site is assumed to be developed with residential housing consistent with allowed densities. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property, this alternative assumes 125 dwelling units on the R-PC designated property and 382 dwelling units on the R-MFMH designated property for a total of 507 multi-family residential units on the Project Site. The R-MFMH area would have a maximum permitted lot coverage of 70% and the R-PC area would have a maximum permitted lot coverage of 45%. Building heights would be up to 55-feet. The extent of physical ground disturbance is expected to be the entire Site, which is the same as would occur under the proposed Project. This alternative is considered to compare the environmental effects of the Project against a development proposal that conforms to the land use standards and development regulations prescribed by the City of Fontana General Plan and Municipal Code under the Project Site’s existing land use and zoning designations.

S.5.3 REDUCED PROJECT ALTERNATIVES

The Reduced Project Alternatives consider the development of the Project Site with any of the three buildings proposed to be developed under the proposed Project, in any combination. Under these Alternatives, only Building 1 could be developed, only Building 2 could be developed, only Building 3 could be developed, or any combination of two buildings could be developed, including Buildings 1 and 2, Buildings 1 and 3, or Buildings 2 and 3. The areas not developed with buildings would retain their existing condition. These alternatives are considered to evaluate a variety of scenarios that would reduce the total building area on the



Project site relative to the Project but still allow productive commerce center use on a portion of the Project Site.

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

S.6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

An Initial Study was not prepared for the proposed Project, and thus this EIR evaluates all of the environmental subjects listed in Appendix G to the CEQA Guidelines. There were no issues found to be not significant as a result of the Project's NOP process.

S.6.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROPOSED PROJECT

Table S-1 provides a summary of the Project's environmental impacts, respectively, as required by CEQA Guidelines Section 15123(a). Also presented are the mitigation measures recommended by the City of Fontana 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 the following significant and unavoidable environmental effects.

Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact.

A majority of the Project's greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen), and Fontana Ordinance No. 1891 to reduce area-source and mobile-source emissions, neither the Project Applicant nor the City of Fontana can substantively or materially affect reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Project's greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Noise Threshold b: Significant Unavoidable Direct Impact. The Project's construction activities would exceed the Fontana Adult School relocatable classrooms damage thresholds at the building façade if those buildings remain in their present location during Project construction. Even with implementation of mitigation, Project construction vibration levels still exceed the 0.3 PPV (in/sec) construction vibration threshold.

Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts.

The Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035. The VMT generated by the Project would exceed the City's significance threshold by 15.34 percent in the baseline condition and 11 percent in the cumulative year 2040 condition and therefore, the Project would conflict with CEQA Guidelines Section 15064.3. Although a TDMP is required as mitigation, neither the Project Applicant nor the City of Fontana has the jurisdictional authority to mandate or monitor the effectiveness of the business practices of private enterprises such as the implementation of TDMP measures, nor assure a change in human behavior such as the choice to carpool, walk, or bike to and from work. For these



reasons, the effectiveness of VMT mitigation cannot be reasonably assured and the impact would remain significant.



Table S-1 Mitigation Monitoring and Reporting Program

| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|--|----------------------------|-------------------|------------------|----------------------|--|
| 4.1 Aesthetics | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The Project Site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Project would not substantially change a scenic view or substantially block or obscure a scenic vista; therefore, impacts to scenic vistas would be less-than-significant. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: No Impact.</u> The Project Site is not located within the viewshed of a scenic highway and, therefore, the Project Site does not contain any scenic resources visible from a scenic highway. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <u>Threshold c: No Impact.</u> The Project would not conflict with applicable zoning and other regulations governing scenic quality during Project construction or operation. Although the Project | 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 AFTER MITIGATION |
|---|-----------------------------------|-------------------|------------------|----------------------|--|
| <p>would change the visual character of the Site from residential use and vacant land to industrial use, the Project's surrounding area is primarily urbanized land uses. Furthermore, the Project proposes a number of site design, architectural, and landscaping elements consistent with the requirements of SWIP Specific Plan that would ensure the Project's character is consistent with the planned vision for the Specific Plan area. Impacts due to a conflict with applicable zoning and other regulations governing scenic quality would be less-than-significant.</p> | | | | | |
| <p><u>Threshold d: Less-than-Significant Impact.</u> Compliance with Fontana Municipal Code and Fontana General Plan requirements for artificial lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |
| <p>4.2 Agriculture and Forestry</p> | | | | | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| Summary of Impacts | | | | | |
| <p><u>Threshold a: No Impact.</u> As mapped by the DOC’s FMMP, the Project Site is classified by the FMMP as “Urban Built-Up Land” and “Other Land.” Based on the FMMP, the Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Project would not convert FMMP-designated Farmland to a non-agricultural use, and no impact would occur.</p> | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <p><u>Threshold b: No Impact.</u> The Project Site is not zoned for agricultural use, is not used for agricultural production, and is not subject to any Williamson Act contracts. Therefore, no impacts would occur.</p> | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <p><u>Threshold c: No Impact.</u> The Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.</p> | 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 AFTER MITIGATION |
|--|----------------------------|-------------------|------------------|----------------------|--|
| Threshold d and e: No Impact. There are no forest lands in the Project vicinity, and no lands in the Project vicinity are zoned for timberland, timberland production, or forest uses. The Project would not result in the conversion of forest land to non-forest use. No impact would occur. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| 4.3 Air Quality | | | | | |
| Summary of Impacts | | | | | |
| Threshold a: <u>Less-than-Significant Impact</u> . 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 SCAQMD's AQMP. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| Threshold b: <u>Less-than-Significant Impact</u> . 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 | 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 AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| pollutant for which the SCAB does not attain federal or State air quality standards. | | | | | |
| <p><u>Threshold c: Less-than-Significant Impact.</u> Implementation of the Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk thresholds; and 3) would not cause or contribute to the formation of a CO “hot spot.”</p> | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <p><u>Threshold d: Less-than-Significant Impact.</u> 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.</p> | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| 4.4 Biological Resources | | | | | |
| Summary of Impacts | | | | | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|--|----------------------------|-------------------|------------------|----------------------|--|
| <u>Threshold a: No Impact.</u> 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. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <u>Threshold b.: No Impact.</u> 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 |
| <u>Threshold c: No Impact.</u> 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 | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|--|---|------------------------|---|---|
| <p><u>Threshold d: Significant Direct and Cumulatively-Considerable Impact.</u> 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.</p> | <p>MM 4.4-1 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:</p> <ul style="list-style-type: none"> 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 | <p>Project Applicant; Project Biologist</p> | <p>City of Fontana</p> | <p>Prior to the issuance of a grubbing permit or grading permit and within 3 days of ground-disturbing activities</p> | <p>Less-than-Significant Impact with Mitigation</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|--|---|-------------------|------------------|----------------------|--|
| | <p>qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.</p> | | | | |
| <p>Threshold e: No Impact. The Project would not conflict with any</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>No Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| local policies or ordinances protecting biological resources. | | | | | |
| <u>Threshold f: No Impact.</u> 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. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| 4.5 Cultural Resources | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less than Significant Impact.</u> Thirteen historic-period residences and outbuildings are located on the Project Site that would be demolished to construct the Project, but the structures do not meet the CEQA Guidelines Section 15064.5 definition of a significant historical resource. Therefore, no significant historic resources could be altered or destroyed by construction or operation of the Project, and impacts to historic resources would be less than significant. | 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 AFTER MITIGATION |
|--|--|--|--|----------------------|--|
| | <p>origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p> <p>MM 4.5-3 Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.</p> | Project Applicant; Project Archaeologist | City of Fontana Building and Safety Department | During construction | |
| <p><u>Threshold c: Less than Significant Impact.</u> In the unlikely event that human remains are discovered</p> | 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 AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| <p>during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 <i>et seq.</i> Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.</p> | | | | | |
| 4.6 Energy | | | | | |
| Summary of Impacts | | | | | |
| <p><u>Threshold a: Less-than-Significant Impact.</u> The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.</p> | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <p><u>Threshold b: Less-than-Significant Impact.</u> The Project would not cause or result in the need for additional energy production or</p> | 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 AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| 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. | | | | | |
| 4.7 Geology and Soils | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: Less-than-Significant Impact.</u> Implementation of the Project would not result in substantial soil erosion or loss of | 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 AFTER MITIGATION |
|--|-----------------------------------|-------------------|------------------|----------------------|--|
| <p>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.</p> | | | | | |
| <p><u>Threshold c: Less-than-Significant Impact.</u> There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the Project's site-specific geotechnical reports during Project construction.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|---|--|---|--|--|
| <p><u>Threshold d: No Impact.</u> 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.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>No Impact</p> |
| <p><u>Threshold e: No Impact.</u> No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>No Impact</p> |
| <p><u>Threshold f: Direct and Cumulatively-Considerable Impact.</u> The Project would not impact any known paleontological resource or unique geological feature. However, the Project Site is underlain by older alluvium soils with a high sensitivity for paleontological resources. Accordingly, construction activities on the Project Site have</p> | <p>MM 4.7-1 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.</p> | <p>Project Applicant; Project Paleontologist</p> | <p>City of Fontana Building and Safety Department</p> | <p>Prior to the issuance of a grading permit</p> | <p>Less-than-Significant Impact with Mitigation Incorporated</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| <p>the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.</p> | <p>MM 4.7-2 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 5 feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.</p> <p>MM 4.7-3 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</p> | <p>Project Applicant; Project Paleontologist</p> <p>Project Applicant; Project Paleontologist</p> | <p>City of Fontana Building and Safety Department</p> <p>City of Fontana Building and Safety Department</p> | <p>During earth disturbance activities</p> <p>If a significant paleontological resource is discovered on the Project Site</p> | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | <p>Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.</p> <p>MM 4.7-4 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.</p> | Project Applicant; Project Paleontologist | City of Fontana Building and Safety Department | Prior to issuance of first occupancy permit | |

4.8 Greenhouse Gas Emissions

Summary of Impacts

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|--|--|--|--|--|--|
| <p><u>Threshold a: Cumulatively Considerable Impact.</u> The Project would exceed the SCAQMD 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.</p> | <p>MM 4.8-1 No portion of the buildings shall include cold storage space.</p> <p>MM 4.8-2 Building roofs shall be solar-ready and shall be outfitted with a solar photovoltaic system that either supplies 100 percent of the building user's anticipated electricity demand or is the maximum size feasible given applicable Building Code requirements, clearance requirements around roof-mounted equipment, Southern California Edison interconnection</p> | Project Applicant Project Applicant | City of Fontana Building and Safety Department City of Fontana Building and Safety Department | Prior to issuance of a building permit Prior to issuance of a building permit | Significant Unavoidable Cumulatively-Considerable Impact |
|--|--|--|--|--|--|



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | regulations, transformer capacity, and other code compliance constraints. Prior to issuance of a shell building permit, the City of Fontana shall verify that all or part of the roof structure is designed to support the installation of solar panels. The roof-mounted solar photovoltaic systems shall be installed within 12 months of issuance of the first occupancy permit. | | | | |
| Threshold b: <u>Less-than-Significant Impact</u> . The Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| 4.9 Hazards and Hazardous Materials | | | | | |
| Summary of Impacts | | | | | |
| Thresholds a and b: <u>Less-than-Significant Impact</u> . During Project construction and operation, mandatory compliance to 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 | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| <p><u>Threshold c: Less-than-Significant Impact.</u> The Project Site is located within one-quarter mile of Jurupa Hills High School, Fontana Adult School, and Citrus 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, Fontana Adult School, and Citrus High School are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.</p> | <p>Even though impacts would be less-than-significant with the Project Applicant’s compliance to applicable federal, State, and local regulations addressing hazardous materials, the following mitigation measures are recommended to ensure regulatory compliance.</p> <p>MM 4.9-1 Prior to the issuance of any new occupancy permit for a use/user within the Project’s commerce center 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 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, Fontana Adult School, and Citrus 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 shall also meet with School District and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for</p> | <p>Project Applicant</p> | <p>City of Fontana Building and Safety Department</p> | <p>Prior to issuance of first occupancy permit</p> | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | <p>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.</p> | | | | |
| <p><u>Threshold d: No Impact.</u> The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>No Impact</p> |
| <p><u>Threshold e: Less-than-Significant Impact.</u> The Project is consistent with the restrictions and requirements of the ONT ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| <u>Threshold f: Less-than-Significant Impact.</u> The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold g: No Impact.</u> The Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| 4.10 Hydrology and Water Quality | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. | 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 AFTER MITIGATION |
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| Adherence to a SWPPP and WQMP is required as part of the Project's implementation to address construction- and operational-related water quality. | | | | | |
| <u>Threshold b: Less-than-Significant Impact.</u> 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 |
| <u>Threshold c: Less-than-Significant Impact.</u> The Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute runoff that would exceed the capacity of existing or planned | 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 AFTER MITIGATION |
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| stormwater drainage systems or provide substantial additional sources of polluted runoff. | | | | | |
| <u>Threshold d: No Impact.</u> The Project Site would not be subject to inundation from tsunamis, seiches, or other hazards. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <u>Threshold e: Less-than-Significant Impact.</u> The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| 4.11 Land Use Planning | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The Project would not physically divide an established community. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: Less-than-Significant Impact.</u> The Project proposes to change the General Plan land use designation and the zoning designation, however, the Project on an individual bases does not have an impact and as such, would not conflict with the goals and objectives of the AQMP. | 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 AFTER MITIGATION |
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| 4.12 Mineral Resources | | | | | |
| Summary of Impacts | | | | | |
| Threshold a and b: <u>No Impact</u> . The Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Project would not 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 and no impact would occur. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| 4.13 Noise | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact</u> . The Project would generate short-term construction and long-term operational noise but would not generate noise levels that exceed the standards established by the Fontana General Plan or Municipal Code. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: Significant Direct Impact</u> . The Project's construction activities would exceed the Fontana Adult School relocatable | MM 4.13-1 As a condition of the Building 2 grading permit and building permit, to reduce construction noise, the contractor shall be required to install a minimum 8-foot-high temporary construction perimeter | Project Applicant | City of Fontana Building and Safety Department | Prior to issuance of a grading permit for the Building 2 site; prior to issuance of a building permit for | Significant Direct Short-Term Unavoidable Impact |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| classrooms damage thresholds at the building façade. | <p>noise barrier for the duration of construction activities at the property boundary that adjoins the Fontana Adult School. The noise control barrier shall include the following:</p> <p>a) The noise control barrier must present a solid face from top to bottom.</p> <p>b) The noise barrier shall be constructed using one of the following materials with no decorative cutouts or line-of-sight openings between shielded areas and the noise source:</p> <ul style="list-style-type: none">• An acoustical blanket (e.g. vinyl acoustic curtains, quilted blankets, or equivalent) attached to the construction site perimeter fence or equivalent temporary fence posts.• Any combination of these construction materials satisfying a weight of at least 4 pounds per square foot of face area. <p>c) The noise barrier shall be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier</p> | | | Building 2 and during construction | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | <p>and the ground shall be promptly repaired.</p> <p>d) During all construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project Site.</p> <p>MM 4.13-2 As a condition of the Building 2 grading permit and building permit, during construction activities, when the Fontana Adult School relocatable classrooms are occupied, a 20-foot buffer setback will be required for the operation of large pieces of construction equipment. No large, loaded trucks, heavy mobile equipment greater than 80,000 pounds, jack hammers or vibratory roller shall occur within 20-feet of occupied structures. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Project</p> | Project Applicant | Fontana Building and Safety Department | Prior to issuance of a grading permit for the Building 2 site; prior to issuance of a building permit for Building 2 and during construction | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | <p>construction to reduce vibration effects on nearby Fontana Adult School structures and their occupants. This requirement also shall be noted on all grading plans, building plans, and shall be specified in construction bid documents and construction contracts.</p> <p>MM 4.13-3 Prior to the commencement of construction activities on the Building 2 site, the Project Applicant/Developer or construction contractor shall be required to supply its construction schedule to Fontana Adult School. Best efforts shall be made by the Project Applicant/Developer to work with Fontana Adult School and schedule construction activities that are least disruptive to school activities occurring in the relocatable classrooms located within 20 feet of the Building 2 construction site. The Project Applicant/Developer also shall work with Fontana Adult School on the feasibility of temporarily relocating the classrooms to another portion of the school campus while Project construction activity is occurring</p> | Project Applicant | Fontana Building and Safety Department | Prior to the commencement of construction on the Building 2 Site. | |
| <p><u>Threshold c: Less-than-Significant Impact.</u> The proposed Project would be compatible with noise levels from the ONT and operation of the Project would not expose</p> | 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 AFTER MITIGATION |
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| future employees on the Project Site to excessive noise levels. | | | | | |
| 4.14 Population and Housing | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The estimated 453 to 563 jobs to be generated by the Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Project would not induce substantial unplanned population growth. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: Less-than-Significant Impact.</u> The Project would remove eight residences, seven of which are occupied. The removal of eight homes would not displace substantial numbers of people or require the construction of replacement housing elsewhere. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| 4.15 Public Services | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD's existing fire | 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 AFTER MITIGATION |
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| <p>stations have adequate physical capacity to service the Project. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental effect under CEQA; thus, impacts are less-than-significant.</p> | | | | | |
| <p><u>Threshold b: Less-than-Significant Impact.</u> The Project would increase the demand for police protection services provided by the Fontana Police Department. Service to the Project Site is provided by the Fontana Police Department Headquarters, and the Fontana Police Department has no plans to physically construct or expand a station due to the Project or other growth in the area. As such, the Project would have no physical environmental effects on police protection services. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental effect under CEQA; thus, impacts are less-than-significant.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| <u>Threshold c: Less-than-Significant Impact.</u> The Project would not result in or require new or expanded public school facilities and would not result in any direct demand for school facilities. There is no potential for the Project to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold d: No Impact.</u> The Project would not result in or require new or expanded public library facilities and would not result in any direct demand for library space. There is no potential for the Project to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| <u>Threshold e: Less-than-Significant Impact.</u> The Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Project Site. However, because the Project would not result in or require the | 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 AFTER MITIGATION |
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| physical construction or alteration of public health facilities to accommodate the Project's demand, impacts to public health facilities would be less-than-significant. | | | | | |
| 4.16 Recreation | | | | | |
| Summary of Impacts | | | | | |
| Threshold a: <u>No Impact</u> . The Project does not propose any type of residential use or other land use that would generate a population that would increase the use of recreation facilities or existing neighborhood or regional parks. Parks would not be physically affected by the Project. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| Threshold b: <u>No Impact</u> . No on- or off-site recreation facilities or expansion of any existing off-site recreational facilities would occur. No impacts related to the construction or expansion of recreational facilities would occur. | No mitigation is required. | N/A | N/A | N/A | No Impact |
| 4.17 Transportation/ Traffic | | | | | |
| Summary of Impacts | | | | | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| <p><u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035.</p> | <p>MM 4.17-1 Building users shall be required to prepare and implement a Transportation Demand Management Program (TDMP), which shall be reviewed and approved by the City of Fontana prior to the issuance of an occupancy permit. The TDMP shall include feasible strategies to reduce vehicle miles traveled by employees, such as carpooling or vanpooling programs, public transportation use incentives, and walking and biking to work incentives.</p> | <p>Building User Occupants</p> | <p>City of Fontana Public Works Department</p> | <p>Prior to issuance of a building permit</p> | <p>Significant Direct and Cumulatively-Considerable Impact</p> |
| <p><u>Threshold b: Significant Direct and Cumulatively-Considerable Impact.</u> The VMT generated by the Project would exceed the City’s significance threshold by 15.34 percent and therefore, the Project would conflict with CEQA Guidelines Section 15064.3.</p> | <p>MM 4.17-1 shall apply.</p> | <p>Building User Occupants</p> | <p>City of Fontana Public Works Department</p> | <p>Prior to issuance of a building permit</p> | <p>Significant Direct and Cumulatively-Considerable Impact</p> |
| <p><u>Threshold c: Less-than-Significant Impact.</u> The Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.</p> | <p>Although transportation safety impacts would be less than significant, the following mitigation measures are recommended to assure that design features will be implemented as part of the Project’s implementation pertaining to bicycle and pedestrian safety.</p> | | | | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| | <p>MM 4.17-2 Signs shall be installed at the truck exit driveways on Oleander Avenue directing trucks to turn southbound only. Trucks shall be prohibited from turning northbound on Oleander Avenue upon exiting the Project Site.</p> <p>MM 4.17-3 The Project Developer/Applicant and all successors in interest shall install and maintain signs at the Project driveway exits connecting with Citrus Avenue and Oleander Avenue at heights visible to truck drivers that state, "CAUTION, PEDESTRIAN AND BICYCLE CROSSINGS AHEAD." The City shall verify installation of the signs prior to the issuance of an occupancy permit and require as a condition of the occupancy permit that the signs be maintained in legible condition.</p> | <p>Project Applicant for Buildings 2 and 3</p> <p>Project Applicant</p> | <p>City of Fontana Department of Public Works</p> <p>City of Fontana Department of Public Works</p> | <p>Prior to issuance of an occupancy permit for Building 2 and Building 3</p> <p>Prior to issuance of an occupancy permit</p> | |
| <p><u>Threshold d: No Impact.</u> Adequate emergency access would be provided to the Project Site during construction and long-term operation. The Project would not result in inadequate emergency access to the Project Site or surrounding properties.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>No Impact</p> |
| <p>4.18 Tribal Cultural Resources</p> | | | | | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
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| Summary of Impacts | | | | | |
| <u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Project has the potential to result in significant impacts to tribal cultural resources in the absence of protective measures in the event that such resources are discovered during ground-disturbing construction activities. | Refer to MMs 4.5-1 through 4.5-3, above. | Project Applicant, Project Archaeologist | City of Fontana Building and Safety Department | If cultural, tribal cultural, or archaeological resources are found on the Project Site; During construction | Less-than-Significant Impact with Mitigation Incorporated |
| 4.19 Utilities and Service Systems | | | | | |
| Summary of Impacts | | | | | |
| <u>Threshold a: Less-than-Significant Impact.</u> The physical environmental effects associated with installing the Project's water, wastewater, stormwater drainage, and dry utility infrastructure is evaluated throughout this EIR and no adverse impacts specific to the provision utilities services have been identified. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold b: Less-than-Significant Impact.</u> The FWC is expected to have sufficient water supplies to service the Project. The Project would not exceed the FWC's available supply of water during | 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 AFTER MITIGATION |
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| normal years, single-dry years, or multiple-dry years. | | | | | |
| <u>Threshold c: Less-than-Significant Impact.</u> The IEUA would provide wastewater treatment services to the Project site via RP-4. These facilities have adequate capacity to service the Project and no new or expanded facilities would be needed. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold d: Less-than-Significant Impact.</u> There is adequate capacity available at the Mid Valley Landfill to accept the Project's solid waste during both construction and long-term operation. The Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure to handle the waste. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| <u>Threshold e: Less-than-Significant Impact.</u> The Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |
| 4.20 Wildfire | | | | | |
| Summary of Impacts | | | | | |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|-----------------------------------|-------------------|------------------|----------------------|--|
| <p><u>Threshold a: Less-than-Significant Impact.</u> During construction and as part of ongoing operations at the Project Site, the City will require that adequate access for emergency vehicles be maintained. No emergency routes would be affected by the Project. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and impacts would be less-than-significant.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |
| <p><u>Threshold b: Less-than-Significant Impact.</u> Due to the developed nature of the surrounding area and requirements to construct the Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |
| <p><u>Threshold c: Less-than-Significant Impact.</u> The Project proposes the</p> | <p>No mitigation is required.</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <p>Less-than-Significant Impact</p> |



| THRESHOLD | MITIGATION MEASURES (MM) | RESPONSIBLE PARTY | MONITORING PARTY | IMPLEMENTATION STAGE | LEVEL OF SIGNIFICANCE AFTER MITIGATION |
|---|----------------------------|-------------------|------------------|----------------------|--|
| development of three commerce center buildings, no components of which would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks. | | | | | |
| <u>Threshold d: Less-than-Significant Impact.</u> There is no potential that the Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Project Site exhibits little topographic variation, and development on the Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding, landslides, instability, or changes in downstream drainage patterns. | No mitigation is required. | N/A | N/A | N/A | Less-than-Significant Impact |



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 Citrus & Oleander Avenue at Santa Ana Avenue Project (hereafter, the “Project”). To implement the Project, the Project Applicant has requested the City of Fontana’s approval of a General Plan Amendment (GPA 22-004), Zone Change Application (ZC 22-005), Specific Plan Amendment (SPA 22-002), three Design Review Projects (DRP 22-029, Building 1; DRP 22-061, Building 2; and DRP 22-062, Building 3), and three Tentative Parcel Maps (TPM 22-009, Building 1; TPM 22-030, Building 2; and TPM 22-031, Building 3). 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 Acacia Real Estate, 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 change the General Plan land use designation and zoning classification on 29.4 acres from residential categories to an industrial category. The Project Applicant also proposes to develop three commerce center buildings with up to 540,849 square feet (s.f.) of building space on approximately 24.4 acres of the 29.4-acre Project Site. Building users are expected to be non-refrigerated general industrial uses. 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. Throughout this EIR, the 24.4 acres are referred to as “Development Site” and the 29.4 acres are referred to as “Project Site.” The 5.0 acres that are part of the Project Site but not part of the Development Site are not proposed for development at this time, although a reasonably foreseeable consequence of the Project is the future development of those 5.0 acres with an industrial use. The Project Site is located north of Santa Ana Avenue and south of Jurupa Hills High School, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, within the City of Fontana, San Bernardino County, California.

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

- **General Plan Amendment (GPA) No. 22-004** proposes to amend the City of Fontana’s General Plan Land Use Map to change the land use designation on 19.6 acres from “Residential Planned Community (R-PC)” to “General Industrial (I-G)” and to change the land use designation on 9.8 acres from “Multi-Family Medium/High Residential (R-MFMH)” to “General Industrial (I-L)”.
- **Zone Change Application (ZCA) No. 22-005** proposes to amend the City of Fontana Zoning District Map to change the zoning classification on 19.6 acres from “Residential Planned Community (R-PC)” to “Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District” and to change the zoning classification on 9.8 acres from “Multi-Family Medium/High Residential (R-4)” to “Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District.”
- **Specific Plan Amendment (SPA) No. 22-002** proposes to amend the Southwest Industrial Park (SWIP) Specific Plan to expand the SWIP boundary to include the Project Site. The Project Site would be incorporated into the SWIP’s Slover East Industrial District (SED).
- **Design Review (DRP) No. 22-029** proposes a development plan for the western portion of the Project Site, at the northeast corner of the intersection of Citrus Avenue and Santa Ana Avenue that provides for the construction and operation of Building 1 of a three-building commerce center. The proposed Building 1 would include 151,618 s.f. of total building floor area at full buildout.



- **Design Review (DRP) No. 22-061** proposes a development plan for the central portion of the Project Site, at the northwest corner of the intersection of Oleander Avenue and Santa Ana Avenue that provides for the construction and operation of Building 2 of a three-building commerce center. The proposed Building 2 would include 196,336 s.f. of total building floor area at full buildout.
- **Design Review (DRP) No. 22-062** proposes a development plan for the eastern portion of the Project Site, at the northeast corner of the intersection of Oleander Avenue and Santa Ana Avenue that provides for the construction and operation of Building 3 of a three-building commerce center. The proposed Building 3 would include 192,895 s.f. of total building floor area at full buildout.
- **Tentative Parcel Map (TPM) No. 22-009** proposes to consolidate six parcels on the 6.80-acre portion of the Project Site proposed for development of Building 1 and create one parcel.
- **Tentative Parcel Map (TPM) No. 22-030** proposes to consolidate six parcels on the 8.82-acre portion of the Project Site proposed for development of Building 2 and create one parcel.
- **Tentative Parcel Map (TPM) No. 22-031** proposes to consolidate five parcels on the 8.81-acre portion of the Project Site proposed for development of Building 3 and create one parcel.

All components of the Project are described in more 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 GPA No. 22-004, ZCA No. 22-005, SPA No. 22-002, DRP No. 22-029 (Building 1), TPM No. 22-009 (Building 1), DRP No. 22-061 (Building 2), TPM No. 22-030 (Building 2), DRP No. 22-062 (Building 3), and TPM No. 22-031 (Building 3), 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.” The known Responsible and Trustee Agencies for the proposed Project are listed below. 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 concerning the proposed Project.

- **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.



- **South Coast Air Quality Management District (SCAQMD)** is identified as a potential Responsible Agency, in the event that any future tenant of the Project Site requires a permit to construct or permit to operate. These permits are required to install or operate equipment pursuant to SCAQMD Rules related to specific types and quantities of air pollutant emissions.
- **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.
- **Southern California Edison (SCE)** is identified as a Responsible Agency pertaining to approvals required for undergrounding and relocating electric utility infrastructure.

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 November 17, 2022, 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 7, 2022. 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 | Date | Comment | Location(s) in EIR Where Comment Is Addressed |
|---|-------------------|--|--|
| Scoping Meeting Verbal Comments | December 7, 2022 | <ul style="list-style-type: none"> Concerns with construction-related environmental issues including air quality, greenhouse gases, hazardous materials, and noise. | 4.3, <i>Air Quality</i> 4.8, <i>Greenhouse Gas Emissions</i> 4.9, <i>Hazards and Hazardous Materials</i> 4.13, <i>Noise</i> |
| California Department of Fish and Wildlife (CDFW) | December 12, 2022 | <ul style="list-style-type: none"> Recommends assessment of the flora and fauna with particular emphasis on rare, threatened, endangered, and other sensitive species and associated habitats. Recommends assessment and mapping of various habitat types; a general biological inventory; an inventory of rare, threatened, endangered, and sensitive species; assessment of special status plants and natural communities; information on regional setting; and an account of open space and mitigation conservation lands within and adjacent to the Project Site. Recommends that the City follow the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. Requests discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. Recommends evaluation of a range of reasonable alternatives and identification of mitigation measures. Recommends incorporation of water-wise concepts in project landscaping design plans. | 4.4, <i>Biological Resources</i> |
| Native American Heritage Commission | November 21, 2022 | <ul style="list-style-type: none"> Requires that the Project follow AB 52 consultation requirements. Requires that the Project follow SB 18 tribal consultation requirements. Recommends use of Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC. Recommends an archaeological records search from the California Historical Research Information Center (CHRIS). | 4.5, <i>Cultural Resources</i> 4.18, <i>Tribal Cultural Resources</i> |



| Environmental Topic | Date | Comment | Location(s) in EIR Where Comment Is Addressed |
|------------------------------------|------------------|---|---|
| | | <ul style="list-style-type: none"> • Recommends the preparation of a professional report detailing findings if an archaeological inventory survey is required. • Recommends that mitigation provisions provide for the identification and evaluation of inadvertently discovered archaeological resources; disposition of recovered cultural items that are not burial associated; and the treatment and disposition of inadvertently discovered Native American human remains. | |
| Southern California Gas (SoCalGas) | December 6, 2022 | <ul style="list-style-type: none"> • Identifies that SoCalGas facilities are located along Citrus, Santa Ana, and Oleander Avenues, and within the Project Site. | 4.19, <i>Utilities</i> |

Upon consideration of the Project Applicant’s proposal, the Project’s 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:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

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

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 1-1, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this document.



Table 1-1 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 4.6 |

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, Community Development Department – Planning Division, 8353 Sierra Ave, Fontana, California 92335, during the City’s regular business hours or can be requested in electronic form on the City’s website at <https://www.fontana.org/2137/Environmental-Documents> or by contacting the City Community Development Department. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

- A: Notice of Preparation and Written Comments on the NOP
- B1: Air Quality Impact Analysis
- B2: Mobile Source Health Risk Assessment
- C: Biological Resources Report
- D: Cultural Resources Study
- E: Energy Analysis
- F1: Geotechnical Investigation
- F2: Paleontological Assessment
- G: Greenhouse Gas Analysis
- H: Phase I Environmental Site Assessment
- I1: Stormwater Quality Management Plan (Building 1)
- I2: Stormwater Quality Management Plan (Building 2)
- I3: Stormwater Quality Management Plan (Building 3)
- I4: Preliminary Hydrology Calculations (Building 1)
- I5: Preliminary Hydrology Calculations (Building 2)
- I6: Preliminary Hydrology Calculations (Building 3)
- J: Noise Analysis
- K: Traffic Analysis

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



2.0 ENVIRONMENTAL SETTING

2.1 REGIONAL SETTING AND LOCATION

The approximately 29.4-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 0.6-mile south of Interstate 10 (I-10), approximately 5.3 miles east of Interstate 15 (I-15), and approximately 8.5 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 approximate 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, 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 29.4-acre Project Site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Oleander Avenue and Santa Ana Avenue intersection. The Project Site includes Assessor Parcel Numbers (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24. The Project Site is located within Section 19, Township 1 South, Range 5 West, San Bernardino Baseline and Meridian.

The census tract containing the Project site (Census Tract 6071002601) is ranked by the State as being in the 71st 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 in the 97th percentile of communities that are disproportionately burdened by multiple sources of pollution. OEHHA's California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0, is a screening methodology used by the State to identify California communities that are disproportionately burdened by multiple sources of pollution. The CalEnviroScreen 4.0 indicators for the Project site's Census Tract are shown below. (OEHHA, 2022).

Exposure indicators are based on measurements of different types of pollution that people may encounter. Environmental effects indicators are based on the locations of toxic chemicals in or near communities. Sensitive population indicators measure the number of people in a community who may be more severely affected by pollution because of their age or health. Socioeconomic factor indicators are conditions that may increase people's stress or make healthy living difficult and cause them to be more sensitive to pollution's effects. As indicated in Table 2-1, for the Project Site's Census Tract, the highest environmental effects (75%



or more) are from ozone (O₃), fine particulate matter (PM_{2.5}), toxic releases, diesel particulate matter (DPM), traffic, and drinking water contaminates. The highest environmental effects (80% or more) are from cleanup sites and hazardous waste. There are no sensitive population or socioeconomic factor indicators that are 75% or higher, indicating that the population is not heavily burdened by compromised health conditions or socioeconomic stresses.

Table 2-1 CalEnviroScreen Indicators for Census Tract 6029003202

| Indicator | % Burden | Indicator | % Burden |
|------------------------------|-----------------|------------------------------|-----------------|
| Exposures | | Sensitive Populations | |
| Ozone: | 95 | Asthma | 44 |
| PM 2.5: | 94 | Low Birth Weight | 20 |
| Diesel PM: | 78 | Cardiovascular Disease | 55 |
| Toxic Releases: | 85 | Socioeconomic Factors | |
| Traffic: | 80 | Education | 73 |
| Pesticides: | 18 | Linguistic Isolation | 35 |
| Drinking Water Contaminants: | 96 | Poverty | 51 |
| Lead from Housing: | 42 | Unemployment | 51 |
| Environmental Effects | | Housing Burden | 27 |
| Cleanup Sites | 83 | | |
| Groundwater Threats | 14 | | |
| Hazardous Waste | 94 | | |
| Impaired Waters | 0 | | |
| Solid Waste | 87 | | |

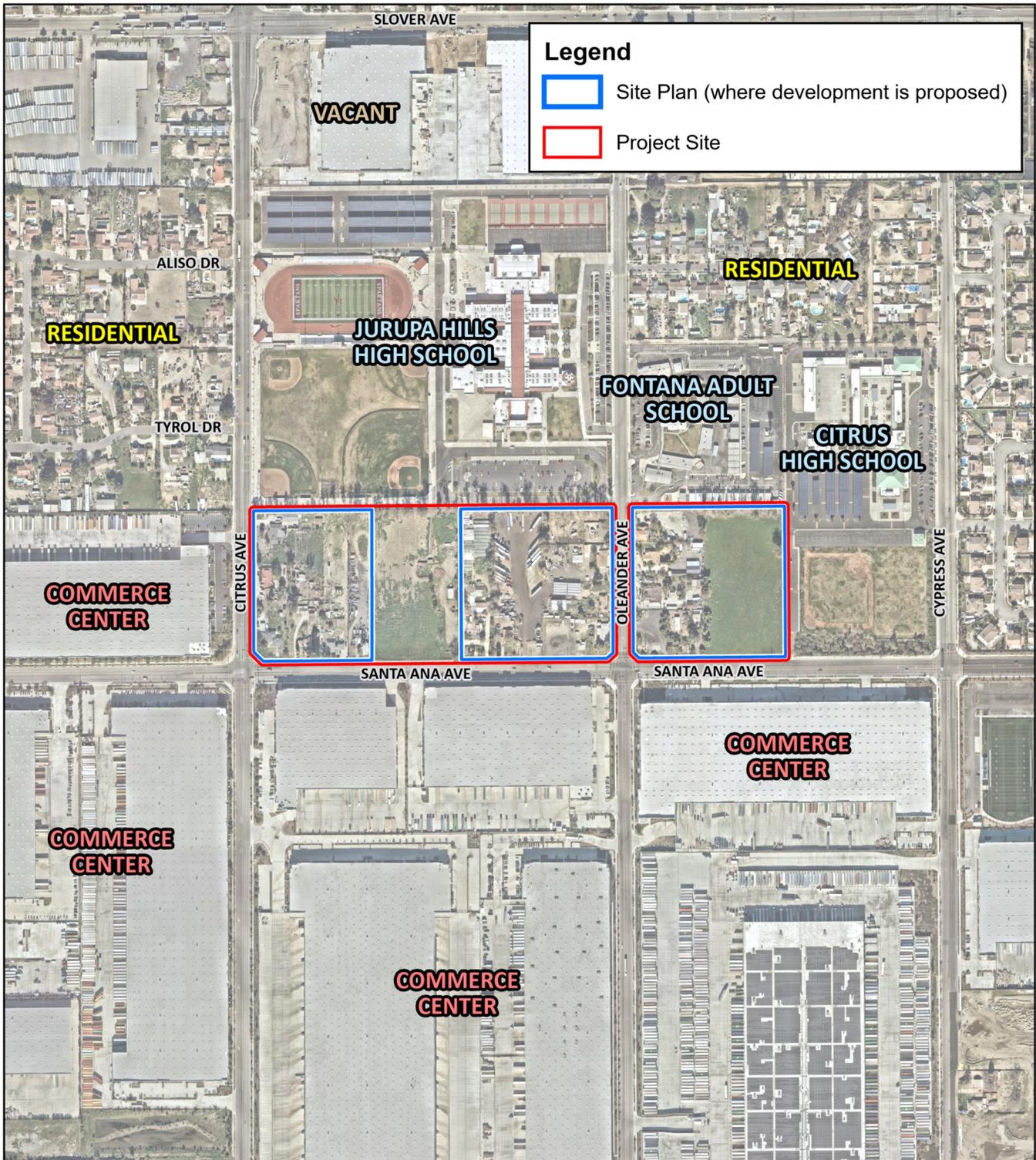
Source: (OEHHA, 2022)

The Project site is not located in a SB 535 Disadvantaged Community identified by the California Environmental Protection Agency (CalEPA). The nearest SB 535 communities are located north of I-10 and south of Jurupa Avenue. The State provides California Climate Investment funding appropriated by the State Legislature from the proceeds of the State’s Cap-and-Trade Program for investment in disadvantaged communities. The funding is used for programs that reduce emissions of greenhouse gases with at least 25% of the funding going to projects that provide a benefit to disadvantaged communities and at least 10 percent of the funding going to projects located within those communities (CalEPA, 2022).

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, between Citrus Avenue and Oleander Avenue, is the Jurupa Hills High School. The school baseball/softball fields and a parking lot are the school uses that directly abut the Project Site. North of the high school are two commerce center buildings, and then Slover Avenue. North of the Project



Source(s): Esri, Nearmap Imagery (2023)

Figure 2-1



Surrounding Land Uses



Site, to the east of Oleander Avenue, is the Fontana Adult School. North of the adult school are residential land uses and east of the adult school and northeast of the Project Site is Citrus High School.

South: To the south of the Project Site is Santa Ana Avenue and south of that is substantial commerce center development that is part of Citrus Commerce Center (between Citrus and Oleander Avenues) and the Goodman development, a component of which includes an Amazon Distribution Center (between Oleander and Cypress Avenues), which are in the Southwest Industrial Park (SWIP) Specific Plan area.

East: East of the Project Site, on the east side of Oleander Avenue, are the sports fields for Citrus High School. Citrus High School is located north of the sports fields, to the northeast of the Project Site. Further east is Cypress Avenue and then a single-family residential community.

West: West of the Project Site is Citrus Avenue beyond which is commerce center development. North of the commerce center use, northwest of the Project Site, are single-family residential land uses with some of the lots containing home-based businesses.

2.4 PLANNING CONTEXT

2.4.1 CITY OF FONTANA GENERAL PLAN

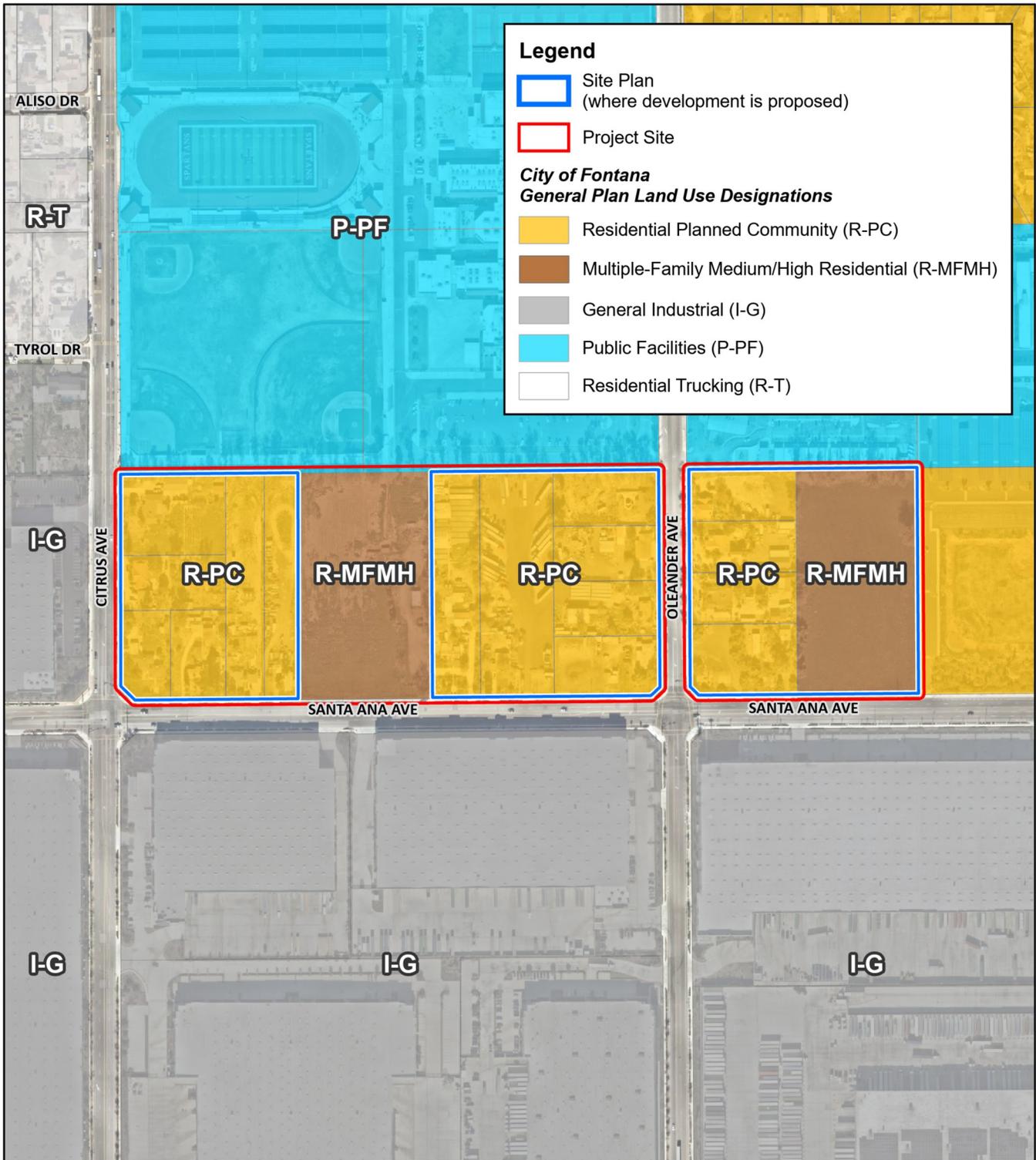
The City of Fontana’s prevailing planning document is its General Plan, dated November 13, 2018. As depicted on Figure 2-2, *Existing General Plan Land Use Designations*, the City’s General Plan designates the Project Site for “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” land uses. The R-PC land use designation is intended for master-planned communities with a minimum area of 145 acres but can also apply to residential properties with minimum 10,000 s.f. lots. The R-MFMH land use designation is intended for higher-density multi-family development up to 39 units per acre (Fontana, 2018a, p. 15.25).

2.4.2 ZONING

As shown on Figure 2-3, *Existing Zoning Classifications*, the City of Fontana Zoning District Map classifies the Project Site for “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” land uses. According to the City of Fontana Municipal Code, the “R-PC” zoning district is intended to facilitate the development of large parcels in an integrated and innovative manner that results in the formation of residential neighborhoods with local-serving neighborhood and commercial centers. The R-4 zoning district is intended for multiple-family residential developments commonly found in a dense urban environment (Fontana, 2022a, § 30-423).

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

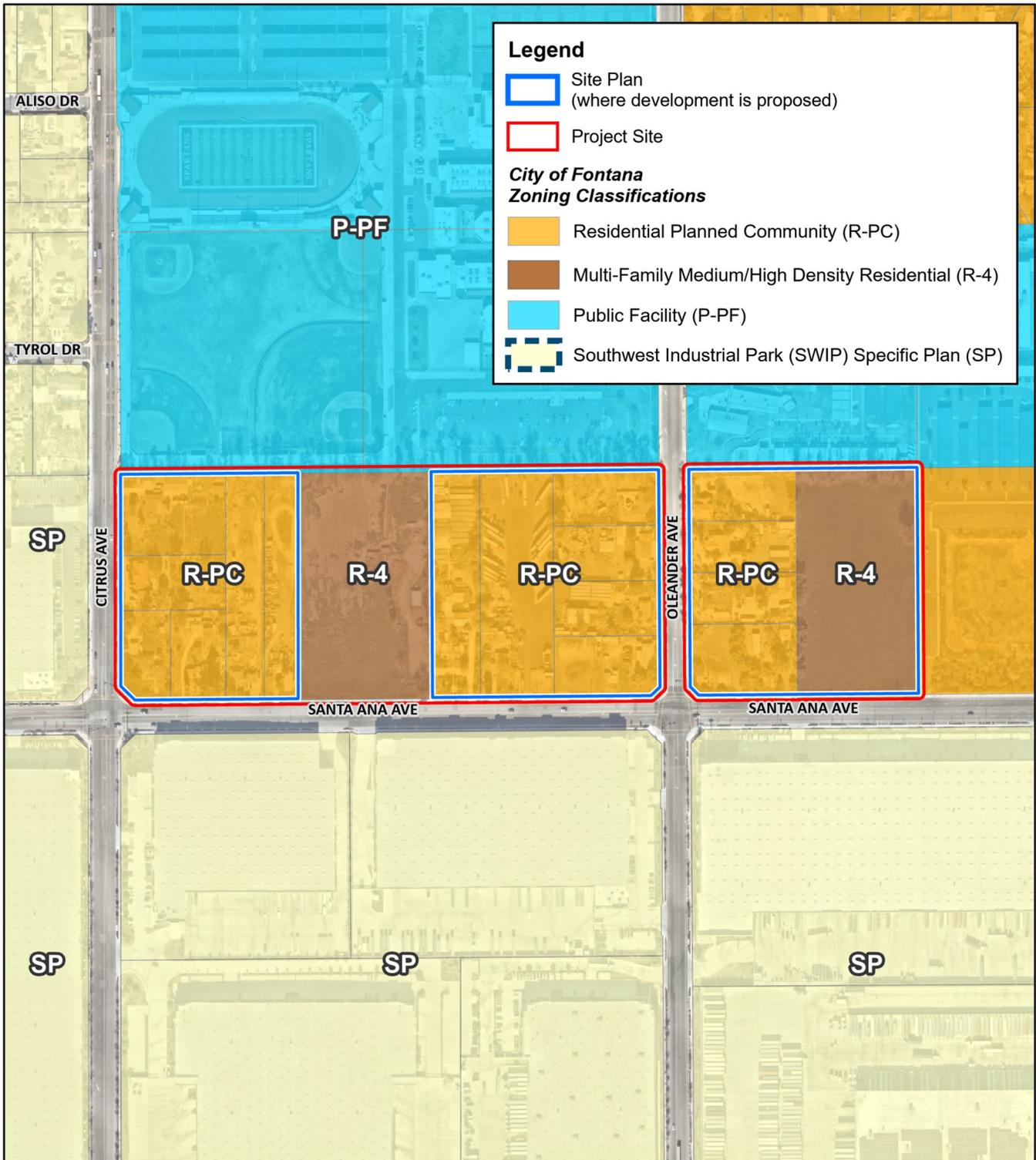


Source(s): City of Fontana (2021), Esri, Nearmap Imagery (2023)

Figure 2-2



Existing General Plan Land Use Designations



Source(s): City of Fontana (2021), Esri, Nearmap Imagery (2023)

Figure 2-3



Existing Zoning Classifications



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 but is located in a noise impact zone (60-65 decibels) and within an area that requires overflights to be disclosed during real estate transactions (City of Ontario, 2018, Policy Maps 2-1 to 2-5).

2.4.4 SCAG REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY

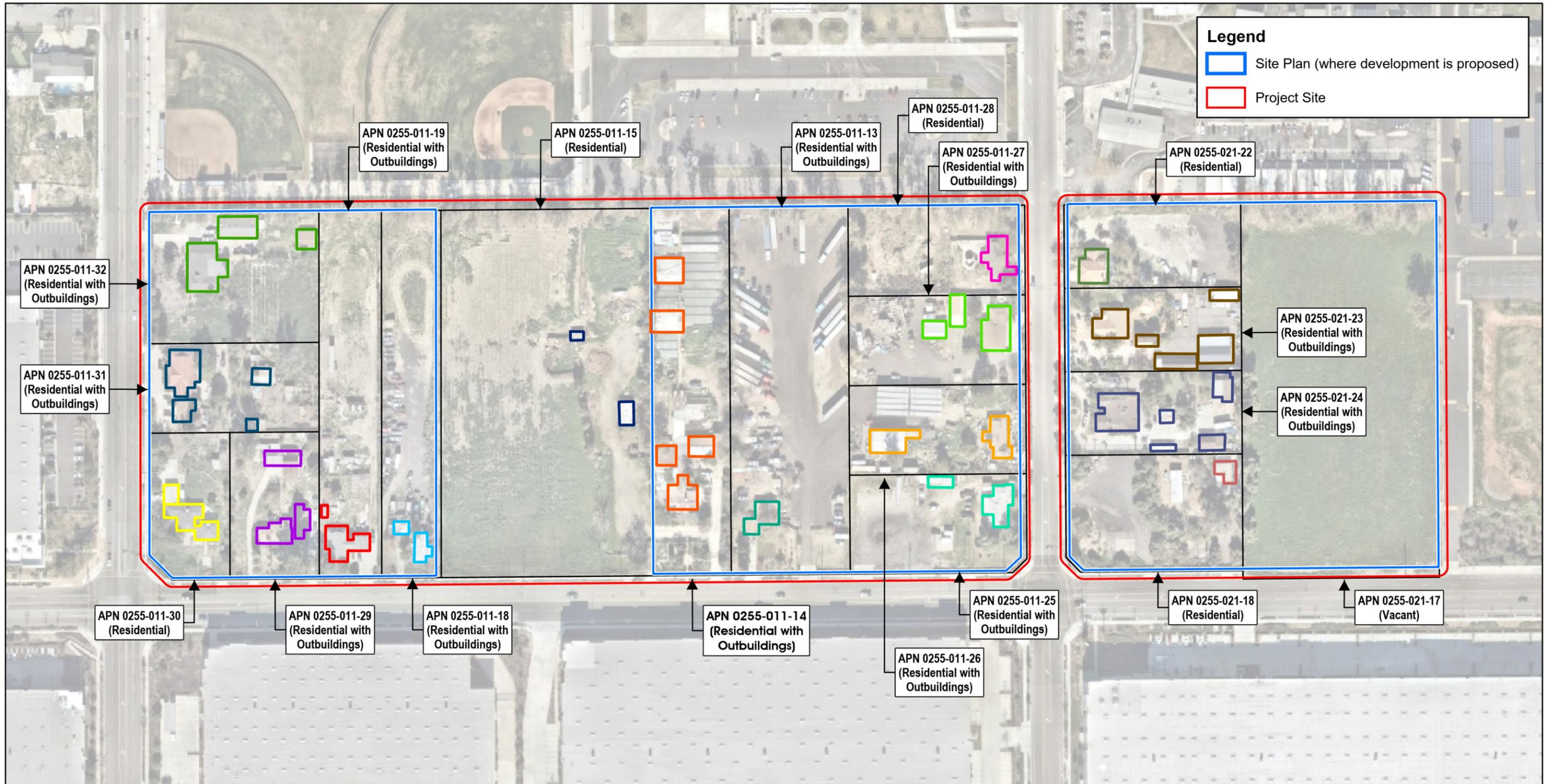
SCAG is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project 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 November 18, 2022, 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’s 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 13 single-family residences and outbuildings, fencing, and vacant, undeveloped land. Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The principal discretionary actions required of the City of Fontana to implement the Project are described in detail in Section 3.0, *Project Description*, and are listed in Table 3-4, *Project Related Approvals/Permits*. The Project entails a proposed amendment to the City’s General Plan Land Use Map to change the land use designation for the Project Site from “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” to



Source(s): Esri, Nearmap Imagery (2023)

Figure 2-4



Existing On-Site Land Uses



“General Industrial (I-G).” Because the Project involves a General Plan Amendment, which seeks to change the land use designation of the property, the Project is inconsistent with the existing Fontana General Plan Land Use Element.

2.5.2 AESTHETICS AND TOPOGRAPHIC FEATURES

The San Gabriel Mountains are located approximately 8.5 miles north of the Project Site and are visible under clear weather conditions (views of the San Gabriel Mountains can sometimes be obscured from the Project Site and its surroundings during hazy conditions). The Jurupa Hills are located approximately 0.9-mile south of the Project Site and are clearly visible from the Site year-round. The Project Site slopes very gradually from north to south and is perceived to be flat; the Site’s high point is approximately 1,060 feet above mean sea level (amsl) in the northeast portion of the Project Site and the Site’s low point is approximately 1,040 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 13 residential structures and outbuildings and vacant, undeveloped land. The existing residential lots contain a variety of non-native (including ornamental) plant species. There are no rock outcroppings or other unique topographic or aesthetic features present on the Project Site 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 maximum in the summer. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed “Santa Ana(s)” each year. (Urban Crossroads, 2022a, pp. 9-10)

At the regional level, air quality in the SCAB has improved over the past several decades; however, the SCAB is currently not in attainment of State and/or federal standards established for Ozone (O₃; one-hour and eight-hour), particulate matter (PM₁₀ (State standard only) and PM_{2.5}), and lead (only in Los Angeles County). No areas of the SCAB exceeded federal or State standards for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), or sulfates (Urban Crossroads, 2022a, Table 2-3). According to pollution burden mapping conducted by OEHHA, the census tract containing the Project Sites ranks in the 71st percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).



Refer to EIR Subsections 4.1, *Air Quality*, and 4.8, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.5.4 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES

The City of Fontana is located in the Inland Empire area of southern California, which had three general prehistoric cultural periods, the Paleo Indian Period, Archaic Period, and Late Prehistoric Period (BFSA, 2022a, pp. 1.0-6 through 1.0-8). The City of Fontana lies in an area where the traditional territories of two Native American groups, the Gabrielino and Serrano, adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods. 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. 1.0-20 and 3.0-2)

Twenty-eight (28) historic resources have been recorded within a half-mile radius of the Project Site. The recorded historic resources include 27 historic single-family properties and one historic farm complex. (BFSA, 2022a, pp. 1.0-20) Of the 13 single-family residential homes and multiple outbuildings and accessory structures on the Project Site, 10 structures are more than 50 years old, meeting the age threshold to require historic structure evaluations to determine eligibility for the CRHR. These structures were evaluated and determined to not be historically or architecturally significant under any CEQA criteria due to a lack of association with any significant persons or events and not being representative examples of any specific architectural style, period, or region. (BFSA, 2022a, p. 3.0-78) Refer to EIR Subsections 4.5, *Cultural Resources*, and 4.18, *Tribal Cultural Resources*, for a more detailed discussion of cultural and tribal cultural settings in the Project area.

2.5.5 GEOLOGY

Regionally, the Project Site is located in the Peninsular Ranges geomorphic province, a prominent natural geomorphic province that extends from the Santa Monica Mountains approximately 900 miles south to the tip of Baja California, Mexico, and is bounded to the east by the Colorado Desert. The Peninsular Ranges province is composed of plutonic and metamorphic rock, lesser amounts of Tertiary Volcanic and sedimentary rock, and Quaternary drainage in-fills and sedimentary veneers. The Project Site's soils consist of artificial fill and natural soil. Artificial fill occurs at depths ranging from 1 to 4 feet below the surface (NorCal, 2022, p. 3). 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 (CGS, 2022b; Fontana, 2018b, p. 5.4-8). The Project Site is underlain by Holocene and late Pleistocene young alluvial fan sediments. These deposits are underlain by late to middle Pleistocene old alluvial fan deposits, which have high potential for terrestrial vertebrate fossils (BFSA, 2022b, p. 5).

The geologic structure southern California 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 (CGS, 2022a).

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. Locally, water runoff from the Project Site currently sheet flows onto Santa Ana Avenue, is collected by the existing Santa Ana Avenue storm drain system, and ultimately is discharged through Declez Channel, San Sevaine Channel, and Prado Basin to the Santa Ana River. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8665H, 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 4.10, *Hydrology and Water Quality*, for a more detailed discussion of the Project’s site existing hydrology and water quality setting.

2.5.7 NOISE

Urban Crossroads recorded 24-hour noise readings at three locations in the Project Site’s vicinity to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 61.1 equivalent level decibels (dBA L_{eq}) to 62.9 dBA L_{eq} and nighttime noise levels ranged from 59.8 dBA L_{eq} to 61.0 dBA L_{eq} (Urban Crossroads, 2022e, p. 17). Refer to EIR Subsection 4.13, *Noise*, for a more detailed discussion of the Project’s Site existing noise setting.

2.5.8 TRANSPORTATION

The primary regional travel routes serving the Project Site are I-10, which is located approximately 0.6-mile to the north, I-15, which is located approximately 5.3 miles west, and I-215, which is located approximately 8.5 miles to the east of the Project Site (Google Earth, 2022). Locally, the Project Site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Oleander Avenue and Santa Ana Avenue intersection. Under existing conditions, there are 7 private driveway connections from the Project Site to the east side of Citrus Avenue, 12 private driveway connections from the Project Site to the north side of Santa Ana Avenue, 5 private driveway connections from the Project Site to the west side of Oleander Avenue, and 7 private driveway connections from the Project Site to the east side of Oleander Avenue. Bicycle lanes are located along both the northbound and southbound shoulders of Citrus Avenue and along the eastbound shoulder of Santa Ana Avenue, east of Oleander Avenue. A bike lane on the westbound shoulder of Santa Ana Avenue extends approximately 300 feet east from Oleander Avenue along the portion of the Project Site that is developed, stops along the portion of the Project Site that is undeveloped land, and resumes again east of the Project Site. Sidewalks are located along both sides of Citrus Avenue, Santa Ana Avenue, and Oleander Avenue (Fontana, 2018a, Exhibit 9.4).



The San Bernardino County Transportation Authority (SBCTA) provides vehicle miles traveled (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. The baseline VMT for San Bernardino County is 17.1 VMT per employee. (Urban Crossroads, 2023, p. 71)

Refer to EIR Subsection 4.17, *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 and sewer mains are installed beneath Santa Ana 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

The Project Site is located in an urban area of south Fontana. The Site is partially developed with residential homes and partially undeveloped. No sensitive plant species were observed on the Project Site during biological field surveys and none are anticipated to occur given the long-disturbed and developed condition of the Project Site. Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of the Project’s Site existing biological setting.

2.5.11 WILDLIFE

No sensitive animal species were observed or detected on the Project Site during biological field surveys and none are anticipated to occur given the long-disturbed and developed condition of the Project Site. One federal endangered species, the Delhi sands flower-loving fly (*Rhaphiomidas terminates abdominalis*), was reported to the CNDDDB to be in the site vicinity; however, the Delhi sands flower-loving fly occurs in association with Delhi sands soils, which are not present on the Project Site. Another federal endangered species, the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), which is also a candidate for State listing as endangered, was reported to the CNDDDB to be in the site vicinity. San Bernardino kangaroo rats are found on the gentle slopes of alluvial fans, on floodplains, along washes, and on adjacent upland areas with soils containing sand, loam, and gravel deposited by rivers and streams. They also occupy areas where sandy soils are wind deposited in alluvial sage scrub, coastal sage scrub, and chaparral vegetation. There is no San Bernardino kangaroo habitat present on site.

Non-native grassland was mapped on the Site, which is a type of potential habitat for the burrowing owl (*Athene cunicularia*), a federal Bird of Conservation Concern and a State Species of Special Concern. During biological field surveys, no burrowing owl or signs of the burrowing owl were observed. Additionally, no burrows that could be used by the burrowing owl were observed, particularly those created by the California



ground squirrel (*Otospermophilus beecheyi*), which was also not observed or detected on the Project Site. Burrowing owl, therefore, are not anticipated to occur on-site due to the periodic discing and the lack of California ground squirrel and potentially suitable burrows.

Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of the Project's site existing biological setting.

2.5.12 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by 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

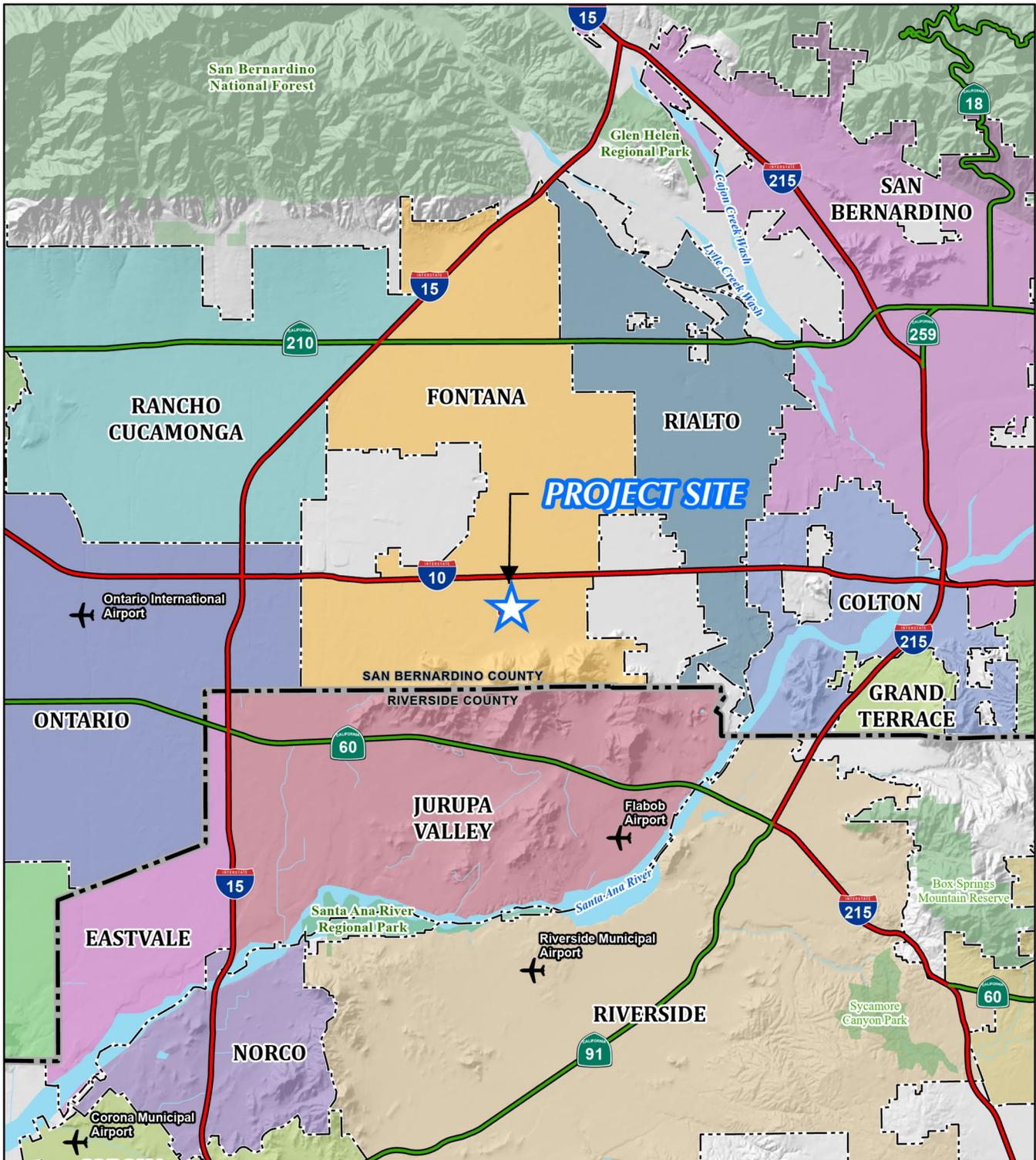
The Project Site is located in the southern portion of the City of Fontana. As shown on Figure 3-1, *Regional Map*, the City of Fontana is located in the southwest portion of San Bernardino County, east of the cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community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

At the local scale, the Project Site is located north of Santa Ana Avenue and south of Jurupa Hills High School, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The Project Site is approximately 0.6-mile south of Interstate 10 (I-10), approximately 5.3 miles east of Interstate 15 (I-15), and approximately 8.5 miles west of Interstate 215 (I-215). The Project Site includes Assessor Parcel Numbers (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24. The Project Site is located within Section 19, Township 1 South, Range 5 West, San Bernardino Baseline and Meridian.

3.2 STATEMENT OF OBJECTIVES

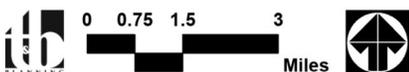
The fundamental purpose and goal of the Project is to accomplish the orderly development of commerce center buildings on underutilized property in South Fontana. The Project would achieve this goal through the following objectives.

1. To expand economic development in the City of Fontana by developing underutilized properties with an in-demand industrial use.
2. To make efficient use of a property in South 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 commerce center buildings in close proximity to City of Fontana truck routes and to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.

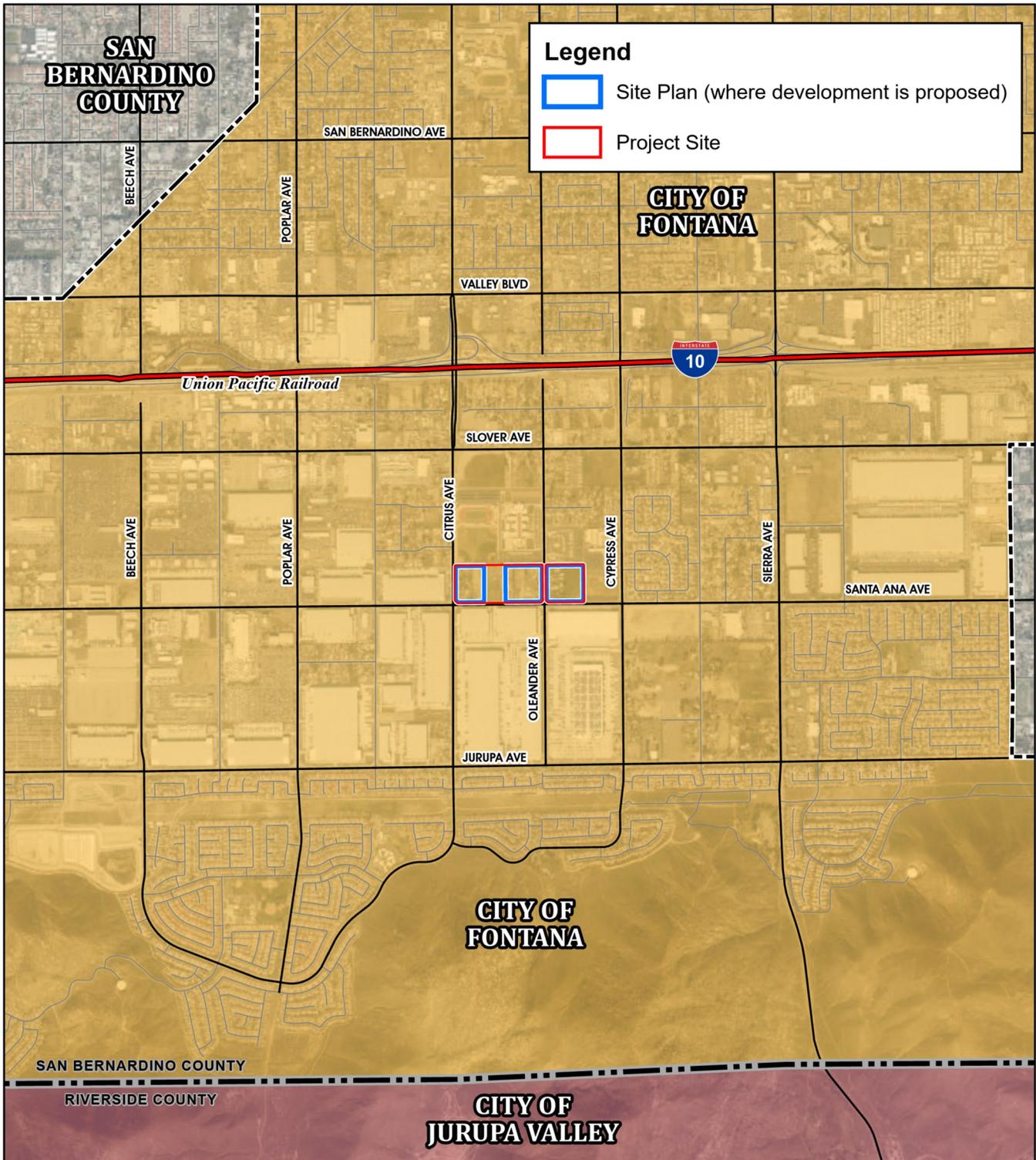


Source(s): Esri, RCTLMA (2022), SB County (2022)

Figure 3-1



Regional Map

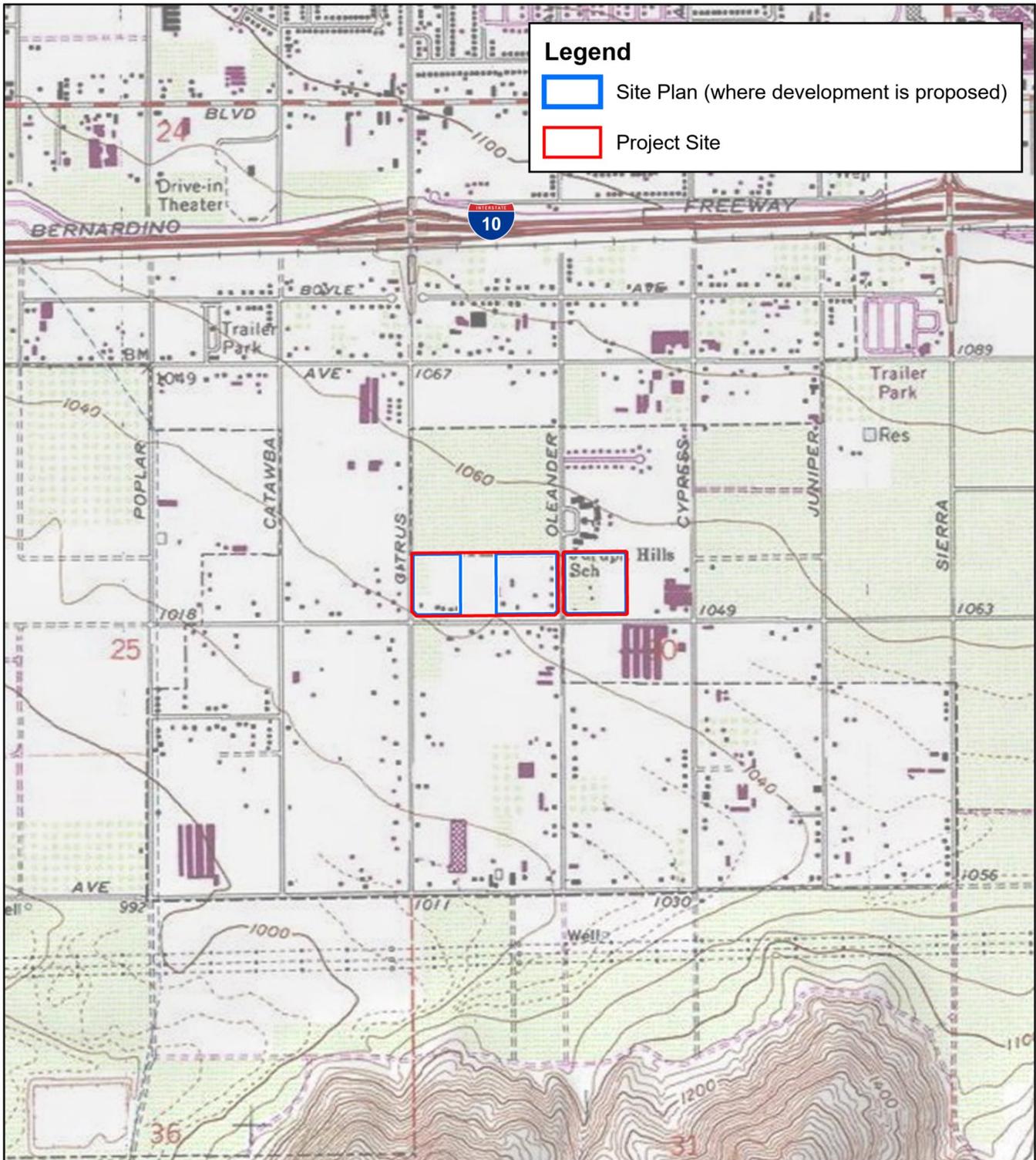


Source(s): Esri, RCTLMA (2022), SB County (2022)

Figure 3-2



Vicinity Map



Source(s): USGS (2013)

Figure 3-3



USGS Topographic Map



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 develop a property that has access to available infrastructure, including roads and utilities.

3.3 PROJECT COMPONENTS

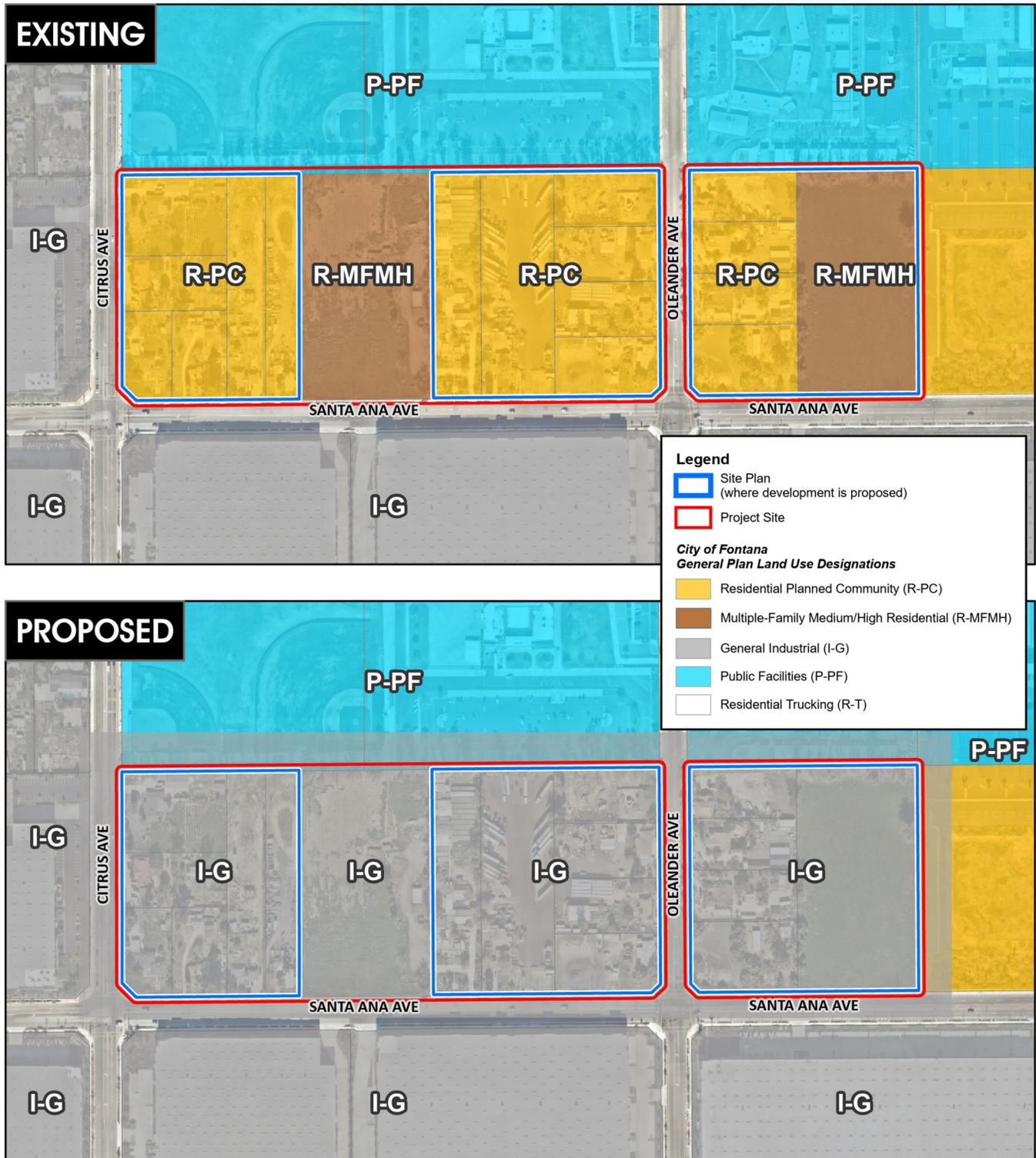
The Project Applicant proposes certain legislative actions, as well as site-specific actions for the construction and operation of three commerce center buildings collectively having up to 540,849 square feet (s.f.) of building space. The legislative actions for the Project entail a proposed General Plan Amendment (GPA No. 22-004), a Zone Change Application (ZCA No. 22-005), and a Specific Plan Amendment (SPA No. 22-002) to amend the land use and zoning designations on 29.4 acres from residential designations to a light industrial designation and to incorporate the Project Site into the Southwest Industrial Park (SWIP) Specific Plan. The Project's site-specific actions entail a proposed Design Review Project (DRP No. 22-029) and a Tentative Parcel Map (TPM No. 22-009) for Building 1; a proposed Design Review Project (DRP No. 22-061) and a Tentative Parcel Map (TPM No. 22-030) for Building 2, and a proposed Design Review Project (DRP No. 22-062) and a Tentative Parcel Map (TPM No. 22-031) for Building 3 to permit the development and operation of the three commerce center buildings on 24.4 acres of the 29.4-acre Project Site. No site-specific development is currently proposed on the remaining 5.0 acres of the Project Site, although a reasonably foreseeable consequence of the Project would be the development of that 5.0-acre property with an industrial use. For purposes of this EIR, it is assumed that the 5.0 acres on which a site-specific development plan is not currently proposed, could be built out in the future with up to 131,464 s.f. of general light industrial use. In addition, the Project includes an action pertaining to 507 planned multi-family housing units pursuant to the City of Fontana's No Net Loss Density Bonus/Replacement Program to ensure compliance with California's Housing Crisis Act of 2019 (SB 330). The Project will also be subject to City Ordinance No. 1891 which establishes buffering and screening requirements, methods to improve traffic circulation, requirements for alternative energy, and improvements to circulation as it relates to industrial commerce center development in Fontana.

3.3.1 GENERAL PLAN AMENDMENT (GPA) No. 22-004

Proposed GPA No. 22-004 would amend the City of Fontana's General Plan Land Use Map to change the Project Site's land use designation on 19.6 acres from "Residential Planned Community (R-PC)" to "General Industrial (I-G)" and to change the land use designation on 9.8 acres from "Multi-Family Medium/High Residential (R-MFMH)" to "General Industrial (I-L)". Refer to Figure 3-4, *Proposed GPA 22-004*. Pursuant to the City's General Plan, the I-G land use designation generally provides for warehousing or manufacturing uses with a floor area ratio (FAR) ranging between 0.1 and 0.6 (Fontana, 2018a, p. 15.26).

3.3.2 ZONE CHANGE APPLICATION (ZCA) No. 22-005

Proposed ZCA No. 22-005 would amend the City of Fontana Zoning District Map to change the zoning classification on 19.6 acres from "Residential Planned Community (R-PC)" to "Southwest Industrial Park



Source(s): City of Fontana (2021), Esri, Nearmap Imagery (2023)

Figure 3-4



Proposed GPA 22-004



(SWIP) Specific Plan, Slover East Industrial District” and to change the zoning classification on 9.8 acres from “Multi-Family Medium/High Residential (R-4)” to “Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District.” Refer to Figure 3-5, *Proposed ZCA 22-005*. ZCA No. 22-005 would require future development on the Project Site to comply with the applicable development standards and design guidelines from the SWIP Specific Plan.

3.3.3 SPECIFIC PLAN AMENDMENT (SPA) No. 22-002

Proposed SPA 22-002 would amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the Project Site. The Project Site would be incorporated into the SWIP’s Slover East Industrial District (SED). Refer to Figure 3-6, *Proposed SPA 22-002*. The SED is intended to provide opportunities for light and heavy manufacturing activities that are supported by trucking routes. In addition, the SED is intended to promote the continued use and expansion of existing industrial, distribution and logistics-based warehousing developments (Fontana, 2012, p. 10-1).

3.3.4 DESIGN REVIEW PROJECTS (DRPs)

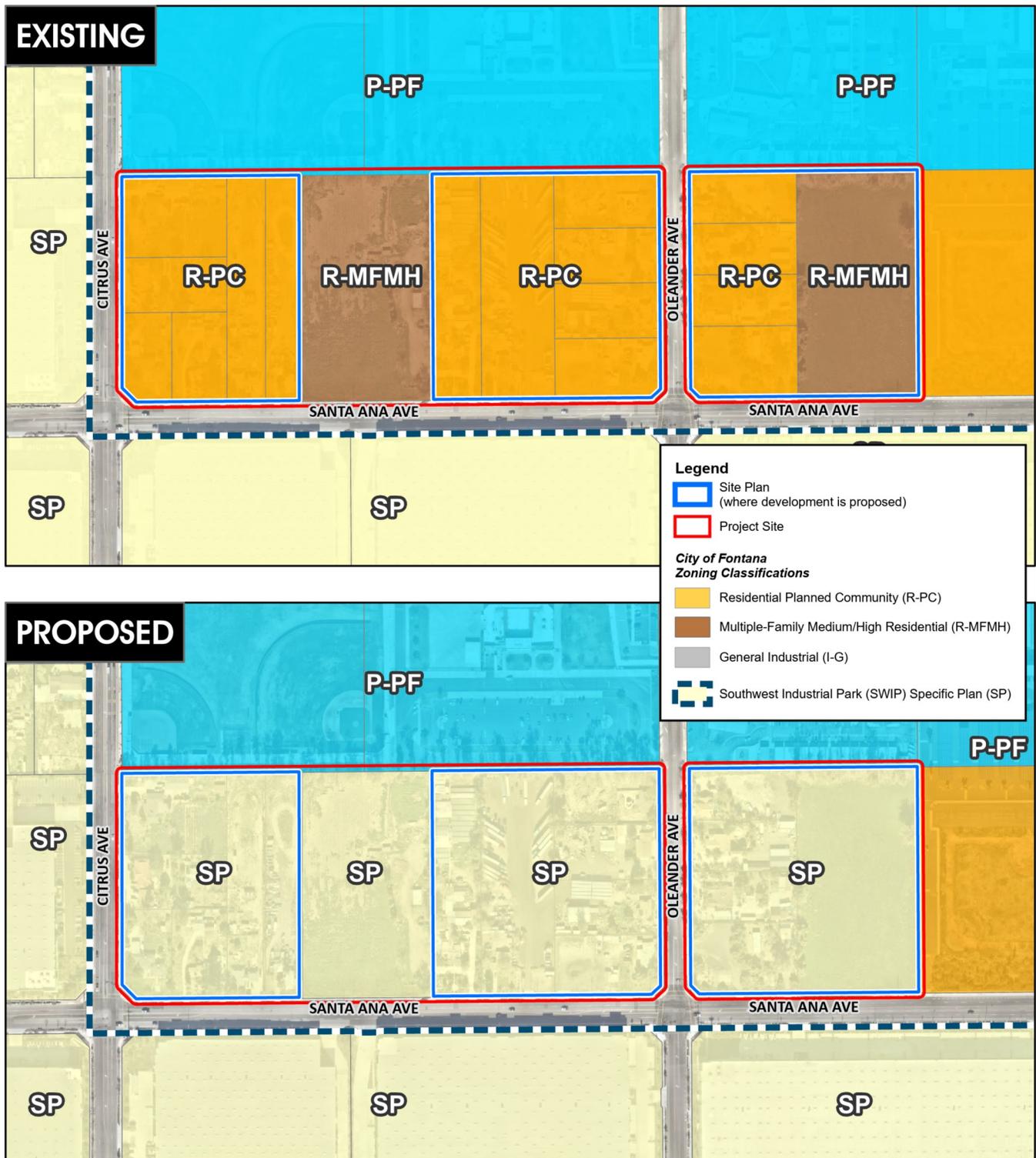
Three commerce center buildings, designated as “Building 1,” “Building 2,” and “Building 3” for reference purposes, are proposed by the Project Applicant. Each of the three proposed buildings require the City’s approval of a Design Review Project (DRP), which are numbered DRP No. 22-029 for Building 1, DRP No. 22-061 for Building 2, and DRP No. 22-031 for Building 3. These DRPs propose development plans for 24.4-acres of the 29.4-acre Project Site. No site-specific development is proposed to occur on the remaining 5.0 acres of the Project site at this time, although as explained later in this Section, this EIR assumes the reasonably foreseeable development of that parcel with industrial uses in the future.

Each of the three DRP applications for Building 1, Building 2, and Building 3 depict a conceptual layout of the proposed building and its associated physical design features, conceptual architectural elevation design for the building, and a conceptual landscaping plan. The proposed buildings would collectively include 540,849 square feet (s.f.) of total building floor area at full buildout. The proposed master plan for the three proposed commerce center buildings is illustrated on Figure 3-7, *Master Site Plan* and summarized in Table 3-1, *DRP Summary*.

Table 3-1 DRP Summary

| | Building 1 | Building 2 | Building 3 | Total |
|--------------------------------|---------------------|---------------------|---------------------|---------------------|
| Office – 1 st Floor | 5,000 s.f. | 8,000 s.f. | 8,000 s.f. | 21,000 s.f. |
| Office – 2 nd Floor | 5,000 s.f. | 8,000 s.f. | 8,000 s.f. | 21,000 s.f. |
| Commerce Center Space | 141,618 s.f. | 180,336 s.f. | 176,895 s.f. | 498,849 s.f. |
| Total Building Area | 151,618 s.f. | 196,336 s.f. | 192,895 s.f. | 540,849 s.f. |

The three buildings proposed by the DRPs (Building 1 (DRP No. 22-029), Building 2 (DRP No. 22-061), and Building 3 (DRP No. 22-062)) are described below. The future occupants of the buildings are unknown at the time of writing this EIR. Prior to the issuance of building permits to construct Buildings 1, 2, and 3, the Project

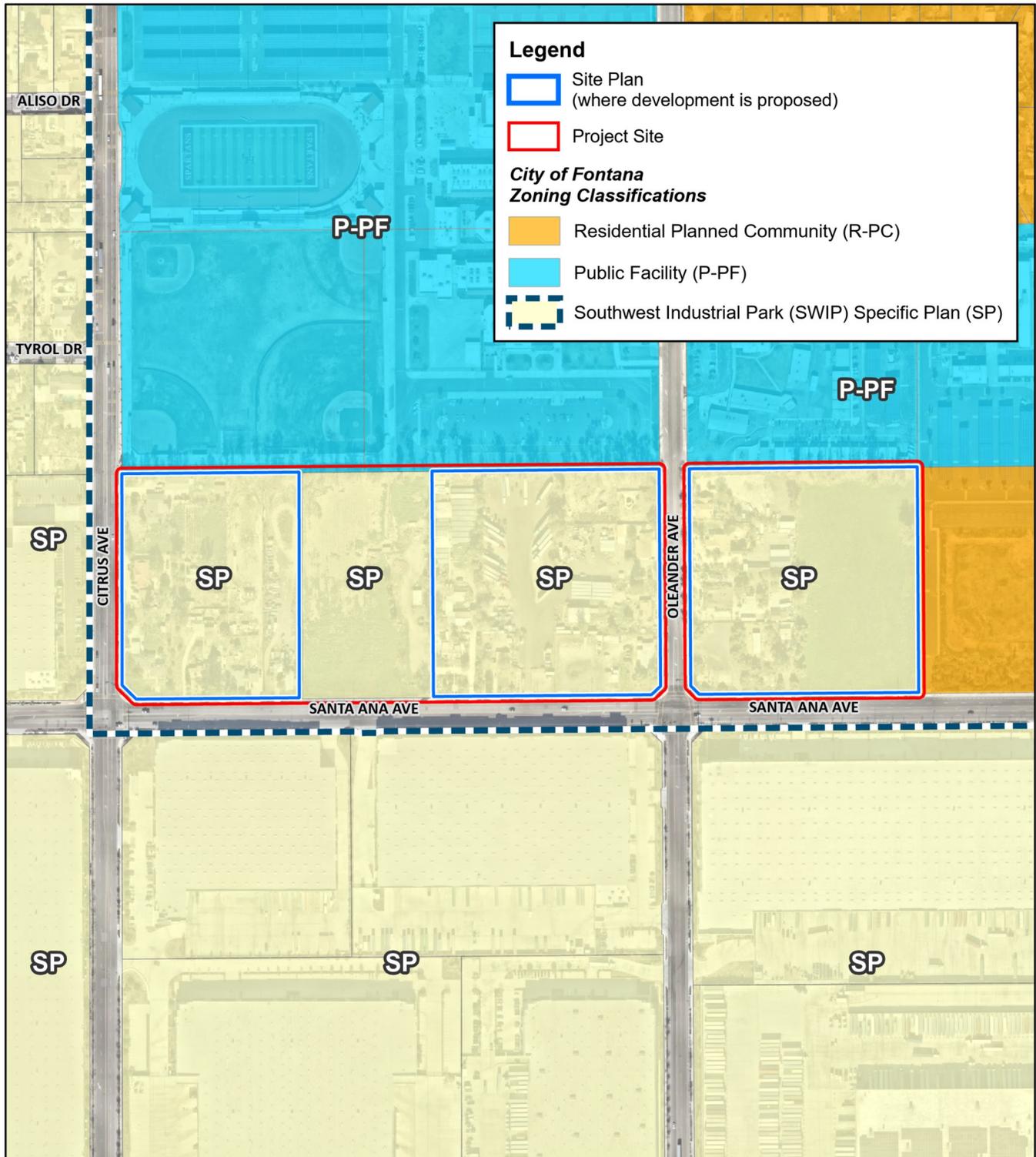


Source(s): City of Fontana (2021), Esri, Nearmap Imagery (2023)

Figure 3-5



Proposed ZCA 22-005

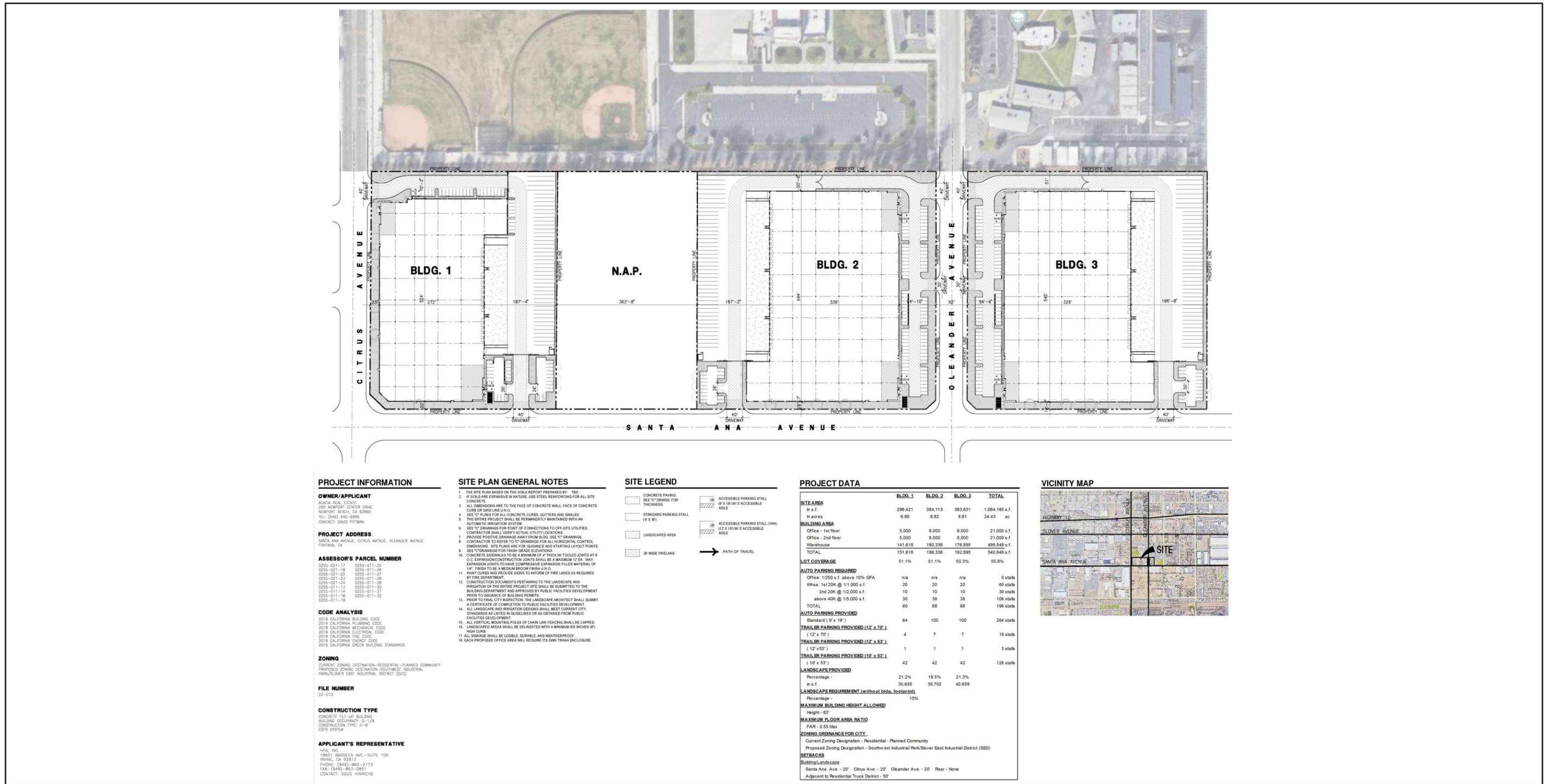


Source(s): City of Fontana (2021), Esri, Nearmap Imagery (2023)

Figure 3-6



Proposed SPA 22-002



Source(s): HPA Architecture (February 2023)

Figure 3-7



Lead Agency: City of Fontana

Master Site Plan

SCH No. 2022110389

Page 3-10



Applicant would be required to submit construction documents/plans to the City of Fontana for review and approval. The construction documents/plans would be required to comply with the City of Fontana Building Code, which is based on the California Building Code and is included in Chapter 5 of the City of Fontana Municipal Code.

A. Building 1: DRP No. 22-029

1. Site Layout & Architecture

Building 1 is designed as a rectangular shaped building in the western portion of the Project Site, at the northeast corner of the intersection of Citrus Avenue and Santa Ana Avenue. The elongated sides of the building would parallel parcel's eastern and western boundaries and the shorter sides of the buildings would face north and south. An enclosed truck court with 17 loading docks and 44 trailer parking spaces would be provided on the east side of the building, facing interior to the Project Site. Building 1 would contain 151,618 s.f. of floor area including 141,618 s.f. of commerce center space and 10,000 s.f. of supporting office space. Approximately 64 automobile parking spaces would be distributed on the north and east sides of the building. Access to/from Building 1 would be provided from two private driveways, one connecting to Citrus Avenue and one connecting to Santa Ana Avenue. The overall site plan for Building 1 is illustrated on Figure 3-8, *Overall Site Plan – Building 1*.

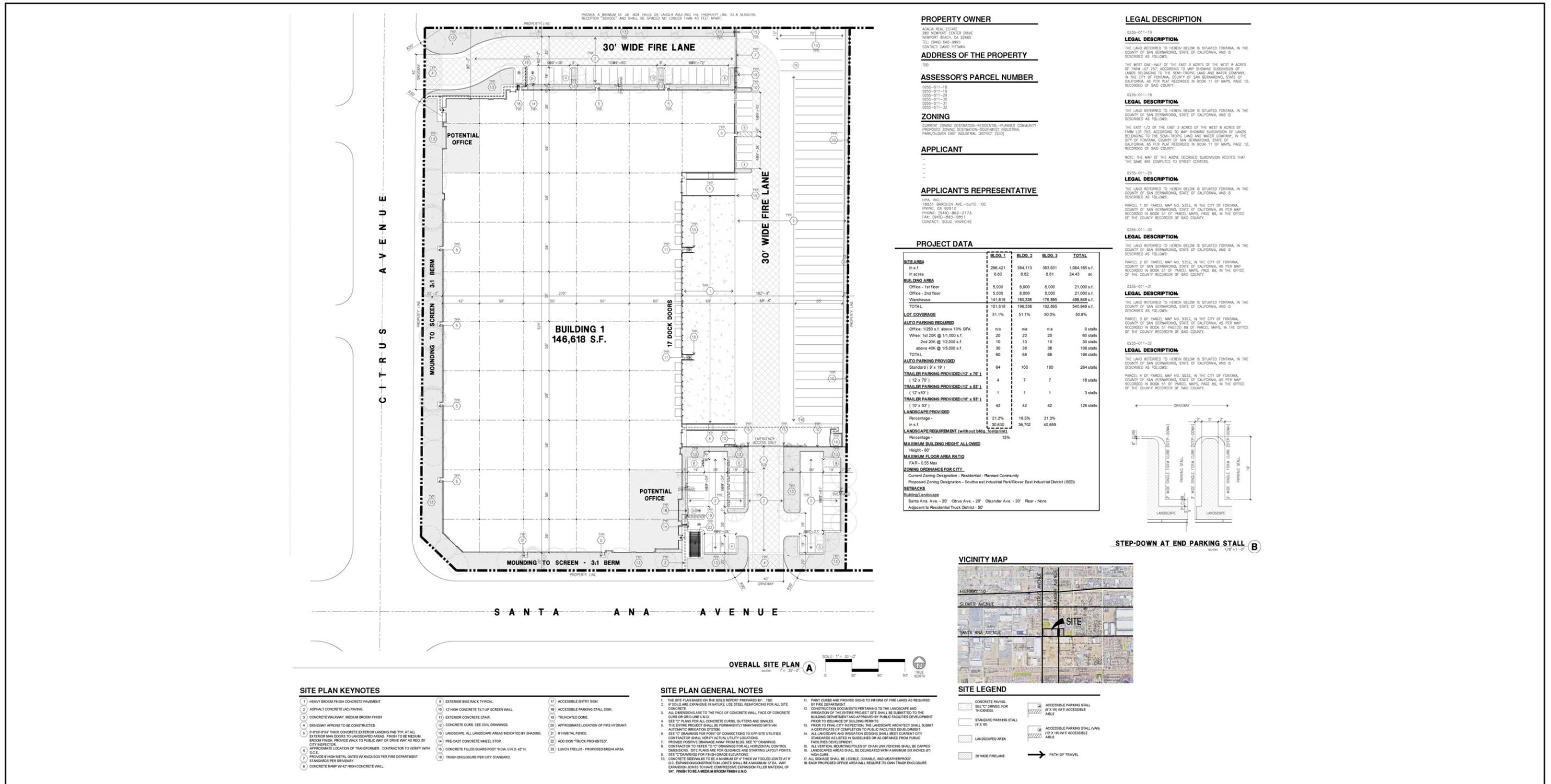
The typical height of Building 1 is designed to reach 41 feet above the finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would extend to approximately 44 feet above finished floor elevation. The building would be constructed of concrete tilt-up panels and low-reflective blue glass. The building's exterior color palette would be comprised of various shades of white and grey. Decorative building elements include panel reveals, parapets, mullions, and canopies at office entries. Conceptual architectural elevations for Building 1 are illustrated on Figure 3-9, *Conceptual Architectural Elevations – Building 1*.

B. Building 2: DRP No. 22-061

1. Site Layout & Architecture

Building 2 is designed as a rectangular shaped building in the central portion of the Project Site, at the northwest corner of the intersection of Oleander Avenue and Santa Ana Avenue. The elongated sides of the building would parallel to the parcel's western boundary. An enclosed truck court with 26 loading docks and 44 trailer parking spaces would be provided on the west side of the building, facing interior to the Project Site. Building 2 would contain 196,336 s.f. of floor area including 180,336 s.f. of commerce center space and 16,000 s.f. of supporting office space. Approximately 100 automobile parking spaces would be distributed on the east and west sides of the building. Access to/from Building 2 would be provided from three private driveways: two connecting to Oleander Avenue and one connecting to Santa Ana Avenue. The overall site plan for Building 2 is illustrated on Figure 3-10, *Overall Site Plan – Building 2*.

The typical height of Building 2 is designed to reach 41 feet above the finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would extend to

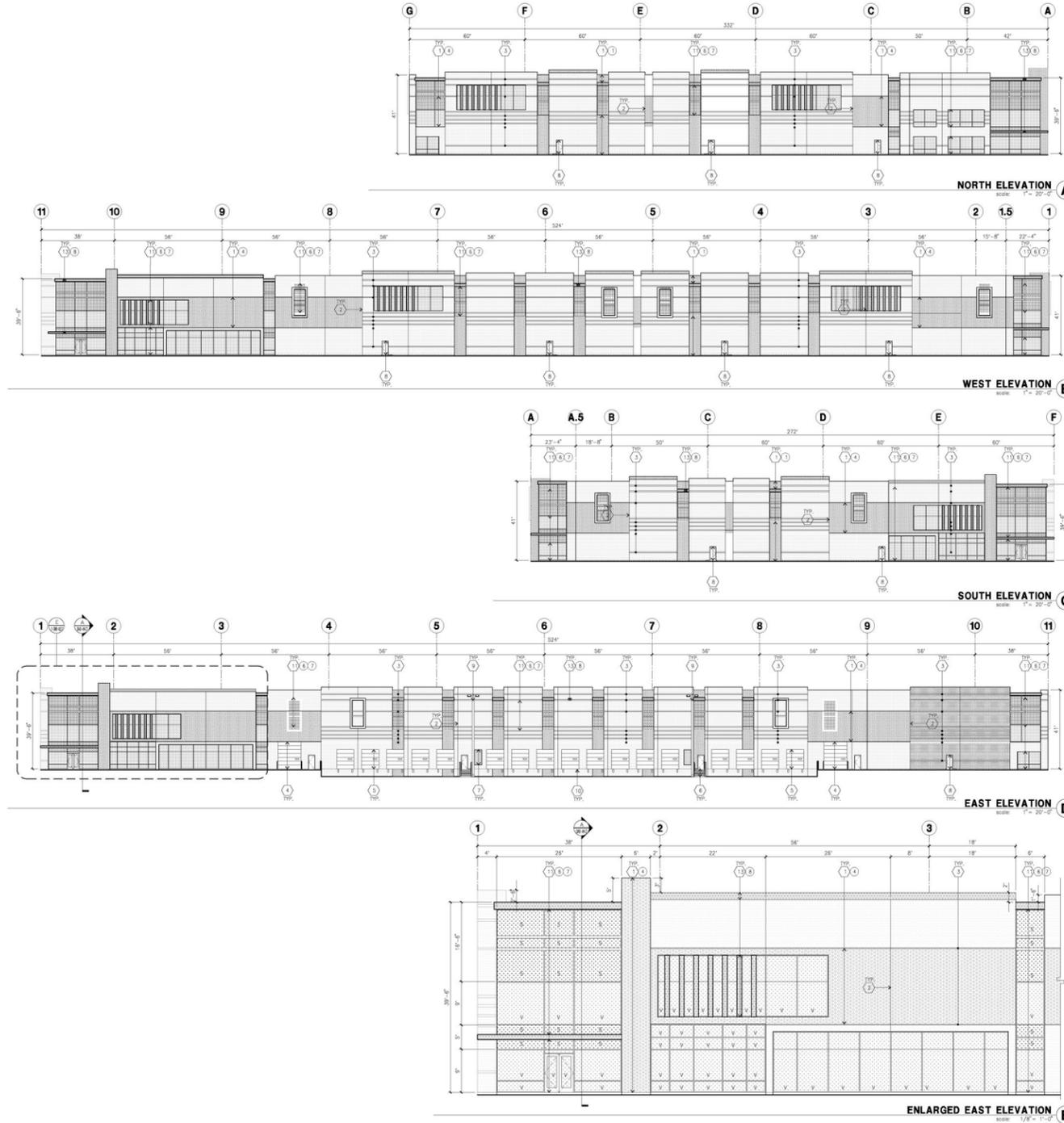


Source(s): HPA Architecture (February 2023)

Figure 3-8



Overall Site Plan – Building 1



ELEVATION KEYNOTES

- 1 CONCRETE TILT-UP PANEL.
- 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 12" X 14" OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 5 7' X 10' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 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 4" X 8" METAL LOUVER OPENING FOR VENTILATION. PAINT TO MATCH BUILDING COLOR.
- 8 HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR.
- 9 EXTERIOR DOWN SPOUTS W/ 2 OVERFLOW SCUPPERS.
- 10 DOCK DOOR BUMPER TYPICAL.
- 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.
- 12 CONC. FILLED GUARD POST. 6" DIA. U.N.O. 42H.
- 13 METAL CANOPY.
- 14 STRUCTURAL COLUMN.

ELEVATION GENERAL NOTES

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

ELEVATION COLOR LEGEND/SCHED.

- | | | |
|---|------------------|---|
| 1 | PAIN. COLOR : | SW 7005 255-C1 PURE WHITE |
| 2 | PAIN. COLOR : | SW 7071 235-C1 GRAY SCREEN |
| 3 | PAIN. COLOR : | SW 7073 235-C3 NETWORK GRAY |
| 4 | PAIN. COLOR : | SW 7074 235-C5 SOFTWARE |
| 5 | PAIN. COLOR : | SW 7075 235-C8 WEB GRAY |
| 6 | MULLIONS COLOR : | CLEAR ANODIZED |
| 7 | GLAZING COLOR : | CLEAR GLASS |
| 8 | CANOPY: | SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/ HIGH PERFORMANCE IN COLOR. SW 7075 235-C8 WEB GREY @ 1-BEAM CANOPY |

GLAZING LEGEND

- NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.
- | | | | |
|----|--------------------------|----|-------------------------------------|
| IV | INSULATED VISION GLASS | SC | SPANDREL GLASS WITH CONCRETE BEHIND |
| V | SINGLE LITE VISION GLASS | | |
- IV : INSULATED VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.29 SHGC: 0.1, VLT: 9%
MINIMUM VT TO BE 0.42 PER 2019 CEC TABLE 140.3-B
- SC: SPANDREL WITH CONCRETE BEHIND
1/4" SOLARCOOL GRAYLITE WITH HARMONY GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.
- V: VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II
- MULLIONS : ANODIZED CLEAR.

Source(s): HPA Architecture (February 2023)

Figure 3-9



Conceptual Architectural Elevations – Building 1



approximately 44 feet above finished floor elevation. The building would be constructed of concrete tilt-up panels and low-reflective blue glass. The building's exterior color palette would be comprised of various shades of white and grey. Decorative building elements include panel reveals, parapets, mullions, and canopies at office entries. Conceptual architectural elevations for Building 2 are illustrated on Figure 3-11, *Conceptual Architectural Elevations – Building 2*.

C. Building 3: DRP No. 22-062

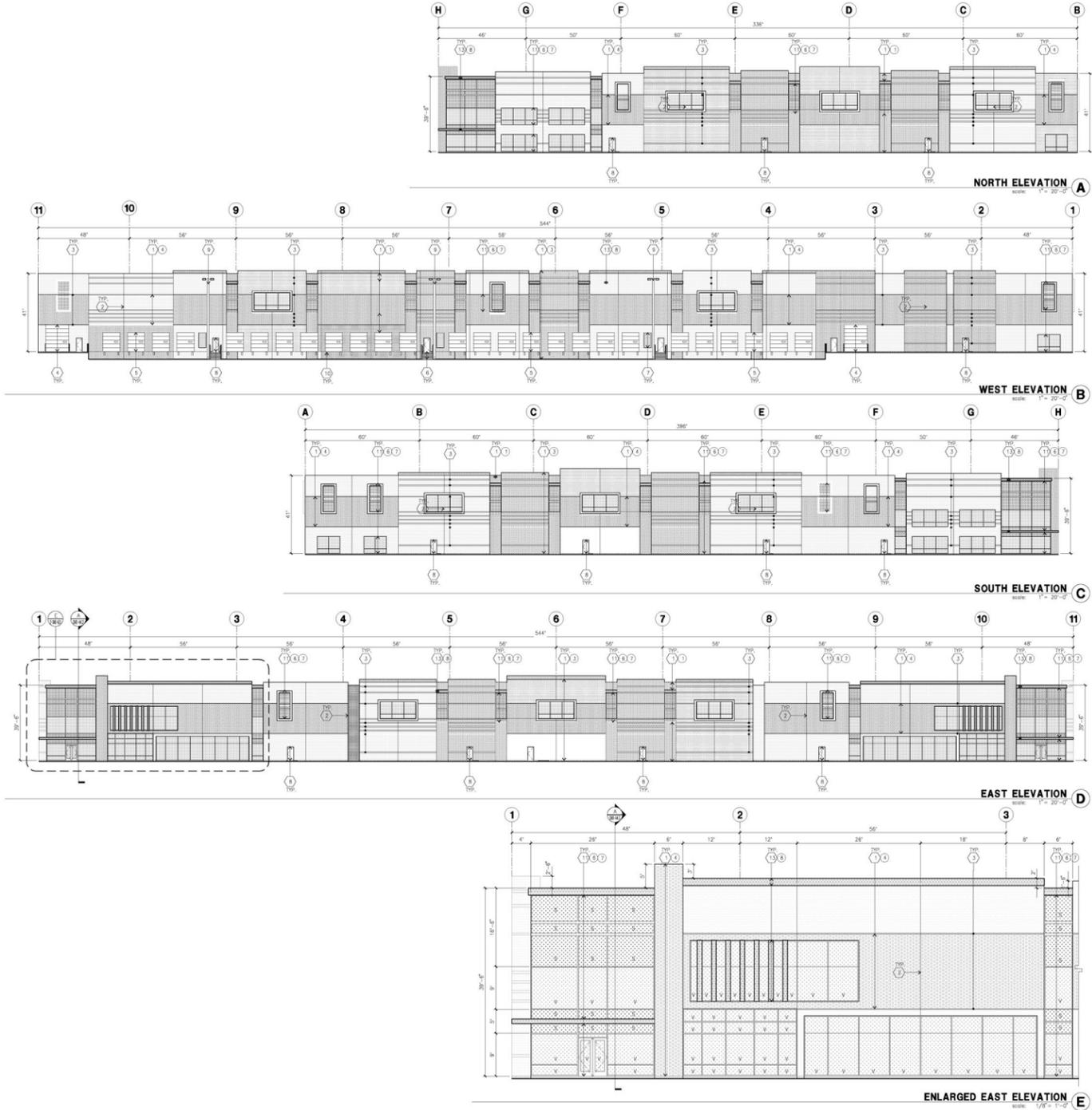
1. Site Layout & Architecture

Building 3 is designed as a rectangular shaped building in the eastern portion of the Project Site, at the northeast corner of the intersection of Oleander Avenue and Santa Ana Avenue. The elongated sides of the building would parallel the parcel's eastern and western boundaries. An enclosed truck court with 26 loading docks and 44 trailer parking spaces would be provided on the east side of the building, facing toward the Citrus High School outdoor sports fields and sport courts. Building 3 would contain 192,895 s.f. of floor area including 176,895 s.f. of commerce center space and 16,000 s.f. of supporting office space. Approximately 100 automobile parking spaces would be distributed on the east and west sides of the building. Access to/from Building 3 would be provided from three private driveways: two connecting to Oleander Avenue and one connecting to Santa Ana Avenue. The overall site plan for Building 3 is illustrated on Figure 3-12, *Overall Site Plan – Building 3*.

The typical height of Building 3 is designed to reach 41 feet above the finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would extend to approximately 44 feet above finished floor elevation. The building would be constructed of concrete tilt-up panels and low-reflective blue glass. The building's exterior color palette would be comprised of various shades of white and grey. Decorative building elements include panel reveals, parapets, mullions, and canopies at office entries. Conceptual architectural elevations for Building 3 are illustrated on Figure 3-13, *Conceptual Architectural Elevations – Building 3*.

D. Conceptual Landscape Plan

All existing trees and other vegetation on the 24.4 acres of the Project Site proposed for development are proposed to be removed and replaced with the plant material specified in the DPRs' *Conceptual Landscape Plan*, which is illustrated on Figure 3-14. No physical disturbance would initially occur on the 5.0-acre parcel located between the parcels for proposed Building 1 and Building 2, although it is assumed that when this parcel develops, the existing vegetation would be removed and ornamental landscaping would be proposed. Proposed landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. As shown on Figure 3-14, trees, shrubs, and groundcover are proposed along the street frontages with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and along portions of the northern property boundaries of the Development Sites. Landscaping also would occur at building entries and in and around automobile parking areas. Prior to the issuance of building permits to construct Buildings 1, 2 and 3, 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



ELEVATION KEYNOTES

- 1 CONCRETE TILT-UP PANEL.
- 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 12' X 14' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 5 7' X 10' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 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 4' X 8' METAL LOUVER OPENING FOR VENTILATION. PAINT TO MATCH BUILDING COLOR.
- 8 HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR.
- 9 EXTERIOR DOWN SPOUTS W/ 2 OVERFLOW SCUPPERS.
- 10 DOCK DOOR BUMPER TYPICAL.
- 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.
- 12 CONC. FILLED GUARD POST. 6" DIA. U.N.O. 42H.
- 13 METAL CANOPY.
- 14 STRUCTURAL COLUMN.

ELEVATION GENERAL NOTES

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- 5. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST - MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
- 6. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
- 7. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
- 8. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATHE.
- 9. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
- 10. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON.

ELEVATION COLOR LEGEND/SCHED.

- 1 PAINT. COLOR : SW 7005 255-C1 PURE WHITE
- 2 PAINT. COLOR : SW 7071 235-C1 GRAY SCREEN
- 3 PAINT. COLOR : SW 7073 235-C3 NETWORK GRAY
- 4 PAINT. COLOR : SW 7074 235-C5 SOFTWARE
- 5 PAINT. COLOR : SW 7075 235-C8 WEB GRAY
- 6 MULLIONS COLOR : CLEAR ANODIZED
- 7 GLAZING COLOR : CLEAR GLASS
- 8 CANOPY: SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/ HIGH PERFORMANCE IN COLOR. SW 7075 235-C8 WEB GREY @ 1-BEAM CANOPY

GLAZING LEGEND

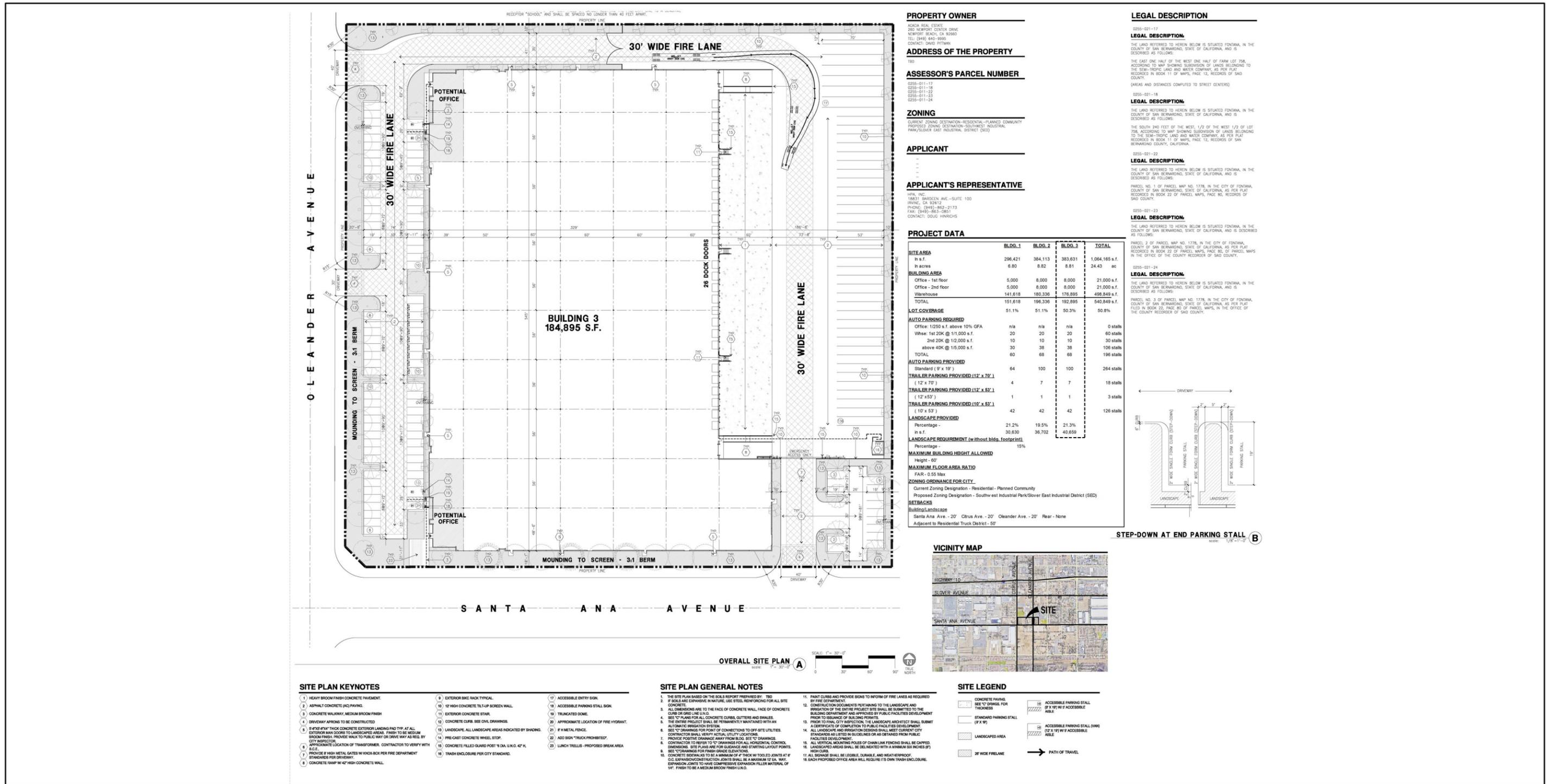
- NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.
- IV INSULATED VISION GLASS
 - SC SPANDREL GLASS WITH CONCRETE BEHIND
 - V SINGLE LITE VISION GLASS
- IV : INSULATED VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.29 SHGC: 0.1, VLT: 9%
MINIMUM VT TO BE 0.42 PER 2019 CEC TABLE 140.3-B
- SC: SPANDREL WITH CONCRETE BEHIND
1/4" SOLARCOOL GRAYLITE WITH HARMONY GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.
- V: VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II
- MULLIONS : ANODIZED CLEAR.

Source(s): HPA Architecture (February 2023)

Figure 3-11



Conceptual Architectural Elevations – Building 2

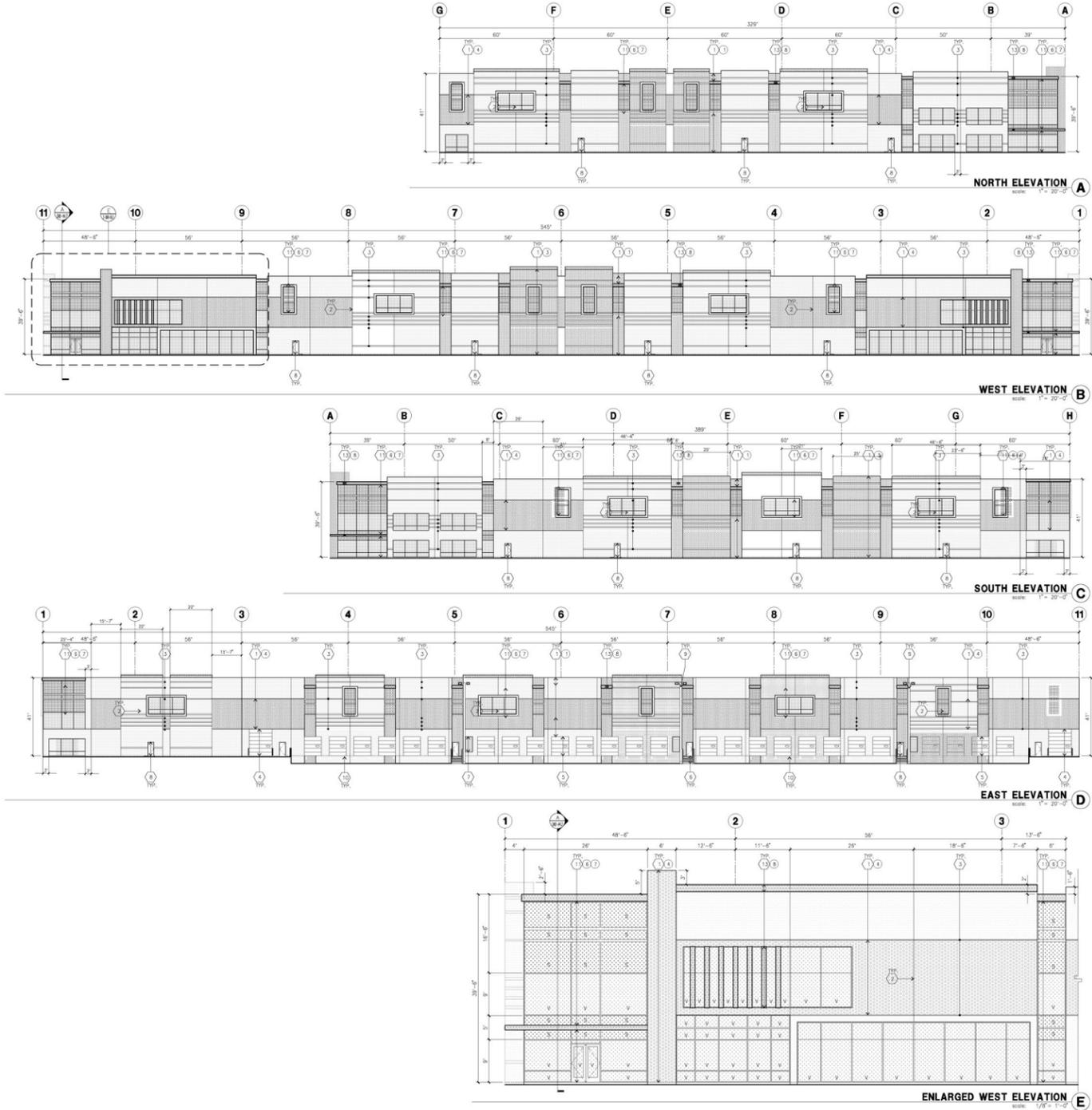


Source(s): HPA Architecture (February 2023)

Figure 3-12



Overall Site Plan – Building 3



ELEVATION KEYNOTES

- 1 CONCRETE TILT-UP PANEL.
- 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 12' X 14' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 5 7' X 10' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 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 4' X 8' METAL LOUVER OPENING FOR VENTILATION. PAINT TO MATCH BUILDING COLOR.
- 8 HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR.
- 9 EXTERIOR DOWN SPOUTS W/ 2 OVERFLOW SCUPPERS.
- 10 DOCK DOOR BUMPER TYPICAL.
- 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.
- 12 CONC. FILLED GUARD POST. 6" DIA. U.N.O., 42".
- 13 METAL CANOPY.
- 14 STRUCTURAL COLUMN.

ELEVATION GENERAL NOTES

1. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
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3. T.O.P. EL. = TOP OF PARAPET ELEVATION.
4. F.F. = FINISH FLOOR ELEVATION.
5. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST - MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
6. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
7. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
8. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATHE.
9. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
10. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON.

ELEVATION COLOR LEGEND/SCHED.

- | | | |
|---|------------------|---|
| 1 | PAIN. COLOR : | SW 7005 255-C1 PURE WHITE |
| 2 | PAIN. COLOR : | SW 7071 235-C1 GRAY SCREEN |
| 3 | PAIN. COLOR : | SW 7073 235-C3 NETWORK GRAY |
| 4 | PAIN. COLOR : | SW 7074 235-C5 SOFTWARE |
| 5 | PAIN. COLOR : | SW 7075 235-C8 WEB GRAY |
| 6 | MULLIONS COLOR : | CLEAR ANODIZED |
| 7 | GLAZING COLOR : | CLEAR GLASS |
| 8 | CANOPY : | SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/ HIGH PERFORMANCE IN COLOR. SW 7075 235-C8 WEB GREY @ 1-BEAM CANOPY |

GLAZING LEGEND

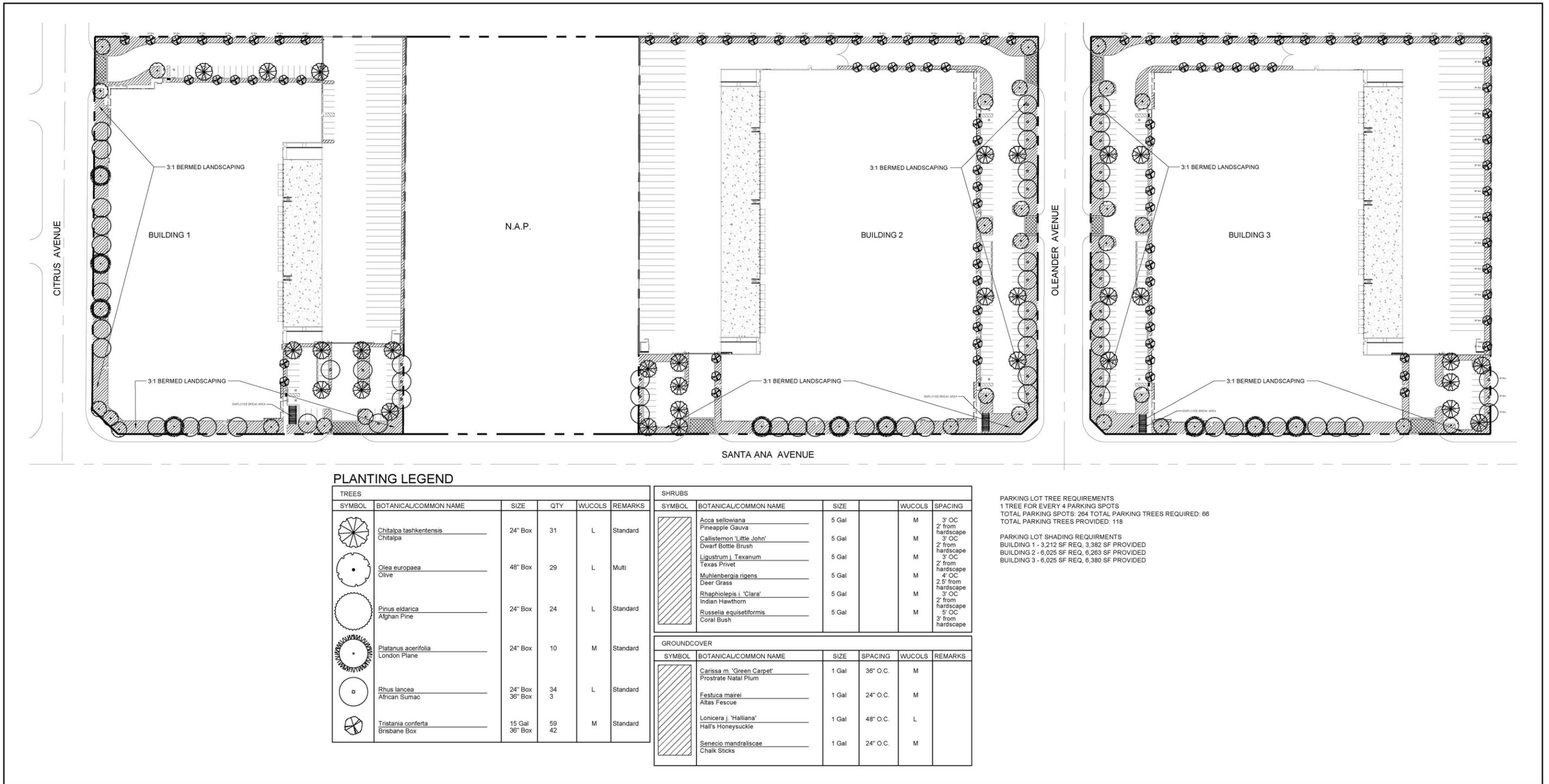
- NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.
- | | | | |
|----|--------------------------|----|-------------------------------------|
| IV | INSULATED VISION GLASS | SC | SPANDREL GLASS WITH CONCRETE BEHIND |
| V | SINGLE LITE VISION GLASS | | |
- IV : INSULATED VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II + 1/4" SOLARBAN 80 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.29 SHGC: 0.1, VL: 5%
MINIMUM VT TO BE 0.42 PER 2019 CEC TABLE 140.3-B
- SC : SPANDREL WITH CONCRETE BEHIND
1/4" SOLARCOOL GRAYLITE WITH HARMONY GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.
- V : VISION GLASS
1/4" PPG SOLARCOOL GRAYLITE II
- MULLIONS : ANODIZED CLEAR.

Source(s): HPA Architecture (February 2023)

Figure 3-13



Conceptual Architectural Elevations – Building 3



Source(s): Hunter Landscape (February 2023)

Figure 3-14



Conceptual Landscape Plan



Fontana Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (City of Fontana, 2016, Sections 28-91 through 28-115).

3.3.5 TENTATIVE PARCEL MAPS (TPMs)

Building 1 TPM 22-009 would consolidate numerous parcels comprising 6.80 acres at the northeast corner of the intersection of Citrus Avenue and Santa Ana Avenue to form a parcel for the proposed development of Building 1. Building 2 TPM 22-030 would consolidate numerous parcels comprising 8.82 acres at the northwest corner of the intersection of Santa Ana Avenue and Oleander Avenue proposed for the proposed development of Building 2. Building 3 TPM 22-031 would consolidate numerous parcels comprised of 8.81 acres at the northeast corner of the intersection of Santa Ana Avenue and Oleander Avenue for the proposed development of Building 3. Refer to Figure 3-15, *Proposed TPM 22-009 – Building 1*, Figure 3-16, *Proposed TPM 22-030 – Building 2*, and Figure 3-17, *Proposed TPM 22-031 – Building 3*. The 5.0-acre parcel not proposed for development at this time would not be included in any TPM.

3.4 TECHNICAL CHARACTERISTICS OF THE PROJECT

3.4.1 PUBLIC ROADWAY AND PRIVATE DRIVEWAY IMPROVEMENTS

The Project Site abuts three public streets: Citrus Avenue, Santa Ana Avenue, and Oleander Avenue. As part of the proposed Project, frontage improvements would be made to each of these public roads concurrent with the development of abutting property, as follows:

Citrus Avenue

Citrus Avenue abuts the Project Site to the west. Citrus Avenue would be improved along the Project Site's frontage, including the installation of curb and gutter and an improved sidewalk.

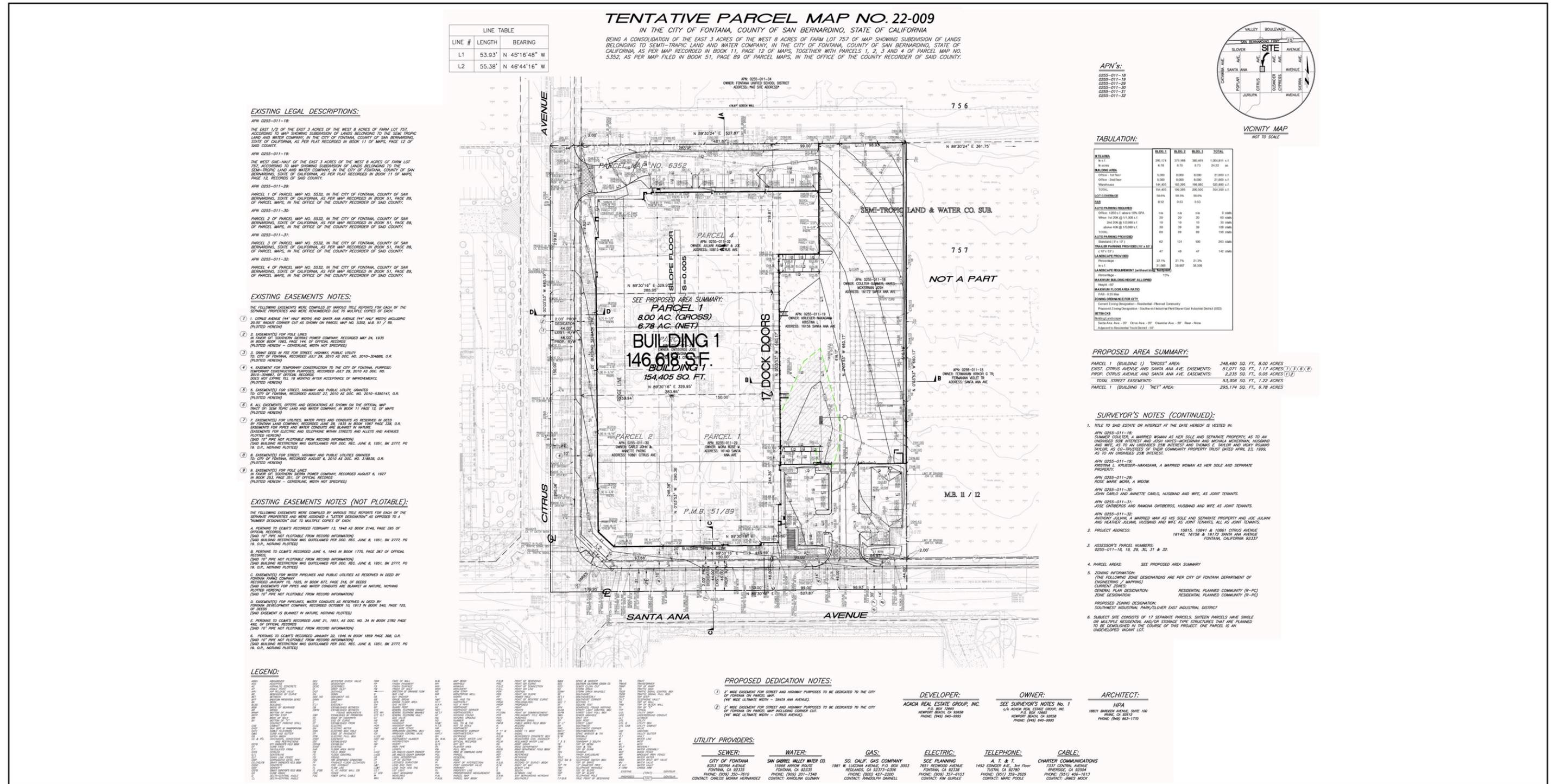
Santa Ana Avenue

Santa Ana Avenue abuts the Project Site to the south. Santa Ana Avenue would be improved along the Project Site's frontage, including the installation of curb and gutter and an improved sidewalk.

Oleander Avenue

Oleander Avenue bisects the Project Site, with part of the Site located to the east and part of the Site located to the west. Oleander Avenue would be improved along the Project Site's frontage, including the installation of curb and gutter and an improved sidewalk.

Truck access to and from proposed Building 1 would use the northernmost driveway on the Building 1 Site, connecting with Citrus Avenue. Truck access to and from the Building 2 and Building 3 Sites would use the northernmost driveways connecting with Oleander Avenue. None of the Project's driveways connecting with Santa Ana Avenue would be permitted to be used by trucks. The segment of Santa Ana Avenue fronting the Project Site is not a designated truck route. The truck route from I-10 to Building 1 would be to exit at southbound Citrus Avenue and turn left into the Building 1 truck driveway. The truck route from I-10 to Building 2 and Building 3 would be to exit at southbound Citrus Avenue, turn eastbound on Jurupa Avenue, and turn northbound on Oleander Avenue to reach the Building 2 and Building 3 truck driveways. After



Source(s): Thienes Engineering, Inc. (February 2023)

Figure 3-15



Proposed TPM 22-009 – Building 1

Lead Agency: City of Fontana

SCH No. 2022110389

Page 3-21



TENTATIVE PARCEL MAP NO. 22-030
IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

BEING A CONSOLIDATION OF THE EAST 10 ACRES OF FARM LOT 757 OF MAP SHOWING SUBDIVISION OF 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.

EXISTING LEGAL DESCRIPTIONS:

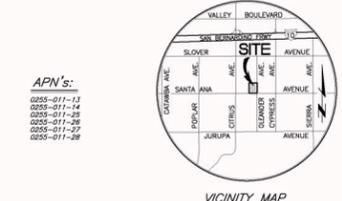
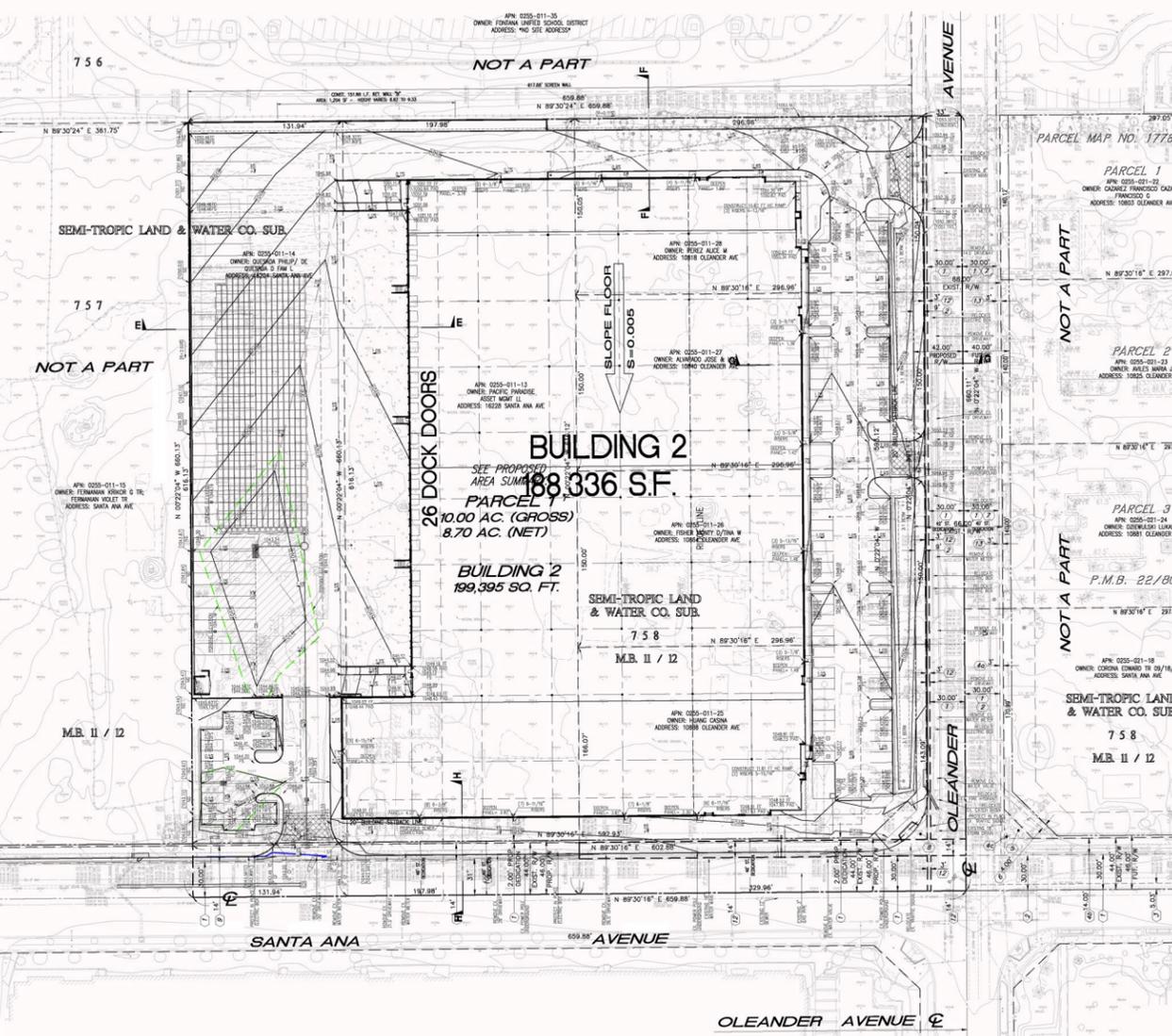
- APN 0255-011-13
THE EAST 3 ACRES OF THE WEST 5 ACRES OF THE EAST 10 ACRES OF FARM LOT 757, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO SEMI-TROPIC LAND AND WATER COMPANY, AS PER MAP RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY.
- APN 0255-011-14
THE WEST 3 ACRES OF THE WEST 5 ACRES OF THE EAST 10 ACRES OF FARM LOT 757, 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, RECORDS OF SAID COUNTY.
- APN 0255-011-25
THE EAST 5 ACRES OF FARM LOT 757, ACCORDING TO MAP SHOWING SUBDIVISIONS OF 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, RECORDS OF SAID COUNTY.
- APN 0255-011-26
THE SOUTH 150 FEET OF THE NORTH 450 FEET OF THE EAST 5 ACRES OF FARM LOT 757, ACCORDING TO MAP SHOWING SUBDIVISION OF 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, RECORDS OF SAID COUNTY.
- APN 0255-011-27
THE SOUTH 150 FEET OF THE NORTH 300 FEET OF THE EAST 5 ACRES OF FARM LOT 757, ACCORDING TO MAP SHOWING SUBDIVISION OF 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, RECORDS OF SAID COUNTY.
- APN 0255-011-28
THE NORTH 150 FEET OF THE EAST 5 ACRES OF FARM LOT 757, ACCORDING TO MAP SHOWING SUBDIVISION OF 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, RECORDS OF SAID COUNTY.

EXISTING EASEMENTS NOTES:

1. SANTA ANA AVENUE (80' WIDE) AND OLEANDER AVENUE (80' WIDE) AS SHOWN ON MAP SHOWING SUBDIVISION OF LANDS BELONGING TO SEMI-TROPIC LAND AND WATER CO. (PLOTTED HEREIN)
2. RIGHTS OF WAY FOR PUBLIC UTILITIES AS RESERVED IN THE DEED FROM LAGUNA LAND COMPANY TO SOUTHWEST INDUSTRIAL PARK/EAST INDUSTRIAL DISTRICT, RECORDED JUNE 26, 1988, IN BOOK 1082, PAGE 236 OFFICIAL RECORDS. (PLOTTED HEREIN)
3. AN EASEMENT FOR LAYING AND MAINTAINING PIPES FOR DOMESTIC WATER AND INCIDENTAL PURPOSES, RECORDED JANUARY 11, 1988 AS BOOK 1084, PAGE 326, O.R. (PLOTTED HEREIN)
4. AN EASEMENT FOR STREET AND HIGHWAY PURPOSES AND INCIDENTAL PURPOSES, RECORDED JUNE 11, 1988 AS BOOK 1084, PAGE 327 OF OFFICIAL RECORDS. (PLOTTED HEREIN)
5. AN EASEMENT FOR STREET, HIGHWAY AND PUBLIC UTILITY AND INCIDENTAL PURPOSES, RECORDED MAY 14, 2010 AS INSTRUMENT NO. 2010-020854 OF OFFICIAL RECORDS. (PLOTTED HEREIN)
6. AN EASEMENT FOR DISTRIBUTING ELECTRICAL ENERGY AND FOR TRANSMITTING INTELLIGENCE DATA AND/OR COMMUNICATIONS AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 11, 2012 AS INSTRUMENT NO. 2012-020253 OF OFFICIAL RECORDS. (PLOTTED HEREIN)
7. PERMITS TO CARRY RECORDED JUNE 28, 1935 AS BOOK 1087, PAGES 326 AND FEBRUARY 13, 1948 IN BOOK 2146, PAGE 382 BOTH OF OFFICIAL RECORDS. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R. (PLOTTED HEREIN - EASEMENTS FOR ELECTRIC AND TELEPHONE)) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R. (PLOTTED HEREIN))
8. EASEMENTS FOR STREET, HIGHWAY AND PUBLIC UTILITY, GRANTED TO CITY OF FONTANA, RECORDED NOVEMBER 24, 2010 AS DOC. NO. 2010-020872, O.R. AND RE-RECORDING DATE, DECEMBER 2, 2010. (PLOTTED HEREIN)
9. EASEMENTS FOR PUBLIC UTILITIES GRANTED TO FONTANA LAND COMPANY RECORDED FEBRUARY 16, 1932 IN BOOK 808, PAGE 28, O.R. (DAD EASEMENT FOR PIPES AND WATER CONDUITS ARE BLANKET IN NATURE. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION)) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R., NOTHING PLOTTED)
10. EASEMENTS FOR PUBLIC UTILITIES, GRANTED TO SOUTH BERNARD POWER COMPANY, RECORDED JUNE 25, 1933 IN BOOK 1084, PAGE 302, OF OFFICIAL RECORDS. (PLOTTED HEREIN - CONDUITS, WIRES NOT PLOTTED)
11. EASEMENTS FOR STREET, HIGHWAY AND PUBLIC UTILITIES, GRANTED TO CITY OF FONTANA, RECORDED NOVEMBER 24, 2010 AS DOC. NO. 2010-020872, O.R. AND RE-RECORDING DATE, DECEMBER 2, 2010. (PLOTTED HEREIN)
12. 3" WIDE PORTION IN OLEANDER AVENUE AND 14" WIDE PORTION IN SANTA ANA AVENUE TRANSPORTED IN LEGAL DESCRIPTIONS ARE SHOWN ON THE ASSessor'S PARCEL MAP AS DEDICATED PUBLIC STREET RIGHT-OF-WAYS.
13. 3" WIDE PORTION FOR STREET PURPOSES PER BOOK 8153, PAGE 883, O.R. AND SHOWN ON PARCEL MAP NO. 1778, P.M.B. 22 / 80.

EXISTING EASEMENTS NOTES (NOT PLOTTABLE):

- THE FOLLOWING EASEMENTS WERE COMPILED BY VARIOUS TITLE REPORTS FOR EACH OF THE SEPARATE PARCELS AND WERE REFERENCED AS TO MAKING COPIES OF EACH:
- A. PERMITS TO CARRY RECORDED FEBRUARY 13, 1948 AS BOOK 2146, PAGE 382 OF OFFICIAL RECORDS. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R., NOTHING PLOTTED)
 - B. PERMITS TO CARRY RECORDED JUNE 4, 1943 IN BOOK 1775, PAGE 387 OF OFFICIAL RECORDS. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R., NOTHING PLOTTED)
 - C. EASEMENTS FOR WATER PIPES AND PUBLIC UTILITIES AS RESERVED IN DEED BY FONTANA PAPER COMPANY, RECORDED OCTOBER 10, 1913 IN BOOK 343, PAGE 123, OF OFFICIAL RECORDS. (DAD EASEMENT IS BLANKET IN NATURE, NOTHING PLOTTED)
 - D. EASEMENTS FOR PIPES, WATER CONDUITS AS RESERVED IN DEED BY FONTANA DEVELOPMENT COMPANY, RECORDED OCTOBER 10, 1913 IN BOOK 343, PAGE 123, OF OFFICIAL RECORDS. (DAD EASEMENT IS BLANKET IN NATURE, NOTHING PLOTTED)
 - E. PERMITS TO CARRY RECORDED JUNE 21, 1931, AS DOC. NO. 34 IN BOOK 2782, PAGE 482 OF OFFICIAL RECORDS. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION)
 - F. PERMITS TO CARRY RECORDED JANUARY 22, 1946 IN BOOK 1889, PAGE 368, O.R. (DAD 10" PIPE NOT PLOTTABLE FROM RECORD INFORMATION) (DAD BUILDING RESTRICTION WAS OBTAINED PER DOC. REC. NO. 676/1981, BK 2777, PG 18, O.R., NOTHING PLOTTED)



TABULATION:

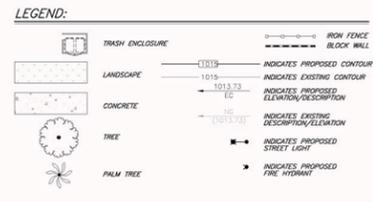
| ITEM AREA | BLDG. 1 | BLDG. 2 | BLDG. 3 | TOTAL |
|----------------------------------|----------------------------|---------|---------|----------------|
| BLDG. AREA | 295,174 | 379,168 | 386,489 | 1,060,831 S.F. |
| Office - 1st floor | 6,800 | 8,200 | 3,200 | 18,200 S.F. |
| Office - 2nd floor | 5,000 | 8,000 | 8,000 | 21,000 S.F. |
| Warehouse | 144,400 | 183,395 | 186,000 | 513,895 S.F. |
| TOTAL | 164,400 | 199,395 | 200,000 | 563,895 S.F. |
| LOT COVERAGE | 100.0% | 100.0% | 100.0% | |
| FAIR | 0.0% | 0.0% | 0.0% | |
| LANDSCAPING REQUIRED | | | | |
| Office 1250 x 1200 x 10% GFA | 68 | 84 | 34 | 186 |
| Warehouse 10000 x 10000 x 10% | 29 | 18 | 18 | 65 |
| 2nd floor @ 10000 x 10000 | 19 | 18 | 18 | 55 |
| 2nd floor @ 10000 x 10000 | 29 | 18 | 18 | 65 |
| TOTAL | 69 | 89 | 89 | 167 |
| LANDSCAPING PROVIDED (UP TO 4%) | 69 | 89 | 89 | 167 |
| LANDSCAPING PROVIDED | 47 | 40 | 47 | 134 |
| Phenotype | 22.5% | 21.7% | 22.3% | |
| Phenotype | 31.08% | 31.68% | 31.50% | |
| MAXIMUM BUILDING HEIGHT ALL OVER | 15% | | | |
| MAXIMUM FLOOR AREA RATIO | 0.15 | | | |
| DESIGN INFORMATION FOR CITY | SEE SURVEYOR'S NOTES NO. 1 | | | |
| DESIGN INFORMATION FOR COUNTY | SEE SURVEYOR'S NOTES NO. 1 | | | |
| DESIGN INFORMATION FOR STATE | SEE SURVEYOR'S NOTES NO. 1 | | | |
| DESIGN INFORMATION FOR FEDERAL | SEE SURVEYOR'S NOTES NO. 1 | | | |
| DESIGN INFORMATION FOR LOCAL | SEE SURVEYOR'S NOTES NO. 1 | | | |
| DESIGN INFORMATION FOR OTHER | SEE SURVEYOR'S NOTES NO. 1 | | | |

PROPOSED AREA SUMMARY:

| | |
|--|--|
| PARCEL 1 (BUILDING 2) "NET" AREA: | 379,168 SQ. FT., 8.70 ACRES |
| PARCEL 1 (BUILDING 1) "GROSS" AREA: | 435,601 SQ. FT., 10.00 ACRES |
| EXIST. OLEANDER AVE. AND SANTA ANA AVE. ESMTS: | 48,842 SQ. FT., 1.14 ACRES (1 @ 17112) |
| PROJ. OLEANDER AVE. AND SANTA ANA AVE. ESMTS: | 6,391 SQ. FT., 0.16 ACRES (1 @ 6391) |
| TOTAL STREET EASEMENTS: | 55,233 SQ. FT., 1.30 ACRES |

SURVEYOR'S NOTES (CONTINUED):

1. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:
APN 0255-011-13:
PACIFIC PARADISE ASSET MANAGEMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY.
APN 0255-011-14:
DELA R. DE QUESADA, SURVIVING TRUSTEE OF THE PHILIP QUESADA AND DELIA R. DE QUESADA FAMILY LIVING TRUST.
APN 0255-011-25:
CASIMIR HUANG, A SINGLE WOMAN.
APN 0255-011-26:
MONTY D. FISHER, THE SUCCESSOR TRUSTEE OF FISHER TRUST DATED NOVEMBER 16, 1988, SUB-TRUST A.
APN 0255-011-27:
JOSE ALVARADO AND LUZ ALVARADO, HUSBAND AND WIFE AS JOINT TENANTS.
APN 0255-011-28:
ALICE MARIE PEREZ, AN UNMARRIED WOMAN.
2. PROJECT ADDRESS: 10818, 10840, 10884 & 10888 OLEANDER AVENUE FROM 16228 SANTA ANA AVENUE FONTANA, CALIFORNIA 92337
3. ASSESSOR'S PARCEL NUMBERS: 0255-011-13, 14, 25, 26, 27 & 28.
4. PARCEL AREAS: SEE PROPOSED AREA SUMMARY
5. ZONING INFORMATION: THE FOLLOWING ZONE DESIGNATIONS ARE PER CITY OF FONTANA DEPARTMENT OF ENGINEERING / PLANNING / MAPPING:
CURRENT ZONING: RESIDENTIAL PLANNED COMMUNITY (R-PC)
GENERAL PLAN DESIGNATION: RESIDENTIAL PLANNED COMMUNITY (R-PC)
PROPOSED ZONING DESIGNATION: SOUTHWEST INDUSTRIAL PARK/SLOVEN EAST INDUSTRIAL DISTRICT
6. SUBJECT SITE CONSISTS OF 8 SEPARATE PARCELS. ALL 8 PARCELS HAVE SINGLE OR MULTIPLE RESIDENTIAL AND/OR STORAGE TYPE STRUCTURES THAT ARE PLANNED TO BE DEMOLISHED IN THE COURSE OF THIS PROJECT.



PROPOSED DEDICATION NOTES:

1. 2' WIDE EASEMENT FOR STREET AND HIGHWAY PURPOSES TO BE DEDICATED TO THE CITY OF FONTANA ON PARCEL MAP.
2. 8' WIDE EASEMENT FOR STREET AND HIGHWAY PURPOSES TO BE DEDICATED TO THE CITY OF FONTANA ON PARCEL MAP.

UTILITY PROVIDERS:

- SEWER:** CITY OF FONTANA, 8333 SANTA ANA AVENUE, FONTANA, CA 92335, PHONE: (909) 350-3810, CONTACT: CARLOS HERNANDEZ
- WATER:** SAN GABRIEL VALLEY WATER CO., 1588 JUNIPER AVENUE, FONTANA, CA 92335, PHONE: (909) 350-2348, CONTACT: KAROLINA GLOMAN
- GAS:** SO. CALIF. GAS COMPANY, 1887 W. LUCAS AVENUE, P.O. BOX 3003, RIVERSIDE, CA 92513-0308, PHONE: (951) 427-2200, CONTACT: RAOULPH DANIEL
- ELECTRIC:** SCE PLANNING, 7851 REDWOOD AVENUE, FONTANA, CA 92338, PHONE: (909) 350-8100, CONTACT: KIM GURLEY
- TELEPHONE:** A. T. & T., 1453 EDINBURG AVE., 3rd Floor, TUSTIN, CA 92680, PHONE: (714) 338-3839, CONTACT: MARC POOLE
- CABLE:** CHARTER COMMUNICATIONS, 1317 CENTRAL AVENUE, RIVERSIDE, CA 92504, PHONE: (951) 468-1854, CONTACT: JAMES MOCK

Source(s): Thienes Engineering, Inc. (February 2023)

Figure 3-16



Proposed TPM 22-030 – Building 2



entering the Building 1, Building 2, and Building 3 Sites, trucks would travel in private driveways paralleling the Project Site's northern property line to reach the building's truck courts and loading docks. Existing trucks would travel in the reverse pattern to I-10. Passenger vehicles would be permitted to use all of the Project's driveways proposed to connect with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue.

3.4.2 UTILITY IMPROVEMENTS

A. Water Infrastructure

The Fontana Water Company (FWC) would provide water service to the Project. As shown on Figure 3-18, *Conceptual Utility Plan – Building 1*, Figure 3-19, *Conceptual Utility Plan – Building 2*, and Figure 3-20, *Conceptual Utility Plan – Building 3*, the Project would connect to an existing water main beneath Citrus Avenue to service Building 1 and would connect to an existing water main beneath Santa Ana Avenue to service Buildings 2 and 3 for indoor, outdoor (i.e., landscape irrigation), and fire protection (i.e., fire hydrant) services. All proposed water facilities would be designed and constructed in accordance with FWC standards.

B. Sanitary Sewer Infrastructure

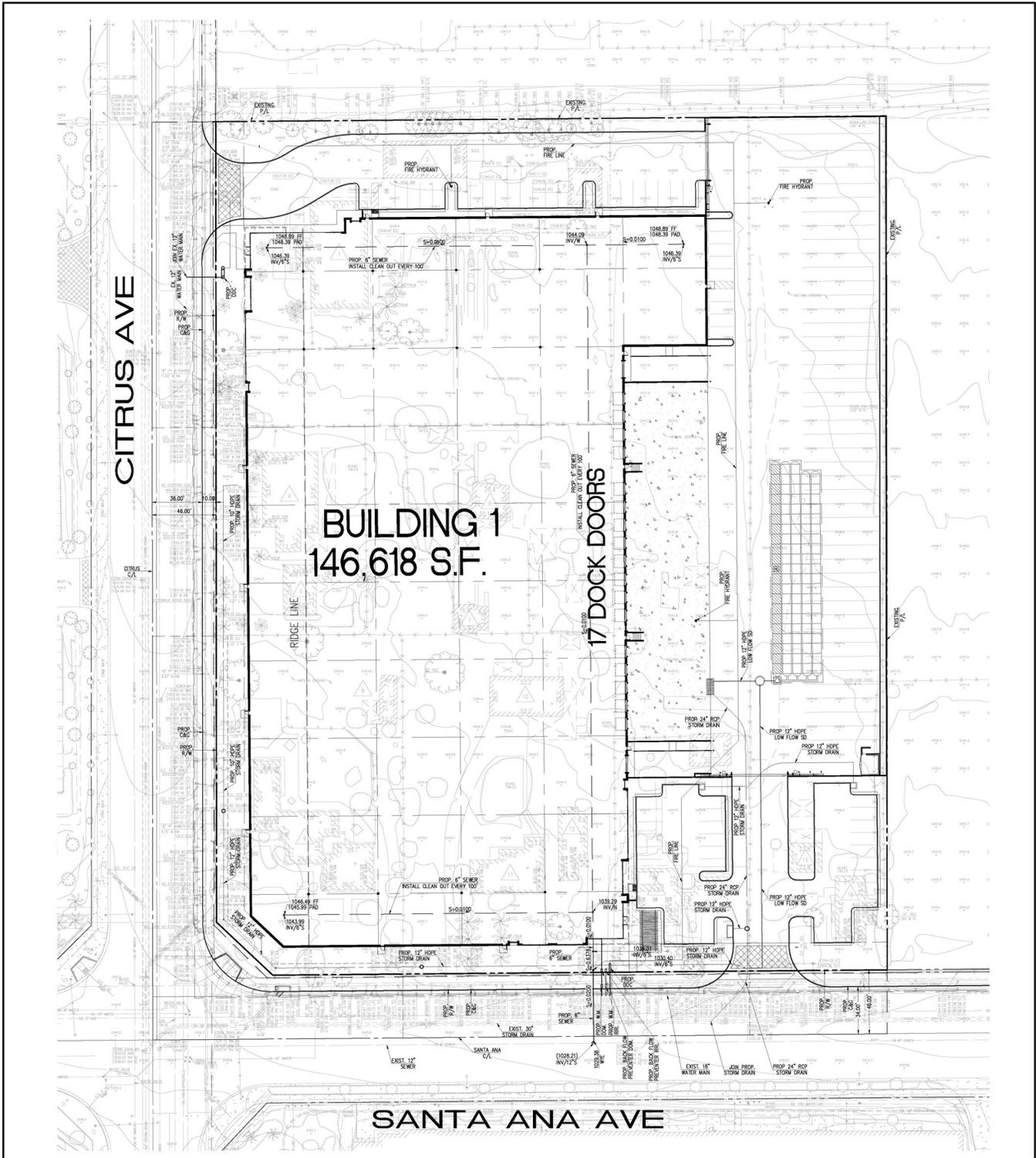
The City of Fontana owns and maintains sewer lines within the City and would provide wastewater conveyance and treatment services to the Project. Buildings 1, 2 and 3 would connect to an existing sanitary sewer line beneath Santa Ana Avenue. All connections to existing sanitary sewer lines would be constructed in accordance with City standards. An illustration of the Project's proposed sanitary sewer plan is provided on Figure 3-18, Figure 3-19, and Figure 3-20

C. Stormwater Drainage Infrastructure

An on-site storm drain system is proposed to be installed as part of the Project, consisting of a network of catch basins, underground storm drain pipes and subsurface infiltration chambers that would collect, treat, and temporarily store stormwater runoff (as needed) before discharging treated flows from the property. "First flush" stormwater runoff flows (i.e., typically the first 3/4-inch of initial surface runoff after a rainstorm, which contains the highest proportion of waterborne pollution) from the Buildings 1, 2, and 3 Sites would be conveyed to proposed infiltration chambers located beneath the truck courts of the respective buildings. Stormwater runoff captured after the first flush would be discharged off-site via proposed connections to the existing public storm drain system located beneath Santa Ana Avenue. During peak storm events, stormwater would be temporarily detained – or pond – in the truck courts for Buildings 1, 2, and 3. An illustration of the Project's proposed stormwater drainage plan is provided on Figure 3-18, Figure 3-19, and Figure 3-20.

D. Dry Utilities

The Project would result in the removal of all existing power poles along the Project Site's frontage with Citrus Avenue, Santa Ana 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 (SCE).



Source(s): Thienes Engineering, Inc. (February 2023)

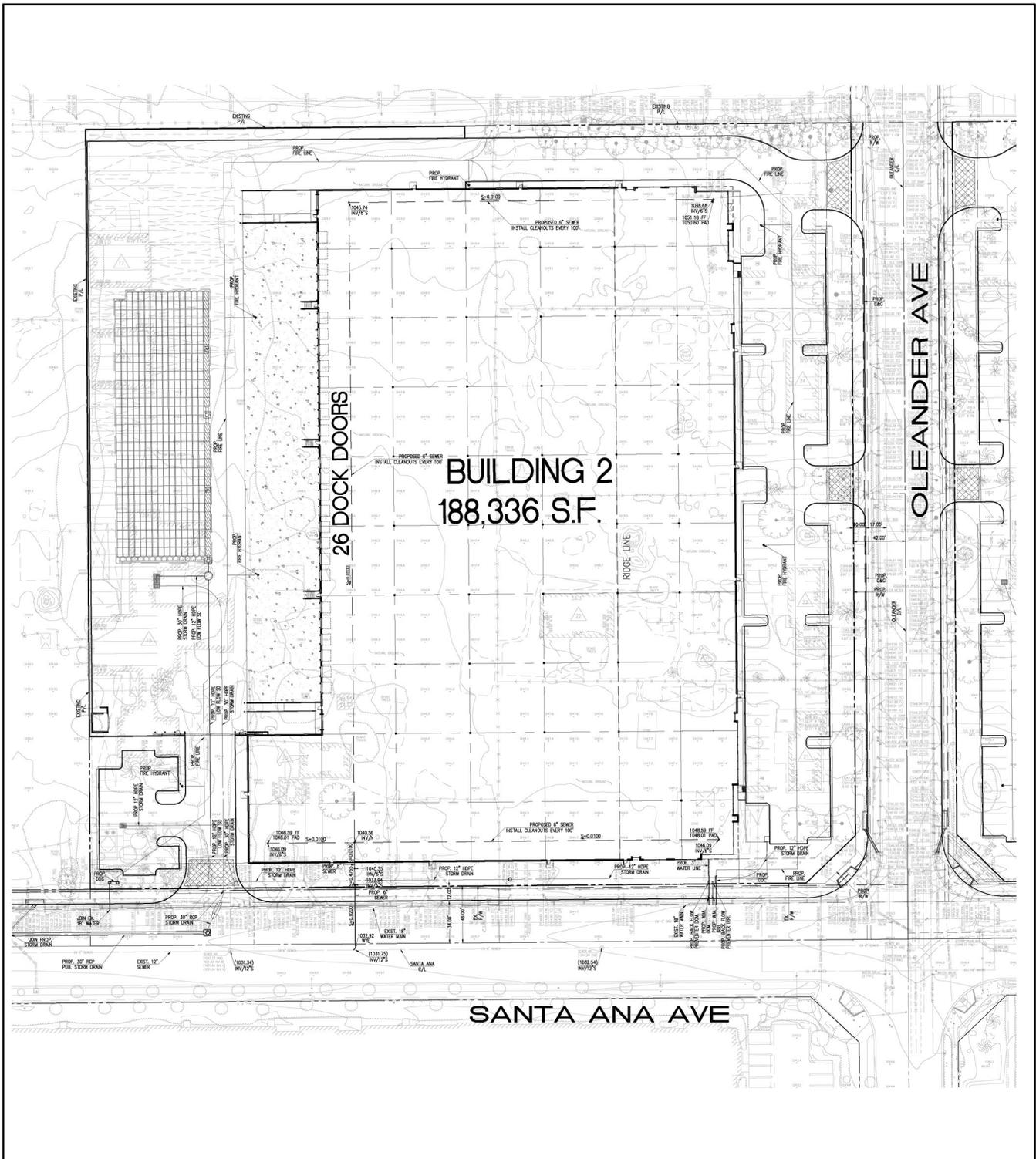
Figure 3-18



Not to Scale



Conceptual Utility Plan – Building 1



Source(s): Thienes Engineering, Inc. (February 2023)

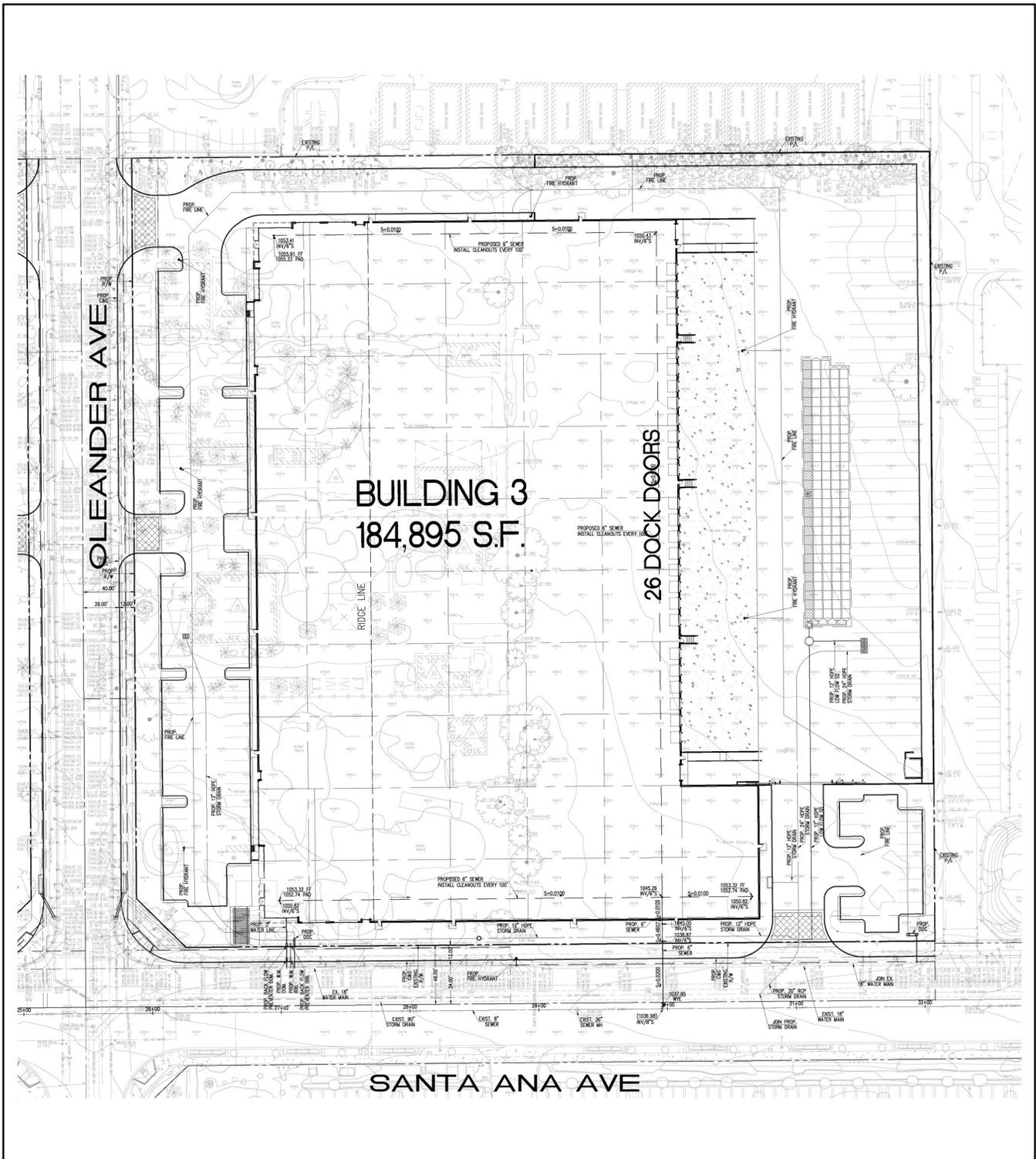
Figure 3-19



Not to Scale



Conceptual Utility Plan – Building 2



Source(s): Thienes Engineering, Inc. (February 2023)

Figure 3-20



Not to Scale



Conceptual Utility Plan – Building 3



3.4.3 CONSTRUCTION CHARACTERISTICS

The Project entails the construction of three commerce center buildings that are currently proposed on 24.4 acres and the reasonably foreseeable future development of general light industrial uses on 5.0 acres. The Project Applicant anticipates that the construction process on the 24.4 acres will span a length of approximately 11 months. The reasonably foreseeable construction phase durations for proposed Building 1, Building 2, and Building 3, which also are used for purposes of analysis in this EIR, are summarized in Table 3-2, *Construction Schedule*. The construction schedule for future development on the additional 5.0 acres is presently unknown and speculative, as no development plans for that 5.0-acre parcel are proposed at this time.

Table 3-2 Construction Schedule

| Construction Activity | Start Date | End Date | Days |
|-----------------------|------------|-----------|------|
| Demolition/Crushing | 1/2024 | 1/2024 | 20 |
| Site Preparation | 1/2024 | 2/2024 | 30 |
| Grading | 1/30/2024 | 2/30/2024 | 30 |
| Building Construction | 2/2024 | 12/2024 | 300 |
| Paving | 11/2024 | 12/2024 | 30 |
| Architectural Coating | 10/2024 | 11/2024 | 20 |

The composition of the construction equipment fleet that the Project Applicant intends to use to construct the 3-building commerce center, which also is used for purposes of analysis is in this EIR, is summarized in Table 3-3, *Construction Equipment Fleet*.

Table 3-3 Construction Equipment Fleet

| Construction Activity | Equipment | Quantity | Hours Per Day |
|-----------------------|--------------------------|----------|---------------|
| Demolition/Crushing | Concrete/Industrial Saws | 1 | 8 |
| | Excavators | 3 | 8 |
| | Rubber Tired Dozers | 2 | 8 |
| Site Preparation | Crawler Tractors | 4 | 8 |
| | Rubber Tired Dozers | 3 | 8 |
| Grading | Crawler Tractors | 2 | 8 |
| | Excavators | 2 | 8 |
| | Graders | 1 | 8 |
| | Rubber Tired Dozers | 1 | 8 |
| | Scrapers | 2 | 8 |
| | Cranes | 1 | 8 |



| | | | |
|-----------------------|---------------------------|---|---|
| Building Construction | Forklifts | 3 | 8 |
| | Generator Sets | 1 | 8 |
| | Tractors/Loaders/Backhoes | 3 | 8 |
| | Welders | 1 | 8 |
| Paving | Pavers | 2 | 8 |
| | Paving Equipment | 2 | 8 |
| | Rollers | 2 | 8 |
| Architectural Coating | Air Compressors | 1 | 8 |

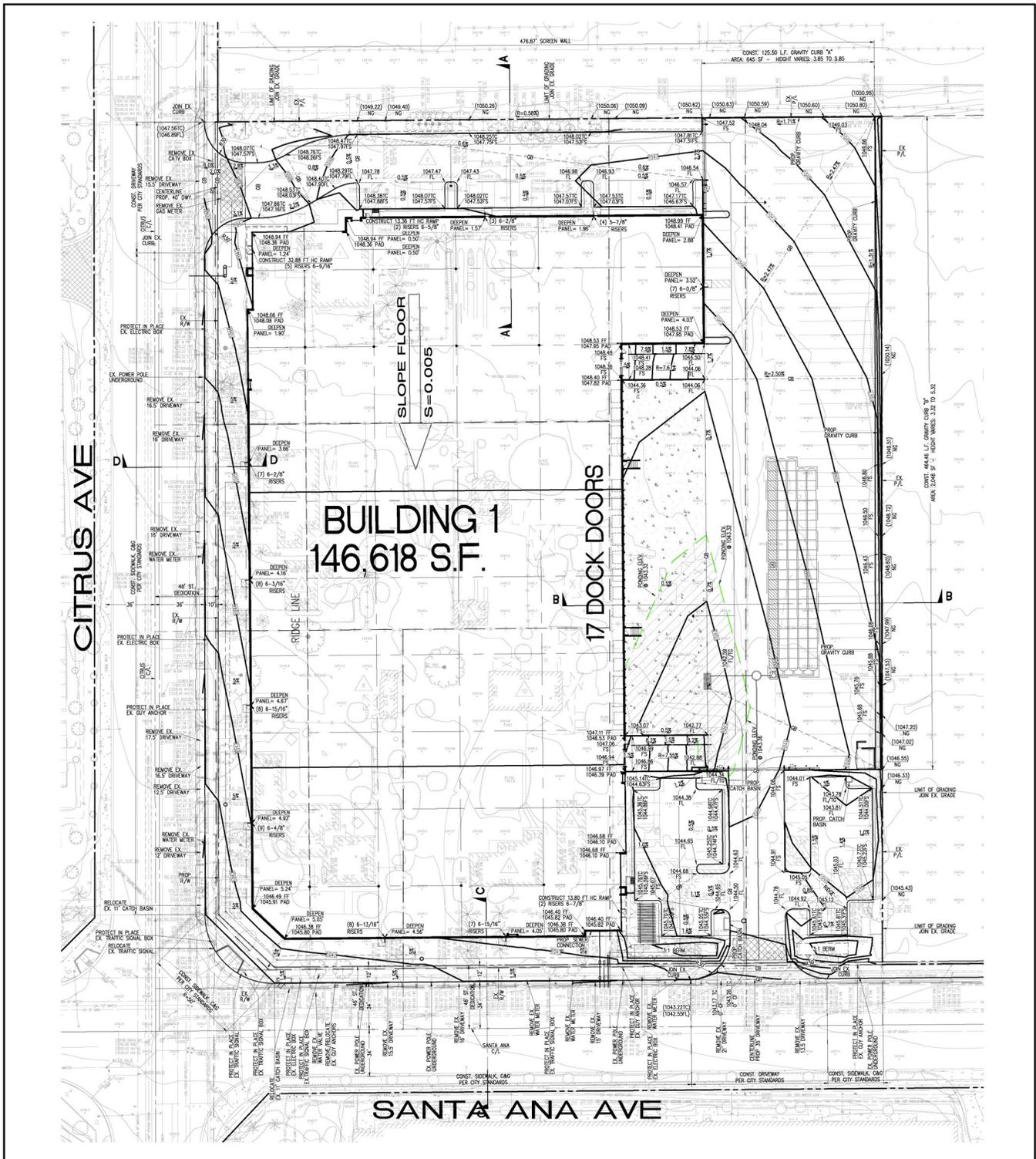
Implementation of the Project would result in proposed physical disturbance to 24.4 acres of the 29.4-acre Project Site that are proposed for development at this time. With exception of proposed Site-adjacent water, sewer, and storm drain connections and roadway improvements within Citrus Avenue, Santa Ana 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 Citrus Avenue, Santa Ana Avenue and Oleander Avenue. This EIR assumes that the additional 5.0 acres of the Project Site that are not currently proposed for development would be developed in the future, resulting in complete physical disturbance of the parcel and use of a construction fleet substantially similar to that shown in Table 3-3.

Figure 3-21, *Conceptual Grading Plan – Building 1*, Figure 3-22, *Conceptual Grading Plan – Building 2*, and, Figure 3-23, *Conceptual Grading Plan – Building 3*, depict the conceptual grading plan for the three proposed development sites. Grading is expected to balance with no import or export of soil materials required.

3.4.4 OPERATIONAL CHARACTERISTICS

Proposed Building 1, Building 2, and Building 3 would operate as general indoor storage facilities; no outdoor materials storage is proposed for the Project Site and no cold storage is proposed. The City will impose a condition of approval on the Project to prohibit cold storage use. The buildings' interior floor spaces could be subdivided with partitions/walls to allow the buildings to be occupied by more than one user, although the buildings are currently designed to each accommodate one user. The Project is proposed as a speculative development and the users of the buildings are not known at this time. The Project is expected to be used by commerce center distribution/logistics operators for the storage of consumer goods. Hazardous materials storage is not expected to occur within the buildings or on the Project Site; however, small quantities of hazardous chemicals and/or materials – including but not limited to aerosols, cleaners, fertilizers, lubricants, paints or stains, fuels, propane, oils, and solvents – could be utilized during routine Project operations and maintenance.

The buildings are designed such that business operations would be conducted within the enclosed 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

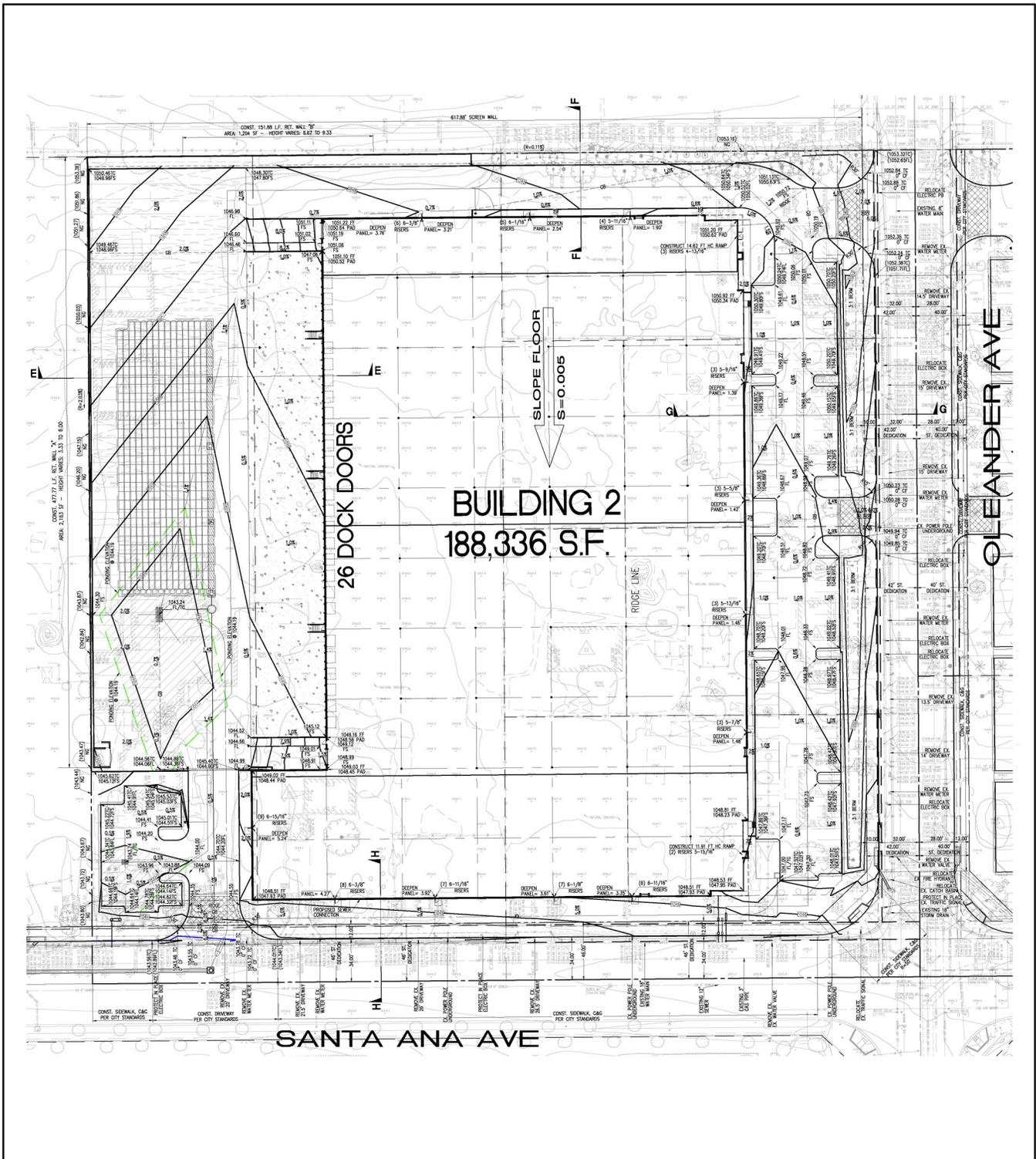


Source(s): Thienes Engineering, Inc. (February 2023)

Figure 3-21



Conceptual Grading Plan – Building 1



Source(s): Thienes Engineering, Inc. (February 2023)

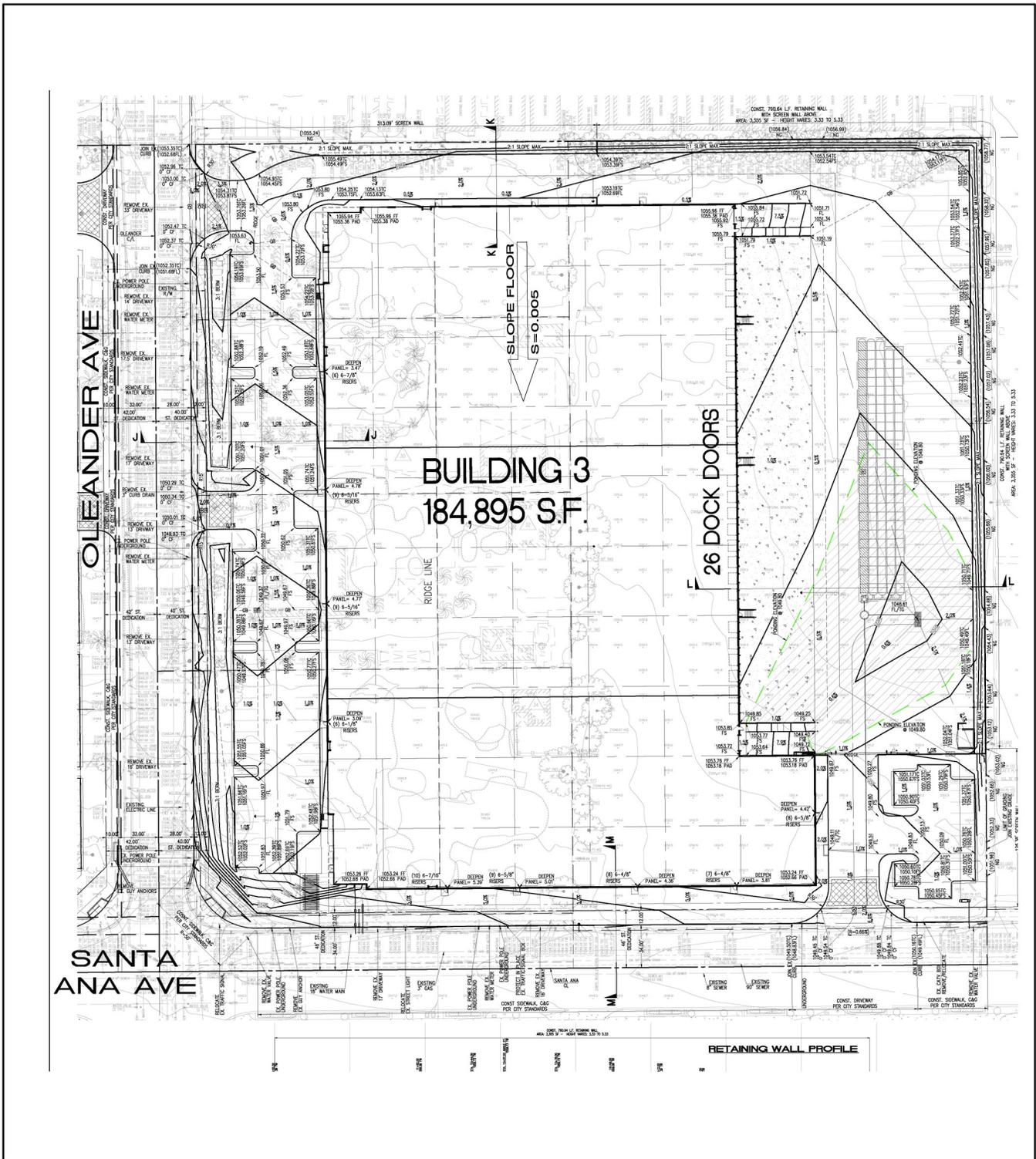
Figure 3-22



Not to Scale



Conceptual Grading Plan – Building 2



Source(s): Thienes Engineering, Inc. (February 2023)

Figure 3-23



Conceptual Grading Plan – Building 3



trucks, hostlers, yard goats) is expected to be zero emission per City Ordinance No. 1891. As a practical matter, dock doors on commerce center buildings are not occupied by a truck at all times of the day. There are typically more dock door positions on commerce center 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 commerce center. 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 this analysis, employment estimates were calculated using average employment density factors from Southern California Association of Governments' (SCAG's) "Employment Density Study." SCAG reports that commerce center buildings in San Bernardino County employ an average of one (1) worker for every 1,195 s.f. of building area, which would yield 453 jobs ($540,849 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 453$ employees) for proposed Buildings 1, 2, and 3. (SCAG, 2001, p. 15). Although no development is currently proposed on 5.0 acres of the Project Site, should those 5.0 acres be developed in the future with up to 131,464 s.f. of building space, an additional 110 jobs could be generated ($131,464 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 110$ employees).

3.5 SUMMARY OF REQUESTED ACTIONS

The City of Fontana 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 will make recommendations to the City Council concerning the Project's approval, approval with changes, or denial. The Fontana City Council is the final decision-making authority for the Project. The City Council will consider the Project and make a decision to approve, approve with changes, or deny the Project. The City's Planning Commission and City Council will consider the information contained in this EIR and the Project's Administrative Record in its decision-making processes.

In the event of the Project's approval and certification of the Final EIR, the City would conduct administrative reviews and grant ministerial permits and approvals for plans that substantially conform to the plans approved by the City Council in order to implement Project requirements and conditions of approval. In the event of substantial modifications to the plans approved by the City Council, the modified plans will be reviewed and considered before the responsible City hearing body subject to the applicable provisions outlined in the Fontana Municipal Code.

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



Table 3-4 Project-Related Approvals/Permits

| Public Agency | Approvals and Decisions |
|--|--|
| City of Fontana | |
| Proposed Project – City of Fontana Discretionary Approvals | |
| City Council | <ul style="list-style-type: none"> • Approve, conditionally approve, or deny: <ul style="list-style-type: none"> ○ General Plan Amendment (GPA No. 22-004) ○ Zone Change Application (ZCA No. 22-005) ○ Specific Plan Amendment (SPA No. 22-002) ○ Building 1 Design Review (DRP No. 22-029) ○ Building 1 Tentative Parcel Map (TPM 22-009) ○ Building 2 Design Review (DRP No. 22-061) ○ Building 2 Tentative Parcel Map (TPM 22-030) ○ Building 3 Design Review (DRP No. 22-062), and ○ Building 3 Tentative Parcel Map (TPM 22-031) |
| Subsequent City of Fontana Discretionary and Ministerial Approvals | |
| City of Fontana (pertaining to the 5.0 acres not currently subject to a proposed DPR or TPM) | <ul style="list-style-type: none"> • Approve, conditionally approve, or deny: <ul style="list-style-type: none"> ○ Design Review Project(s) ○ Tentative Parcel Map(s) |
| City of Fontana Subsequent Implementing Approvals | <ul style="list-style-type: none"> • Approve Final Maps, parcel mergers, or parcel consolidations, as may be appropriate. • Approve precise Site plan(s) and landscaping/irrigation plan(s), as may be appropriate. • Approve Conditional or Temporary Use Permits, if required. • Issue Grading Permits. • Issue Building Permits. • Approve Sewer Infrastructure Plans. • Issue Encroachment Permits. • Accept public right-of-way dedications. • Approve Water Quality Management Plans (WQMPs). • Approval of connections to the municipal sewer system. |
| Other Agencies – Subsequent Approvals and Permits | |
| Fontana Water Company | <ul style="list-style-type: none"> • Approvals for construction of water infrastructure and connection to water distribution system. |
| Santa Ana Regional Water Quality Control Board (RWQCB) | <ul style="list-style-type: none"> • Issuance of a Construction Activity General Construction Permit. • Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit. • Approval of WQMP. |
| South Coast Air Quality Management District | <ul style="list-style-type: none"> • Issue permits to construct and permits to operate, if equipment is proposed to be installed that requires a permit. |
| Southern California Edison | <ul style="list-style-type: none"> • Approvals for undergrounding electric utility lines. |



4.0 ENVIRONMENTAL ANALYSIS

4.1 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.

In compliance with the procedural requirements of CEQA, a Notice of Preparation (NOP) was prepared and distributed for public review, in accordance with CEQA Guidelines Section 15082. An Initial Study was not prepared for the Project, and as such the NOP indicated that the required EIR will evaluate all of the topics listed in Appendix G to the CEQA Guidelines. Public comment on the scope consisted of written comments received by the City of Fontana in response to the NOP issued for this EIR. A publicly-noticed Scoping Meeting was held virtually on December 7, 2022. Pursuant to Appendix G to the CEQA Guidelines, this EIR evaluates 20 primary environmental subject areas, as listed below. Each Subsection evaluates several specific subject matters related to the general topic of the Subsection. The title of each Subsection is not limiting; therefore, refer to each Subsection for a full account of the subject matters addressed therein.

| | | | |
|------|------------------------------------|------|-------------------------------|
| 4.1 | Aesthetics | 4.11 | Land Use and Planning |
| 4.2 | Agriculture and Forestry Resources | 4.12 | Mineral Resources |
| 4.3 | Air Quality | 4.13 | Noise |
| 4.4 | Biological Resources | 4.14 | Population and Housing |
| 4.5 | Cultural Resources | 4.15 | Public Services |
| 4.6 | Energy | 4.16 | Recreation |
| 4.7 | Geology and Soils | 4.17 | Transportation |
| 4.8 | Greenhouse Gas Emissions | 4.18 | Tribal Cultural Resources |
| 4.9 | Hazards and Hazardous Materials | 4.19 | Utilities and Service Systems |
| 4.10 | Hydrology and Water Quality | 4.20 | Wildfire |

4.0.1 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

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

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

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



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

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

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

The list of projects used to supplement the summary of projections approach includes known approved and pending development projects in proximity to the Project Site, which the 18 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

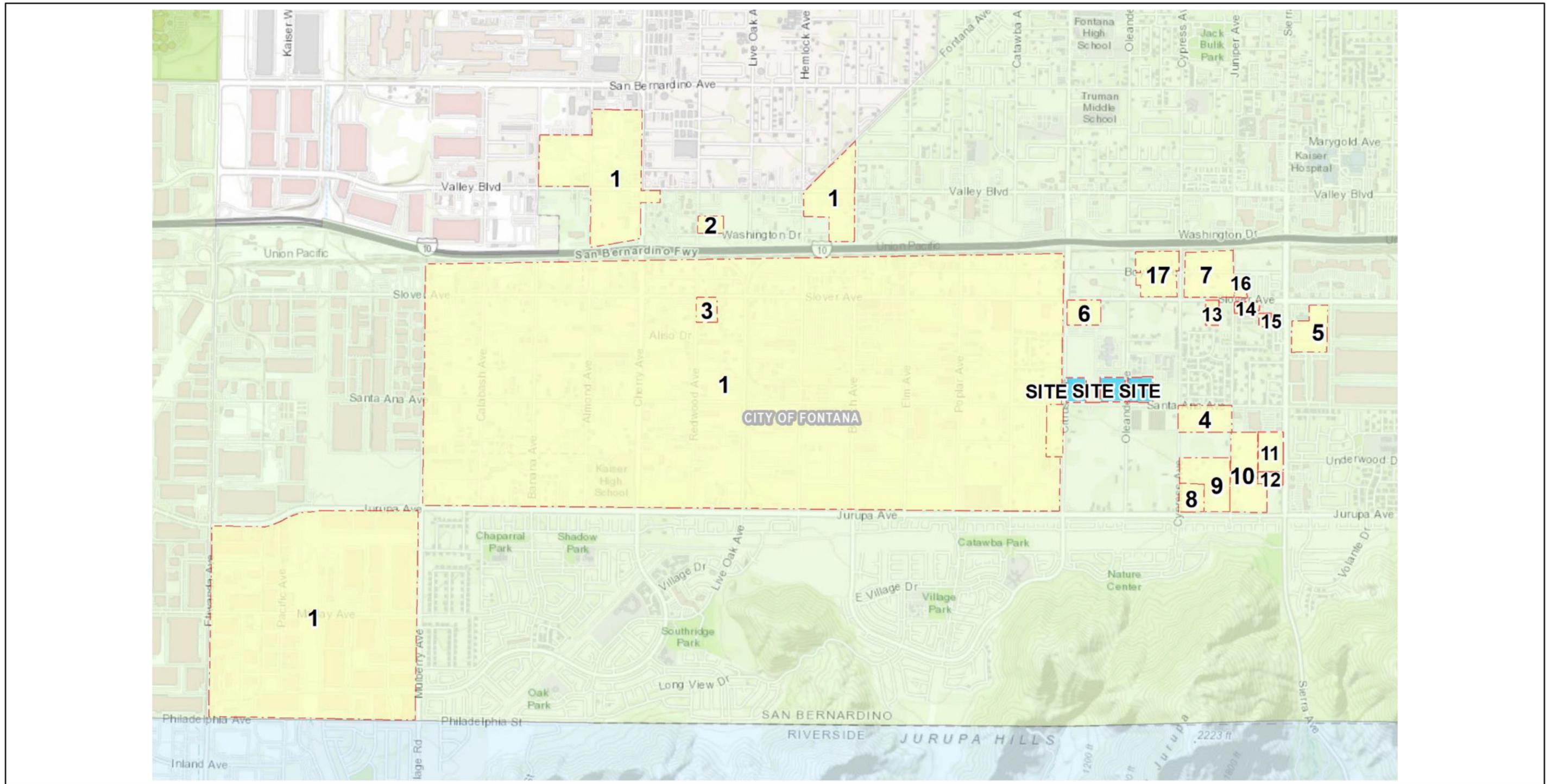
| TAZ | Project | Land Use | Quantity ¹ |
|---|----------------------------------|---|-----------------------|
| 1 | Southwest Industrial Park (SWIP) | Freeway Industrial Commercial (Central) | |
| | | Warehousing | 761.067 TSF |
| | | Office | 147.786 TSF |
| | | Office Park | 152.213 TSF |
| | | Commercial 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 | | |
| 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 | 10131 Redwood Av. | High-Cube Warehouse/Distribution Center | 250.160 TSF |
| 3 | 148 Slover Avenue Warehouse | High-Cube Warehouse (Cold Storage) | 77.053 TSF |
| | | Warehousing | 231.158 TSF |
| 4 | Southwest Fontana Logistics Center Project | City Park | 17.45 AC |
| 5 | Walmart Shopping Center | Free-Standing Discount Store | 200.000 TSF |
| | | Specialty Retail Center | 9.490 TSF |
| | | Fast Food w/o Drive-Thru | 9.490 TSF |
| 6 | SEC of Citrus Av. & Slover Av. | Warehousing | 194.212 TSF |
| 7 | Sierra Business Center | High-Cube Fulfillment Center (Sort) | 705.735 TSF |
| 8 | St. Mary's Catholic Church | Church | 19.508 TSF |
| 9 | GLC Fontana III | Warehousing | 362.416 TSF |
| | | High-Cube Storage Warehouse | 90.604 TSF |
| 10 | Fontana Foothills | High-Cube Warehouse/Distribution Center | 754.408 TSF |
| 11 | Chaffey Community College - Fontana | Community College | 4,495 Students |
| 12 | Affordable Housing Project | Affordable Homes | 130 DU |
| 13 | Slover Industrial Center | High-Cube Warehouse (Cold Storage) | 20.421 TSF |
| | | Warehousing | 115.719 TSF |
| 14 | La Quinta Inn | Hotel | 104 Rooms |
| 15 | Townplace Suites | Hotel | 116 Rooms |
| 16 | Slover Avenue Office/Warehouse | Warehouse | 41.000 TSF |
| 17 | Slover & Cypress Warehouse | High-Cube Warehouse (Cold Storage) | 156.365 TSF |
| | | High-Cube Fulfillment Center | 469.095 TSF |
| 18 | Oleander & Slover Warehouse | Warehousing | 123.593 TSF |

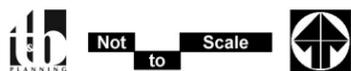
¹ TSF = Thousand Square Feet; DU = Dwelling Unit; AC = Acres
Source: (Urban Crossroads, 2023, Table 4-6)

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



Source(s): Urban Crossroads (11-08-2022)

Figure 4.0-1



Cumulative Development Location Map



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.

4.0.2 ANALYSIS FORMAT

Subsections 4.1 through 4.20 of this EIR evaluate the 20 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 that prepared this EIR's Technical Appendices, performance standards adopted, implemented, and monitored by regulatory agencies, and significance standards recommended by regulatory agencies.

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



4.1 AESTHETICS

This Subsection describes the aesthetic qualities and visual resources present on the Project Site and in the Site's vicinity, and evaluates the potential effects that the Project may have on these resources. Descriptions of existing visual characteristics, both on-site and in the vicinity of the Project Site, and the analysis of potential impacts to aesthetic resources are based on field observations and site photographs collected by T&B Planning, Inc. in February 2022 (T&B Planning, 2022); analysis of aerial photography (Google Earth, 2022); and the Project application materials submitted to the City of Fontana described in Section 3.0, *Project Description*, of this EIR. This Subsection also is based on information contained in the Aesthetics section of the certified Final Program EIR prepared for the City's General Plan (SCH No. 2016021099) (Fontana, 2018a), and the City of Fontana Municipal Code (Fontana, 2022a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.1.1 EXISTING CONDITIONS

A. Project Site and Surrounding Areas

The Project Site is located in the southeastern portion of the City of Fontana, San Bernardino County, California. The Project Site is located approximately 0.4-mile south of Slover Avenue, immediately north of Santa Ana Avenue, 0.1-mile west of Cypress Avenue, and immediately east of Citrus Avenue. The Project Site is bisected by Oleander Avenue. Topographically, the Site is relatively flat with elevations ranging from approximately 1,060 feet above mean sea level (amsl) in the northeast portion of the Site to approximately 1,040 feet amsl in the southwest portion of the Project Site. There are no rock outcroppings or unique topographic features on the Project site.

Pursuant to CEQA Guidelines Section 15125 and as explained in Section 2.0 of this EIR, the physical environmental condition for purposes of establishing the setting of this EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released on November 18, 2022. As of that approximate date, the Site contained 13 residential structures and outbuildings, fencing, and vacant, undeveloped land.

Figure 4.1-1, *Project Site Photographs*, illustrates a representative photographic inventory of the Project Site and the immediately surrounding area and are relied upon herein to describe the aesthetic condition and character. These photographs provide a representative visual depiction of the Site's visual characteristics as seen from surrounding public viewing areas, which consist of public roads adjacent to the Project Site. The photographs were all taken during the same session and reflect a field of view approximately five (5) feet above the ground.

Under existing conditions, the area surrounding the Project Site from which the Site is visible is described below.

- North: To the north of the Project Site, between Citrus Avenue and Oleander Avenue, is the Jurupa Hills High School. The school baseball/softball fields and a parking lot are the school uses that directly abut the Project Site. North of the Project Site, to the east of Oleander Avenue, is the Fontana Adult School.



View 1: View from Citrus Ave at Jurupa Hills High School Baseball Field facing southeast.



View 2: View from the intersection of Citrus Ave and Santa Ana Ave facing northeast.



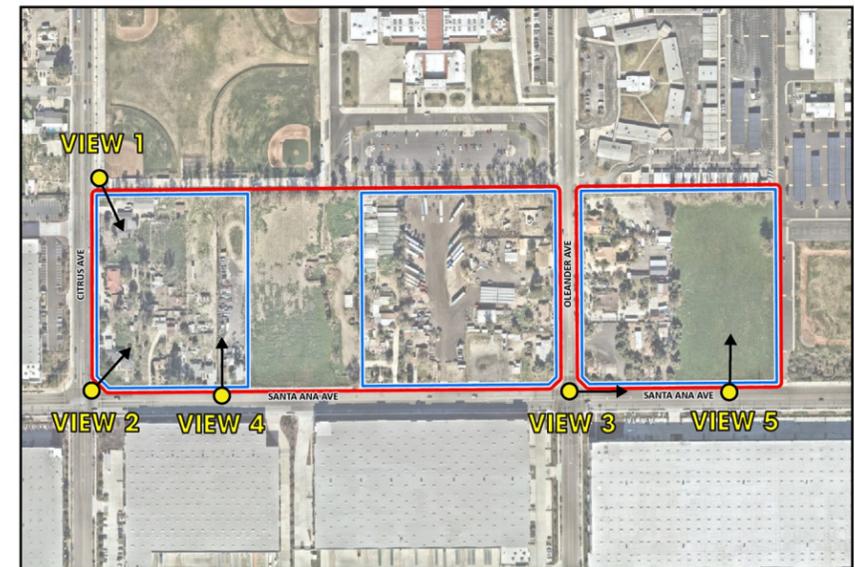
View 3: View from the intersection of Santa Ana Ave and Oleander Ave facing east.



View 4: View from south of Building 1 Site on Santa Ana Ave facing north.



View 5: View from south of Building 3 Site on Santa Ana Ave facing north.



Key Map 

Figure 4.1-1



- South: To the south of the Project Site is Santa Ana Avenue and south of that is substantial commerce center development that is part of Citrus Commerce Center (between Citrus and Oleander Avenues) and the Goodman development, a component of which includes an Amazon Distribution Center (between Oleander and Cypress Avenues), which are in the Southwest Industrial Park (SWIP) Specific Plan area.
- East: East of the Project Site, on the east side of Oleander Avenue, are the sports fields for Citrus High School. Citrus High School is located north of the sports fields, to the northeast of the Project Site.
- West: West of the Project Site is Citrus Avenue beyond which is commerce center development. North of the commerce center use, northwest of the Project Site, are single-family residential land uses with some of the lots containing home-based businesses.

B. Scenic Vistas and Scenic Resources

The Project Site is located within a relatively flat valley floor surrounded by rugged hills and mountains. Major scenic resources in Fontana that contribute to scenic vistas include the San Gabriel Mountains to the north of the City and Jurupa Hills to the south of the City (Fontana, 2018a, p. 7.6). The San Gabriel Mountains are located approximately 8.5 miles north of the Project Site and are partially visible under clear weather conditions although views of the San Gabriel Mountains are often obscured from the Project Site and its surroundings during hazy conditions. The Jurupa Hills are located approximately 0.9-mile south of the Project Site and are clearly visible from the Site when looking due south down the alignments of Citrus Avenue and Oleander and between the commerce center buildings constructed on the south side of Santa Ana Avenue. Along other portions of Santa Ana Avenue, the commerce center buildings that line the south side of Santa Ana Avenue obstruct views of the Jurupa Hills.

C. Light and Glare

Under existing conditions, the Project Site contains minimal sources of artificial lighting from residential structures and exterior lighting. Artificial lighting sources occur in the immediate vicinity of the Project site, with the most notable sources of light emanating from street lights along Santa Ana Avenue, Citrus Avenue, and Oleander Avenue, from developed commerce center properties to the west and to the south, and from exterior lighting, parking lot lighting and football field lighting from Jurupa Hills High School to the north, Fontana Adult School also to the north, and Citrus High School to the northeast.

4.1.2 REGULATORY SETTING

A. State Plans, Policies, and Regulations

1. California Scenic Highways

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program, established in 1963 through Senate Bill 1467, Streets and Highways Code, Sections 260 through 263 to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated as scenic depending upon how much of the natural



landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. Scenic highways are classified as either Officially Designated or Eligible for designation and Caltrans maintains the lists of these highways. (Caltrans, 2021)

There are no officially designated scenic road or highway corridors on the Project Sites, adjacent to the Project Sites, or within the larger City of Fontana (Caltrans, 2019).

B. Local Plans, Policies, and Regulations

1. City of Fontana General Plan

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

2. Southwest Industrial Park Specific Plan

The Southwest Industrial Park (SWIP) Specific Plan includes nine land use districts spanning over 3,000 acres designated for land uses such as industrial, manufacturing, office, commercial, research and development, and flex-tech development. Currently, the boundary of the SWIP Specific Plan and its Slover East Industrial District (SED) extends to Santa Ana Avenue, at the Project site's southern boundary. The SWIP Specific Plan includes a set of detailed design guidelines for new development within the SED that establish a design framework for well-planned and well-designed industrial development to fit properly within the context of its surroundings. The SWIP Specific Plan SED design guidelines regulate site design, architecture, and landscaping and, also, include provisions regulating outdoor lighting to ensure that lighting includes hoods or other design techniques to reduce glare and light pollution, especially along major streets and adjacent to residential zones, and to prevent light spill over onto adjacent properties. (Fontana, 2012, Section 10.9.C)

3. City of Fontana Municipal Code

The City of Fontana Municipal Code Sections 30-265 and 30-266 identify outdoor lighting standards for the City. Lighting in the City of Fontana is required by the Municipal Code to utilize energy efficient fixtures that do not flash or blink and are not of high intensity of brightness. In addition, lighting is required to be designed to provide safe and adequate lighting while minimizing light spillage. (Fontana, 2022a, § 30-265 and § 30-266)

4.1.3 BASIS FOR DETERMINING SIGNIFICANCE

According to Section I of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to aesthetics if the Project or any Project-related component would (OPR, 2019):



- a. *Have a substantial adverse effect on a scenic vista;*
- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*
- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality;*
- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

The above-listed thresholds are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse aesthetics effects that could result from development projects.

Regarding the determination of significance under Threshold “a,” if the Project would block or otherwise substantially and adversely affect a unique view of a scenic vista(s) as seen from a public viewing location, such as a public road, park, trail, and/or other publicly-owned property at which the general public is legally authorized to use or congregate, the impact will be regarded as significant. Effects to scenic vistas from private properties will not be considered significant in this EIR because the City does not have any ordinances or policies that protect views from privately-owned property.

Regarding the determination of significance under Threshold “b,” if the Project would in any way interfere with the substantial preservation and/or enhancement of scenic resources within a state scenic highway corridor or scenic resources visible from a state scenic highway then impacts would be significant.

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, regarding the determination of significance under Threshold “c,” the Project would be considered to result in a significant adverse impact if the Project design would conflict with applicable zoning and other regulations governing scenic quality.

Regarding the determination of significance under Threshold “d,” if the Project would directly expose the Project area with bright lights or create unwanted light in the night sky including light trespass, sky glow, or over-lighting, the Project would adversely affect day or nighttime views in the area.



4.1.4 IMPACT ANALYSIS

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 relatively flat and contains 13 residential structures and outbuildings, fencing, and vacant, undeveloped land. 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 8.5 miles to the north and partially visible from Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, Jurupa Hills High School, Fontana Adult School, and Citrus High School) and the Jurupa Hills (approximately 0.9-mile to the south and also partially visible from Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, Jurupa Hills High School, Fontana Adult School, and Citrus High School) (Google Earth, 2022). Under existing conditions, views of the San Gabriel Mountains to the north and the Jurupa Hills to the south are partially obscured from these public viewing areas due to intervening development and landscaping, topography, and atmospheric haze that is common in the Inland Empire throughout the year.

The Project would involve the construction of three commerce center buildings on the Project Site and the reasonably foreseeable development of industrial uses on an additional 5.0 acres of the Project Site on which no development is currently proposed. The maximum height of the three proposed commerce center buildings would be approximately 44 feet, 6 inches above finished floor elevation. Other vertical features (wall, fences, landscaping, etc.) would be shorter and have substantially less physical mass than the buildings, so the 44 foot, 6-inch-high buildings are considered to have the greatest potential to affect a scenic vista.

The Project's commerce center buildings would be set back from Citrus Avenue by approximately 22 feet, from Santa Ana Avenue by approximately 22 feet, and from Oleander Avenue by approximately 74 feet. These roadways are public viewing areas that have the potential to be affected by the Project. From Citrus Avenue and Oleander Avenue, existing views of the San Gabriel Mountains and Jurupa Hills would not be obstructed by the Project, as the north-south orientation of the streets orient views toward the landforms. The Project's buildings would be located east and west of these roads and have no potential to obstruct views to the north and to the south. From Santa Ana Avenue, the Project would have no potential to obstruct views of the Jurupa Hills, which are located south of Santa Ana Avenue whereas the Project Site is located north of Santa Ana Avenue. From Jurupa Hills High School, Fontana Adult School, and Citrus High School, the Project would not block views of the Jurupa Hills to any greater extent than already blocked by existing commerce center buildings located on the south side of Santa Ana Avenue. From Santa Ana Avenue looking north, the Project would partially obstruct foreground views of the San Gabriel Mountains. At a maximum height of 44 feet, 6-inches, the proposed commerce center buildings would not be so tall, however, as to obstruct public views or otherwise substantially detract from public views of the higher elevations of the San Gabriel Mountains in the distance due to the heights of the landform features reaching to approximately 10,064 feet in elevation. Distant mountain views would still be visible looking north beyond the boundary of the Project Site.

Based on the foregoing analysis, the Project would not have a substantial adverse effect on scenic vistas, and impacts would be less-than-significant.



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, 2021). 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 15.2 miles to the east of the Project area (Google Earth, 2022; Caltrans, 2021). 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?

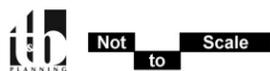
The United States Census Bureau defines “urbanized area” as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum population density requirements while also being adjacent to territory containing non-residential urban land uses. The Project Site 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. 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. Artist renderings of the Project buildings are provided as Figure 4.1-2, *Project Conceptual Visual Rendering of Building 1 from Citrus Avenue*, Figure 4.1-3, *Project Conceptual Visual Rendering of Building 2 from Santa Ana Avenue*, and Figure 4.1-4, *Project Conceptual Visual Rendering of Building 3 from Oleander Avenue*. The City of Fontana reviewed the Project’s application materials in detail and determined that no component of the Project would conflict with applicable design regulations within the City of Fontana’s Zoning and Development Code that govern scenic quality or the SWIP Specific Plan design guidelines for new development within the SED, which are applicable because the Project includes a proposed amendment to the SWIP Specific Plan to expand its boundary to include the Project Site. A less-than-significant impact would occur because the Project as designed is consistent with applicable zoning and other regulations governing scenic quality.



Source(s): HPA (February 2023)

Figure 4.1-2



Project Conceptual Visual Rendering of Building 1 from Citrus Avenue



Source(s): HPA (08-29-22)

Figure 4.1-3

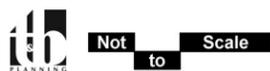


Project Conceptual Visual Rendering of Building 2 from Santa Ana Avenue



Source(s): HPA (February 2023)

Figure 4.1-4



Project Conceptual Visual Rendering of Building 3 from Oleander Avenue



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 existing conditions, the Project Site contains minimal sources of artificial lighting from residential structures and associated exterior lighting. Artificial lighting sources occur in the immediate vicinity of the Project site, with the most notable sources of light emanating from street lights along Santa Ana Avenue, Citrus Avenue, and Oleander Avenue, from developed commerce center properties to the west and to the south, and from exterior lighting, parking lot lighting and football field lighting from Jurupa Hills High School to the north, Fontana Adult School also to the north, and Citrus High School to the northeast. The Project Applicant proposes to develop the site with three commerce center buildings and would introduce additional lighting elements on-site to illuminate the parking areas, truck docking areas, and building entrances. It also is assumed that additional lighting would be introduced in the future on the 5.0-acre portion of the Project Site that is not currently proposed for development.

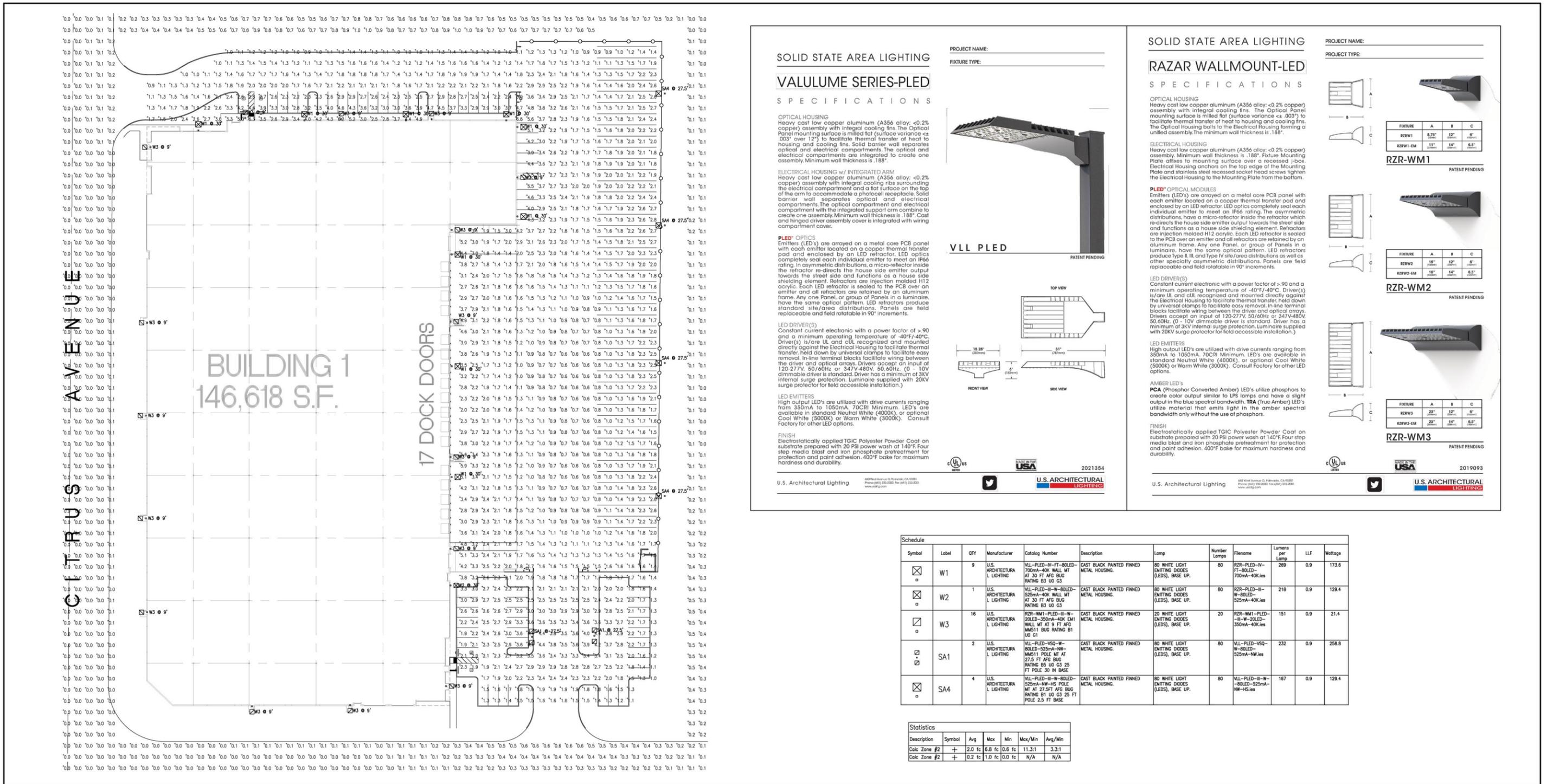
Development on the Project Site is required to adhere to the lighting requirements as set forth in the City of Fontana Municipal Code (Sections 30-265 and 30-266). The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances. Lighting plans for the three proposed commerce center buildings are illustrated in Figure 4.1-5, *Photometric Plan – Building 1*, Figure 4.1-6, *Photometric Plan – Building 2*, and Figure 4.1-7, *Photometric Plan – Building 3*. The City also is obligated to 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 on-site commerce center development is low reflective and proposed landscaping also would filter any glare potential. Thus, glare impacts from proposed building elements would be less-than-significant.

4.1.5 CUMULATIVE IMPACT ANALYSIS

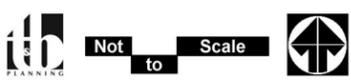
As noted under the discussion of Threshold “a,” the Project site is flat and does not contribute to any prominent scenic vistas under existing conditions. Views of the San Gabriel Mountains and Jurupa Hills are available in the Project area; however, such views are available throughout the cumulative study area and are not unique to the Project Site’s vicinity.

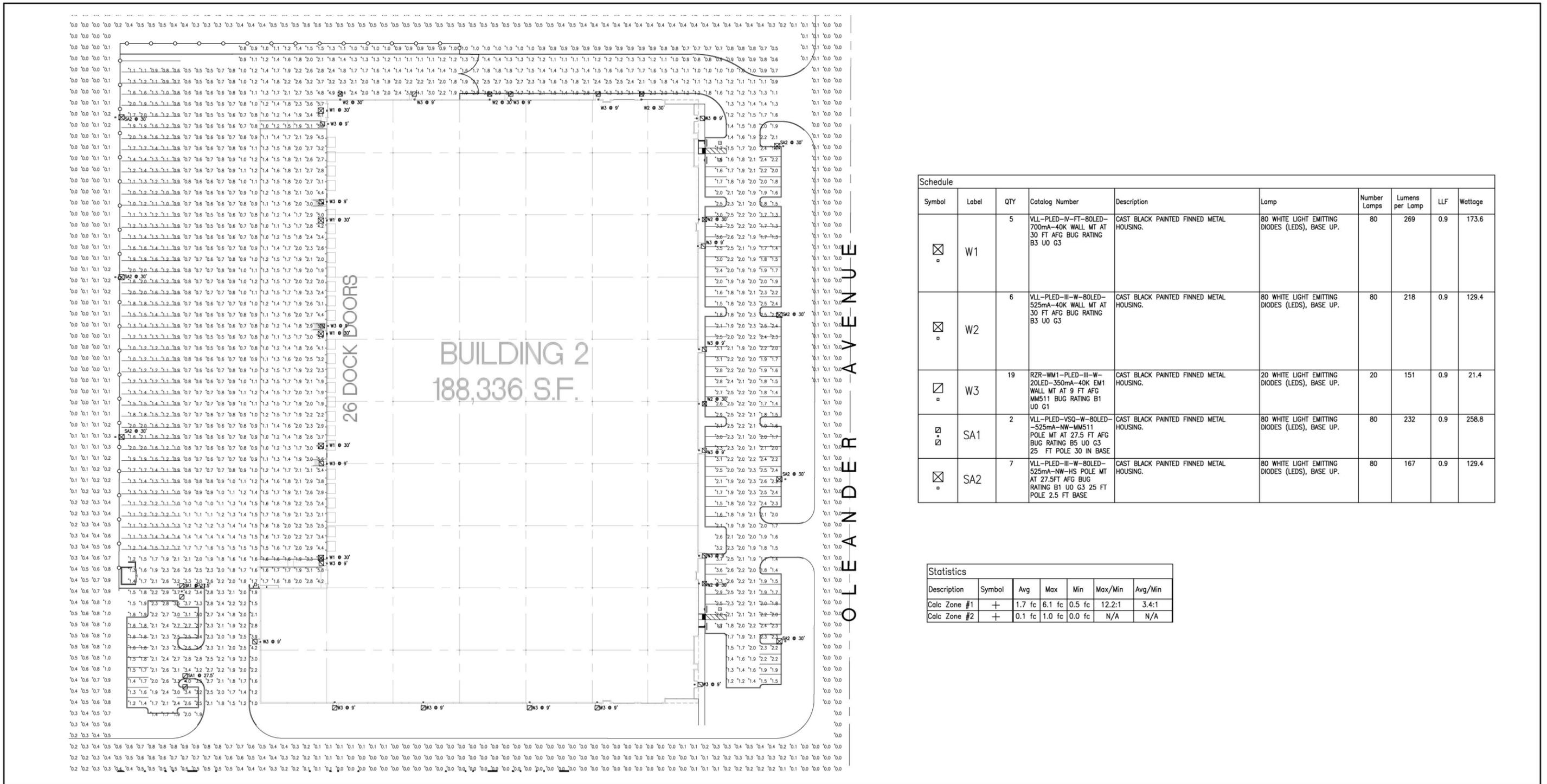
Views to the Jurupa Hills from Santa Ana Avenue are already partially blocked by commerce center development located on the south side of Santa Ana Avenue; because the Project Site is located on the north side of Santa Ana Avenue, it has no potential to further block views of the Jurupa Hills from Santa Ana Avenue and would not make a cumulative contribution to view blockage. From Jurupa Hills High School and Fontana Adult School, views of the Jurupa Hills are already partially blocked by existing trees located on the southern



Source(s): HPA (08-26-2022)

Figure 4.1-5

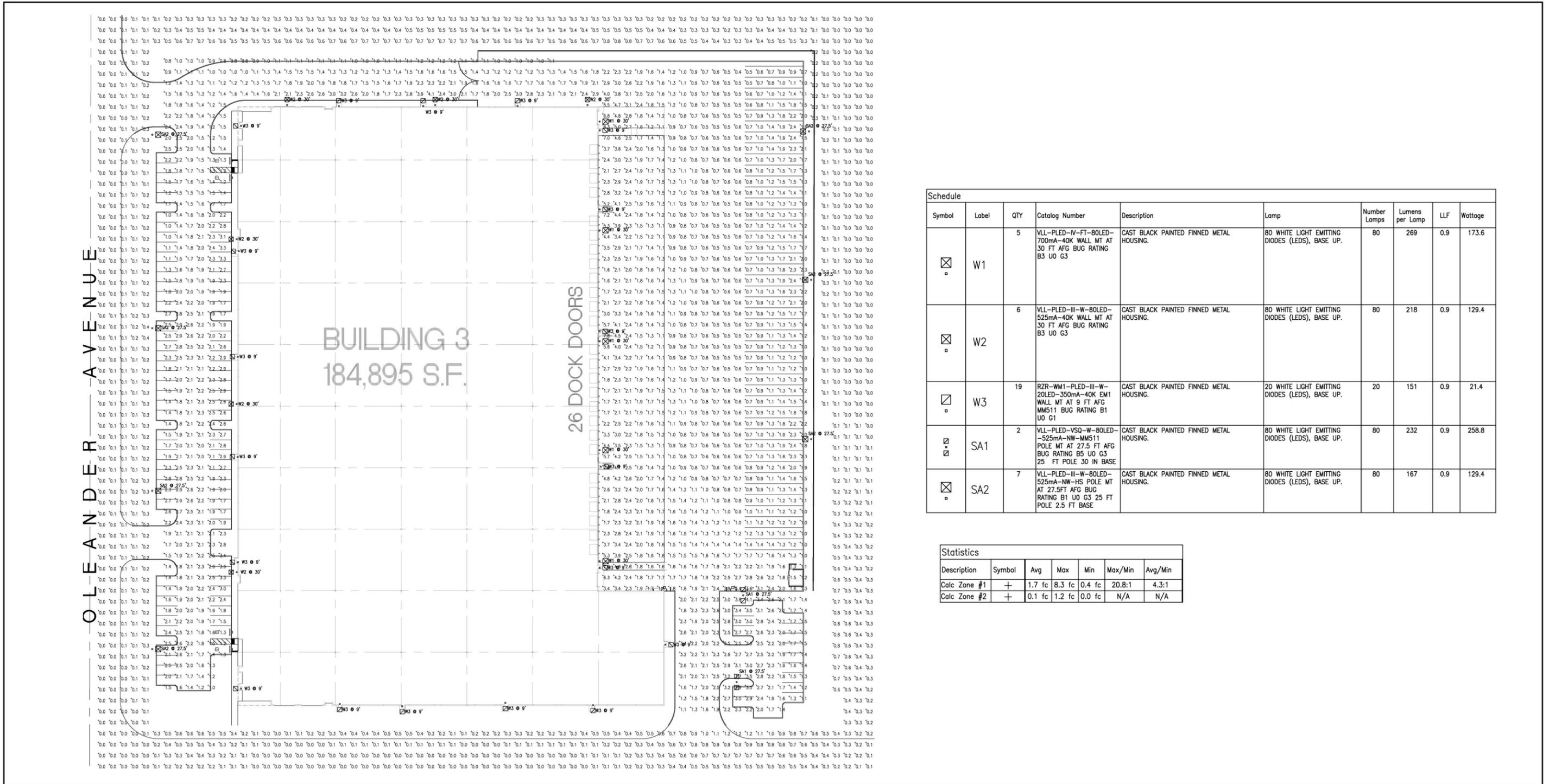




Source(s): HPA (08-26-2022)

Figure 4.1-6





Source(s): HPA (08-26-2022)

Figure 4.1-7





boundary of the school sites and commerce center development located on the south side of Santa Ana Avenue. Introduction of the Project would not obstruct views to landforms in the distance to any greater extent than already blocked by existing trees and commerce center buildings located on the south side of Santa Ana Avenue and the Project's impact would be less than cumulatively considerable.

From north-south oriented Citrus Avenue and Oleander Avenue, the Project would not significantly contribute to view obstruction to the Jurupa Hills and San Gabriel Mountains because the views to these features are due north and due south and the Project is located on the east and west sides of these roads. In addition, proposed Building 2 and Building 3 would be set back from Oleander Avenue by approximately 74 feet and Building 1 would be set back from Citrus Avenue by approximately 22 feet with a landscaped berm positioned between Building 1 and Citrus Avenue. Given the heights of the Jurupa Hills and San Gabriel Mountain landform features ranging from approximately 1,300 feet to 10,064 feet amsl at their highest elevations, they would still be visible along and above the horizon. Accordingly, with buildout of the Project and other developments within the Project's viewshed, impacts to scenic vistas would not be cumulatively significant and the Project's contributions would be less-than cumulatively considerable.

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

As with the Project, new development in the surrounding area would be subject to applicable development regulations and design standards, including, but not limited to the Fontana Municipal Code and the SWIP Specific Plan. Mandatory compliance to applicable development regulations and design standards would ensure that developments would incorporate high quality building materials, site design, and landscaping to minimize the potential for adverse effects due to a conflict with applicable zoning and other regulations governing scenic quality. In addition, the Project's design incorporates various architectural and landscape features to enhance and/or screen views of the interior of the site from the surrounding public street system. Accordingly, Project-related impacts due to a conflict with applicable zoning and other regulations governing scenic quality would be less-than-cumulatively considerable when considered in context with the existing visual character and quality of the Project site's surroundings, which is considered an urbanized environment.

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



4.1.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project Site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Project would not substantially change a scenic view or substantially block or obscure a scenic vista; therefore, impacts to scenic vistas would be less-than-significant.

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

Threshold c: Less-than-Significant Impact. The Project Site is located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during Project construction or operation.

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

4.1.7 MITIGATION

Impacts to aesthetics would be less-than-significant; therefore, mitigation measures are not required.



4.2 AGRICULTURE AND FORESTRY RESOURCES

The following analysis is based on information obtained in part from the California Department of Conservation (DOC) (DOC, 2017) (DOC, 2019) (DOC, 2022), the City of Fontana General Plan Update 2015-2035 (Fontana, 2018a), and the City of Fontana General Plan Update 2015-2035 EIR (Fontana, 2018b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.2.1 EXISTING CONDITIONS

A. Forestry Resources

No forest resources are located on the Project Site, or in the immediate vicinity of the property. The Project Site is located an area of the City that is developed and that does not contain forestry resources. According to the City's General Plan 2015-2035 EIR, no land in the City of Fontana is designated or zoned as forest land or timberland (Fontana, 2018b, p. 7-10).

Under existing conditions, the Project contains 13 residential structures and outbuildings, fencing, and vacant, undeveloped land containing non-native grassland and disturbed habitat. No forest resources are present on the Site.

B. Agricultural Resources

There are no lands currently used for agricultural purposes on the Project Site. According to the City's General Plan 2015-2035 EIR, only two percent of the land, or 322 acres, within the City is zoned Resource Area (OS-R) which includes agricultural land (Fontana, 2018b, p. 7-10). Areas within the City that include farmland are located in the southwest portion of the City southeast of the intersection of Jurupa Avenue and Locust Avenue and in the northwest portion of the City on the east side of the intersection of I-15 and State Route 210 (DOC, 2022). These areas are not near the Project Site.

The Project Site was in agricultural production and/or a combination of agricultural production and residential uses as far back as 1938 until approximately the late 1960's (Alden, 2022, p. 3). No agricultural uses are present under existing conditions or have occurred on the site in many decades.

C. Land Use and Zoning

Planning and zoning documents that have relevance to potential forestry and agricultural resource designations on the Project Site are the City's General Plan Update 2015-2035 and the City's Zoning Ordinance. Each of these are described below.

1. City of Fontana General Plan

The City's prevailing planning document is its General Plan, dated November 13, 2018. The General Plan does not assign any forestry or agricultural designations to the Project Site. The General Plan Land Use Designation for the Project Site is shown in Figure 2-2, *Existing General Plan Land Use Designations*.



The City’s General Plan designates the Project Site “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Residential (R-MFMH).” The “R-PC” land use designation is intended for master-planned communities with a minimum area of 145 acres but can also apply to residential properties with minimum 10,000 s.f. lots. The “R-MFMH” land use designation is intended for higher-density multi-family development up to 39 units per acre. These designations are not intended for forestry or agricultural uses. (Fontana, 2018a, p. 15.25).

2. City of Fontana Zoning Ordinance Designations

The City of Fontana Zoning District Map classifies the Project Site for “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” land uses. According to the City of Fontana Municipal Code, the “R-PC” zoning district is intended to facilitate the development of large parcels in an integrated and innovative manner that results in the formation of residential neighborhoods with local-serving neighborhood and commercial centers. The R-4 zoning district is intended for multiple-family residential developments commonly found in a dense urban environment. These zoning classifications are not intended for forestry or agricultural uses. (Fontana, 2022a, § 30-423).

D. Agricultural Land Designations

The California Department of Conservation (DOC) identifies farmlands throughout the State of California as part of its Farmland Mapping and Monitoring Program (FMMP), pursuant to the provisions of CA Government Code § 65570. The FMMP utilizes data from the Natural Resources Conservation Service (NRCS) soil survey and current land use information to categorize lands into eight separate mapping categories: Prime Farmlands, Farmland of Statewide Importance, Unique Farmlands, Farmland of Local Importance, Grazing Land, Urban and Built-up Land, Other Land, and Water. These eight classifications are dependent on soil characteristics, climatic conditions, and water supply. “Farmland” is defined in Section II(a) of Appendix G of the State CEQA Guidelines to mean “Prime Farmland,” “Farmland of Statewide Importance,” or “Unique Farmland” (“Farmland”). These Farmland types are described below.

- a. Prime Farmland: Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. (DOC, n.d.)
- b. Farmland of Statewide Importance: Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. (DOC, n.d.)
- c. Unique Farmland. Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. (DOC, n.d.)



As shown on Figure 4.2-1, *FMMP Farmlands Map*, no portions of the Project Site contains Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (“Farmland”). As shown on Figure 4.2-1, the Project Site contains land defined as “Urban and Built-Up Land” and “Other Land.” (DOC, 2022) These designations are defined by the DOC as:

- Urban and Built-Up Land: Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes. (DOC, 2004, p. 6)
- Other Land: Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. (DOC, 2004, p. 6)

“Farmland” is defined in Section II (a) of Appendix G of the California Environmental Quality Act (CEQA) Guidelines and by San Bernardino County to mean “Prime Farmland,” “Farmland of Statewide Importance,” “Unique Farmland,” or “Farmland of Local Importance.” Thus, the Project Site does not contain any “Farmland” as mapped by the FMMP.

4.2.2 REGULATORY SETTING

The following is a brief description of the state and local environmental laws and related regulations governing the protection of agricultural and forest resources.

A. *State Regulations*

1. *California Land Conservation Act (CLCA)*

The California Land Conservation Act (CLCA) of 1965, also known as the Williamson Act (CA Gov. Code § 51200, et seq.), enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Pursuant to California Government Code § 51230, counties and cities may establish Agricultural Preserves, which define boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to the CLCA. Contracts pursuant to the CLCA are only allowed for areas within established Agricultural Preserves. Agricultural Preserves generally must be at least 100 acres in size; however, a city or county may allow for lesser acreage if a finding is made that the characteristics of the agricultural enterprises in the area are unique and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city. Once established, land uses within an Agricultural Preserve must be agricultural in nature, or other such uses that are not incompatible with agricultural uses. For lands within Agricultural Preserves, individual land owners may enter into a Contract with a county or city,



which would provide for the exclusion of uses other than agricultural, and other than those compatible with agricultural uses, for the duration of the Contract, even if the land is sold to a new owner. In return for entering into a Contract, the landowner is granted preferential taxes that are based upon agricultural and related land uses rather than fair market value. Contracts may be exited at the option of the landowner or local government by initiating the process of term nonrenewal. Under this process, the remaining contract term (nine years in the case of an original term of ten years) is allowed to lapse, with the contract null and void at the end of the term. During the nonrenewal process, the annual tax assessment continually increases each year until it is equivalent to current tax rates at the end of the nonrenewal period. Under a set of specifically defined circumstances, a Contract may be cancelled without completing the process of term nonrenewal. Contract cancellation, however, involves a comprehensive review and approval process, and the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property in question. (DOC, 2019; CA Legislative Info, n.d.)

2. *Farmland Mapping and Monitoring Program (FMMP)*

The goal of the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) is to provide consistent, timely, and accurate data to decision makers for use in planning for the present and future of California's agricultural land resources. To meet this goal, FMMP's objective is to provide maps and statistical data to the public, academia, and local, state, and federal governments to assist them in making informed decisions for the best utilization of California's farmland. The FMMP was established in 1982 in response to what was by then a critical need for data on the nature, location, and extent of farmland, grazing land, and urban built-up areas in the State. Government Code § 65570 mandates FMMP to biennially report to the Legislature on the conversion of farmland and grazing land, and to provide maps and data to local government and the public. The FMMP was also directed to prepare and maintain an automated map and database system to record and report changes in the use of agricultural lands. It was the intent of the Legislature and a broad coalition of building, business, government, and conservation interests that FMMP be non-regulatory, and provide a consistent and impartial analysis of agricultural land use and change in California. With this in mind, FMMP provides basic data from which observations and analyses can be made in the land use planning process. (DOC, 2004, p. 3)

3. *California Forest Practice Act*

The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on privately-owned lands in California. The Forest Practice Act was enacted in 1973 to ensure that logging is done in a manner that will preserve and protect fish, wildlife, forests and streams. The State Board of Forestry and Fire Protection enacts and enforces additional rules to protect these resources. (CAL FIRE, n.d.)

B. Local Regulations

City of Fontana Zoning Ordinance Chapter 30, Article VIII addresses resource areas, including agricultural, within the City of Fontana. This ordinance lists the land uses that may be allowed within the public facilities and open space zoning established by the General Plan, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.



4.2.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *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;*
- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract;*
- c. *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));*
- d. *Result in the loss of forest land or conversion of forest land to non-forest use;*
- e. *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.*

4.2.4 IMPACT ANALYSIS

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 the Farmland Mapping and Monitoring Program (FMMP) mapping information, the Project Site does not contain any soils classified as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance.” As shown on Figure 4.2-1, the Project Site is designated as “Urban and Built-Up Land” and “Other Land” (DOC, 2022). As such, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

Threshold b: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Project Site is not zoned for agricultural use, nor is it surrounded by land zoned for an agricultural use. Therefore, implementation of the Project has no potential to conflict with existing zoning for an agricultural use.

According to information from the DOC, the Project Site, nor any land in the vicinity of the Project Site is under a Williamson Act contract (DOC, 2017). As such, no impact would occur to property under a Williamson Act contract.



Threshold c: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined 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, the Project does not have the potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands.

Threshold d: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

The Project Site does not contain a forest and is not designated as forest land; thus, the proposed Project would not result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur.

Threshold e: Would the 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 as “Prime Farmland,” “Unique Farmland” or “Farmland of Statewide Importance.” As disclosed above in the response to Threshold “a,” the Project Site does not contain any Farmland; therefore, the Project would not convert Farmland to non-agricultural use. Additionally, as described above in the responses to Thresholds “c” and “d,” the Project Site does not contain forest land and is not zoned for forest land and the Project would not convert forest land resources to non-forest use.

4.2.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development within southwestern San Bernardino County. Lands within southwestern San Bernardino County generally exhibit similar climate, geologic, and soil characteristics, and agricultural production is evaluated by San Bernardino County and the State of California at the County level.

As discussed under Threshold “a,” the Project Site does not contain any Farmland as defined by CEQA Guidelines Appendix G Section II(a), and the Project would not result in the conversion of any Farmland to non-agricultural use. Accordingly, no cumulatively-considerable impacts to Farmland would occur with implementation of the proposed Project.

The Project Site is not zoned for agricultural use, is not used for agricultural production under existing conditions, and is not subject to any Williamson Act contracts. As such, no cumulatively-considerable impacts would occur due to a conflict with existing agricultural zoning, existing agricultural use, or Williamson Act contracts.



Under existing conditions, there are no off-site properties in the vicinity of the Project Site that comprise agriculturally-zoned property. Therefore, the Project would not cause development of non-agricultural uses within the vicinity of agriculturally zoned property, and no cumulatively-considerable impacts would occur.

The Project Site, and the surrounding areas are not zoned for 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)). As such, the Project has no potential to conflict with such zoning, and no cumulatively-considerable impacts would occur. In addition, the Project has no potential to result in the loss of forest land or conversion of forest land to non-forest use, and no cumulatively-considerable impacts due to the loss or conversion of forest land would occur. Additionally, there are no components of the Project that could result in the conversion of forest land to non-forest use, as there are no lands used for forest land uses; thus, no cumulatively-considerable impacts would occur.

4.2.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. As mapped by the DOC's FMMP, the Project Site is classified by the FMMP as "Urban Built-Up Land" and "Other Land." Based on the FMMP, the Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Project would not convert FMMP-designated Farmland to a non-agricultural use, and no impact would occur.

Threshold b: No Impact. The Project Site is not zoned for agricultural use, is not used for agricultural production, and is not subject to any Williamson Act contracts. Therefore, no impacts would occur.

Threshold c: No Impact. The Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.

Threshold d and e: No Impact. There are no forest lands in the Project vicinity, and no lands in the Project vicinity are zoned for timberland, timberland production, or forest uses. The Project would not result in the conversion of forest land to non-forest use. No impact would occur.

4.2.7 MITIGATION

There would be no impacts to agriculture and forest resources; thus, mitigation measures are not required.



4.3 AIR QUALITY

This Subsection is based primarily on two technical studies that were prepared by Urban Crossroads 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 is an air quality impact analysis (AQIA), is titled “Oleander & Santa Ana Avenue Warehouse, Air Quality Impact Analysis, City of Fontana,” dated December 2, 2022, and is included as *Technical Appendix B1* to this EIR (UC, 2022a). The second report is a mobile source health risk assessment (HRA), is titled “Oleander & Santa Ana Avenue Warehouse, Mobile Source Health Risk Assessment, City of Fontana,” dated December 2, 2022, and is included as *Technical Appendix B2* to this EIR (UC, 2022b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.3.1 EXISTING CONDITIONS

A. *Atmospheric Setting*

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

B. *Regional Climate*

The regional climate – temperature, wind, humidity, precipitation, and the amount of sunshine – has a substantial influence on air quality. The SCAB’s distinctive climate is determined by its terrain and geographical location, which comprises a coastal plain connected to broad valleys and low hills bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter. The SCAB is semi-arid, with average annual temperatures varying from the low-to-middle 60s, measured in degrees Fahrenheit (F); however, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of the SCAB’s climate. Humidity restricts visibility in the SCAB and the relative high humidity heightens the conversion of sulfur dioxide (SO₂) to sulfates (SO₄). The marine layer provides an environment for that conversion process, especially during the spring and summer months. Inland areas of the SCAB, including where the Project Site is located, show more variability in annual minimum/maximum temperatures and lower average humidity than coastal areas within the SCAB due to decreased marine influence. (UC, 2022a, p. 9)

More than 90 percent of the SCAB’s rainfall occurs between November and April. The annual average rainfall within the SCAB varies between approximately nine (9) inches in Riverside to 14 inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB. Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB; the remaining one-quarter is absorbed by clouds. The abundant amount of sunshine (and its associated ultraviolet radiation) is a key factor to the photochemical reactions of air pollutants in the SCAB. (UC, 2022a, pp. 9-10)



Dominant airflow direction and speed are the driving mechanisms for transport and dispersion of air pollution. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with storms moving through the region from the northwest. This period also brings five to 10 periods of strong, dry offshore winds, locally termed “Santa Anas” each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. During the nighttime, heavy, cool air descends mountain slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. (UC, 2022a, p. 10)

In the SCAB, there are two distinct temperature inversion structures that control the vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides and carbon monoxide, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline. (UC, 2022a, p. 10)

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 B1*) for a detailed description of regional climate and wind patterns.

C. Criteria Pollutants and Associated Human Health Affects

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 below (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.

Effects to Human Health



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. (UC, 2022a, p. 11)

- **Sulfur Dioxide (SO₂)** is a colorless gas or liquid. SO₂ enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x).

Effects to Human Health

SO₂ is a respiratory irritant to people afflicted with asthma. After a few minutes' exposure to low levels of SO₂, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties in response to SO₂ exposure at low levels, animal studies suggest that very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. (UC, 2022a, p. 12)

- **Nitrogen Oxides (NO_x)** consist of nitric oxide (NO), nitrogen dioxide (NO₂) and nitrous oxide (N₂O) and are formed when nitrogen (N₂) combines with oxygen (O₂). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition.

Effects to Human Health

NO₂ is a criteria air pollutant and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO₂ than those indicated by regional monitoring stations. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO₂. Short-term exposure to NO₂ can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO₂ can result decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO_x than healthy individuals. (UC, 2022a, p. 13)

- **Ozone (O₃)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during



the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant.

Effects to Human Health

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. (UC, 2022a, pp. 13-14)

- **Particulate Matter less than 10 microns (PM₁₀) and less than 2.5 microns (PM_{2.5})** are air pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO₂ release from power plants and industrial facilities and nitrates that are formed from NO_x release from power plants, automobiles, and other types of combustion sources. The chemical composition of fine particles is highly dependent on location, time of year, and weather conditions.

Effects to Human Health

The small size of PM₁₀ and PM_{2.5} allows them to enter the lungs where they may be deposited, resulting in adverse health effects. Elevated ambient concentrations of fine particulate matter (PM₁₀ and PM_{2.5}) have been linked to an increase in respiratory infections, number, and severity of asthma attacks, and increased hospital admissions. Some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children, appear to be the most susceptible to the effects of high levels of PM₁₀ and PM_{2.5}. (UC, 2022a, pp. 14-15)

- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes.

Effects to Human Health

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. (UC, 2022a, pp. 15-16)

- **Lead (Pb)** is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. Currently, emissions of lead are largely limited to stationary sources such as lead smelters.

Effects to Human Health

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. (UC, 2022a, pp. 16-17)

D. Existing Air Quality

Air quality is evaluated in the context of ambient air quality standards published by the federal and State governments. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are detailed in Table 4.3-1, *Attainment Status of Criteria Pollutants in the SCAB*.

Table 4.3-1 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 | Attainment | Unclassifiable/Attainment |
| Pb | 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 O₃ standard was revoked effective June 15, 2005.

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

Source: (UC, 2022a, Table 2-3)



2. Regional Air Quality

□ Criteria Pollutants

The SCAQMD monitors levels of various criteria pollutants at 37 permanent monitoring stations and 5 single-pollutant source Pb air monitoring sites throughout the Basin (UC, 2022a, p. 21). The attainment status for criteria pollutants within the SCAB is summarized in Table 4.3-2, *Ambient Air Quality Standards*.

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 (UC, 2022a, pp. 28-35). Emissions of O₃, 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. O₃ contour maps show that the number of days exceeding the 8-hour NAAQS decreased between 1980 and 2020. For 2020, there was an overall decrease in exceedance days compared with the 1980 period. Of note, due to higher temperatures and stagnant weather conditions, O₃ levels have increased in the past three years within the SCAB; however, O₃ levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations experienced in the late 1970s, as illustrated on Figure 4.3-1, *SCAB O₃ Trend*. (UC, 2022a, pp. 26-27)

The most recent PM₁₀ statistics also show an overall improvement within the SCAB as illustrated in Figure 4.3-2, *SCAB Average 24-Hour Concentration PM₁₀ Trend (Based on Federal Standard)*, and Figure 4.3-3, *SCAB Annual Average Concentration PM₁₀ Trend (Based on State Standard)*. During the period for which data are available, the 24-hour annual average concentration for PM₁₀ decreased by approximately 46 percent against the federal standard, from 103.7 microgram per cubic meter (μg/m³) in 1988 to 55.5 μg/m³ in 2020. The 24-hour annual average for emissions for PM₁₀ have decreased by approximately 64 percent against the State standards, from 93.9 μg/m³ in 1989 to 33.9 μg/m³ in 2020. (UC, 2022a, p. 28)

Figure 4.3-4, *SCAB 24-Hour Average Concentration PM_{2.5} Trend (Based on Federal Standard)*, and Figure 4.3-5, *SCAB Annual Average Concentration PM_{2.5} Trend (Based on 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. It should be noted that the SCAB is currently designated as nonattainment for the State and federal PM_{2.5} standards. (UC, 2022a, p. 29)



Table 4.3-2 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/m ³) | Ultraviolet Photometry | — | Same as Primary Standard | Ultraviolet Photometry |
| | 8 Hour | 0.070 ppm (137 µg/m ³) | | 0.070 ppm (137 µg/m ³) | | |
| Respirable Particulate Matter (PM ₁₀) ⁹ | 24 Hour | 50 µg/m ³ | Gravimetric or Beta Attenuation | 150 µg/m ³ | Same as Primary Standard | Inertial Separation and Gravimetric Analysis |
| | Annual Arithmetic Mean | 20 µg/m ³ | | — | | |
| Fine Particulate Matter (PM _{2.5}) ⁹ | 24 Hour | — | — | 35 µg/m ³ | Same as Primary Standard | Inertial Separation and Gravimetric Analysis |
| | Annual Arithmetic Mean | 12 µg/m ³ | Gravimetric or Beta Attenuation | 12.0 µg/m ³ | 15 µg/m ³ | |
| Carbon Monoxide (CO) | 1 Hour | 20 ppm (23 mg/m ³) | Non-Dispersive Infrared Photometry (NDIR) | 35 ppm (40 mg/m ³) | — | Non-Dispersive Infrared Photometry (NDIR) |
| | 8 Hour | 9.0 ppm (10 mg/m ³) | | 9 ppm (10 mg/m ³) | — | |
| | 8 Hour (Lake Tahoe) | 6 ppm (7 mg/m ³) | | — | — | |
| Nitrogen Dioxide (NO ₂) ¹⁰ | 1 Hour | 0.18 ppm (339 µg/m ³) | Gas Phase Chemiluminescence | 100 ppb (188 µg/m ³) | — | Gas Phase Chemiluminescence |
| | Annual Arithmetic Mean | 0.030 ppm (57 µg/m ³) | | 0.053 ppm (100 µg/m ³) | Same as Primary Standard | |
| Sulfur Dioxide (SO ₂) ¹¹ | 1 Hour | 0.25 ppm (655 µg/m ³) | Ultraviolet Fluorescence | 75 ppb (196 µg/m ³) | — | Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method) |
| | 3 Hour | — | | — | 0.5 ppm (1300 µg/m ³) | |
| | 24 Hour | 0.04 ppm (105 µg/m ³) | | 0.14 ppm (for certain areas) ¹⁰ | — | |
| | Annual Arithmetic Mean | — | | 0.030 ppm (for certain areas) ¹⁰ | — | |
| Lead ^{12,13} | 30 Day Average | 1.5 µg/m ³ | Atomic Absorption | — | — | High Volume Sampler and Atomic Absorption |
| | Calendar Quarter | — | | 1.5 µg/m ³ (for certain areas) ¹² | Same as Primary Standard | |
| | Rolling 3-Month Average | — | | 0.15 µg/m ³ | | |
| Visibility Reducing Particles ¹⁴ | 8 Hour | See footnote 13 | Beta Attenuation and Transmittance through Filter Tape | No National Standards | | |
| Sulfates | 24 Hour | 25 µg/m ³ | Ion Chromatography | | | |
| Hydrogen Sulfide | 1 Hour | 0.03 ppm (42 µg/m ³) | Ultraviolet Fluorescence | | | |
| Vinyl Chloride ¹² | 24 Hour | 0.01 ppm (26 µg/m ³) | Gas Chromatography | | | |

Source: (UC, 2022a, Table 2-2)



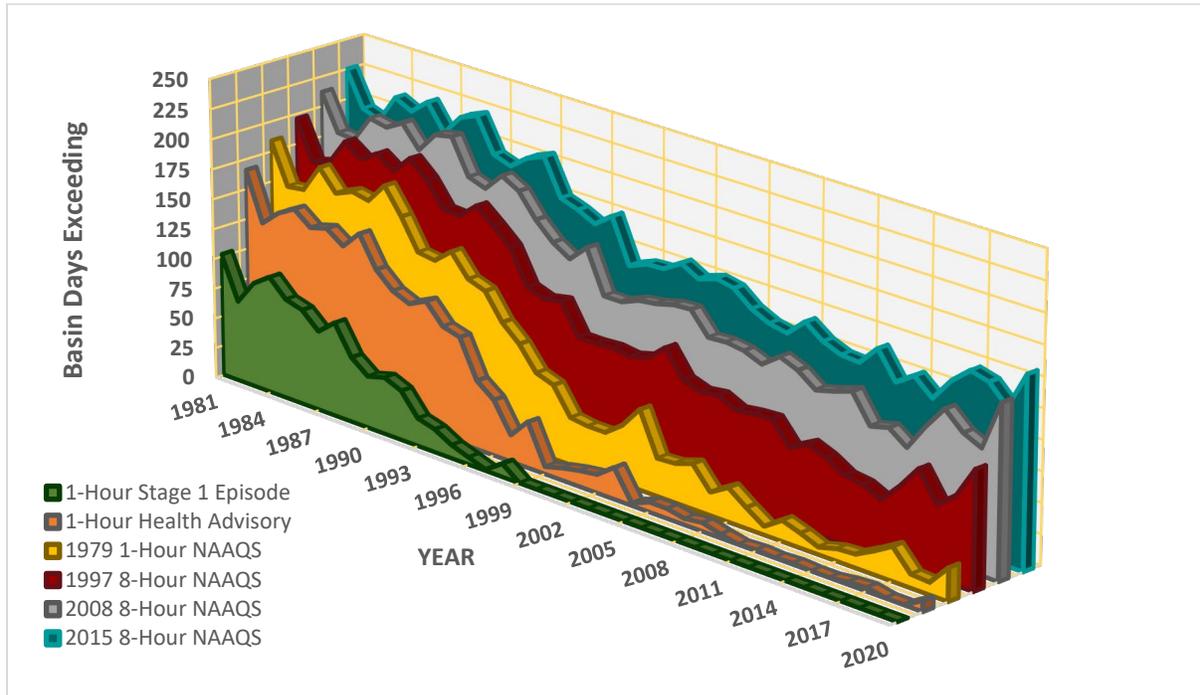
Table 4.3.2 Ambient Air Quality Standards (2 of 2)

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 $150 \mu\text{g}/\text{m}^3$ 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 $15 \mu\text{g}/\text{m}^3$ to $12.0 \mu\text{g}/\text{m}^3$. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at $35 \mu\text{g}/\text{m}^3$, as was the annual secondary standard of $15 \mu\text{g}/\text{m}^3$. The existing 24-hour PM10 standards (primary and secondary) of $150 \mu\text{g}/\text{m}^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour 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 ($1.5 \mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source: (UC, 2022a, Table 2-2)

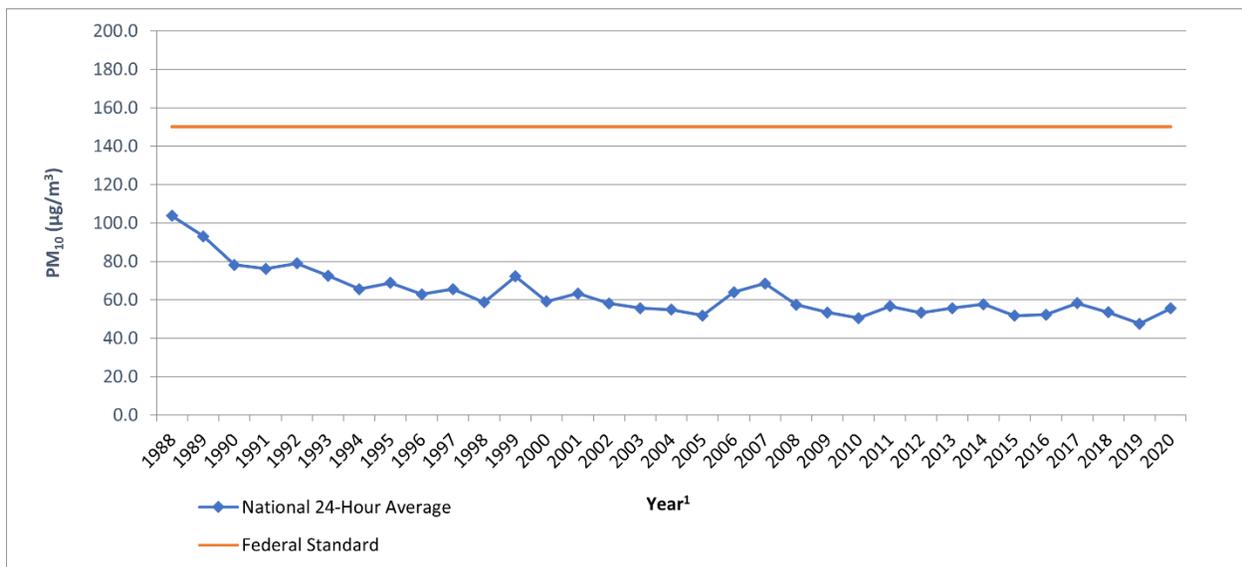


Figure 4.3-1 SCAB O₃ Trend



Source: (UC, 2022a, Table 2-5)

Figure 4.3-2 SCAB Average 24-Hour Concentration PM₁₀ Trend (Based on Federal Standard)

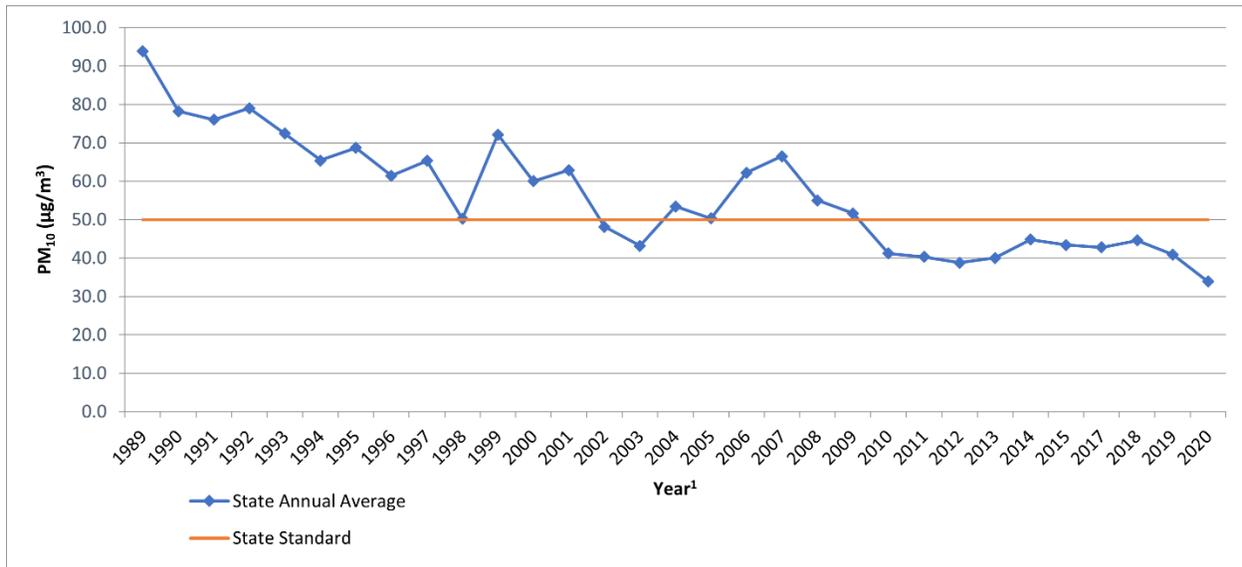


Source: (UC, 2022a, Table 2-6)

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.



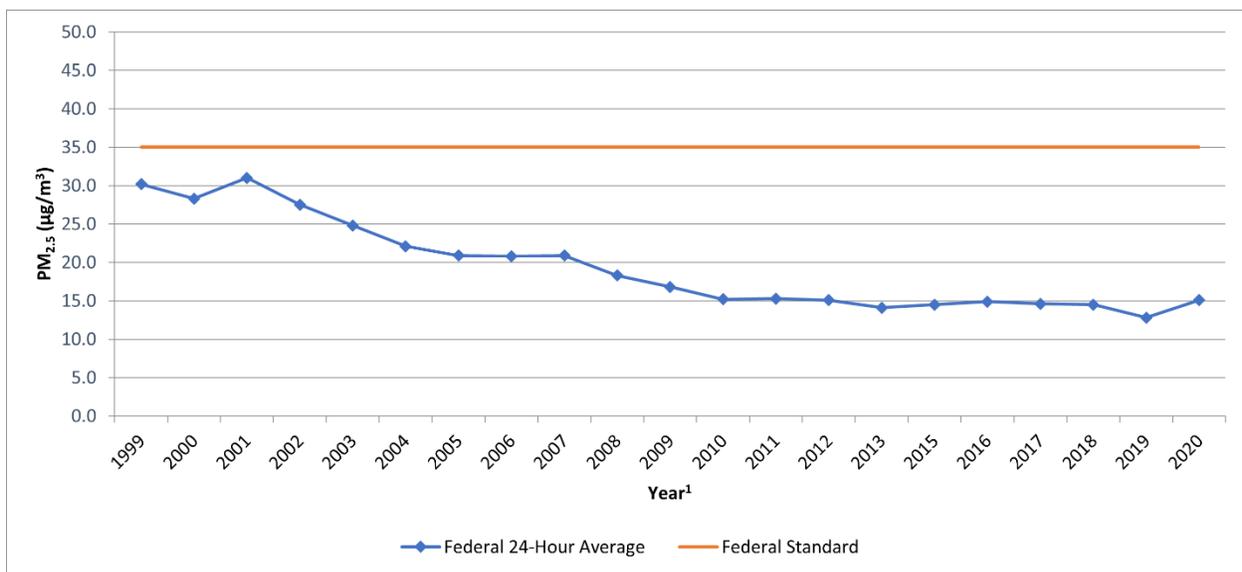
Figure 4.3-3 SCAB Annual Average Concentration PM₁₀ Trend (Based on State Standard)



Source: (UC, 2022a, Table 2-7)

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.

Figure 4.3-4 SCAB 24-Hour Average Concentration PM_{2.5} Trend (Based on Federal Standard)

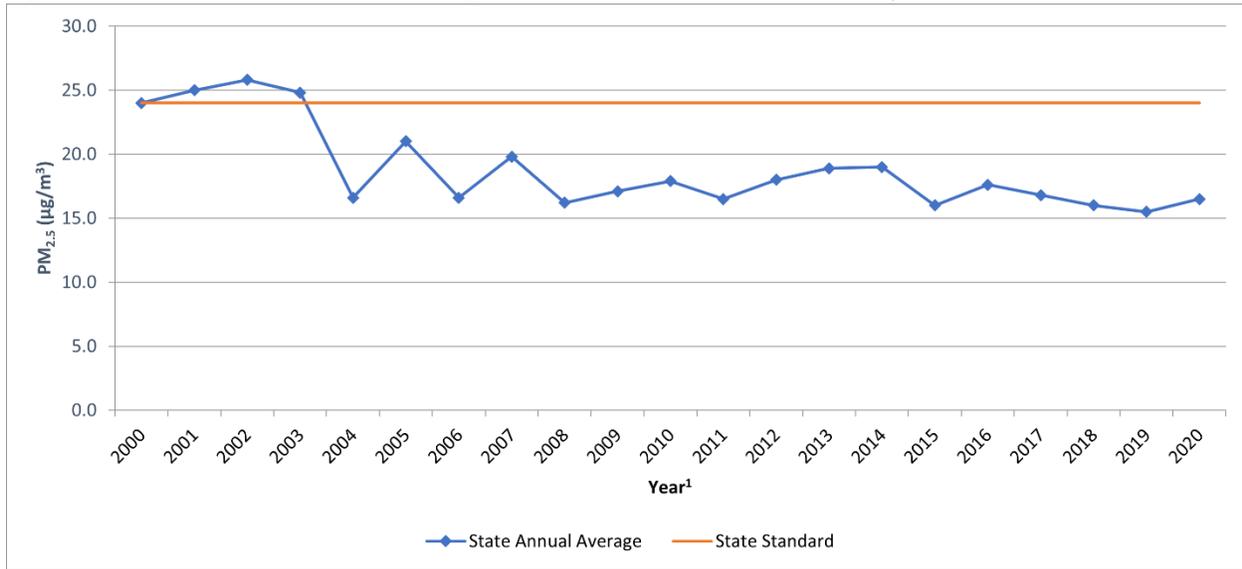


Source: (UC, 2022a, Table 2-8)

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.



Figure 4.3-5 SCAB Annual Average Concentration PM_{2.5} Trend (Based on State Standard)

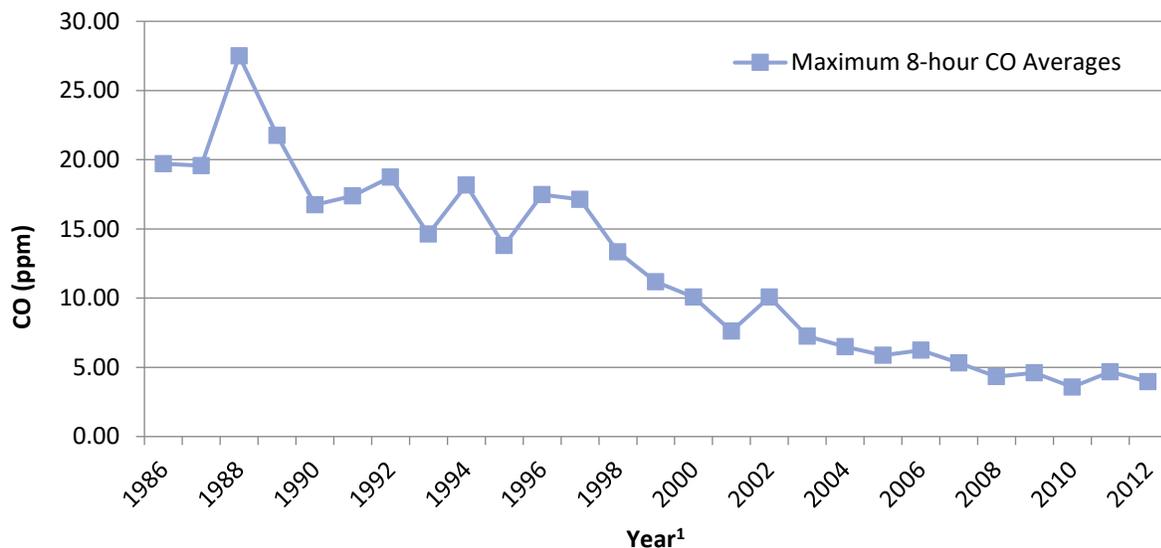


Source: (UC, 2022a, Table 2-9)

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.

The most recent CO concentrations in the SCAB are shown in Figure 4.3-6, *SCAB 8-Hour Average Concentration 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 (UC, 2022a, p. 31). (2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB.)

Figure 4.3-6 SCAB 8-Hour Average Concentration CO Trend



Data from 2020 CARB, iADAM: Top Four Summary: CO 8-Hour Averages (1986-2012)

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

Source: (UC, 2022a, Table 2-10)



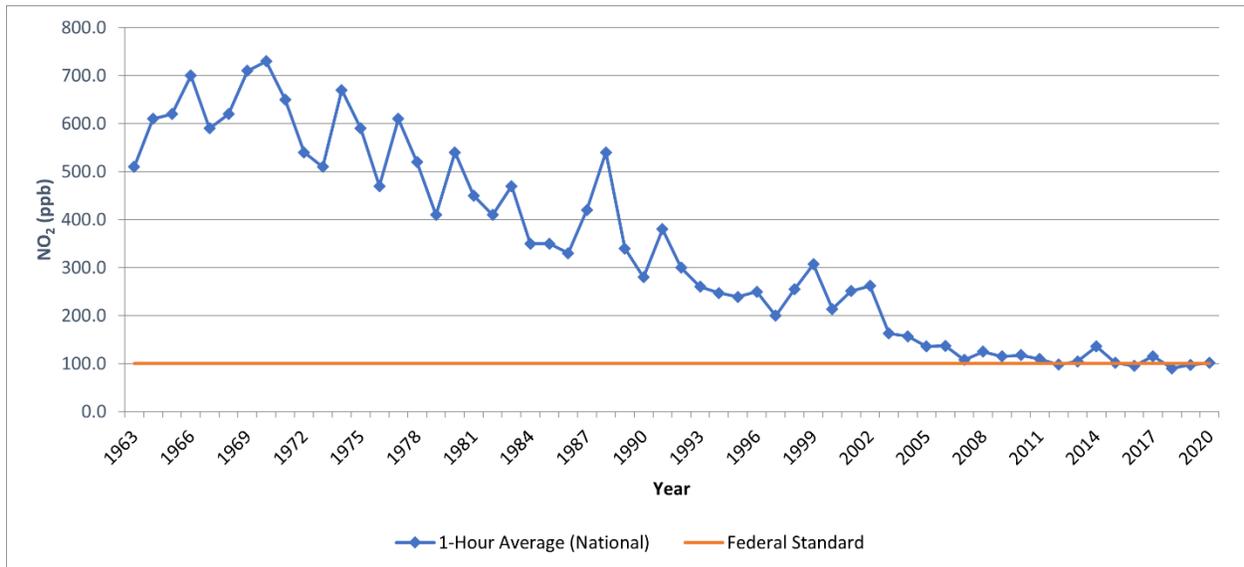
The most recent NO₂ data for the SCAB is shown in Figure 4.3-7, *SCAB 1-Hour Average Concentration NO₂ Trend (Based on Federal Standard)* and Figure 4.3-8, *SCAB 1-Hour Average Concentration NO₂ Trend (Based on State Standard)*. Over the last 50 years, NO₂ values have decreased significantly; the peak 1-hour national and State averages for 2020 are approximately 80 percent lower than what they were during 1963 (UC, 2022a, p. 32). The SCAB attained the State 1-hour NO₂ 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. NO₂ is formed from NO_x emissions, which also contribute to O₃. As a result, the majority of the future emission control measures would be implemented as part of the overall O₃ control strategy. Many of these control measures would target mobile sources, which account for more than three-quarters of California's NO_x emissions and are expected to bring the SCAQMD into attainment of the State annual average standard. (UC, 2022a, p. 32)

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. 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. 34). The CARB also implemented programs to retrofit diesel-fueled engines and facilitate the use of diesel fuels with ultra-low sulfur content to minimize the amount of diesel emissions and their associated TACs. As a result of CARB's programs, diesel emissions and their associated TACs fell by approximately 71 percent since 2000 despite an approximately 81 percent increase in miles traveled by diesel vehicles during that same time period, as shown on Figure 4.3-9, *DPM and Diesel Vehicle Miles Trend* (Urban Crossroads, 2022a, p. 34). 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. 35).

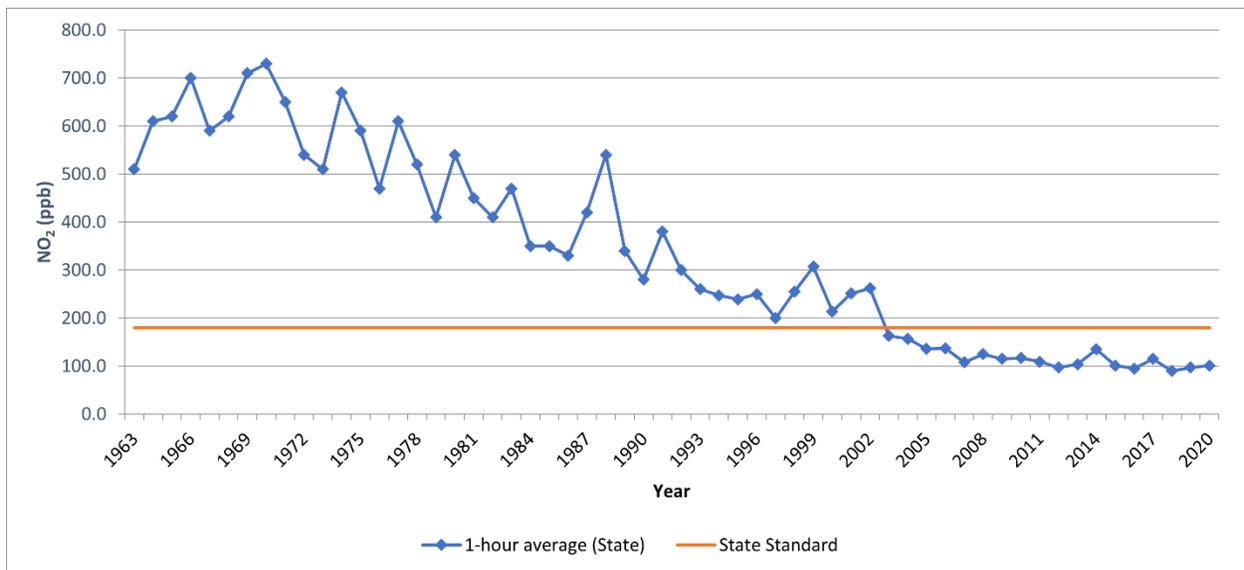


Figure 4.3-7 SCAB 1-Hour Average Concentration NO₂ Trend (Based on Federal Standard)



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

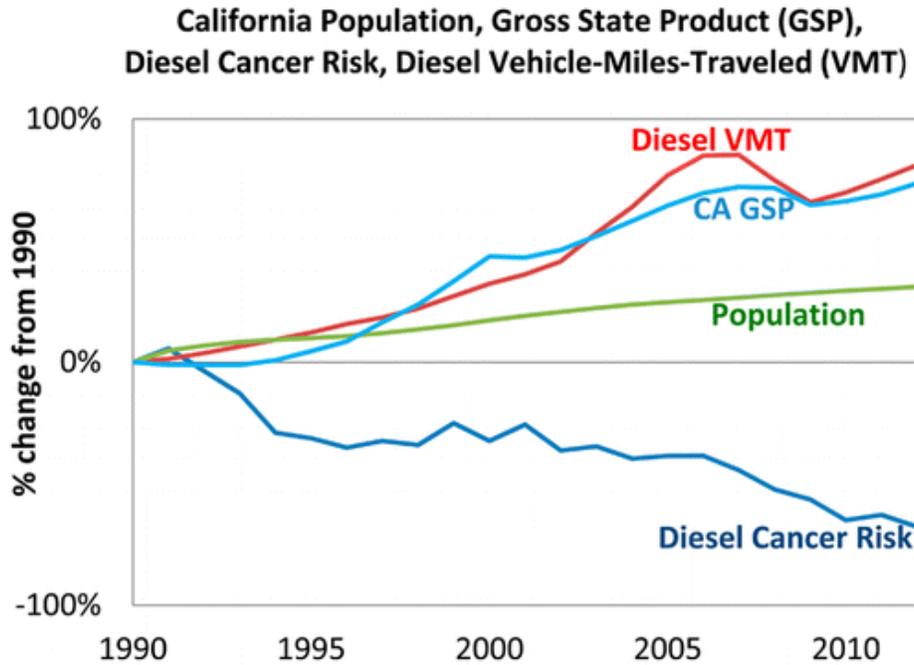
Figure 4.3-8 SCAB 1-Hour Average Concentration NO₂ Trend (Based on State Standard)



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



Figure 4.3-9 DPM and Diesel Vehicle Miles Trend



Source: (UC, 2022a, Exhibit 2-A)

3. Local Air Quality

Criteria Pollutants

Ambient air pollutant concentrations in the Project area are summarized in Table 4.3-3, *Project Area Air Quality Monitoring Summary 2018-2020*. 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).

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* predicted a cancer risk of 472 in one million for the Project area using 2018 data. Diesel PM is shown to be the largest contributor to overall air toxics cancer risk. The average levels of diesel PM in *MATES-V* are 53 percent lower at the 10 monitoring sites compared to the prior version of SCAQMD's *MATES* analysis, *MATES-IV*. 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. (UC, 2022a, p. 36)



Table 4.3-3 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 (µg/m ³) | > 150 µg/m ³ | 64 | 88 | 61 |
| Annual Federal Arithmetic Mean (µg/m ³) | | 34.1 | 34.8 | 35.8 |
| Number of Days Exceeding Federal 24-Hour Standard | > 150 µg/m ³ | 0 | 0 | 0 |
| Number of Days Exceeding State 24-Hour Standard | > 50 µg/m ³ | 9 | 12 | 6 |
| PM _{2.5} | | | | |
| Maximum Federal 24-Hour Concentration (µg/m ³) | > 35 µg/m ³ | 29.20 | 46.50 | 46.10 |
| Annual Federal Arithmetic Mean (µg/m ³) | > 12 µg/m ³ | 11.13 | 10.84 | 11.95 |
| Number of Days Exceeding Federal 24-Hour Standard | > 35 µg/m ³ | 0 | 2 | 1 |

ppm = Parts Per Million
µg/m³ = Microgram per Cubic Meter
Source: (UC, 2022a, Table 2-4)

4.3.2 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 Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO₂), particulate matter (PM₁₀), PM_{2.5}, and lead (Pb). (EPA, 2022a)



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, 2022a)

The sections of the federal CAA most directly applicable to the development of the Project Site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O₃ (smog), CO, and PM₁₀. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2022b) 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, 2022c)

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, 2022a)

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, 2022a)

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, 2022d). 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 §§ 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, n.d.)



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 (2016 AQMP) was adopted in March 2017 (SCAQMD, 2017a). A draft 2022 AQMP was available at the time this EIR was prepared but it was not yet adopted and approved so the 2016 AQMP is the relevant plan for evaluation in this EIR.

2. SCAQMD Rules

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

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



3. *City of Fontana Ordinance No. 1891*

City of Fontana Ordinance No. 1891 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.

4.3.3 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). 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 18 months and would include six activity phases: 1) demolition; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) architectural coating. For purposes of the air quality analysis, the Project’s construction activities are assumed to occur between January 2024 and June 2025. 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 (UC, 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 seven receptor locations near the Project Site, including existing residences to the northwest (along Tyrol Drive), Jurupa Hills High School and Fontana Adult School relocatable classroom to the north, Citrus High School to the northeast, and existing residences to the east (along Mint Leaf Way).

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, 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 4.17, *Transportation*. The travel length for Project-related heavy-duty truck trips is based on figures published by SCAQMD: 15.3 miles for 2-axle heavy-duty trucks, 14.2 miles for 3-axle heavy-duty trucks, and 40.0 miles for 4+-axle heavy-duty trucks. The trip length function for the proposed commerce center use has been calculated to 30.37 miles (UC, 2022a, p. 44). The travel length for Project-related passenger vehicles trips is based on the CalEEMod default.

The Project's operational analysis assumes the use of up to two, 200 horsepower, natural gas-powered tractors/loaders/backhoes operating at four (4) hours per day 365 days of the year. (UC, 2022a, p. 45) The estimated area source emissions and energy source emissions analyses for the Project rely on default inputs within CalEEMod (UC, 2022a, pp. 42-43).

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 29.4-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. The longest on-site distance is roughly 0.47 miles for both trucks and passenger cars. As such, a separate CalEEMod run for operational LSTs has been prepared which accounts for the 0.47-mile on-site travel distance. Outputs from the model runs for operational LSTs are provided in Appendix 3.2 of the Project's AQIA.

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 PM₁₀ generated with the Emission FACTor 2021 model (EMFAC 2021). 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 anyone will contract cancer or other non-cancer health concern as a result of the exposure. The equations and input factors utilized in the Project analysis were obtained from Office of Environmental Health Hazard Assessment (OEHHA). Refer to Section 2.4 of the Project's HRA for a detailed description of the variable inputs and equations used in the calculations of receptor population health risks associated with Project operations.

4.3.4 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 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;*
- c. *Expose sensitive receptors to substantial pollutant concentrations;*
- 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 4.3-4, *Maximum Daily Regional Emissions Thresholds*.

Table 4.3-4 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: (UC, 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 4.3-5, *Maximum Daily Localized Construction Emissions Thresholds*, and Table 4.3-6, *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 4.3-5 Maximum Daily Localized Construction Emissions Thresholds

| Construction Activity | Construction Localized Thresholds | | | |
|-----------------------|-----------------------------------|---------------|------------------|------------------|
| | NO _x | CO | PM ₁₀ | PM ₁₀ |
| Demolition | 118 lbs/day | 667 lbs/day | 4 lbs/day | 3 lbs/day |
| Site Preparation | 220 lbs/day | 1,359 lbs/day | 11 lbs/day | 6 lbs/day |
| Grading | 237 lbs/day | 1,488 lbs/day | 12 lbs/day | 7 lbs/day |

Source: (UC, 2022a, Table 3-10)



Table 4.3-6 Maximum Daily Localized Operational Emissions Thresholds

| Operational Localized Thresholds | | | |
|----------------------------------|---------------|------------------|------------------|
| NO _x | CO | PM ₁₀ | PM ₁₀ |
| 270 lbs/day | 1,746 lbs/day | 5 lbs/day | 2 lbs/day |

Source: (UC, 2022a, Table 3-12)

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.

4.3.5 IMPACT ANALYSIS

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

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

- *Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the NAAQS and CAAQS. Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Project were to exceed the SCAQMD’s localized emissions thresholds. As a conservative measure, the Project’s regional emissions of VOC, NO_x, PM₁₀, and PM_{2.5} also are considered in 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 "Residential Planned Community (R-PC)" and "Multi-Family Medium/High Residential (R-MFMH)" land uses and "Residential Planned Community (R-PC)" and "Multiple-Family Medium/High Density Residential (R-4)" zoning. The Project proposes a General Plan Amendment to change the land use designation to "General Industrial (I-G)" and a zone change application to change the zoning classification to "Southwest Industrial Park (SWIP) Specific Plan." Although the Project proposes a different land use than called for under the City's General Plan, the Project would have less than significant air quality impacts as determined under Threshold "b" below and thus would not conflict with the goals and objectives of the *AQMP*. Because the Project would not exceed the regional or localized air quality significance thresholds, 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 of 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 PM₁₀) 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 4.3-7, *Construction Emissions Summary*. Detailed air model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.3-7, peak construction-related emissions of VOCs, NO_x, CO, SO_x, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed the applicable SCAQMD regional thresholds. Accordingly, the Project's construction activities would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation on a cumulatively considerable basis. Project construction impacts related to emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would all be less than significant and no mitigation is required.

B. Operational Emissions Impact Analysis

The calculated peak operational-source emissions are summarized on Table 4.3-8, *Summary of Peak Operational Emissions*. The air model outputs for the operational analysis are provided in Appendix 3.2 of the Project's AQIA.



Table 4.3-7 Construction Emissions Summary

| Year | Emissions (lbs/day) ¹ | | | | | |
|--------------------------------|----------------------------------|-----------------|--------------|-----------------|------------------|-------------------|
| | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
| Summer | | | | | | |
| 2024 | 4.05 | 37.90 | 45.90 | 0.06 | 4.77 | 2.69 |
| 2025 | 49.00 | 31.30 | 60.40 | 0.07 | 5.56 | 2.15 |
| Winter | | | | | | |
| 2024 | 4.59 | 42.90 | 41.20 | 0.06 | 8.21 | 4.83 |
| 2025 | 48.90 | 31.50 | 54.90 | 0.07 | 5.56 | 2.15 |
| Maximum Daily Emissions | 49.00 | 42.90 | 60.40 | 0.07 | 8.21 | 4.83 |
| 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: (UC, 2022a, Table 3-5)

Table 4.3-8 Peak Operational Emissions Summary

| Source | Emissions (lbs/day) | | | | | |
|--------------------------------------|---------------------|-----------------|--------------|-----------------|------------------|-------------------|
| | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
| Summer | | | | | | |
| Mobile Source | 2.69 | 30.90 | 31.20 | 0.28 | 5.89 | 1.64 |
| Area Source | 16.90 | 0.20 | 23.50 | < 0.005 | 0.03 | 0.04 |
| Energy Source | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| On-Site Equipment Source | 0.23 | 0.75 | 32.89 | 0.00 | 0.06 | 0.05 |
| Total Maximum Daily Emissions | 19.82 | 31.85 | 87.59 | 0.28 | 5.98 | 1.73 |
| SCAQMD Regional Threshold | 55 | 55 | 550 | 150 | 150 | 55 |
| Threshold Exceeded? | NO | NO | NO | NO | NO | NO |
| Winter | | | | | | |
| Mobile Source | 2.55 | 32.40 | 29.30 | 0.28 | 5.89 | 1.64 |
| Area Source | 13.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Energy Source | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| On-Site Equipment Source | 0.23 | 0.75 | 32.89 | 0.00 | 0.06 | 0.05 |
| Total Maximum Daily Emissions | 15.78 | 33.15 | 62.19 | 0.28 | 5.95 | 1.69 |
| 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 3.1 of the Project's AQIA.
Source: (UC, 2022a, Table 3-8)



As summarized in Table 4.3-8, Project-related operational emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would not exceed SCAQMD regional criteria thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. The Project’s long-term emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would be less than significant.

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 4.3-9, *Localized Construction-Source Emissions – Without Mitigation*, 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 4.3-9, localized emissions from Project construction would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

Table 4.3-9 Localized Construction-Source Emissions

| Construction Activity | Year | Emissions (lbs/day) | | | |
|-----------------------|--------------------------------|---------------------|--------------|------------------|-------------------|
| | | NO _x | CO | PM ₁₀ | PM _{2.5} |
| Demolition | 2024 | 24.90 | 21.70 | 1.94 | 1.11 |
| | Maximum Daily Emissions | 24.90 | 21.70 | 1.94 | 1.11 |
| | SCAQMD Localized Threshold | 118 | 667 | 4 | 3 |
| | Threshold Exceeded? | NO | NO | NO | NO |
| Site Preparation | 2024 | 42.50 | 35.30 | 7.91 | 4.76 |
| | Maximum Daily Emissions | 42.50 | 35.30 | 7.91 | 4.76 |
| | SCAQMD Localized Threshold | 220 | 1,359 | 11 | 6 |
| | Threshold Exceeded? | NO | NO | NO | NO |
| Grading | 2024 | 37.60 | 31.40 | 4.44 | 2.61 |
| | Maximum Daily Emissions | 37.60 | 31.40 | 4.44 | 2.61 |
| | SCAQMD Localized Threshold | 237 | 1,488 | 12 | 7 |
| | Threshold Exceeded? | NO | NO | NO | NO |

CalEEMod unmitigated localized construction-source emissions are presented in Appendix 3.1 of the Project’s AQIA.
Source: (UC, 2022a, Table 3-11)



2. Operational Analysis

Table 4.3-10, *Localized Significance Summary of Operations*, 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 operational model outputs are presented in Appendix 3.2 of the Project’s AQIA. As shown in Table 4.3-10, localized emissions from Project operations would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

Table 4.3-10 Localized Significance Summary of Operations

| Scenario | Emissions (lbs/day) | | | |
|--------------------------------|---------------------|--------------|------------------|-------------------|
| | NO _x | CO | PM ₁₀ | PM _{2.5} |
| Summer | 4.94 | 63.79 | 0.25 | 0.13 |
| Winter | 4.93 | 40.86 | 0.22 | 0.09 |
| Maximum Daily Emissions | 4.94 | 63.79 | 0.25 | 0.13 |
| SCAQMD Localized Threshold | 270 | 1,746 | 4 | 2 |
| Threshold Exceeded? | NO | NO | NO | NO |

CalEEMod localized operational-source emissions are presented in Appendix 3.2 of the Project’s AQIA.
 Source: (UC, 2022a, Table 3-13)

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 8.4 parts per million (8-hour) at the Long Beach Boulevard/Imperial Highway intersection in Los Angeles County; however, only a small portion of the recorded CO concentrations (0.7 parts per million) were attributable to traffic congestion at the intersection. The vast majority of the recorded CO concentrations at the Long Beach Boulevard/Imperial Highway intersection (7.7 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. 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. 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. (UC, 2022a, pp. 53-55)



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-A through 2-C of the Project’s HRA.

1. Construction Analysis

As part of Project construction, diesel-fueled equipment would operate on the 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 10788 Mint Leaf Way approximately 740 feet east of the Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Project is 1.24 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. 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. 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. (UC, 2022b, p. 1)

2. Operational Analysis

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

At the maximally exposed individual receptor (MEIR), which is a residence located at 16079 Tyrol Drive approximately 239 feet northwest of the Project Site, the maximum incremental cancer risk attributable to Project-related DPM emissions is calculated to be 1.19 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. 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. 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. (UC, 2022b, p. 1)



At the maximally exposed individual worker (MEIW), located adjacent to the north side 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 0.26 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. 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. 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. (UC, 2022b, p. 2)

At the maximally exposed school child receptor (MEISC), the nearest schools are the Fontana Adult School, Citrus High School, and Jurupa Hills High School located approximately 13 feet, 330 feet, and 332 feet north 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 0.50 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. 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. (UC, 2022b, p. 2)

3. Air Basin-Wide Health Consequences

In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the South Coast AQMD in the Friant Ranch case (which is incorporated into *Technical Appendix B1*), South Coast AQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes. (UC, 2022a, p. 58)

The South Coast AQMD discusses that it is infeasible to quantify health risks caused by projects similar to the Project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk--it does not necessarily mean anyone will contract cancer because of the Project. The LST analysis above determined that the Project would not result in emissions exceeding South Coast AQMD's LSTs. Therefore, the Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO_x, PM₁₀, and PM_{2.5}. As the Project's emissions will comply with federal, state, and local air quality standards, the Project's emissions are not sufficiently high enough to use a regional modeling program to correlate health



effects on a basin-wide level and would not provide a reliable indicator of health effects if modeled. (UC, 2022a, pp. 58-59)

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. Accordingly, the Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant. (UC, 2022a, p. 60)

During long-term operation, the Project would operate as a commerce center, which are 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 commerce center 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. 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. (UC, 2022a, p. 60)

4.3.6 CUMULATIVE IMPACT ANALYSIS

The *AQMP* evaluates regional conditions within the Basin and sets regional emission significance thresholds for both construction and operation of development projects that apply to project-specific impacts and cumulatively-considerable impacts. Thus, if a project exceeds the SCAQMD regional emissions thresholds, project-specific impacts would also result in a cumulatively-considerable increase in emissions for those pollutants for which the basin is in non-attainment. As described under the analysis for Threshold "a," Project implementation would not conflict with the SCAQMD's 2016 *AQMP* because construction of the Project would not exceed the SCAQMD regional thresholds for any of the criteria pollutants. Although the Project proposes a general plan amendment and zone change to amend land use and zoning designations, the Project on an individual basis does not have an impact and as such, would not conflict with the goals and objectives of the *AQMP*. Accordingly, 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.

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.

4.3.7 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 SCAQMD’s 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.

4.3.8 MITIGATION

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



4.4 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 “Santa Ana and Oleander-Biological Resources” and dated June 13, 2022, is provided as *Technical Appendix C* to this EIR (Alden, 2022). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.4.1 EXISTING CONDITIONS

A. Vegetation Communities and Land Cover Types

The Project Site contains two vegetation communities (non-native grassland and disturbed habitat) and one land cover type (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 two locations on the Project Site, covering approximately 4.7 acres. The plant species noted in this community include wild oat (*Avena sp.*), ripgut grass (*Bromus diandrus*), red brome (*Bromus rubens*), and rigid fiddleneck (*Amsinckia menziesii*). This community appears to be periodically disced. (Alden, 2022, p. 3)
- Disturbed Habitat: The Project Site contains approximately 4.3 acres of disturbed area in two locations on the Project Site. Plant species in this community include Russian thistle (*Salsola tragus*), lamb’s quarters (*Chenopodium album*), and prickly lettuce (*Lactuca serriola*). (Alden, 2022, p. 3)
- Developed: The remaining 15.2 acres of the Project Site are classified as “Developed.” The developed areas on the Project Site are characterized by residential properties and associated ornamental shrubs and trees. (Alden, 2022, p. 4)

B. Special-Status Plant Species

No sensitive plant species were observed on the Project Site by Alden professional biologists. Plant species on-site consist primarily of non-native (including ornamental) species. Given the disturbed and developed condition of the Project Site, no sensitive plants species are anticipated to occur on the Site. (Alden, 2022, p. 4)

C. Special-Status Wildlife Species

No sensitive wildlife species were observed on the Project Site by the Alden professional biologists and none are expected to occur due to the disturbed and developed condition of the Project Site.

According to the California Natural Diversity Database (CNDDDB), two special status species were reported in the vicinity of the Project Site. The federal endangered species, the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*), was reported in the vicinity; however, this species occurs only in association with Delhi sands soils which are not present on the Project Site. The San Bernardino kangaroo rat



(*Dipodomys merriami parvus*), a federal endangered species and which is also a candidate for State listing as endangered, was also reported in the vicinity. This species is found on gentle slopes of alluvial fans, on floodplains, along washes, and on adjacent upland areas with soils containing sand, loam, and gravel deposited by rivers and streams, or where sandy soils are wind deposited in alluvial sage scrub, coastal sage scrub, or chaparral vegetation. These environments are not located on the Project Site and there is no reasonable potential for the species to be located on the Site. (Alden, 2022, p. 4)

Non-native grassland, a type of potential habitat for the burrowing owl (*Athene cunicularia*) was mapped on the Project Site. The burrowing owl is a federal bird of conservation concern and a State species of special concern; however, no burrowing owls or signs of burrowing owls (pellets, prey remains, or whitewash) were observed on the Project Site by Alden biologists. Additionally, no burrows that could be used by the burrowing owl, particularly those created by the California ground squirrel (*Otospermophilus beecheyi*), were observed on the Project Site. Due to the absence of California ground squirrels and absence of potentially suitable burrows, there is no potential for burrowing owls to occur on the Project Site. (Alden, 2022, p. 4)

D. Nesting Birds

During a biological survey of the Project Site by Alden in 2022, a killdeer (*Charadrius vociferus*) was observed on a nest in gravel on the ground surface of the Project Site. Additional species that were observed include the house finch (*Haemorphous mexicanus*) and the mourning dove (*Zenaida macroura*) which have the potential to nest on the Project Site in shrubs and trees or on the residential structures. A pair of red-tailed hawks (*Buteo jamaicensis*) were observed roosting in a row of eucalyptus trees along the northern end of the Project Site, and while a nest was not observed, there is potential that nesting can occur in the eucalyptus trees. (Alden, 2022, p. 5)

E. Riparian/Riverine and Vernal Pool Resources

No riparian/riverine, vernal pool, or other wetland resources, or features that have the potential to be considered Waters of the United States (WUS) or Waters of the State (WS) under the jurisdiction of the U.S. Army Corps of Engineers (ACE) and/or the California Department of Fish and Wildlife (CDFW), respectively, were observed on the Project Site. Additionally, the National Wetlands Inventory (NWI) and the National Hydrology Dataset (NHD) did not return results for any riparian/riverine, vernal pool, or other wetland resources on the Project Site. The Project Site is flat and does not support any aquatic features necessary for the development of these resources. (Alden, 2022, p. 5)

F. Wildlife Corridors

According to Chapter 7 of the Fontana General Plan (Conservation, Open Space, Parks and Trails), no conserved, open space, parks, protected areas, or trail features are located adjacent to or in the vicinity of the Project Site. Therefore, there are no local or regional corridors connecting wildlife habitat present within or adjacent to the Project Site. (Alden, 2022, p. 5)



4.4.2 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, 2001)

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, 2001)

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, 2001)

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, 2001)

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. (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 (CFGF Sections 3503.5-3513)*

Section 3503.5 of the CFGF 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 CFGF 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, 2022a)

4.4.3 METHODOLOGY FOR EVALUATING BIOLOGICAL RESOURCES IMPACTS

The biological resources impacts is based on literature review, including a review of the CNDDDB, historical and current aerial photographs, USGS topographic maps, U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey maps, the NHD, and NWI, 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. 1-3)

4.4.4 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.*

4.4.5 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, the Project Site does not have potential to support special-status plant species. A permit to remove a heritage, significant and/or specimen tree may be required in accordance with the City Municipal Code, should any be present. (Alden, 2022, p. 6) 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, p. 6) 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. 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 4.4.1, none of the vegetation communities or land cover types observed on the Project Site (i.e., non-native grassland, disturbed, developed) are classified as a sensitive or natural community (Alden, 2022, p. 5). Implementation of the Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in in local or regional plans, policies, or regulations, or by the CDFW or the USFWS; no impact would occur.

Threshold c: Would the Project have 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. 6). 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. 6) 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 (Alden, 2022, p. 6). As noted previously, numerous non-sensitive bird species common to the Fontana area were observed on the Project Site, including but not limited to a killdeer, house finch, mourning dove, and red-tailed hawks. 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 occurs during the avian nesting season (February 15 – September 1) and active nests are present on the Project Site, significant impacts to nesting birds could occur. The Project’s potential to impact nesting birds is a significant impact for which mitigation is required.

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

The Project would remove mature, trees and shrubs from the Project Site. Tree species observed on the Site include the Peruvian pepper (*Schinus molle*), palm (*Phoenix sp.*), California fan palm (*Washingtonia filifera*), butterfly tree (*Bauhinia sp.*), floss silk tree (*Ceiba speciosa*), banana tree (*Musa sp.*), gum (*eucalyptus sp.*), ornamental ash (*Fraxinus sp.*), olive (*Olea europaea*), pine (*Pinus sp.*), orange (*Citrus sinensis*), and lemon (*Citrus limon*). A permit to remove a heritage, significant and/or specimen tree may be required in accordance with the City Municipal Code, should any be present. (Alden, 2022, p. 6) 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 or any permit that authorized tree removal. Based on the findings of the arborist, the trees on the Project Site would require replacement at a minimum ratio of 1:1 to a maximum ratio of 4:1 depending on the size and health of the tree to be removed. If sufficient replacement trees are not provided on the site, the Municipal Code allows for fees to be 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. A less-than-significant 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.

4.4.6 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 vegetation that has 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.

4.4.7 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: 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. Compliance with the City's Tree Protection Ordinance is mandatory.

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.

4.4.8 MITIGATION

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

- MM 4.4-1 In order to ensure compliance with the MBTA and California Fish and Game Code, the initial clearing, grubbing, and grading of land shall occur outside of the nesting season (i.e., outside of the period February 1 through September 15) if feasible. If Prior to any ground-disturbing activities must occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified Dedicated Biologist 3 days prior to the ground-disturbing activities. If birds are found to be nesting inside or within 250 feet (500 feet for raptors) of the impact



area, construction shall be postponed at the discretion of a qualified biologist, until it is determined that the nest is no longer active.

- a. The applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
- b. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.
- c. When an active nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers.

4.4.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold d: Less-than-Significant Impact with Mitigation. Implementation of Mitigation Measure MM 4.4-1 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.



4.5 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 “Cultural Resources Study for the Citrus and Oleander Avenue at Santa Ana Avenue Project” and dated September 30, 2022 (BFSA, 2022a), is included as *Technical Appendix D* to this EIR.

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

4.5.1 EXISTING CONDITIONS

A. Prehistoric and Protohistoric Resources

1. Regional Setting

The Citrus and Oleander Avenue at Santa Ana Avenue Project Site is located in southwestern San Bernardino County, within the City of Fontana, which is in the Inland Empire area of the southern California region. The Paleo Indian Period, Archaic Period, and Late Prehistoric Period are the three (3) general prehistoric cultural periods represented in San Bernardino County, the resources of which that have likely potential for discovery are summarized briefly below. Refer to *Technical Appendix D* for a more detailed discussion about the prehistoric cultural periods in San Bernardino County (BFSA, 2022a, pp. 1.0-6 through 1.0-15).

- 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 Gabrielino and Serrano, adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods.

The territory of the Gabrielino at the time of Spanish contact covers much of present-day Los Angeles and Orange counties. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of southern California. The Gabrielino lived in permanent villages and smaller resource gathering camps occupied at various times of the year depending upon the seasonality of the resource. Permanent villages were located along rivers and streams, as well as in sheltered areas along the coast. (BFSA, 2022a, p. 1.0-8)

Aboriginally, the Serrano occupied an area east of present-day Los Angeles: the San Bernardino Mountains east of Cajon Pass and at the base of and north of the mountains near Victorville, east to Twentynine Palms, and south to the Yucaipa Valley. The Serrano were part of “exogamous clans” and formed alliances amongst their own clans and with Cahuilla, Chemehuevi, Gabrielino, and Cupeño clans. Serrano village locations were typically located near water sources and the Serrano were primarily hunters and gatherers. (BFSA, 2022a, pp. 1.0-10 and 1.0-11)

2. *Project Site Conditions*

BFSA surveyed the Project Site for the presence of prehistoric archaeological resources. Ground visibility was limited across approximately 50 percent of the Project Site due to residential development and associated landscaping. Visibility of the ground surface in the undeveloped areas was good, except for occasional areas of high grasses and weeds. BFSA did not observe any prehistoric resources on the Project Site. (BFSA, 2022a, p. 3.0-2)

BSFA 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 half-mile radius



of the Project Site. The results of the records search indicate that no prehistoric resources were recorded on the Project Site. (BFSA, 2022a, p. 1.0-20)

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 D for a more detailed discussion of the local historic setting.

In 1769, the first Spanish colonizing expedition reached southern California and by the late eighteenth century, a large portion of southern California was overseen by Mission San Luis Rey (San Diego County), Mission San Juan Capistrano (Orange County), and Mission San Gabriel (Los Angeles County), who began colonizing the region and surrounding areas. In 1774, to establish an overland route from Sonora to Monterey, Juan Bautista de Anza passed through Riverside County. As the missions grew and livestock holdings increased, so did theft of livestock, prompting southern California missions to expand inland to provide additional security. During this inland expansion, in 1810 in what is present-day Bryn Mawr, Father Francisco Dumetz of Mission San Gabriel, established a religious site, Guachama, dedicated to San Bernardino de Siena. This site is where the San Bernardino Valley got its name. (BFSA, 2022a, pp. 1.0-12 and 1.0-13)

In 1822, Mexico gained independence from Spain and encouraged its citizens to immigrate to California by issuing land grants known as “ranchos.” During the Rancho Period, treatment of Native Americans declined, with most being forced off their land or put to work in the privately-owned ranchos as slave labor. In 1848, California was annexed to the United States, which brought a wave of settlers searching for gold mines, business opportunities, political opportunities, religious freedom, and adventure. By 1850, California had become a state and was eventually divided into 27 separate counties. Southern California grew at a much slower rate than northern California, and was still dominated by the cattle industry that was established during the earlier Rancho Period. (BFSA, 2022a, pp. 1.0-13 and 1.0-14)

Southern California saw its first major expansion in 1869, with the completion of the Southern Pacific Railroad. Connections between the Southern Pacific Railroad in Sacramento and the transcontinental Central Pacific Railroad in Los Angeles, expanded the population with farmers, land speculators, and prospective developers. Riverside County was founded, circa 1870, by Judge John Wesley North and associates and the first orange trees were planted circa 1871. (BFSA, 2022a, p. 1.0-15)

In 1887, the Semi-Tropic Land and Water Company was incorporated and purchased large tracts of land around Lytle Creek and established Rosena. A.B. Miller purchased Rosena in 1903, and by 1906 had taken over the Semi-Tropic Land and Water Company and created the Fontana Farms Company and the Fontana Land Company. The town of Fontana was platted in 1913 between Foothill Boulevard and the Santa Fe railroad tracks. (BFSA, 2022a, p. 1.0-16)

In the 1940’s, Kaiser Steel was founded by Henry J. Kaiser, and became one of the main producers of steel west of the Mississippi River. Mr. Kaiser also constructed the Fontana Kaiser Permanente medical facility to provide for his workers’ health needs. The City of Fontana was incorporated on June 25, 1952 and the Kaiser



Steel Mill continued to expand through the 1960's. In 1983, the Steel Mill closed and residential development became the primary economic growth in Fontana. (BFSA, 2022a, pp. 1.0-17 - 1.0-20)

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. Thirteen (13) single-family residences and outbuildings constructed between 1944 and 1969 were identified at ten separate properties (APN's 255-011-13, -14, -18, -19, and -25 to -30). The historic-age buildings were recorded as sites Temp-1 to Temp-10 with the SCCIC and were subsequently evaluated for significance. Sites Temp 1 to Temp-10 were evaluated as not historically or architecturally significant under any CEQA criteria due to a lack of association with any significant persons or events and not being representative examples of any specific architectural style, period, or region. No other cultural resources were observed during the survey. More information is available about the historic structure evaluation in *Technical Appendix D*. (BFSA, 2022a, p. 3.0-78)

BFSA also performed an archaeological records search through the SCCIC at CSA Fullerton. The records search provided information regarding previous archaeological studies in the Project area and any previously recorded sites within a one-half 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 28 resources have been recorded within a one-half mile radius of the Project Site. The recorded historic resources include 27 historic single-family properties and one historic farm complex. (BFSA, 2022a, p. 1.0-20)

BFSA also requested a Sacred Lands Files (SLF) search from the Native American Heritage Commission (NAHC) which did not indicate the presence of any sacred site or locations of religious or ceremonial importance within the search radius (BFSA, 2022a, p. 1.0-21). Refer to EIR Subsection 4.18, *Tribal Cultural Resources*, for additional information on the involvement of Native American tribes in the consultation and review process related to this EIR and the potential for discovery of tribal cultural resources.

4.5.2 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. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony." (NPS, 2022c)

NHPA and related legislation sought a partnership among the federal government and the states that would capitalize on the strengths of each. The federal government, led by the National Park Service (NPS) provides funding assistance; basic technical knowledge and tools; and a broad national perspective on America's



heritage. The states, through State Historic Preservation Officers (SHPOs) appointed by the governor of each state, would provide matching funds, a designated state office, and a statewide preservation program tailored to state and local needs and designed to support and promote state and local historic preservation interests and priorities. (NPS, 2022c)

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. (NPS, 2022c)

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. (NPS, 2022c)

A number of additional executive and legislative actions have been directed toward improving the ways in which all federal agencies manage historic properties and consider historic and cultural values in their planning and assistance. Executive Order 11593 (1971) and, later, Section 110 of NHPA (1980, amended 1992), provided the broadest of these mandates, giving federal agencies clear direction to identify and consider historic properties in federal and federally assisted actions. The National Historic Preservation Amendments of 1992 further clarified Section 110 and directed federal agencies to establish preservation programs commensurate with their missions and the effects of their authorized programs on historic properties. (NPS, 2022c)

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

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the 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. (NPS, 2022b)

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? (NPS, 2022b)



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. (NPS, 2022b)

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access. (NPS, 2022b)

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. 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. (NPS, 2022a)

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, 2022d)

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s). (NPS, 2022d)

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, 2022d)

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee. (NPS, 2022d)

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. 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. (OHP, n.d.)

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

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).



- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if 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. (OHP, n.d.)

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

4. *Traditional Tribal Cultural Places Act (SB 18)*

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. (OPR, n.d.) The consultation and notice requirements apply to adoption and amendment of general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). More information about SB 18 is found in Subsection 4.18, *Tribal Cultural Resources*.

5. *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 (OPR, 2017a). More information about AB 52 is found in Subsection 4.18, *Tribal Cultural Resources*.

6. *State Health and Safety Code*

California Health and Safety Code (HSC) § 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. § 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 §§ 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.)

7. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to 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 § 15064.5, as follows: (CNRA, 2019)

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - Is associated with the lives of persons important in our past;
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from



determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4.5.3 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 She and Acacia Project Sites.

4.5.4 BASIS FOR DETERMINING SIGNIFICANCE

Section V of Appendix G to the CEQA Guidelines addresses typical adverse effects to cultural resources, and includes the following threshold questions to evaluate the Project's impacts on cultural resources (OPR, 2019):

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

4.5.5 IMPACT ANALYSIS

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

Thirteen (13) single-family residences and outbuildings constructed between 1944 and 1969 were identified at ten separate properties (APN's 255-011-13, -14, -18, -19, and -25 to -30). The historic-age buildings were recorded as sites Temp-1 to Temp-10 with the SCCIC and were subsequently evaluated for significance. Sites Temp 1 to Temp-10 were determined to be not historically or architecturally significant under any CEQA criteria due to a lack of association with any significant persons or events and not being representative examples of any specific architectural style, period, or region (BFSa, 2022a, p. 3.0-78). Refer to *Technical Appendix D* of this EIR for a detailed evaluation of the structure and technical determination. 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, and impacts would be less than significant.

Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 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 Project Site. The results of this records search indicate that no prehistoric cultural resources have been recorded on or within a one-half mile radius of the Project Site. Additionally, no prehistoric resources were observed on the Project Site during the intensive field survey (BFSa, 2022a, pp. 1.0-20, 1.0-21, and 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 prehistoric sites within or near the Project Site and the magnitude of ground disturbance on the Project Site over the previous 90-plus years, there is little potential for any prehistoric resources to be present or disturbed by the proposed developments. Notwithstanding, excavations on portions of the Project Site would 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 1 to 4 feet below the ground surface; thus, excavations on-site that would occur within previously undisturbed soils could, in theory, contain prehistoric archaeological resources. If any prehistoric 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 or damaged by Project construction activities, impacts to those prehistoric cultural resources would be potentially significant. Mitigation is thus required in the form of conditions of approval imposed on the Project that set forth the procedures that would be followed should subsurface resources be discovered. As discussed below, with implementation of mitigation, direct and cumulatively-considerable impacts would be less than 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, 2022). 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 Project 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 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.

4.5.6 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 context of the City of Fontana and surrounding area. 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 Project Site due to past uses of the properties. Nonetheless, a remote potential exists for subsurface prehistoric archaeological resource that meet the CCR Section 15064.5 definition of a significant archaeological resource to be discovered on the Project Site – and other development project sites in the region – during construction activities. Accordingly, the Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Project would result in a cumulatively-considerable impact to prehistoric archaeological resources, if such resources are unearthed during Project construction, for which mitigation is required. As discussed below, with implementation of mitigation, cumulatively-considerable impacts would be less than significant.

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would assure that all 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.

4.5.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. Thirteen historic-period residences and outbuildings are located on the Project Site that would be demolished to construct the Project, but the structures do not meet the CEQA Guidelines Section 15064.5 definition of a significant historical resource. Therefore, no significant historic resources could be altered or destroyed by construction or operation of the Project, and impacts to historic resources would be less than significant.

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 past ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities.



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

4.5.8 MITIGATION

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

- MM 4.5-1 Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- MM 4.5-2 Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- MM 4.5-3 Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

4.5.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold b: Less-than-Significant Impact with Mitigation. Implementation of MMs 4.4-1 through 4.4-3 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With



implementation of the required mitigation, the Project's potential impacts to important archaeological resources would be reduced to less-than-significant. Cumulatively-considerable impacts would likewise be reduced to less than significant.



4.6 ENERGY

The analysis in this Subsection is primarily based on information contained in a technical report prepared by Urban Crossroads, Inc. titled, “Oleander & Santa Ana Avenue Warehouse Energy Analysis, City of Fontana,” dated December 2, 2022 (UC, 2022c). The technical report is included as *Technical Appendix E* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.6.1 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. (UC, 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 pipelines systems (commonly referred to as California's "backbone" pipeline system). Natural gas on the utilities' backbone pipeline system is then delivered to the local transmission and distribution pipeline systems, or to natural gas storage fields. (UC, 2022c, pp. 11-12)

C. Transportation Energy/Fuel Consumption

Gasoline and other vehicle fuels are commercially-provided commodities. The Department of Motor Vehicles (DMV) identified 36.2 million registered vehicles in California, and those vehicles consume an estimated 17.2 billion gallons of fuel each year. In 2017, Californians used approximately 15.8 billion gallons of gasoline and in 2019, 3.9 billion gallons of diesel fuel was consumed (UC, 2022c, pp. 7 and 14)

4.6.2 REGULATORY SETTING

A. Federal Plans, Policies, and Regulations

1. Intermodal Surface Transportation Efficiency Act (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. (UC, 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. (UC, 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 2021 Integrated Energy Policy Report (2021 IEPR) continues to work towards improving electricity, natural gas, and transportation fuel energy use in California. The 2021 IEPR provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the state is to meet its climate, energy, air quality, and other environmental goals while maintaining reliability and controlling costs. (UC, 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. (UC, 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 most recent approved update consisting of the 2022 California Green Building Code Standards became effective on January 1, 2023. The CEC anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons. (UC, 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. (UC, 2022c, p. 20)

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. (UC, 2022c, p. 20)

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

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

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40 percent by 2024, and 25% by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western U.S. (UC, 2022c, p. 20)

7. California Solar Rights and Solar Shade Control Acts

The Solar Rights Act sets parameters for establishing solar easements, prohibits ordinances and private covenants which restrict solar systems, and requires communities to consider passive solar and natural heating and cooling opportunities in new construction. This Act is applicable to all California cities and counties. California's solar access laws appear in the state's Civil, Government, Health and Safety, and Public Resources Codes. California Pub Res Code § 25980 sets forth the Solar Shade Control Act, which encourages the use of trees and other natural shading except in cases where the shading may interfere with the use of active and passive solar systems. (EPIC, 2014; EPIC, 2010)



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. 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 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. 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 CALCULATING PROJECT ENERGY DEMANDS

Information from the CalEEMod (version 2022.1) outputs from the Projects' AQIA (see *Technical Appendix B1*) was utilized to detail the Projects' construction equipment, transportation energy demands, and facility energy demands. These outputs are referenced in Appendix 4.1 of the Projects' energy analysis report (see *Technical Appendix E*). Additionally, CARB's EMFAC2021 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 2021 model outputs are included in Appendix 4.2 of the Projects' energy analysis report.

4.6.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse 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 potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;*
- 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.

4.6.5 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 281,358 kilowatt hours (kWh) of electricity, approximately 85,533 gallons of diesel fuel from operation of construction equipment, 32,423 gallons of diesel fuel from construction vendor trips, and 49,106 gallons of fuel from construction worker trips. (UC, 2022c, pp. 25-30) 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. (UC, 2022c, p. 31) 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. (UC, 2022c, pp. 31-32)

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 passenger car and truck 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 396,865 gallons of fuel and 2,634,018 kWh of electricity per year (UC, 2022c, pp. 32-33). 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. 1891 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 2,498,021 per year.

The Project's proposed buildings would incorporate 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 the 2022 California Green Building Code Standards that became effective on January 1, 2023, 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 area of SCE, is capable of being served by the energy provider, 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. Passenger vehicles would be permitted to use all of the Project's driveways proposed to connect with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue. Truck access to and from proposed Building 1 would use the northernmost driveway on the Building 1 Site, connecting with Citrus Avenue, which provides direct access to I-10, approximately 0.6-mile to the north. This is an efficient route and would not result in a wasteful, inefficient, or unnecessary consumption of energy. Truck access to and from the Building 2 and Building 3 Sites would use the northernmost driveways connecting with Oleander Avenue. None of the Project's driveways connecting with Santa Ana Avenue would be permitted to be used by trucks because the segment of Santa Ana Avenue fronting the Project Site is not a designated truck route. The truck route from I-10 to Building 2 and Building 3 would be to exit at southbound Citrus Avenue, turn eastbound on Jurupa Avenue, and turn northbound on Oleander Avenue to reach the Building 2 and Building 3 truck driveways. Existing



trucks would travel in the reverse pattern to I-10. This route is not as efficient as a route that would utilize Santa Ana Avenue, resulting in more energy use than would otherwise be required if Project truck trips were permitted to use Santa Ana Avenue. Regardless, 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. (UC, 2022c, pp. 32-33)

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. (UC, 2022c, p. 37)

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. (UC, 2022c, p. 37)

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 2021 IEPR. Thus, because the SCE is consistent with the 2021 IEPR, the Project is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR. (UC, 2022c, p. 37)



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 2021 IEPR. (UC, 2022c, p. 37)

State of California Energy Plan

The Project Site is located along 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. (UC, 2022c, p. 38)

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 2022 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 2022 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 Title 24 Energy Efficiency Standards. (UC, 2022c, p. 38)

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. (UC, 2022c, p. 38)

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. (UC, 2022c, p. 38)

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. (UC, 2022c, p. 38)



C. Consistency with Local Energy Regulations

Fontana Municipal Code

The City of Fontana would 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. 1891

The City of Fontana would require the Project to be designed, constructed, and operated to meet the requirements of Ordinance No. 1891, including the installation and operation of rooftop solar panels. The City would confirm the Project's compliance with Ordinance No. 1891 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. 1891.

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.

4.6.6 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.

4.6.7 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.

4.6.8 MITIGATION

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



4.7 GEOLOGY AND SOILS

The analysis in this Subsection is based primarily on information contained within a site-specific technical report prepared by NorCal Engineering (hereinafter, “NorCal”) titled, “Geotechnical Engineering Investigation Proposed Industrial Warehouse Development Northeast Corner of Citrus Avenue and Santa Ana Avenue, Fontana, California” and dated April 25, 2022 (NorCal, 2022). The technical report is included as *Technical Appendix F1* to this EIR. In addition, a paleontological resources assessment prepared by Brian F. Smith and Associates, Inc., titled “*Paleontological Assessment for the Citrus and Oleander Avenue at Santa Ana Avenue Project*” and dated September 30, 2022 (BFSA, 2022b), was used in this analysis. This report is included as *Technical Appendix F2*. 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, 2022a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.7.1 EXISTING CONDITIONS

A. Soil

Two (2) types of soil conditions were encountered on the Project site during a soils and geotechnical investigation performed by NorCal: artificial fill, and natural soil. The characteristics of the soil conditions encountered on the Project site are summarized below.

1. *Artificial Fill*

Artificial fill soils were encountered during geological field investigations across the Project Site to depths ranging from 1 to 4 feet below the ground surface. The fill was classified as a brown, fine to medium grained, silty sand with gravel and cobbles. These soils were noted to be loose and dry to damp. (NorCal, 2022, p. 3)

2. *Natural Soil*

Natural soils were encountered beneath the upper fill soils. The natural undisturbed soils were classified as brown to light brown, fine to coarse grained, silty to slightly silty sand with gravel and cobble. These soils were observed to be medium dense to very dense and damp to moist. (NorCal, 2022, p. 3)

B. Groundwater

NorCal 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 a review of available groundwater records, NorCal concluded that the groundwater table beneath the Project site is located in excess of 250 feet below the existing ground surface. According to data from monitoring wells located approximately 0.25-mile east of the Project Site, groundwater is estimated to occur approximately 317 feet below the ground surface of the Project site. (NorCal, 2022, p. 6)

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 7.5 miles northwest of the Project Site (NorCal, 2022, p. 4; CGS, 2022a). 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, NorCal considered the potential for fault rupture on the Project Site to be low. (NorCal, 2022, p. 4)

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 historic ground water levels in excess of 250 feet below the ground surface (NorCal, 2022, p. 5).

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, 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 hazard (NRCS, n.d.; USDA, 1980)



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 have 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 NorCal, the soils on the Project Site have settlement potential (NorCal, 2022, p. 10).

3. *Shrinkage/Subsidence Potential*

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume). Testing conducted by NorCal on the soils collected from the Project Site indicate that shrinkage would be on the order of 5 to 10 percent due to excavation and recompaction, and subsidence would be minor (approximately 0.2 feet) due to earthwork operations (NorCal, 2022, p. 9).

4. *Soil Expansion Potential*

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. Soil testing conducted by Norcal Engineering identified the near surface soils on the Project Site as having “very low” potential for soil expansion (NorCal, 2022, Table II).

5. *Landslide Potential*

The Project Site is generally flat and does not contain steep natural or manufactured slopes (Google Earth, 2022). As such, there is no potential for landslides to occur on or immediately adjacent to the 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. (CGS, 2022b; Fontana, 2018b, p. 5.4-8)

The Project Site is underlain by Holocene and late Pleistocene (present day to approximately 120,000 years ago) young alluvial fan sediments of the Lytle Creek fan. These deposits are underlain by late to middle Pleistocene (approximately 11,700 to 780,000 years ago) old alluvial fan deposits that occur as slightly raised areas protruding through the surrounding young alluvial fan sediments.(BFSA, 2022b, p. 5) The young alluvial fan deposits in the area of the project have a low potential to yield significant paleontological resources; however, the underlying late Pleistocene alluvial fan deposits are considered to have a high paleontological sensitivity, based on numerous fossil localities in the region. A paleontological records search indicated that eight localities were located approximately 3 miles east of the Project Site. The bones of large and small Pleistocene-age mammals as well as terrestrial snails and freshwater clams were recovered from these localities, mostly from clayey, silty sands from depths ranging from five to 21 feet below the surface, when recorded. Mammals from these localities include three species of rodent, cottontail rabbit, bison, western camel, horse, Pacific mastodon, saber-toothed cat, and other unidentified large mammal remains. No previously recorded fossil localities were identified within the Project Site. (BFSA, 2022b, p. 7)

4.7.2 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, 2022e)



B. State Plans, Policies, and Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act (A-P 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. (CA Legislative Info, n.d.)

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

There are no active faults on the Project Site and the Project Site is not located within any Alquist-Priolo Earthquake Fault Zone (NorCal, 2022, p. 4).

2. Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 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. (CDC, n.d.)



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. (CDC, n.d.) The Project Site is not located within a ZORI.

3. *Natural Hazards Disclosure Act*

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

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

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. (CA Legislative Info, n.d.)

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 § 18909). Health and Safety Code (state law) § 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 §§ 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 §§ 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 §§ 17958.7 and 18941.5). (CBSC, 2019, p. 1)

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

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

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



A. Local Plans, Policies, and Regulations

1. City of Fontana General Plan

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

2. City of Fontana Local Hazard Mitigation Plan

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

3. City of Fontana Building Code

The City of Fontana Building Code is based on the CBSC and is supplemented with local amendments. The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Fontana. The Building Code is included in Chapter 5 of the City of Fontana Municipal Code. (Fontana, 2022a)

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, 2022a)

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, 2022a)



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, 2022a)

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)

4.7.3 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.

4.7.4 BASIS FOR DETERMINING SIGNIFICANCE

Section VI of Appendix G to the CEQA Guidelines addresses typical adverse effects due to geological conditions, and includes the following threshold questions to evaluate the Project's impacts resulting from geologic or soil conditions (OPR, 2019):

- 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*
 - iv. *Landslides*
- b. *Result in substantial soil erosion or the loss of topsoil;*



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

4.7.5 IMPACT ANALYSIS

Threshold a: *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?*

A. Rupture of Known Earthquake Fault

There are no known active or potentially active faults on or trending toward the Project Site and the Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (NorCal, 2022, p. 4) Because there are no known faults located on or trending towards the Project Site, there is no potential for the Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

B. Strong Seismic Ground Shaking

The Project Site is located in a seismically active area of southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not substantially different than the risk to other properties throughout the southern California area. As a mandatory condition of Project approval, the Project Applicant would be required to construct the proposed building in accordance with the CBSC and the Fontana Building Code, which is based on the CBSC with local amendments (Fontana Municipal Code, Chapter 5). The CBSC and Fontana Building Code, which have been specifically tailored for California earthquake conditions, provide building standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures. In addition, the CBSC (Chapter 18) (adopted by the City as Municipal Code Chapter 5, Article III, Section 5-61) and the Fontana Municipal Code (Chapter 26, Division 4) require development project sites to be evaluated in preliminary soils reports to identify site-specific geologic and seismic conditions and provide site-specific recommendations to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to,



recommendations related to ground stabilization, selection of appropriate foundation type and depths, and selection of appropriate structural systems.

The Project Applicant retained a professional geotechnical firm, NorCal, to prepare geotechnical report for the Project Site, which is included as *Technical Appendix F1* to this EIR. The geotechnical report included recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Project's specific design. The recommendations included seismic design considerations, geotechnical design considerations, site grading recommendations, construction considerations, foundation design and construction, floor slab design and construction, retaining wall design and construction, and pavement design parameters. This geotechnical report complies with the requirements of Chapter 18 of the CBSC and Chapter 26, Division 4 of the Fontana Municipal Code. In conformance with the Municipal Code, the City will condition the Project to comply with the Site-specific ground preparation and construction recommendations contained in the geotechnical report. With mandatory compliance with these standard and Site-specific design and construction measures, implementation of the Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Impacts would be less-than-significant.

C. Seismic-Related Ground Failure

According to available mapping data, the Project Site is not expected to be subjected to a significant risk associated with seismic-related ground failure, including liquefaction (NorCal, 2022, p. 5). 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, 2022c; Google Earth, 2022). 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 would be comparable to existing conditions.

To meet the requirements of the City's Municipal Storm Water Permit, and in accordance with Fontana Municipal Code Chapter 23, Article IX, the Project Applicant would be required to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is a Site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long-term conditions via Best Management Practices (BMPs). The SWQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate sediment discharge to surface water from storm water and non-



storm water discharges. The preliminary SWQMPs for the Project, which are provided as *Technical Appendices F1 to F3* of this EIR, identify 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 (Google Earth, 2022). Accordingly, the Project would result in less-than-significant impacts associated with landslide hazards.

NorCal determined that removal and re-compaction of the existing Project Site soils would result in soil shrinkage on the order of 5 to 10 percent (NorCal, 2022, p. 9). However, the geotechnical report prepared for the Project indicates that the Site's shrinkage/subsidence and settlement potential can be attenuated through the removal of surface and near surface soils down to competent materials and replacement with properly compacted fill with optimum moisture content (NorCal, 2022, pp. 7-8). 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 (NorCal, 2022, p. 5). Accordingly, impacts associated with lateral spreading would be less-than-significant.

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

Based on expansion index testing of soil samples, NorCal determined that near surface soils on the Project site have an expansion potential of "non-expansive" (NorCal, 2022, Table II). 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 of 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 by late to middle Pleistocene old alluvial fan deposits which are accorded a "High" sensitivity for containing paleontological resources. (BFSA, 2022b, p. 7) 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 significant impact and mitigation is required.

4.7.6 CUMULATIVE IMPACT ANALYSIS

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

As discussed under Threshold "b," regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur.



Other development projects in the vicinity of the Project Site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less-than-significant.

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

4.7.7 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: 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.

4.7.8 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 4.7-1 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 4.7-2 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 5 feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.
- MM 4.7-3 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 4.7-4 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.

4.7.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold f: Less-than-Significant Impact with Mitigation. Implementation of MM 4.7-1 through MM 4.7-4 would ensure that grading activities within late to middle Pleistocene old alluvial fan deposits would be subject to monitoring by a qualified paleontologist or paleontological monitor, and requires 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 direct and cumulatively-considerable impacts to paleontological resources to below a level of significance.



4.8 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, “Oleander & Santa Ana Avenue Warehouse Greenhouse Gas Analysis, City of Fontana,” dated December 2, 2022 (UC, 2022d). The GHG analysis report (GHGA) is included as *Technical Appendix G* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.8.1 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. (UC, 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. (UC, 2022d, p. 16)

B. Greenhouse Gases

Carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) emissions are the focus of evaluation in this Subsection because these gases are the primary contributors to GCC resulting from land development projects. 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. (UC, 2022d, p. 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 4.8-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in Table 4.8-1, GWP values range from 1 for CO₂ up to 23,500 for Sulfur Hexafluoride (SF₆).

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



Table 4.8-1 GWP and Atmospheric Lifetime of Select GHGs

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

*As per Appendix 8.A. of IPCC's 5th Assessment Report, no single lifetime can be given.
 Adapted from Table 2.14 of the IPCC Fourth Assessment Report, 2007
 Source: (UC, 2022d, Table 2-2)

- Water Vapor (H₂O)** is the most abundant and variable GHG in the atmosphere. Changes in the concentration of water vapor in the atmosphere are considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. As the 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. (UC, 2022d, pp. 17-18)
- Carbon Dioxide (CO₂)** is an odorless and colorless GHG that is emitted from natural and man-made sources. Natural CO₂ sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Man-made CO₂ sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, human activities that produce CO₂ have increased dramatically. As an example, prior to the industrial revolution, CO₂ concentrations in the atmosphere were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Exposure to CO₂ in high concentrations can cause adverse human health effects, but outdoor (atmospheric) levels are not high enough to be detrimental to human health. (UC, 2022d, p. 18)



- **Methane (CH₄)** absorbs thermal radiation extremely effectively (i.e., retains heat). Over the last 50 years, human activities such as rice cultivation, cattle ranching, natural gas combustion, and coal mining have increased the concentration of methane in the atmosphere. Other man-made sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces. (UC, 2022d, p. 19)
- **Nitrous Oxide (N₂O)** concentrations began to rise in the atmosphere at the beginning of the industrial revolution. N₂O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N₂O is produced by microbial processes in soil and water, including reactions that occur in nitrogen-containing fertilizer. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N₂O also is used as an aerosol spray propellant, as a preservative in potato chip bags, and in rocket engines and in race cars. Also, known as laughing gas, N₂O is a colorless GHG that can cause dizziness, euphoria, and hallucinations. In small doses, it is considered harmless; however, heavy and extended use can cause brain damage. (UC, 2022d, pp. 19-20)
- **Chlorofluorocarbons (CFCs)** are gases formed synthetically by replacing all hydrogen atoms in CH₄ or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are non-toxic, non-flammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and has been extremely successful, so much so that levels of CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years. (UC, 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 largest to smallest), HFC-23 (CHF₃), HFC-134a (CF₃CH₂F), and HFC-152a (CH₃CHF₂). No human health effects are known to result from exposure to HFCs, which are man-made and used for applications such as automobile air conditioners and refrigerants. (UC, 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 (CF₄) and hexafluoroethane (C₂F₆). No human health effects are known to result from exposure to PFCs. (UC, 2022d, p. 21)
- **Sulfur Hexafluoride (SF₆)** is an inorganic, odorless, colorless, nontoxic, nonflammable gas. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the



magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. (UC, 2022d, p. 21)

- **Nitrogen Trifluoride (NF₃)** is a colorless gas with a distinctly moldy odor. The World Resources Institute (WRI) indicates that NF₃ has a 100-year GWP of 17,200. NF₃ is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display (LCD) panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis. (UC, 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 (CO₂e). The United States is the world's second-largest emitter of GHGs, producing 6,676,650 Gg CO₂e in 2018. (UC, 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) CO₂e per year between 2000-2019. This total represents approximately six (6) percent of the GHGs generated by the United States. (UC, 2022d)

D. Potential Effects of Climate Change in California

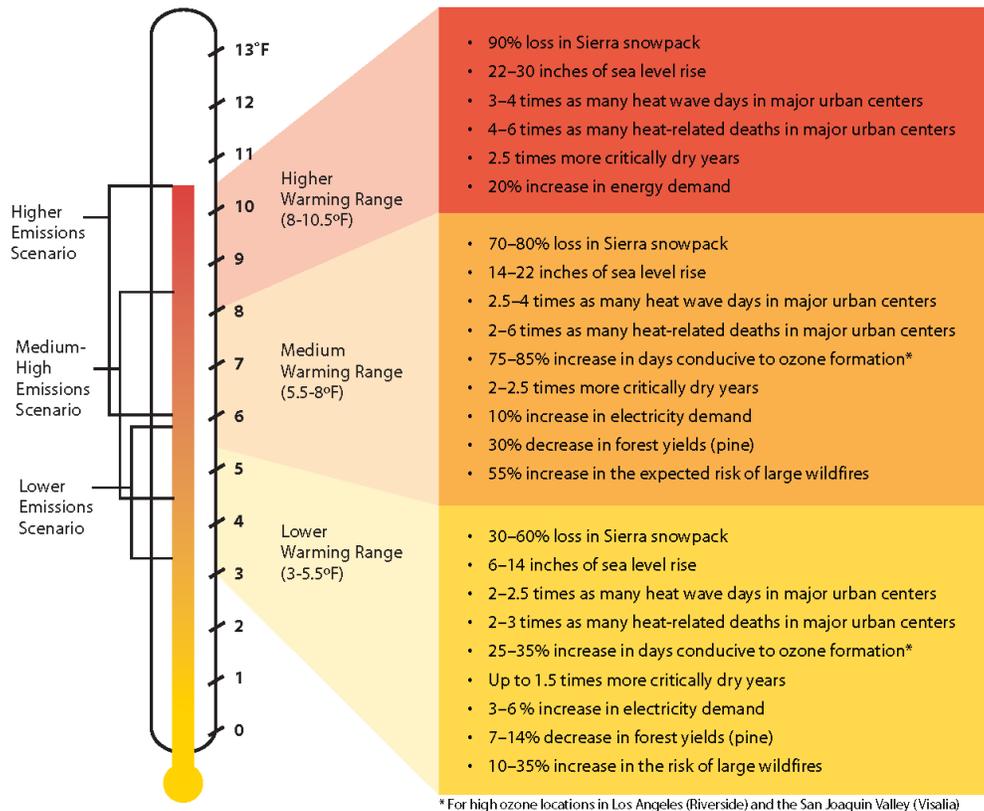
In 2006, the California Climate Change Center (CCCC) published a report titled "Scenarios of Climate Change in California: An Overview" (the "Climate Scenarios report") that is generally instructive about effects of climate change in California. The Climate Scenarios report used a range of emissions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

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

Based on the estimated scenarios presented in the Climate Scenario and California Climate Adaptation Strategy reports, Table 4.8-2, Summary of Projected Global Warming Impact, 2070-2099, presents potential impacts of GCC within California.



Table 4.8-2 Summary of Projected Global Warming Impact, 2070-2099



Source: (UC, 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)

4.8.2 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, 2022a; 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.

As previously stated, the Title 24 Energy Efficiency Standards and CALGreen Code are updated on a regular basis, with the most recent approved updates consisting of the 2022 Energy Efficiency Standards and 2022 CALGreen Code, which became effective on January 1, 2023. Non-residential mandatory measures included in the 2022 CALGreen Code include:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors’ entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).



- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
 - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
 - Urinals. The effective flush volume of wall-mounted urinals shall not exceed
 - 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
 - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
 - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).



- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

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.

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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 required California to reduce its GHG emissions to 1990 levels by 2020, which represented a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario (CARB, 2018). Among other items, AB 32 specifically required that CARB 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.

In December 2008, CARB approved the initial Scoping Plan, which included a suite of measures to sharply cut GHG emissions. In May 2014, CARB approved the First Update to the Scoping Plan (Update), which built upon the initial Scoping Plan with new strategies and recommendations. The Update highlighted California’s progress toward meeting the near-term 2020 GHG emission reduction goals, highlighted the latest climate change science and provided direction on how to achieve long-term emission reduction goal described in Executive Order S-3-05. In December 2017, CARB adopted the Second Update to the Scoping Plan, which identified the State’s post-2020 reduction strategy. The Second Update reflected the 2030 target of a 40 percent GHG emissions reduction below 1990 levels set by SB 32. The Second Update built 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)

In December 2022, CARB released the *Final 2022 Scoping Plan Update (2022 Scoping Plan)*, which identifies the State’s strategies to reduce GHG emissions by 85% and achieve carbon neutrality by 2045. The *2022 Scoping Plan* reflects an accelerated target of an 85% reduction in GHG emissions compared to 1990 levels by 2045 (33). This third update relies on key programs in place, including the Cap-and-Trade Regulation and the LCFS, while stressing the need to increase their pace and scale. (Urban Crossroads, 2023c, p. 29)

In order to meet these targets, the *2022 Scoping Plan* would require contributions from all sectors of the economy and includes an enhanced focus on reducing fossil fuel demand by 94% by 2045 compared to 2022 consumption. Major elements of the *2022 Scoping Plan* framework include: (Urban Crossroads, 2023c, pp. 29-30)

- Maintaining progress on meeting SB 32 GHG reduction targets of at least 40% below 1990 emissions by 2030.
- Implementation of strategies for reducing California’s dependence on petroleum by providing consumers with clean energy options.
- Integrating equity and protecting California's most impacted communities.
- Incorporation of natural and working lands to the state’s GHG emissions, as well as their role in achieving carbon neutrality.
- Use of all viable tools to address climate change, including carbon capture and sequestration, as well as direct air capture.



- Implementing SB 350, which expands the RPS to 50% RPS and doubles energy efficiency savings by 2030.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy (SLPS), which focuses on reducing CH₄ and HCF emissions by 40% and anthropogenic black carbon emissions by 50% by year 2030.
- Continued implementation of SB 375.
- 20% reduction in GHG emissions from refineries by 2030.
- Development of a Natural and Working Lands Action Plan to secure California’s land base as a net carbon sink.

In addition to the statewide strategies listed above, the 2022 Scoping Plan also identifies local governments as essential partners in achieving the State’s long-term GHG reduction goals and identifies local actions to reduce GHG emissions. As part of the previous 2017 Scoping Plan, CARB recommended that local governments achieve a community-wide goal to achieve emissions of no more than 6 metric tons of CO₂e (MTCO₂e) or less per capita by 2030 and 2 MTCO₂e or less per capita by 2050. However, because the state is now pursuing carbon neutrality no later than 2045, CARB now recommends that local governments instead focus on developing locally appropriate, plan-level targets that align with the goal of carbon neutrality rather than focusing on a 2050 target. CARB identifies several “priority areas,” including transportation electrification, VMT reduction, and building decarbonization, as these are the GHG reduction opportunities over which local governments have the most authority and the highest GHG reduction potential. (CARB, 2022)

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 CO₂e 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, 2018)

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, 2006)

9. Executive Order S-14-08

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

10. Senate Bill 97

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

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



- CEQA mandates analysis of a proposed project’s potential energy use (including transportation-related energy), sources of energy supply, and ways to reduce energy demand, including through the use of efficient transportation alternatives. (See CEQA Guidelines, Appendix F.)

The CEQA Guideline amendments do not identify a quantitative threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a “good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies’ discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses. The GHG analysis thresholds incorporated into the CEQA Guidelines’ Environmental Checklist (Guidelines Appendix G) are addressed in this EIR. The amendments to the CEQA Guidelines implementing SB 97 became effective on March 18, 2010.

11. Senate Bill 375

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

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

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

12. Executive Order B-30-15

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



13. *Senate Bill 32*

On September 8, 2016, Governor 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, 2022d). 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.

14. *California Climate Crisis Act (AB 1279)*

AB 1279, also known as the California Climate Crisis Act, declares that it is the policy of the State to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045; to achieve and maintain net negative greenhouse gas emissions thereafter; and to ensure that by 2045, Statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. The bill requires the California Air Resources Board (CARB) to work with relevant State agencies to ensure that updates to the CARB Scoping Plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California. AB 1279 also requires CARB to submit an annual report evaluating progress towards these policies. (CA Legislative Info, 2022b)

15. *Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)*

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, revised State policy to include interim targets requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 also requires each State agency to ensure that zero-carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2035. In addition, SB 1020 requires the State Water Project (SWP) to procure eligible renewable energy and zero-carbon resources as necessary to meet the clean energy requirements specified for all State agencies. Finally, SB 1020 requires the California Public Utilities Commission (CPUC) to develop utility affordability metrics for both electricity and gas service. (CA Legislative Info, 2022c)

16. *Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program (Senate Bill 905)*

SB 905 requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage (CCRUS) Program and adopt regulations for a model unified permit program for the construction and operation of CCRUS projects. SB 905 is intended to accelerate the deployment of carbon management technologies and ensuring they are deployed in a safe and equitable way. SB 905 requires the CCRUS Program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In addition, SB 905 requires that by January 1, 2025, CARB shall adopt regulations for a unified permit application for the construction and operation of carbon dioxide capture, removal, or sequestration projects to expedite the issuance of permits or other authorizations for the



construction and operation of those projects. SB 905 also requires the establishment of a centralized public database to track the deployment of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies. (CA Legislative Info, 2022e)

17. *Assembly Bill 1757*

AB 1757 directs the California Natural Resources Agency (CNRA) to determine an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce GHG emissions for 2030, 2038, and 2045 to support State goals to achieve carbon neutrality and foster climate adaptation and resilience. Additionally, AB 1757 requires these targets to be integrated into the CARB Scoping Plan and other State policies. It also includes provisions to avoid double counting emission reductions, updates the Natural and Working Lands Climate Smart Strategy, develops GHG tracking protocols, and biennially post progress made in achieving the targets on CNRA’s internet website. In addition, AB 1757 requires CARB to develop standard methods for State agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible, additional benefits from natural and working lands over time. (CA Legislative Info, 2022a)

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.

4.8.3 METHODOLOGY FOR ESTIMATING GREENHOUSE GAS EMISSIONS

The California Emission Estimator Model (CalEEMod, v2022.1, released on May 2022), 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 (UC, 2022d, p. 48). 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 Appendix 3.1 of the Project's GHGA (*Technical Appendix G*).

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

A life-cycle analysis (LCA), which assesses economy-wide GHG emissions from construction (i.e., the processes in manufacturing and transporting all raw materials used in the project development and infrastructure) and operation, was not conducted for the Project due to the lack of scientific consensus on LCA methodology. 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. (UC, 2022d, pp. 48-49)

A. Methodology for Estimating Project-Related Construction Emissions

The Project's construction-related GHG emissions were calculated using the same methodology and same construction schedule and equipment fleet information that were used to calculate construction-related criteria air pollutant emissions, and as described in EIR Subsection 4.2, *Air Quality*. Refer to EIR Subsection 4.3 and the Project's GHGA (see *Technical Appendix G*) for a 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. (UC, 2022d, pp. 49-51)



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* (UC, 2022d, pp. 51-54). Refer to EIR Subsection 4.3 and the Project’s GHGA (see *Technical Appendix G*) for a detailed description of the methodology used to calculate the Project’s operational GHG emissions.

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*. Neither the CEQA Statute nor the CEQA Guidelines prescribe specific methodologies and significance criteria for determining the significance of GHG emissions impacts. The CEQA Guidelines emphasize the lead agency’s discretion to determine the appropriate thresholds consistent with the manner in which other impact categories are handled in CEQA. CEQA case law has upheld local agencies’ discretion to determine the significance of GHG emissions impacts. The 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, the City 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 (SCAQMD, 2008). The City has selected this value as a significance criterion which has been supported by substantial evidence. The 3,000 MTCO₂e 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 (SCAQMD, 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 MTCO₂e 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 MTCO₂e 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 MTCO₂e 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 MTCO₂e per year threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO₂e 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.

4.8.5 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 is calculated to emit 4,971.67 MTCO_{2e} per year, as summarized in in Table 4.8-3, *Project GHG Emissions*. Approximately 78 percent of the emissions are calculated to come from mobile sources (tailpipe emissions). No cold storage is proposed; the “refrigerants” category in the table relates to air conditioning for the office components of the proposed buildings.

Table 4.8-3 Project GHG Emissions

| Emission Source | Emissions (MT/yr) | | | | |
|--|-------------------|-----------------|------------------|----------|------------------------|
| | CO ₂ | CH ₄ | N ₂ O | R | Total CO _{2e} |
| Amortized Construction Emissions | 17.77 | 6.67E-04 | 6.67E-04 | 1.07E-02 | 17.98 |
| Mobile Source | 3,745.00 | 0.29 | 0.53 | 4.86 | 3,914.00 |
| Area Source | 11.00 | < 0.005 | < 0.005 | 0.00 | 11.00 |
| Energy Source | 417.00 | 0.04 | < 0.005 | 0.00 | 419.00 |
| On-Site Equipment | | | | | 94.73 |
| Water Usage | 176.00 | 4.08 | 0.10 | 0.00 | 308.00 |
| Waste | 45.40 | 4.53 | 0.00 | 0.00 | 159.00 |
| Refrigerants | 0.00 | 0.00 | 0.00 | 11.70 | 11.70 |
| Total CO_{2e} (All Sources) | 4,971.67 | | | | |

CalEEMod output, See Appendix 3.1 of the Project’s GHGA for detailed model outputs.
 Source: (UC, 2022d, Table 3-6)

As shown in Table 4.8-3, the Project’s GHG emissions would exceed the significance threshold of 3,000 MTCO_{2e} per year, resulting in a cumulatively considerable impact. It is recognized that the Project’s calculated emissions of 4,971.67 MTCO_{2e} per year represent a snapshot in time. It is likely that GHG emissions will decrease over time as regulatory compliance measures transition passenger vehicle and truck



manufacturers and consumers toward ZE vehicles; however, because a timeline for ZE vehicle use at the Project site is dependent on the commercial availability of these vehicles and consumer behavior, the pace of GHG reduction cannot be assured with any certainty. As such, the Project's GHG impact is concluded to be significant into the foreseeable future.

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 the 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 (UC, 2022d, p. 37). As explained in point-by-point detail in Table 3-7 of the Project's GHGA which is herein incorporated by reference and attached to this EIR as *Technical Appendix G*, the Project would not conflict with applicable measures of the 2017 Scoping Plan Update. (UC, 2022d, pp. 56-61)

In November 2022, CARB released the Final 2022 Scoping Plan Update, which identifies the State's progress towards the statutory 2030 target, while providing a path towards carbon neutrality and reduced greenhouse gases emissions by 85% below 1990 levels by 2045. Recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40% below 1990 levels by 2030. The Project would not conflict with any of the 2022 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project.

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 4.17, *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 three commerce center buildings that would include contemporary, energy-efficient/energy-conserving design features and operational procedures. It is also reasonably expected based on applicable building code standards that future development of the 5.0 acres of the Project site not currently proposed for development would be similarly designed. Commerce center 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 (UC, 2022d, pp. 41-43). 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.

4.8.6 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 4.8.5 reflects a cumulative impact analysis of the effects related to the Project's GHG emissions, which concludes that the Project would not conflict with an 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 SCAQMD's GHG emissions threshold of 3,000 MTCO_{2e} per year.



4.8.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Cumulatively Considerable Impact. The Project would exceed the SCAQMD 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.

4.8.8 MITIGATION

The Project would 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 electric vehicle charging stations, the use of zero-emission yard equipment, 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 78 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. Two mitigation measures have been identified that are feasible for the City to enforce.

MM 4.8-1: No portion of the buildings shall include cold storage space.

MM 4.8-2: Building roofs shall be solar-ready and shall be outfitted with a solar photovoltaic system that either supplies 100 percent of the building user's anticipated electricity demand or is the maximum size feasible given applicable Building Code requirements, clearance requirements around roof-mounted equipment, Southern California Edison interconnection regulations, transformer capacity, and other code compliance constraints. Prior to issuance of a shell building permit, the City of Fontana shall verify that all or part of the roof structure is designed to support the installation of solar panels. The roof-mounted solar photovoltaic systems shall be installed within 12 months of issuance of the first occupancy permit.

4.8.9 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.



4.9 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis presented in this Subsection is based on a technical study prepared to determine the presence or absence of hazardous materials on the Project Site under existing conditions. A technical report addressing 24.4 acres of the 29.4-acre Project Site (all areas of the Site except for the 5.0 acres that are not currently proposed for development) was prepared by Ardent Environmental Group, Inc. (hereinafter “Ardent”) titled “Phase I Environmental Site Assessment, Oleander Avenue and Santa Ana Avenue, Fontana, California” and dated February 22, 2022 (Ardent, 2022). The report is provided as *Technical Appendix H* to this EIR. This Subsection also relies on information from the City General Plan (Fontana, 2018a); the City General Plan EIR (Fontana, 2018b); Cal Fire – Fire Hazard Severity Zone Map (Cal Fire, 2008); and Google Earth (Google Earth, 2022). 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).

4.9.1 EXISTING CONDITIONS

The Project Site contains a mixture of residential homes with associated accessory structures and fencing, and vacant, undeveloped land.

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

1. Historical Review

Ardent reviewed various sources of information to determine past uses of the Project Site and surrounding areas, including topographic maps, aerial photographs, fire insurance Sanborn maps, and City directories obtained from Environmental Data Resources, Inc. (EDR). Refer to the Project’s Phase I ESA (refer to *Technical Appendix H*) for a detailed accounting of Ardent’s research procedure. Residences and agricultural related buildings (barns) were first noted on the Project Site in 1948. Increased residential use occurred on the



Project Site in the following years. Prior to this, the Project Site was used for agricultural purposes. Off site to the north, Fontana Adult School was first noted in 1959, and by 2009 Jurupa High School was being constructed. (Arden, 2022, p. 12)

2. *Regulatory Records Review*

Arden researched federal, State, local, and tribal environmental records databases to identify properties within the vicinity of the Project Site with reported environmental issues. The Project Site was not listed on any federal, State, or local environmental records database. However, several properties within the vicinity of the Project Site were listed. A summary of the research results is provided below and a detailed description of the environmental record review results is included in *Technical Appendix H* of this EIR.

The address of 10763 Poplar Avenue, listed as “Western States Refinery” and located 0.49-mile west of the Project Site, was listed on the CERCLIS List, but based on the distance and direction from the Project Site, this facility is not considered an environmental concern to the Project Site. (Arden, 2022, p. 18)

Ten facilities within a one-mile radius of the Project Site were listed on the California EnviroStor or State-Equivalent CERCLIS List. The same facility as described above, located at 10763 Poplar Avenue, has affected soil with chemicals, however, based on the distance, depth to groundwater, and media affected, this facility would not be considered an environmental concern to the Project Site. The other nine facilities are located greater than 0.19-mile of and cross- to potentially upgradient from the Project Site. The regulatory status of these facilities is listed as NFA or inactive, and therefore, not an environmental concern to the Project Site. (Arden, 2022, p. 19)

Six facilities within a one-half mile radius of the Project Site were listed on the State Leaking Underground Storage Tank (LUST) List. These facilities were listed as closed cases and/or located greater than 0.28-mile and down- to cross gradient from the Project Site. Based on the distance, direction, and regulatory status, these facilities would not be considered an environmental concern to the Project Site. (Arden, 2022, p. 20)

3. *Field Reconnaissance*

Arden personnel conducted a reconnaissance of the 24.4 acres of the 29.4-acre Project Site currently proposed for development on February 17, 2022. At the time of the reconnaissance, the 24.4 acres were being used for residential purposes. Access to each of the residences was not feasible, therefore, reconnaissance involved walking the properties and visual observations of adjoining properties from the public right-of-way. Based on the type of occupants (i.e., residential), there is a low likelihood that large quantities of hazardous materials or wastes would be present. Therefore, the lack of entry into the residences is not considered a data gap in accordance with ASTM Standards and in Arden’s professional judgement. No use or storage of hazardous wastes or substances and no evidence of releases were noted. No unidentified substance containers, aboveground storage tanks, underground storage tanks, or transformers were observed. Based on the age of the buildings, asbestos-containing building materials and lead based paint are likely present. (Arden, 2022, pp. 15-17)



B. Airport Hazards

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 not located within any ONT Safety Zone or Airspace Protection Zone but is located in a noise impact zone (60-65 decibels) and within an area that requires overflights to be disclosed during real estate transactions. The ALUCP does not impose any land use or design restrictions on the Project Site. (City of Ontario, 2011, Policy Maps 2-1 to 2-5)

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 designates 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).

4.9.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hazards and hazardous materials.

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, 2022f). 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, 2022h). 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 (OSHA, n.d.)

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. (OSHA, n.d.)

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, 2022g). 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, 2022i). Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.



B. State Plans, Policies, and Regulations

1. Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA (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 (DTSC, n.d.; DTSC, n.d.). Title 5 contains the California Plumbing Code which, in Appendix H, establishes detailed standards for the capping, removal, fill, and disposal of cesspools, septic tanks, and seepage pits. Title 17, Division 1, Chapter 8, defines and regulates handling and disposal of lead-based paint. Any detectable amount of lead is regulated. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have



been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics).

4. Safe Drinking Water and Toxic Enforcement Act

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code, Division 20, Chapter 6.6, Section 25249.5, *et seq.*), protects the state’s drinking water sources from being contaminated with chemicals known to cause cancer, birth defects, or other reproductive harm, and requires businesses to inform Californians about exposures to such chemicals. Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity.

5. Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

California’s Unified Program, overseen but the California Environmental Protection Agency (CalEPA), protect Californians from hazardous waste and hazardous materials by ensuring local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The Unified Program is a consolidation of multiple environmental and emergency management programs, including the following:

- Aboveground Petroleum Storage Act (APSA) Program;
- Area Plans for Hazardous Materials Emergencies;
- California Accidental Release Prevention (CalARP) Program;
- Hazardous Materials Release Response Plans and Inventories (Business Plans);
- Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) (California Code)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs; and
- Underground Storage Tank Program.

State agency partners involved in the implementation of the Unified Program are responsible for setting program element standards, working with CalEPA to ensure program consistency, and providing technical assistance to the California Unified Program Agencies (CUPAs) and Program Agencies (PAs). The state agencies involved with the Unified Program include CalEPA, Department of Toxic Substances Control (DTSC), the Governor’s Office of Emergency Services (Cal OES), CAL FIRE – Office of the State Fire Marshall (CAL FIRE-OSFM), and the State Water Resources Control Board.

6. License to Transport Hazardous Materials

Caltrans regulates hazardous materials transportation on all interstate roads (California Vehicle Code, Section 32000.5, *et seq.*). Within California, the State agencies with primary responsibility for enforcing federal and



State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

7. *California Hazardous Materials Release Response Plan and Inventory Law of 1985*

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and California Department of Transportation (Caltrans) enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

8. *California Government Code (CGC) Section 51178*

This section specifies that the Director of CalFire, in cooperation with local fire authorities, shall identify areas that are Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Areas (LRAs), based on consistent statewide criteria, and the expected severity of fire hazard. Per CGC Section 51178, a local agency may, at its discretion, exclude an area within its jurisdiction that has been identified as a VHFHSZ, if certain conditions are met and/or specific findings can be made regarding the availability of effective fire protection services within the affected area.

C. Local Plans, Policies, and Regulations

1. *Local Permitting Requirements*

The aforementioned federal and State hazardous materials regulations require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPA is the San Bernardino County Fire Department, Hazardous Materials Division. The San Bernardino County Fire Department, Hazardous Materials Division also manages the following hazardous waste programs: 1) Hazardous Materials Release Response Plans and Inventory; 2) California Accidental Release Program; 3) Underground Storage Tanks; 4) Aboveground Petroleum Storage Act/Spill Prevention, Control, and Countermeasure Plan; 5) Hazardous Waste Generation and Onsite Treatment; and 6) Hazardous Materials Management Plans and Inventory.



2. *City of Fontana Local Hazard Mitigation Plan*

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address wildfire concerns on a community-wide level. The LHMP mitigation measures include: improvement of public education programs, maintaining and improving access to fire prone areas, continuing weed abatement and fuel management in open space areas and urban/wildland interface areas, and repairing/replanting vegetation on slopes after fire to minimize landslide risk.

3. *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).

4.9.3 METHODOLOGY FOR EVALUATING HAZARDS & HAZARDOUS MATERIALS IMPACTS

The analysis of potential hazards and hazardous materials-related impacts is based upon a hazardous materials investigation prepared specifically for the Project Site. The investigation included a site reconnaissance, review of published reports, maps, and aerial photographs, field investigations, and laboratory testing. The analysis also included a review of the City's General Plan, information sources from State and Federal agencies, a review of applicable airport land use plans, hazardous materials mapping, fire hazard mapping, and other resource databases.

4.9.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse 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.*

4.9.5 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 three commerce center buildings on the Site and the reasonably foreseeable development of 5.0 additional acres. 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 construction and/or operation of the Project.

A. Potential Soil Vapor Hazards

Ardent completed a vapor encroachment condition (VAC) study for the Project Site using Tier 1 criteria which identifies surrounding facilities that pose a possible vapor intrusion source to the Project Site based on the results of the Phase I ESA investigations and certain criteria outlined by ASTM. Based on Ardent’s review of regulatory records, files, databases, client furnished data, and site reconnaissance activities, the Project Site is considered a “low risk” for vapor intrusion. Impacts would be less-than-significant. (Ardent, 2022, p. 21)

B. Potential Septic System Hazards

Based on the evidence of residential use of the Site since the 1940’s, septic systems were likely used on the Project Site, but it is unknown whether such systems, if used, are present and it cannot be known if they are present beneath the surface of the Site until grading or other excavation activity occurs across the Site. Regardless, since these septic systems would have been associated with residences or small non-hazard users, septic system features, if encountered during Project-related construction activities, would not be considered



an environmental concern to the Site or its surroundings (Arden, 2022, p. 9). Any septic system found on-site would be required to be removed, handled, and disposed in accordance with all applicable local and State regulations, including but not limited to the California Code of Regulations (CCR) Title 5, Appendix H “Hazardous Materials Management Plans and Hazardous Materials Inventory Statements” (IAPMO, 2016, p. 437). Accordingly, with required and mandatory compliance with regulatory requirements, 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 if they are encountered; impacts would be less-than-significant.

C. Potential Hazards in Demolition Materials

Due to the age of the residential structures located on 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 structure known to be constructed in the 1940’s, 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 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 building, there also is a potential to expose construction workers to health hazards associated with LBPs. The 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.

D. Potential Temporary Construction-Related Activity Hazards

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. With mandatory compliance with applicable hazardous materials regulations, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. A less-than-significant impact would occur.

E. Impact Analysis for Long-Term Operation

The future building occupants for the Project Site are not yet identified. However, the Project is designed to house general industrial occupants; no cold storage is proposed. It is possible that hazardous materials could be used during the course of future buildings user’s daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that requires businesses to plan and prepare for possible chemical emergencies. Any business that occupies the commerce center buildings 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 following schools are located within one-quarter mile of the Project Site:

- Jurupa Hills High School
- Fontana Adult School



- Citrus High School

Additionally, Citrus Avenue, which is the designated truck route for the Project, is located along the western boundary of the Jurupa Hills High School property; therefore, trucks traveling to/from the Project site would pass by Jurupa Hills High School. 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 with compliance to applicable federal, State, and local regulations, MM 4.9-1 is included as a mitigation measure ensure regulatory compliance, which requires the building owners or occupants 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, Fontana Adult School, and Citrus High School. Additional mitigation measures are provided to address best practices for construction. Impacts would be 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 and Citrus 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?*

The Project Site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, n.d.). Accordingly, 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?*

The closest airport to the Project Site is the Ontario International Airport located roughly 7.3 miles to the west. The Project Site is not located within any ONT Safety Zone or Airspace Protection Zone but is located in a noise impact zone (60-65 decibels). 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). During construction, all materials and equipment would be stored/staged on the Project Site and would not interfere with emergency vehicles traveling along Santa Ana Avenue, Citrus Avenue, or Oleander Avenue. Limited Project construction activities would occur within the Santa Ana Avenue, Citrus Avenue, and Oleander Avenue public right-of-way; however, for any work within the right-of-way that requires a partial or full closure of a vehicle travel lane, the construction contractor would be required to implement a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and must be approved by the City to ensure that emergency response is not adversely affected. During construction and long-term operation, the proposed Project would be required to maintain adequate emergency access for emergency vehicles. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project Site is not located adjacent to wildlands nor is the Project Site located within or adjacent to a very high fire hazard severity zone (Fontana, 2018a, p. 11-4; Cal Fire, 2008; Google Earth, 2022). 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.

4.9.6 CUMULATIVE IMPACT ANALYSIS

As discussed above under the responses to Thresholds “a” and “b,” the Project’s construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Although the end user(s) of the Project Site are not presently known, if businesses that use or store hazardous materials occupy the Project, the business owners and operators would be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses also would be subject to additional review and permitting requirements by the San Bernardino County Fire Department. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would be reduced to a less-than-significant cumulative level. Accordingly, the Project’s potential to contribute to a cumulatively significant hazardous materials impact would be less-than-significant.



The Project Site is located within one-quarter mile of Jurupa Hills High School, Fontana Adult School, and Citrus High School. All area 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, Fontana Adult School, and Citrus High School. Potential cumulative impacts to students at Jurupa Hills High School, Fontana Adult School, and Citrus 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.

4.9.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Thresholds a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance to 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, Fontana Adult School, and Citrus 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, Fontana Adult School, and Citrus 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 compiled 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.

4.9.8 MITIGATION

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

MM 4.9-1 Prior to the issuance of any new occupancy permit for a use/user within the 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 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, Fontana Adult School, and Citrus 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 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.

MM 4.9-2 Construction sites shall be secure to prevent trespassing. As a requirement of grading permits and building permits, a physical barrier consisting of a fence or wall with a minimum height of seven feet shall be provided along the property lines shared between any area of the Site under construction and Fontana Unified School District property where access between the properties could otherwise easily occur. The Developer/Applicant or construction contractor shall be responsible for installation of the barrier and for keeping the barrier in good repair during the duration of construction activity until the permanent perimeter wall or fence is installed.



MM 4.9-3 As a requirement of grading permits and building permits, vehicles hauling construction materials and supplies to or from the Project Site shall not be permitted to use Oleander Avenue north of the Project Site.



4.10 HYDROLOGY AND WATER QUALITY

Information in this Subsection relies on six technical reports prepared for the Project by Thienes Engineering (hereinafter “Thienes”). These reports are provided as *Technical Appendices II through I6*, respectively, to this EIR. These and all other information sources referenced in this Subsection are listed in EIR Section 7.0, *References*.

- 1) *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 1) NEC of Santa Ana Ave and Citrus Ave, Fontana, CA 92333* dated April 4, 2022 (Thienes, 2022a);
- 2) *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 2) NWC of Santa Ana Ave and Oleander Ave, Fontana, CA 92337*, dated April 4, 2022 (Thienes, 2022b);
- 3) *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 3) NEC of Santa Ana Ave and Oleander Ave, Fontana, CA 92337*, dated April 4, 2022 (Thienes, 2022c);
- 4) *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 1)*, dated August 17, 2022 (Thienes, 2022d),
- 5) *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 2)*, dated August 18, 2022 (Thienes, 2022e); and
- 6) *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 3)*, dated August 19, 2022 (Thienes, 2022f).

The Project Site is located within the Santa Ana River watershed and is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). As such, information for this Subsection also was obtained from the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Plan* (updated June 2019) and the *Integrated Regional Water Management Plan (IRWMP)* for the Santa Ana River watershed (also referred to as “One Water One Watershed Plan Update 2018,” (February 19, 2019) prepared by the Santa Ana Watershed Project Authority (SAWPA). These documents are herein incorporated by reference and are available for public review at the physical locations and website addresses given in EIR Section 7.0, *References*.

4.10.1 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 4.10-1,



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 4.10-2, *Existing Conditions Hydrology Map – Building 1*, Figure 4.10-3, *Existing Conditions Hydrology Map – Building 2*, and Figure 4.10-4, *Existing Conditions Hydrology Map – Building 3*. Under existing conditions, runoff from the Project Site sheet flows across the Site in a southerly direction onto Santa Ana Avenue (Thienes, 2022a, p. 1-1; Thienes, 2022b, p. 1-1; Thienes, 2022c, p. 1-1). For Buildings 1 and 2, runoff is conveyed westerly along the storm drain beneath Santa Ana Avenue to an existing storm drain beneath Citrus Avenue. Runoff then flows southerly along Citrus Avenue to the Declez Channel, San Sevaine Channel, and Prado Dam before ultimately discharging to the Santa Ana River (Thienes, 2022a, p. 3-3; Thienes, 2022b, p. 3-3). For Building 3, runoff is conveyed westerly along the storm drain beneath Santa Ana Avenue to an existing storm drain beneath Oleander Avenue. Runoff then flows southerly along Oleander Avenue to the Declez Channel, San Sevaine Channel, and Prado Dam before ultimately discharging to the Santa Ana River (Thienes, 2022c, p. 3-3). Under existing conditions, the peak runoff flow rate during 100-year storm conditions is approximately 17.2 cubic feet per second (cfs) from the Building 1 site, 22.1 cfs from the Building 2 site, and 24.8 cfs from the Building 3 site (Thienes, 2022d; Thienes, 2022e; Thienes, 2022f).

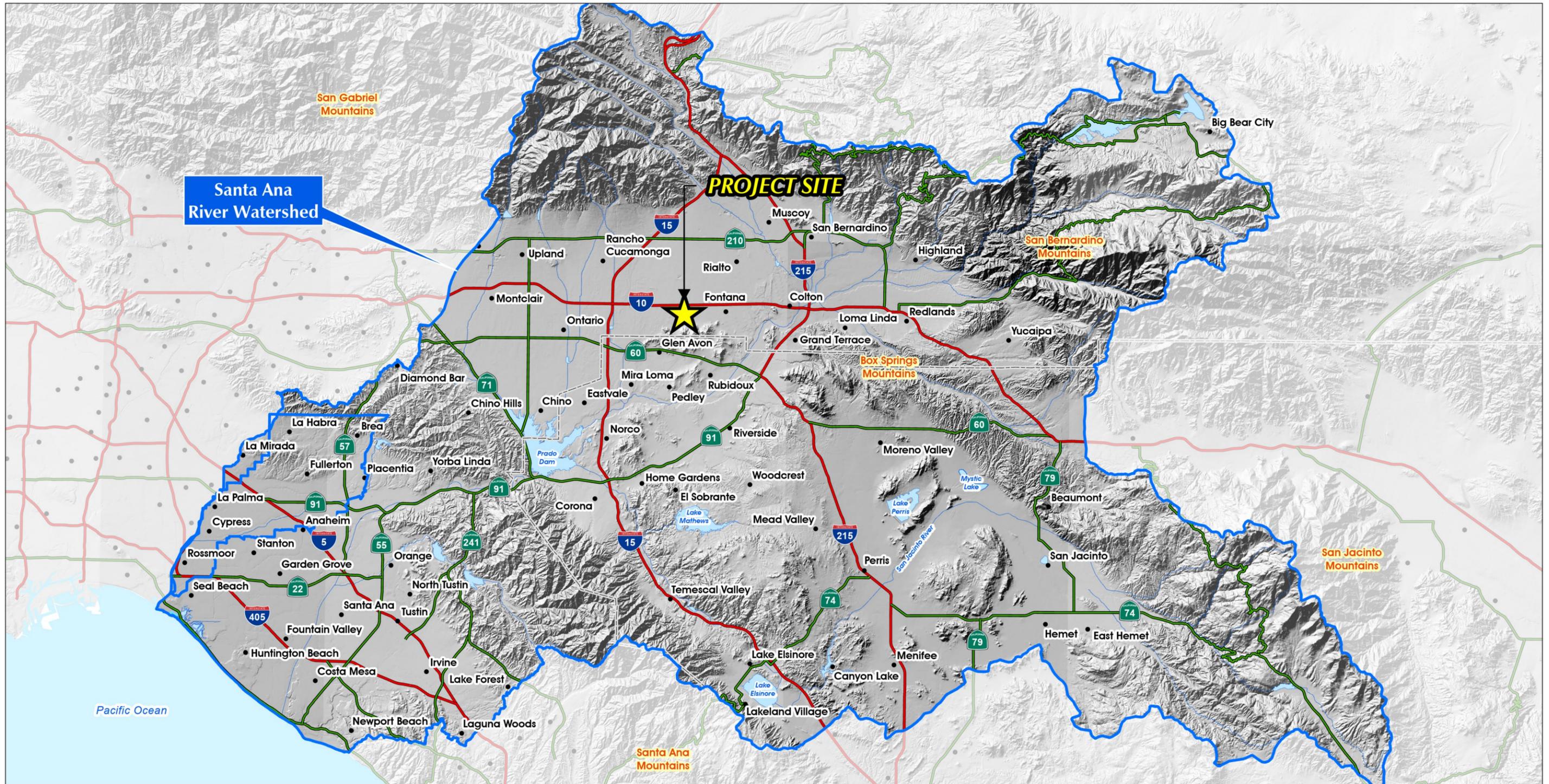
C. Flooding and Dam Inundation

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8665H, 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 from the Buildings 1 and 2 sites include the storm drains along Santa Ana Avenue and Citrus Avenue, Declez Channel, San Sevaine Channel, Prado Dam, Santa Ana River Reaches 1-3, and the Pacific Ocean (Thienes, 2022a, p. 3-3; Thienes, 2022b, p. 3-3). Receiving waters from the Building 3 site includes the storm drains along Santa Ana Avenue and Oleander Avenue, Declez Channel, San Sevaine Channel, Prado Dam, Santa Ana River Reaches 1-3, and the Pacific Ocean (Thienes, 2022c, p. 3-3). Of the Project Site's receiving waters, the Santa Ana River Reach 3 is included on the CWA's Section 303(d) list of impaired waters because of excessive copper, bacteria, and lead, and the Prado Dam is included on the CWA's

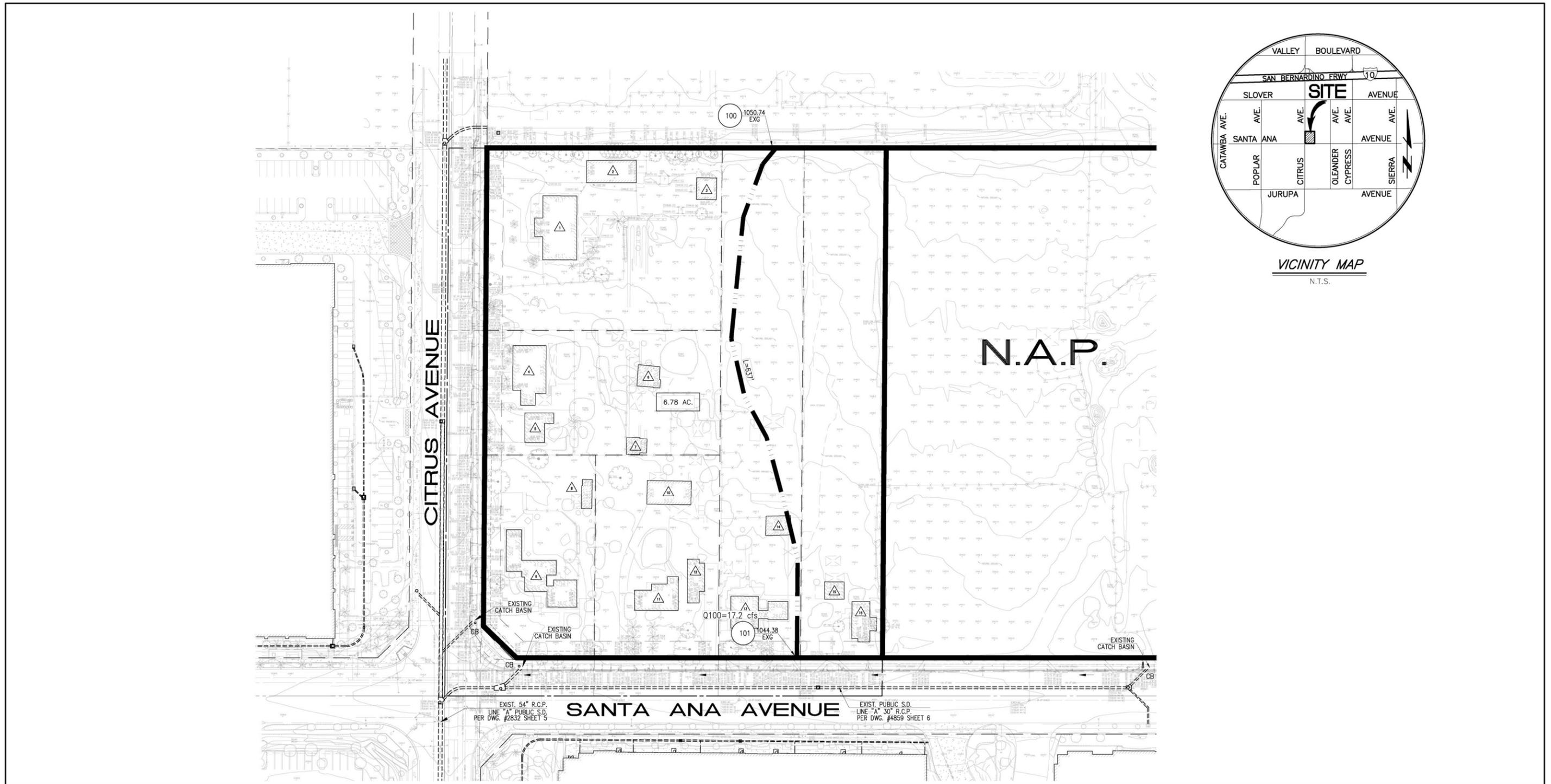


Source(s): ESRI, RCLMA (2022)

Figure 4.10-1

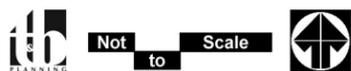


Santa Ana River Watershed Map

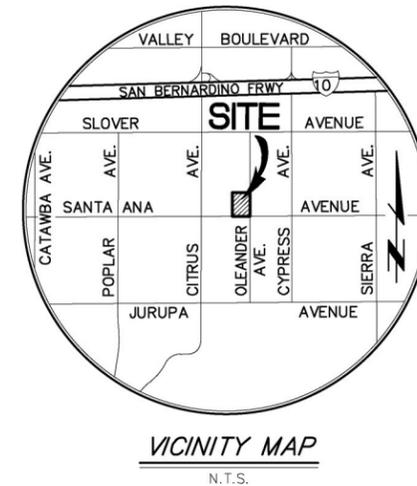
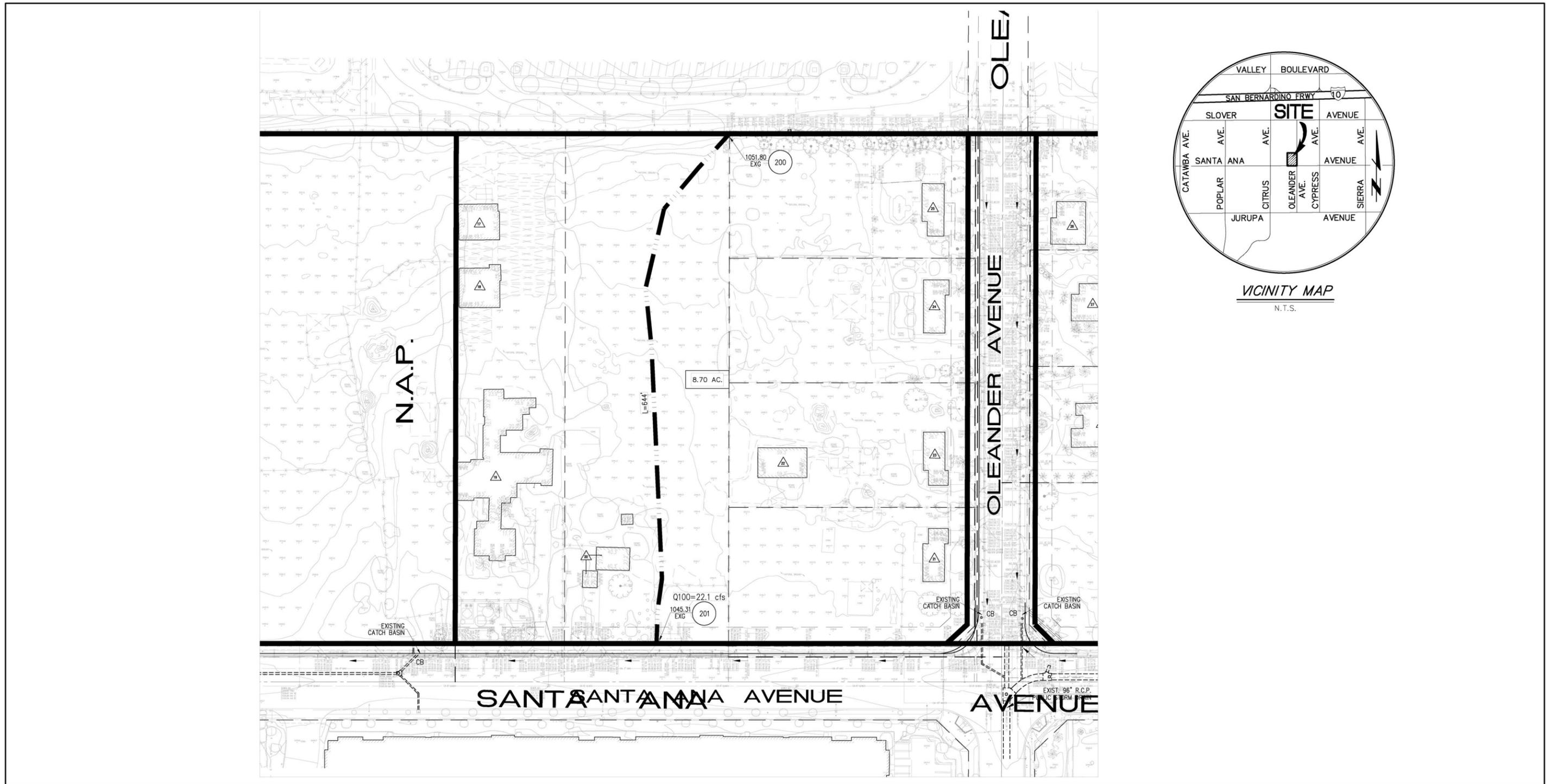


Source(s): Thienes Engineering, Inc. (08-29-2022)

Figure 4.10-2

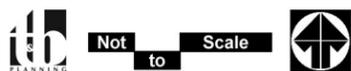


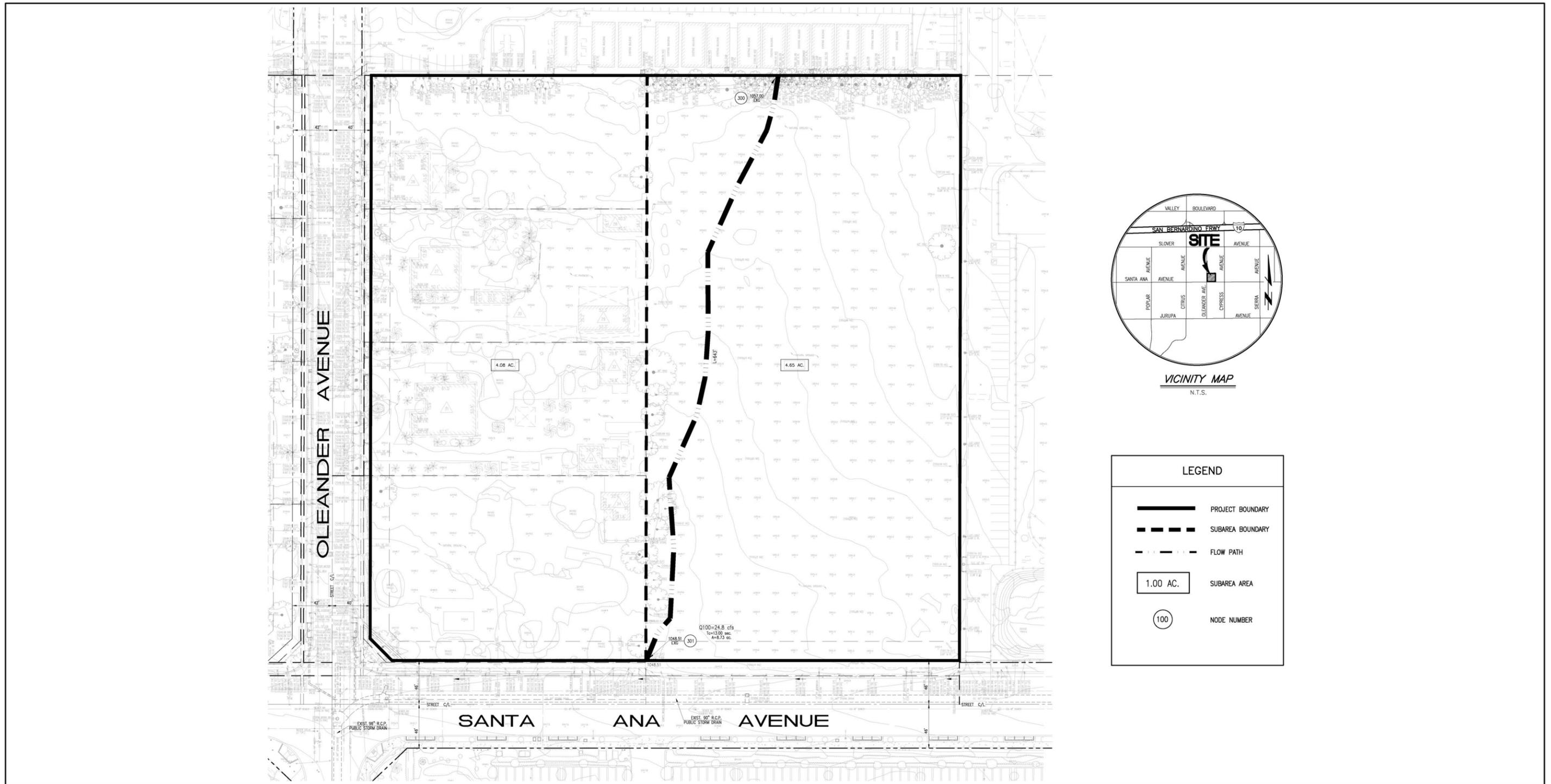
Existing Conditions Hydrology Map – Building 1



Source(s): Thienes Engineering, Inc. (08-29-2022)

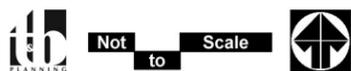
Figure 4.10-3





Source(s): Thienes Engineering, Inc. (08-29-2022)

Figure 4.10-4



Existing Conditions Hydrology Map – Building 3



Section 303(d) list of impaired waters because of pH (Thienes, 2022a, p. 3-3; Thienes, 2022b, p. 3-3; Thienes, 2022c, p. 3-3).

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 F1*), the groundwater table beneath the Project Site is located in excess of 250 feet below the existing ground surface (NorCal, 2022, p. 6).

4.10.2 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, 2022e)

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 § 13000 et seq.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and



- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

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

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

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. The Project site is located in the Santa Ana River Watershed, which is within the purview of 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 (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream,



or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

Surface water quality is the responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water.

3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills gap in California’s water quality standards necessary to protect human health and aquatic life beneficial uses (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, 2022a)

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, 2022a)

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)



4.10.3 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.

4.10.4 BASIS FOR DETERMINING SIGNIFICANCE

Section IX of Appendix G to the CEQA Guidelines addresses typical adverse effects to hydrology and water quality, and includes the following threshold questions to evaluate the Project's impacts on hydrology and water quality (OPR, 2019):

- 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 or amount of surface runoff in a manner which would result in flooding on- or offsite;*
 - iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
 - iv. *Impede or redirect flood flows.*
- d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*
- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*



4.10.5 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 Developer/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 Developer/Applicant and/or construction contractor(s) 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 Developer/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 Developer/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 Developer/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 Developer/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, noxious aquatic plants, and sediment. (Thienes, 2022a, p. 2-2; Thienes, 2022b, p. 2-2; Thienes, 2022c, p. 2-2)

The Project Developer/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. Three preliminary SWQMP's, one for each Project Building, were prepared by Thienes Engineering and are included as *Technical Appendices 11, 12, and 13* to this EIR. As identified in the preliminary SWQMPs, 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 SWQMPs 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 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: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?

Implementation of the Project would alter the existing ground contours of the portions of the Project Site proposed for development and result in the installation of impervious surfaces, which would result in changes to the site's existing, internal drainage patterns. The Project's development areas would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and an underground



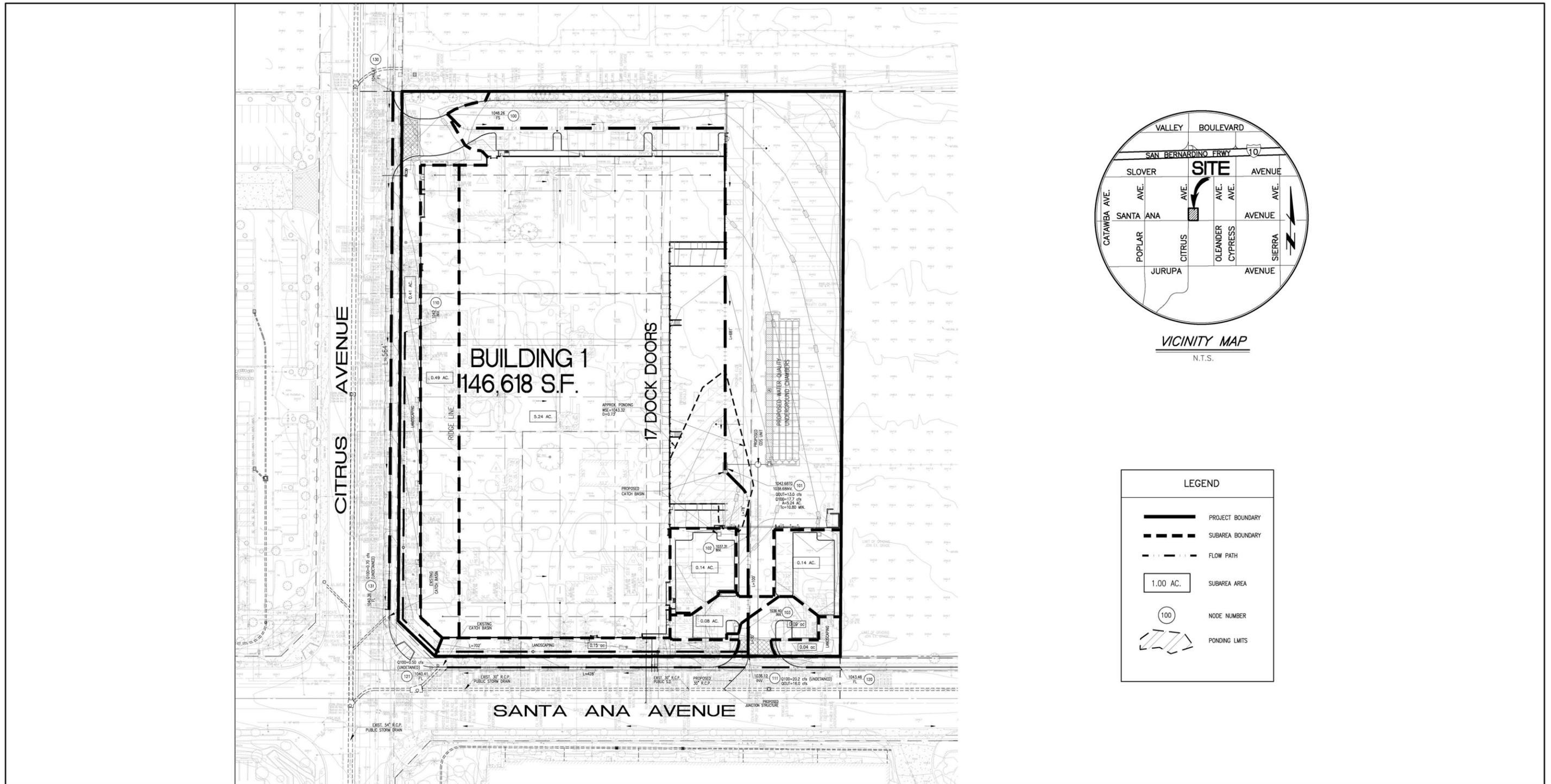
infiltration/detention system to capture on-site stormwater runoff flows, convey the runoff across the property, and treat the runoff to minimize the amount of water-borne pollutants carried off site (the Project's stormwater drainage concept is described in detail in EIR Section 3.0, *Project Description*). Upon development of the Project, all stormwater from the Project Site would be discharged to Santa Ana Avenue. Figure 4.10-5, *Proposed Post-Development Hydrology Map – Building 1*, Figure 4.10-6, *Proposed Post-Development Hydrology Map – Building 2*, and Figure 4.10-7, *Proposed Post-Development Hydrology Map – Building 3*, 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. It is expected that when development occurs on the 5.0 acres of the Project Site not currently proposed for development, that a similar storm water design would be implemented.

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

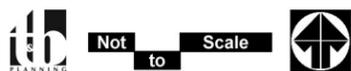
Although the Project would alter the Site's interior drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. Pursuant to the requirements of the State Water Resources Control Board, the Project Developer/Applicant would be required to obtain coverage under 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 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 Developer/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

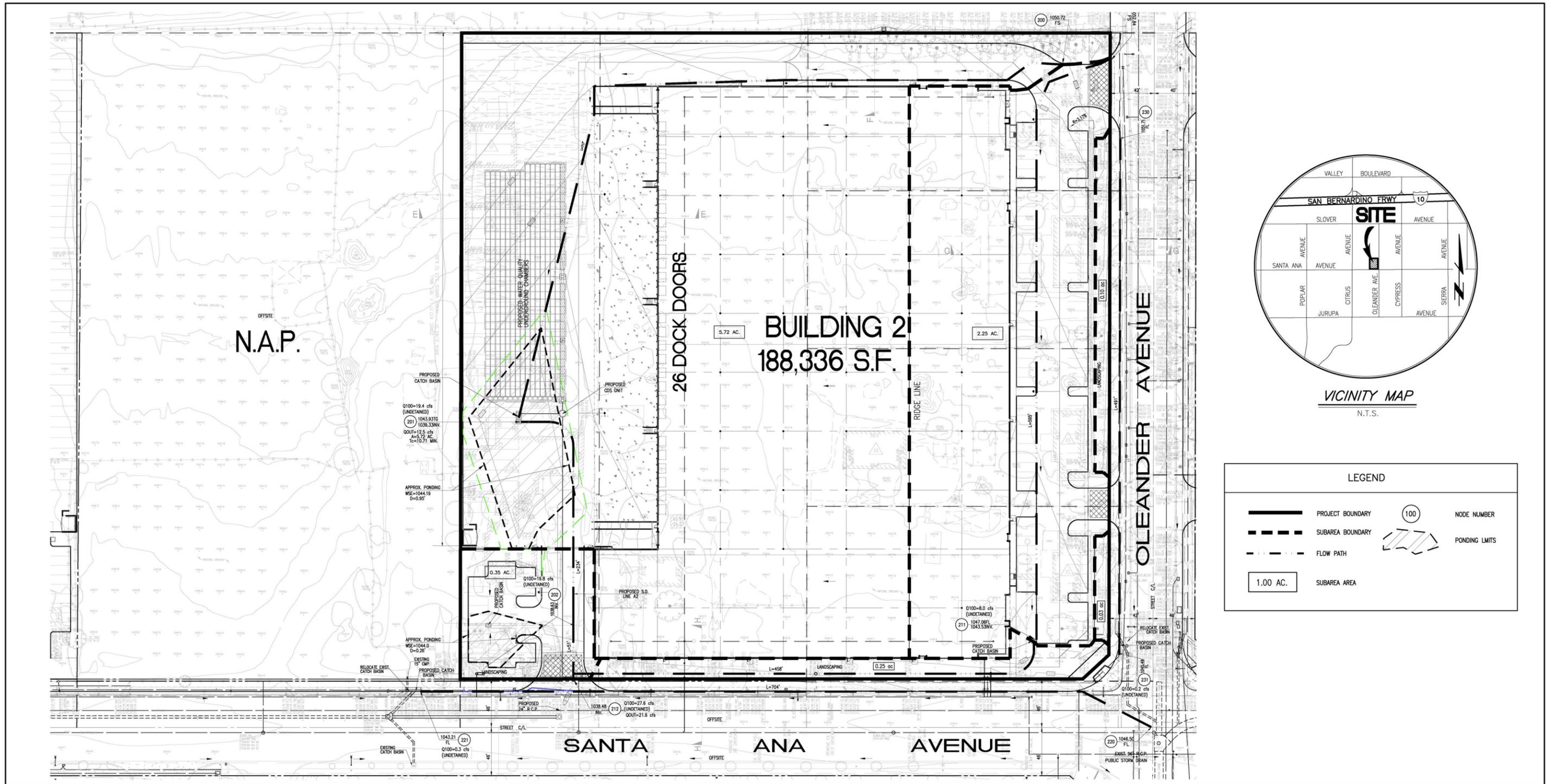


Source(s): Thienes Engineering, Inc. (08-17-2022)

Figure 4.10-5

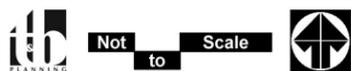


Proposed Post-Development Hydrology Map – Building 1

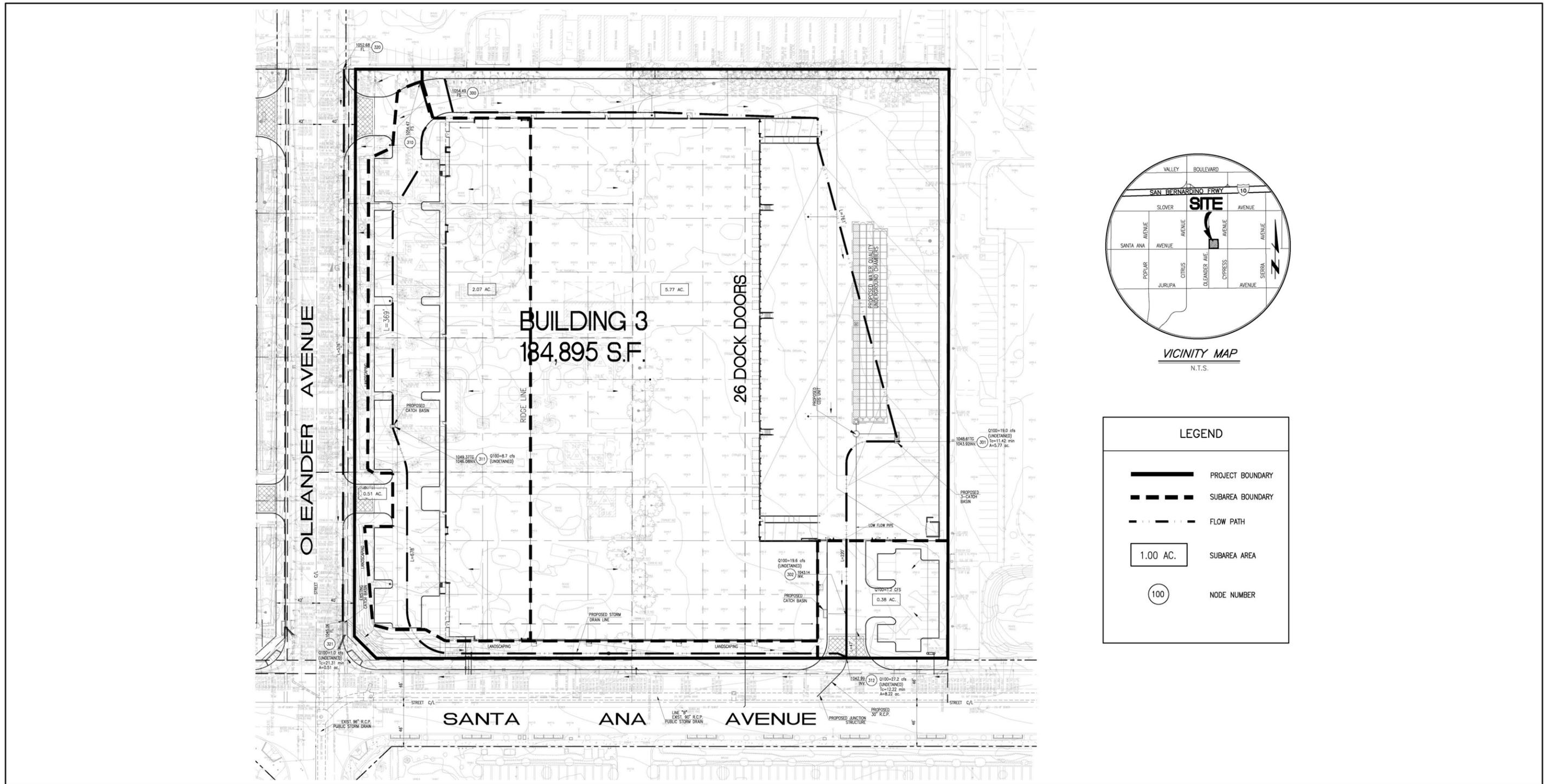


Source(s): Thienes Engineering, Inc. (08-29-2022)

Figure 4.10-6



Proposed Post-Development Hydrology Map – Building 2



Source(s): Thienes Engineering, Inc. (08-29-2022)

Figure 4.10-7



Proposed Post-Development Hydrology Map – Building 3



and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the SWQMP is required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. Three preliminary SWQMPs were prepared for the Project, one for each of the three proposed buildings, and are provided as *Technical Appendices 11, 12, and 13* to this EIR. Because the Project Developer/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's developed areas and convey these flows to an existing storm drain beneath Santa Ana Avenue. For the three proposed commerce center buildings, the storm drain plan is described below.

- **Building 1 Site.** Upon Project buildout, approximately 21.4 cfs of stormwater runoff would be discharged from the Building 1 site during peak storm conditions to the existing storm drain beneath Santa Ana Avenue. Runoff from Building 1 at Project buildout would be higher than the existing condition of 17.2 cfs; therefore, temporary detention is required onsite to limit runoff volume discharge. Runoff from Building 1 would be temporarily detained above ground in the easterly truck yard, making the total 100-year peak flow rate from the Building 1 site to the existing storm drain in Santa Ana Avenue approximately 17.2 cfs, which is comparable to the existing condition. Therefore, the Building 1 site, improvements will not impose a negative impact on the existing offsite drainage facilities downstream. (Thienes, 2022d)
- **Building 2 Site.** Upon Project buildout, approximately 28.1 cfs of stormwater runoff would be discharged from the Building 2 Project Site during peak storm conditions to the existing storm drain beneath Santa Ana Avenue. Runoff from Building 2 at Project buildout would be higher than the existing condition of 22.1 cfs; therefore, temporary detention is required onsite to limit runoff volume discharge. Runoff from Building 2 would be temporarily detained above ground in the easterly truck yard, making the total 100-year peak flow rate from the Building 2 site to the existing storm drain in Santa Ana Avenue approximately 22.1 cfs, which is comparable to the existing condition. Therefore, the Building 2 site, improvements will not impose a negative impact on the existing offsite drainage facilities downstream. (Thienes, 2022e)
- **Building 3 Site.** Upon Project buildout, approximately 28.2 cfs of stormwater runoff would be discharged from the Building 3 Project Site during peak storm conditions to the existing storm drain beneath Santa Ana Avenue (Thienes, 2022f). 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. (Thienes, 2022e)



C. Stormwater Drainage System Capacity & Polluted Runoff

As described above, construction of the three proposed buildings 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. 06071C8665H, 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: *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The Pacific Ocean is located over 41 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 13 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 with or prevent implementation of the management plan for the Chino Groundwater Basin. As such, the Project's construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less-than-significant.

4.10.6 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 Developer/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 three SWQMPs 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.

4.10.7 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.

4.10.8 MITIGATION

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



4.11 LAND USE AND PLANNING

This Subsection discusses consistency of the Project with applicable land use and planning policies adopted by the City of Fontana and other governing agencies for the purpose of reducing adverse effects on the environment. Information used to support the analysis in this Subsection was obtained primarily from the City of Fontana General Plan (Fontana, 2018a), City of Fontana Zoning Ordinance (Fontana, 2022b), and Southern California Association of Governments (SCAG) *Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* (SCAG, 2020a). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.11.1 EXISTING CONDITIONS

Under existing conditions, the Project Site is a mix of residential and associated accessory structures and vacant, undeveloped land. Under existing conditions, the area surrounding the Project Site includes the following uses.

- North: To the north of the Project Site, between Citrus Avenue and Oleander Avenue, is the Jurupa Hills High School. The school baseball/softball fields and a parking lot are the school uses that directly abut the Project Site. North of the Project Site, to the east of Oleander Avenue, is the Fontana Adult School.
- South: To the south of the Project Site is Santa Ana Avenue and south of that is substantial commerce center development that is part of Citrus Commerce Center (between Citrus and Oleander Avenues) and the Goodman development, a component of which includes an Amazon Distribution Center (between Oleander and Cypress Avenues), which are in the Southwest Industrial Park (SWIP) Specific Plan area.
- East: East of the Project Site, on the east side of Oleander Avenue, are the sports fields for Citrus High School. Citrus High School is located north of the sports fields, to the northeast of the Project Site.
- West: West of the Project Site is Citrus Avenue beyond which is commerce center development. North of the commerce center use, northwest of the Project Site, are single-family residential land uses with some of the lots containing home-based businesses.

4.11.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to land use and planning.

A. City of Fontana General Plan

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, Sections 65000 - 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental



requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis.

To assist local governments in meeting this responsibility, the Governor’s Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code § 65040.2. The General Plan Guidelines are advisory and not mandatory. Nevertheless, it is the State’s only official document explaining California’s legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice. (OPR, 2017b, p. 1)

The Fontana City Council adopted the City’s most recent General Plan for the planning period of 2015-2035 and certified its associated EIR on November 13, 2018, by City Council Resolutions 2018-097 and 2018-096, respectively. Additionally, the State mandates that General Plan Housing Elements be updated every five years, and in response the City’s 2021-2029 Housing Element Update final draft was approved by the City Council in January 2022. At the time of this EIR preparation, the final draft Housing Element Update was under review by the California Department of Housing and Community Development.

General Plan is a policy document that reflects the City’s vision for the future of Fontana. The General Plan is organized into 11 separate elements, which contain a series of policies to guide the City’s vision for future development. Each of the General Plan elements are summarized below.

❑ ***Community and Neighborhoods***

The Community and Neighborhoods Element focuses on attributes that contribute to the form, character and quality of life in the communities and neighborhoods where people live. This includes historic resources that link Fontana to its past, the City’s neighborhood types, and discussion of potential housing options for both market-rate and affordable housing as Fontana grows. A separate, required Housing Element, prepared using the required methodology and approved by the State, covers the years 2014-2021 and is discussed separately below. (Fontana, 2018a, p. 4.3)

❑ ***Housing***

The current State-approved City of Fontana General Plan Housing Element (2014-2021) was approved and adopted by the Fontana City Council in November 2018. The City published a final draft of the General Plan Housing Element for the 2021-2029 planning period, but as of the time of this writing, it is still in draft form and not yet accepted by the California Department of Housing and Community Development (Fontana, 2022c). The 6th Cycle Housing Element was prepared according to State requirements, which stipulates that cities and counties must include in their general plans a Housing Element that makes adequate provision for housing and housing growth by providing zoning at



appropriate densities and with sufficient infrastructure to meet a “fair share” of the regional need for affordable housing, as shown in the RHNA, prepared by SCAG. The City of Fontana’s Housing Element goals are: 1) adequate housing to meet the needs of all residents in Fontana; 2) a high standard of quality in existing affordable housing stock; 3) housing development that is not affected by government constraints; and 4) affirmatively further fair housing in Fontana (Fontana, 2022c).

❑ ***Building a Healthier Fontana***

The Building a Healthier Fontana Element identifies a shared vision and set of values for addressing health and wellness within Fontana, including goals for the future physical development that will result in a healthier City. This Element provides high-level goals; policies, strategies and performance measures to achieve the goals; and an implementation program of actions to improve health. Based on community input, identified health concerns and needs, and the Fontana Forward Vision and Principles this element has four comprehensive strategies for incorporating health considerations into various City processes and decision making. (Fontana, 2018a, p. 6.3)

❑ ***Conservation, Open Space, Parks, and Trails***

The Conservation, Open Space, Parks, and Trails Element provides direction regarding parks, natural open spaces, and recreational opportunities in the City of Fontana. The Element’s goals are to preserve sensitive natural open space, include plantings in large open space areas and park areas for wildlife, plant a drought-resistant urban forest, implement a no-net-loss policy for public parkland, ensure all residents live within walking or biking distance of a public parkland and provide sufficient public parkland in the City, design parks to maintain a high standard, create a non-profit parks foundation, update the Parks, Recreation, and Trails Master Plan, provide multiuse trails, and offer trails in natural areas that offer nature recreation. (Fontana, 2018a, pp. 7.3-7.5)

❑ ***Public and Community Services***

The Public and Community Services Element focuses on three important aspects of municipal service provision: public safety, public facilities, and the many services provided by the Community Services department. Continuing the high level of service provision while making improvements is the theme of this element of the plan. (Fontana, 2018a, p. 8.3)

❑ ***Community Mobility and Circulation***

The General Plan Community Mobility and Circulation Element is focused on connecting neighborhoods and City destinations by expanding transportation choice in Fontana. While the element supports continuing programs to improve travel by cars and trucks, it provides guidance on expanding the options for transit and “active transportation” (pedestrian and bicycle mobility) for Fontana. It is aligned with the SCAG 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy* concepts of Neighborhood Mobility Areas and Livable Corridors. The principle of the element is to connect people and places and provide safe and efficient transportation choices, including pedestrian, bicycle, and transit opportunities, along with well-maintained streets, to connect people to City destinations. (Fontana, 2018a, p. 9.3)



Infrastructure and Green Systems

The Infrastructure and Green Systems Element is focused on working with regional agencies and privately-owned utilities that provide drinking water, wastewater treatment and power to the City and maintenance of City-maintained infrastructure elements, including parks and trails, streets, sewer lines and lift stations, City building, and stormwater management. The principle of the element is to be cost-effective and establish cost-effective best practices and systems to support ongoing City services and infrastructure. (Fontana, 2018a, pp. 10.3-10.5)

Noise and Safety

The Noise and Safety Element maps, goals, and policies support the Guiding Principles of the General Plan. Specifically, the Noise and Safety Element ensures that development accounts for physical constraints and the natural hazards of the land. The Noise and Safety Element supports this principle through numerous policies that locate development away from hazardous areas and ensures safety and security for the City of Fontana. The Public Safety component of the element identifies potential hazards and an approach to reducing risks from hazards. The Noise and Safety Element addresses the City of Fontana’s natural hazards and human activities that may pose a threat to public safety within the following topic areas: wildfires; geological and seismic hazards; flooding; hazardous materials; and noise. (Fontana, 2018a, p. 11-2)

Sustainability and Resilience

The Sustainability and Resilience Element is focused especially on resource efficiency and planning for climate change. However, the reality is that sustainability and resilience are broader concepts that are increasingly embedded in a wide range of community values and activities—health, transportation, land use, open space preservation, and infrastructure—and reflected in the General Plan elements on these topics. The main principles of this element are to pursue high-quality development and making public investments a model of design, connecting people and places by providing safe and efficient transportation choices, and pursue sustainability and resilience by making resource-efficient choices to conserve resources. (Fontana, 2018a, pp. 12.3-12.4)

Economy, Education, and Workforce Development

The Economy, Education, and Workforce Development Element is focused on economic development within the City and creation of jobs in Fontana for Fontana residents to make the City less of a bedroom suburb and move of a complete community. The main principles of this element are to be business friendly, pursue goals through partnerships, prepare students for good jobs, act transparently and provide civic engagement, and be cost effective to support ongoing City services and infrastructure. (Fontana, 2018a, pp. 13.3-13.5)

Land Use, Zoning, and Urban Development

The Land Use, Zoning, and Urban Development Element sets the policy framework over the next 20 years for the physical development of the City. It is the guide for decision makers on the pattern, distribution, density, and intensity of land uses that, overtime, will help the City achieve the Fontana



vision for the future. This element includes a land use map to guide future development. The land use map is not a zoning map but provides the foundation for zoning and guides the Planning Commission and City Council when they are called upon to exercise their discretion in making rulings on rezoning and similar issues. (Fontana, 2018a, p. 15.3)

The City's General Plan designates the Project Site as for "Residential Planned Community (R-PC)" and "Multi-Family Medium/High Residential (R-MFMH) land uses. The R-PC land use designation is intended for master-planned communities with a minimum area of 145 acres but can also apply to residential properties with minimum 10,000 s.f. lots, and the R-MFMH land use designation is intended for higher-density multi-family development up to 39 du per acre (Fontana, 2018a, p. 15.25).

B. City of Fontana Zoning Ordinance

Under existing conditions, the Project Site is zoned as "Residential Planned Community (R-PC)" and "Multiple-Family Medium/High Density Residential (R-4)" land uses. The "R-PC" zoning district is intended to facilitate the development of large parcels in an integrated and innovative manner that results in the formation of residential neighborhoods with local-serving neighborhood and commercial centers, and the R-4 zoning district is intended for multiple-family residential developments commonly found in a dense urban environment within close proximity to public transit stations (Fontana, 2022a, § 30-190.1).

C. SCAG Regional Transportation Plan and Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. (SCAG, 2020a)

As a MPO and public agency, SCAG develops transportation and housing strategies that transcend jurisdictional boundaries that affect the quality of life for southern California as a whole. SCAG's *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* includes long-range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. The *RTP/SCS* also provides objectives for meeting emissions reduction targets set forth by the California Air Resources Board (CARB); these objectives were provided in a direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. (SCAG, 2020a)



D. SCAQMD Air Quality Management Plan

An AQMP is a plan for the regional improvement of air quality. The SCAQMD 2016 AQMP is the applicable AQMP for the South Coast Air Basin and was approved by the SCAQMD Governing Board in March 2017 (SCAQMD, 2017a). A draft of the 2022 AQMP was available at the time this EIR was prepared but had not yet been fully approved so the 2016 AQMP is the applicable planning document. The Project’s consistency with the 2016 AQMP was analyzed in detail in EIR Subsection 4.2, *Air Quality*.

E. San Bernardino County Congestion Management Program

The *San Bernardino County Congestion Management Program (CMP)* was prepared by the San Bernardino Associated Governments (SANBAG). The intent of the *CMP* is to more directly link land use, transportation, and air quality planning 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 County CMP* was first adopted in November 1992 and has since been updated 12 times, with the most recent comprehensive update in June 2016. The Project’s consistency with the *San Bernardino County CMP* is discussed in detail in EIR Subsection 4.13, *Transportation*.

4.11.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *Physically divide an established community;*
- b. *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?*

4.11.4 IMPACT ANALYSIS

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

Under existing conditions, the Project Site contains residential and associated accessory structures and vacant, undeveloped land. The surrounding area consists of public schools to the north and east (Jurupa Hills High School, Fontana Adult School, and Citrus High School) beyond which further to the north and east are a mixture of residential neighborhoods, commercial uses, commerce center uses, and Interstate 10. Directly to the north of Jurupa High School are commerce center buildings under construction.

Residential development is located to the west of Jurupa Hills High School on the opposite side (west side) of Citrus Avenue, to the east of Jurupa Hills High School, to the north of Fontana Adult School, and to the north and west of Citrus High School. Otherwise, the area is built out with non-residential uses the predominance of which are commerce center buildings. Conversion of the Project site from its existing residential use to commerce center use would continue the pattern of commerce center development along Santa Ana Avenue.



Development of the Project would result in Jurupa Hills High School having commerce center development all along its southern and northern boundaries and Fontana Adult School having commerce center development along its southern boundary. However, implementation of the Project would not physically divide a community because the Project Site does not connect the adjacent schools to any residential communities. All of the land uses south of the Project Site and along Santa Ana Avenue are commerce center buildings. The residential uses to the northwest are physically separated from the Project Site by Citrus Avenue, a designated truck route. This residential area is surrounded by commercial and industrial development to the north, south, and west, and by Jurupa Hills High School to the east.

The Project would continue to the pattern of development that has already occurred along Santa Ana Avenue, with commerce center development to the south and west. The area to the west contains the I-10 Citrus Distribution Center and the area to the south contains the Citrus Commerce Center with businesses including Goodman, Wolf, Subzero, and Cove. The Project would not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Project would not physically divide any existing, surrounding community and impacts would be less-than-significant.

Threshold b: *Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

A. City of Fontana General Plan

Implementation of the Project would require a General Plan Amendment to change the land use designation of the Project Site from “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” to “General Industrial (I-G).”

Inconsistency with a goal or policy of an applicable plan is not itself an environmental impact. Such an inconsistency may be read to indicate a likelihood of an environmental impact or to support such a conclusion, but an inconsistency is not inherently an environmental impact itself. Further, it is well-established in CEQA case law that a project does not have to be consistent with each and every goal or policy in a plan to be found consistent with the overall intent of the plan. Determination of consistency requires only that the proposed project be “compatible with the objectives, policies, general land uses, and programs specified in” the applicable plan. (Cal. Gov. Code § 66473.5.)

Nonetheless, as summarized in Table 4.11-1, *Project Consistency with the General Plan*, the Project would be consistent with applicable General Plan goals and policies related to environmental effects.



Table 4.11-1 Project Consistency with the General Plan

| Applicable General Plan Polices | Consistency Determination |
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| COMMUNITY AND NEIGHBORHOODS ELEMENT | |
| Goal 1: The integrity and character of historic structures, and cultural resources sites within the City of Fontana are preserved. | |
| <p>Policy 3: Collaborate with the Native American Heritage Commission (NAHC) and local tribal organizations about land development that may affect Native American cultural resources and artifacts.</p> | <p><u>No conflict identified.</u> As detailed in EIR Subsection 4.5, <i>Cultural Resources</i>, and Section 4.18, <i>Tribal Cultural Resources</i>, the Native American Heritage Commission (NAHC) was contacted as part of the Cultural Resources Study for the Project for information related to cultural resources or heritage sites within or adjacent to the Project Site. Additionally, in compliance with the SB 18 and AB 52 consultation process, the City sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project Site and considered information from responding tribes as part of the analyses presented in this EIR.</p> |
| Goal 3: Archaeological resources are protected and preserved. | |
| <p>Policy 1: Collaborate with state archaeological agencies to protect resources.</p> | <p><u>No conflict identified.</u> As detailed in EIR Subsection 4.5, <i>Cultural Resources</i>, as part of the Cultural Resources Study for the Project, an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University, Fullerton was performed to provide information regarding previous archaeological studies in the Project area and any previously recorded sites within a one-mile radius of the Project Site.</p> |
| Goal 7: A diverse stock of quality housing serves Fontana residents across the range of incomes, household types, and age groups. | |
| <p>Policy 1: Support a diversified housing stock that includes new options ranging from larger-lot single family housing to “missing middle” housing types such as cottage developments, small-scale apartments and condos, and courtyard housing, as well as larger multifamily developments.</p> | <p><u>No conflict identified.</u> The Project requires the City’s approval of a General Plan Amendment (GPA) to change the property land use designation from residential designations to a general industrial designation</p> <p>To comply with California’s Housing Crisis Act of 2019 (SB 330), the Project would comply with City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Program” pertaining to 507 planned housing units and which provides that concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, Chapter 30 Article XV assures that there is no net loss of residential capacity within the City as required by SB330.</p> |
| BUILDING A HEALTHIER FONTANA | |
| Goal 1: The average lifespan in Fontana consistently ranks within the top ten of all Southern California cities. | |
| <p>Policy3: Support local and regional initiatives to improve air quality in order to reduce asthma while actively</p> | <p><u>No conflict identified.</u> The Project will comply with Fontana’s Ordinance No. 1891 which established</p> |



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| <p>discouraging development that may exacerbate asthma rates.</p> | <p>sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. 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.</p> <p>The census tract containing the Project Site (Census Tract 6071002601) is in the 97th percentile for pollution burden ranked in the 44th percentile of communities that are disproportionately burdened by asthma (OEHHA, 2022). Sulfur dioxide (SO₂) is a respiratory irritant to people afflicted with asthma. Additionally, exposure to ozone (O₃) can result in increased risk for asthma. (Urban Crossroads, 2022a). The Project would result in nominal and less than significant SO_x impacts that would not exacerbate asthma rates. O₃ is not directly emitted and 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. The Project would not exceed the daily SCAQMD emissions thresholds for NO_x and would not exceed VOC emissions thresholds.</p> <p>In summary, placing the proposed Project in its proposed location would contribute to air pollution, which would contribute to asthma burden, but the Project would comply with the Fontana’s Ordinance No. 1891 and would not exacerbate asthma rates.</p> |
| <p>Policy 5: Continue economic development efforts to develop a greater number and range of jobs in Fontana so as to reduce residents’ need to commute out of the City.</p> | <p><u>No conflict identified.</u> The Project would develop commerce center buildings that would generate additional jobs in Fontana available to local residents, thus reducing the need for residents to commute out of the City for jobs.</p> |
| <p>Policy 8: Strongly encourage efforts to improve the safety of all roadway users, especially pedestrians and bicyclists.</p> | <p><u>No conflict identified.</u> As discussed in EIR Subsection 4.17, <i>Transportation</i>, the Project would preserve the sidewalks along Citrus Avenue, Santa Ana Avenue, and Oleander Avenue. Additionally, the Project would include bicycle accommodations per CalGreen to facilitate bicycle ridership.</p> |
| <p>Goal 5: Fontana is a city in which all residents’ basic needs are met.</p> | |
| <p>Policy 1: Encourage the development of a wide variety of housing sizes and types to meet the needs of residents through all life stages and ranges of affordability.</p> | <p><u>No conflict identified.</u> The proposed Project does not entail housing development. However, to comply with California’s Housing Crisis Act of 2019 (SB 330), the Project would comply with City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Program” which was approved by the Fontana City Council via Ordinance No. 1906 on October 25, 2022. This program, which would pertain to 507 planned housing units allocated to the Project Site under existing conditions, provides that concurrent with the approval of any change in zone from a residential use to a</p> |



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| | less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, Chapter 30 Article XV assures that there is no net loss of residential capacity within the City as required by SB330. |
| CONSERVATION, OPEN SPACE, PARKS, AND TRAILS ELEMENT | |
| Goal 5: All Fontana residents live within walking or biking distance of a public park and there are sufficient public parks to serve all areas of the city. | |
| Policy 2: Continue to use a minimum standard of 5 acres of public parkland per 1,000 persons. | <u>No conflict identified.</u> The City of Fontana currently maintains 5.7 acres of public parkland per 1,000 persons. The Project would add approximately 453 to 563 jobs. It is expected that these jobs would be filled by persons already living in the local area, and it is overly speculative to try to estimate what if any percentage of workers at the Project Site, if any, may relocate to Fontana from development of the Project. As the City currently has a population of over 200,000, however, even with the addition of 453 to 563 people to the population if every estimated employee of the Project was assumed to relocate to Fontana, this ratio is not expected to drop below 5 acres per 1,000 persons. |
| COMMUNITY AND MOBILITY 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 1: Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways. | <u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation components. The Project would preserve the sidewalks along Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and would include bicycle accommodations per CalGreen to facilitate bicycle ridership. As a commerce center development, the Project would facilitate goods movement by providing commerce uses along Citrus Avenue, a designated truck route. |
| Goal 2: Fontana's road network is safe and accessible to all users, especially the most vulnerable such as children, youth, older adults and people with disabilities. | |
| Policy 1: Design roadway space for all users, including motor vehicles, buses, bicyclists, mobility devices (such as senior scooters), and pedestrians, as feasible and appropriate for the context. | <u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation components. The Project includes the preservation of the sidewalks along Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and the Project would include bicycle accommodations per CalGreen to facilitate bicycle ridership. |
| Policy 2: Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks. | <u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation components. As a commerce center development, the Project would facilitate goods movement by providing commerce uses along Citrus Avenue, a designated truck route. |
| Goal 6: The city has attractive and convenient parking facilities, including electric charging stations, for both motorized and nonmotorized vehicles that meet needs that fit the context. | |



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| Policy 1: Provide sufficient motor vehicle and secure bicycle parking in commercial and employment centers to support vibrant economic activity. | <u>No conflict identified.</u> Building 1 is required to provide 60 parking spaces and would provide 62 spaces; Building 2 is required to provide 69 parking spaces and would provide 102 spaces; Building 3 is required to provide 69 parking spaces and would provide 101 spaces. |
| INFRASTRUCTURE AND GREEN SYSTEMS ELEMENT | |
| Goal 1: Fontana collaborates with public and private agencies for an integrated and sustainable water resource management program. | |
| Policy 1: Support initiatives to provide a long term supply of the right water for the right use through working with regional providers and the One Water One Watershed Plan. | <u>No conflict identified.</u> While the Project would result in an incremental increase in demand for water treatment capacity, the Projects' water demand would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the <i>2015 San Bernardino Valley Regional Urban Water Management Plan (UWMP)</i> . |
| Goal 2: Fontana promotes use of non-potable water for uses where drinking water is not needed. | |
| Policy 1: Encourage use of processed water from the IEUA systems using recycled water for all non-drinking water purposes. | <u>No conflict identified.</u> All water utilized by the Project would meet current City standards regarding the use of processed water from the Inland Empire Utilities Agency systems for all non-drinking water purposes. |
| Goal 3: The City continues to have an effective water conservation program. | |
| Policy 1: Support landscaping in public and private spaces with drought-resistant plants. | <u>No conflict identified.</u> All landscape and irrigations designs shall meet the current City standards as listed in guidelines or as obtained from the public facilities department. |
| Goal 6: Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards. | |
| Policy 2: Promote natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater. | <u>No conflict identified.</u> Storm water drainage features that would be installed on the Project Site include but are not limited to catch basins, storm drain lines, and underground chambers. |
| Goal 7: Fontana is becoming an energy efficient community. | |
| Policy 1: Promote renewable energy and distributed energy systems in new development and retrofits of existing development to work toward becoming a zero net energy city. | <u>No conflict identified.</u> The Project would 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 CalGreen) and by local regulations (for example, the installation of rooftop solar panels, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). |
| Goal 8: All residences and businesses have a dependable, environmentally safe means of disposing of solid waste. | |
| Policy 2: Continue to maximize diversion opportunities and landfill capacity by supporting recycling innovations, such as E-waste, commercial, multifamily and organic waste recycling programs. | <u>No conflict identified.</u> The Project would utilize all required City standards relating to recycling innovations, such as e-waste and other organic waste recycling programs. |
| NOISE AND SAFETY ELEMENT | |
| Goal 3: The City of Fontana is a community that implements proactive fire hazard abatement strategies, and as a result, is minimally impacted by wildland and urban fires. | |



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| <p>Policy 2: Require residential, commercial, and industrial structures to adhere to applicable fire codes for buildings and structures, fire access, and other standards in accordance with Fire Hazard Overlay District, California Fire Code, and City of Fontana Municipal Code, encourage of retrofit of non-conforming land uses.</p> | <p><u>No conflict identified.</u> The Project would entail commerce center buildings with concrete tilt-up construction that would be built in compliance with all applicable Building and Fire Codes and include irrigated landscaping and fire protection systems and interior sprinkler systems. Refer to EIR Subsection 4.20, <i>Wildfire</i>, for more information.</p> |
| <p>Goal 5: The City shall continue to ensure that current geologic knowledge and peer (third party) review are incorporated into the design, planning, and construction stages of a project and that site-specific data are applied to each project.</p> | |
| <p>Policy 1: Require adherence to the latest California Building Code regulations; update codes and ordinances periodically for latest advances.</p> | <p><u>No conflict identified.</u> The Project would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the California Building Standards Code (CBSC) and Fontana Building Code. 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 to further reduce the risk of seismic-related ground failure. Refer to EIR Subsection 4.7, <i>Geology and Soils</i>, for more information.</p> |
| <p>Policy 2: The Building Official shall require development proposals to include a geotechnical hazard analysis as applicable.</p> | <p><u>No conflict identified.</u> The Project Applicant retained a professional geotechnical firm to prepare a geotechnical report for the Project, which is included as <i>Technical Appendix F</i> to this EIR. The geotechnical report includes recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Project’s specific design. Refer to EIR Subsection 4.7, <i>Geology and Soils</i>, for more information.</p> |
| <p>Goal 7: The City Shall discourage new development in flood-hazard areas and implement mitigation measures to reduce the hazard to existing developments located within the 100 and 500 year flood zones.</p> | |
| <p>Policy 4: Projects must comply with requirements of the National Flood Insurance Protection Floodplain Management program.</p> | <p><u>No conflict identified.</u> The Project Site is not located in a special flood hazard area, rather the Project Site is located in an area outside of the 500-year (0.2% annual chance) floodplain. Refer to EIR Subsection 4.10, <i>Hydrology and Water Quality</i>, for more information.</p> |
| <p>Policy 5: Require new developments that add substantial amounts of impervious surfaces to integrate low impact development best management practices to reduce storm water runoff.</p> | <p><u>No conflict identified.</u> The Project would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and underground infiltration basins to capture on-site stormwater runoff flows, treat the runoff to minimize the amount of water-borne pollutants, and convey the treated flows to the public storm drain system in Santa Ana Avenue. Refer to EIR Subsection 4.10, <i>Hydrology and Water Quality</i>, for more information.</p> |
| <p>Goal 8: The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035.</p> | |
| <p>Policy 4: Noise spillover or encroachment from commercial, industrial and educational land uses shall be minimized into adjoining residential neighborhoods or noise-sensitive uses.</p> | <p><u>No conflict identified.</u> The Project would generate short-term construction and long-term operational noise but would not generate noise levels that exceed the standards</p> |



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| | established by the Fontana General Plan or Municipal Code. Refer to EIR Subsection 4.13, <i>Noise</i> , for more information. |
| Goal 10: Fontana’s residents are protected from the negative effects of “spillover” noise. | |
| Policy 1: Residential land uses and areas identified as noise-sensitive shall be protected from excessive noise from non-transportation sources including industrial, commercial, and residential activities and equipment. | Consistent. 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. Refer to EIR Subsection 4.13, <i>Noise</i> , for more information. |
| SUSTAINABILITY AND RESILIENCE ELEMENT | |
| Goal 5: Fontana is an Inland Empire leader in energy-efficient energy development and retrofits. | |
| Policy 1: Promote energy-efficient development in Fontana. | <u>No conflict identified.</u> The Project would 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 electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). |
| Policy 2: Meet state energy-efficiency goals for new construction. | <u>No conflict identified.</u> The Project would 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 electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). |
| Goal 6: Green building techniques are used in new development and retrofits. | |
| Policy 1: Promote green building through guidelines, awards and nonfinancial incentives. | <u>No conflict identified.</u> The Project would 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 electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). |
| LAND USE, ZONING, AND URBAN DESIGN ELEMENT | |
| Goal 2: Fontana development patterns support a high quality of life and economic prosperity. | |
| Policy 3: Locate high-quality industrial uses where there is appropriate access to regional transportation routes. | <u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation components. As a commerce center development, the Project would facilitate goods movement by providing commerce uses along Citrus Avenue, a designated truck route, which connects to Interstate 10. |
| Goal 5: High-quality job-producing industrial uses are located in proximity to regional transportation routes. | |
| Policy 1: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses. | <u>No conflict identified.</u> The includes a proposed Specific Plan Amendment to expand the boundary of the Southwest Industrial Park (SWIP) Specific Plan to include the Project Site. Additionally, the Project is proposed adjacent to Citrus |



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| | Avenue, a designated truck route, and is located approximately 0.6-mile south of Interstate 10 (I-10). |
| Goal 7: Public and private development meets high standards of design. | |
| Policy 1: Support high-quality development in design standards and in land use decisions. | <u>No conflict identified.</u> A Design Review is required for the Project which involves City staff evaluation of the proposed site plan, site improvements, and building elevations (architecture) of the development to ensure consistency with applicable Development Code standards. |

B. City of Fontana Zoning Ordinance

A Specific Plan Amendment has been requested for the Project (SPA No. 22-002) which would amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the Project Site. The Project Site would be incorporated into the SWIP’s Slover East Industrial District (SED). The SPA would amend the City of Fontana Zoning District Map to change the zoning classification of the Project Site from “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” to “Southwest Industrial Park (SWIP) Specific Plan.” Approval of the requested SPA would eliminate any potential inconsistency between the proposed Project and the site’s underlying zoning classifications. The Project would not conflict with any development regulations and design standards in the Zoning Ordinance pertaining to the SWIP Specific Plan, and there are no components of the Project’s proposed SPA that would result in impacts not already evaluated and disclosed by this EIR. Impacts would be less-than-significant.

C. SCAG Regional Transportation Plan and Sustainable Communities Strategy

As shown in Table 4.10-1, *SCAG RTP/SCS Goal Consistency Analysis*, the Project would not conflict with the adopted goals of the RTP/SCS. The Project would not result in any land use and planning conflicts with the 2020 SCS/RTP.

Table 4.10-1 SCAG RTP/SCS Goal Consistency Analysis

| RTP/SCS Goals | Goal Statement | Project Consistency Discussion |
|----------------------|---|--|
| G1 | Encourage regional economic prosperity and global competitiveness. | <u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning efforts. It should be noted that the Project would improve the regional economy by creating new warehousing facilities. |
| G2 | Improve mobility, accessibility, reliability, and travel safety for people and goods. | <u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation components. The Project would preserve the sidewalks along Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and would include bicycle accommodations per CalGreen to facilitate bicycle ridership. As a commerce center development, the Project would facilitate goods movement by providing commerce uses along Citrus Avenue, a designated truck route. |



Table 4.10-1 SCAG RTP/SCS Goal Consistency Analysis

| RTP/SCS Goals | Goal Statement | Project Consistency Discussion |
|---------------|--|---|
| G3 | Enhance the preservation, security, and resilience of the regional transportation system. | <u>No conflict identified.</u> As disclosed in EIR Subsection 4.17 there are no components of the Project that would result in substantial safety hazards to motorists or pedestrians. |
| G4 | Increase person and goods movement and travel choices within the transportation system. | <u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would have no adverse effect on such planning or maintenance efforts. |
| G5 | Reduce greenhouse gas emissions and improve air quality. | <u>No conflict identified.</u> Air quality is addressed in EIR Subsection 4.3, <i>Air Quality</i> , and the Project's air quality impacts would be less than significant. Additionally, and as discussed in EIR Subsections 4.8, <i>Greenhouse Gas Emissions</i> , and 4.6, <i>Energy</i> , the Project would foreseeably incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy. |
| G6 | Support healthy and equitable communities. | <u>No conflict identified.</u> An analysis of the Project's environmental impacts including topics of human health and relationship to disadvantaged populations is provided throughout this EIR, particularly in Subsection 4.3, <i>Air Quality</i> . The Project would develop the subject property with an employment-generating land use (i.e., three commerce center buildings) that would provide local job opportunities to existing and future residents of the local area. Impacts to human health were found to be less than significant as analyzed in EIR Subsection 4.3. |
| G7 | Adapt to a changing climate and support an integrated regional development pattern and transportation network. | <u>No conflict identified.</u> 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. |
| G8 | Leverage new transportation technologies and data-driven solutions that result in more efficient travel. | <u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. EIR Subsection 4.17, <i>Transportation</i> , evaluates Project-related transportation impacts to ensure efficient travel of Project-related traffic. |
| G9 | Encourage development of diverse housing types in areas that are supported by multiple transportation options. | <u>No conflict identified.</u> This policy provides guidance to the City to establish a local land use plan that facilitates the use of transit and non-motorized forms of transportation. As discussed in EIR Subsection 4.17, <i>Transportation</i> , bike racks would be incorporated into the Project design, encouraging walking and bicycling in the Project area. |



Table 4.10-1 SCAG RTP/SCS Goal Consistency Analysis

| RTP/SCS Goals | Goal Statement | Project Consistency Discussion |
|---------------|---|---|
| G10 | Promote conservation of natural and agricultural lands and restoration of habitats. | <u>No conflict identified.</u> An analysis of the Project’s environmental impacts is provided throughout this EIR, and mitigation measures are specified where warranted. As discussed in EIR Subsection 4.4, <i>Biological Resources</i> , the Project is not located within an area that contains natural or agricultural lands and would not conflict with City conservation or restoration efforts. |

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

B. SCAQMD Air Quality Management Plan (AQMP)

The Project’s consistency with the SCAQMD 2016 AQMP was addressed in detail in EIR Subsection 4.3, *Air Quality*. As concluded in EIR Subsection 4.3, implementation of the Project would not result in or cause NAAQS or CAAQS violations because construction of the Project would not exceed the SCAQMD regional threshold for VOC emissions. 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. Although the Project proposes to change the General Plan land use designation to General Industrial (I-G) and the zoning designation to Southwest Industrial Park (SWIP) Specific Plan, the Project on an individual bases does not have an impact and as such, would not conflict with the goals and objectives of the AQMP. As such, the Project is therefore, considered to be consistent with the AQMP and impacts would be less than significant.

C. San Bernardino County Congestion Management Program

The Project’s consistency with the *San Bernardino County CMP* is addressed in EIR Subsection 4.17, *Transportation*. As concluded in EIR Subsection 4.17, 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* LOS standards for the *CMP* arterial roadway and freeway network. Land use and planning impacts associated with *CMP* consistency would thus be less than significant.

4.11.5 CUMULATIVE IMPACT ANALYSIS

Under existing conditions, the Project Site is physically separated from residential land uses to the east by the sports fields for Citrus High School and by Cypress Avenue, and physically separated from the residential land uses to the northeast by Citrus Avenue. No residential land uses are located to the north or south of the Project Site. The Project is designed to connect with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and continue the pattern of development that already has been established to the south and west of the Project Site. The Project does not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Project would not physically divide any existing, surrounding community and would not cause or cumulatively contribute to the division of an established community.



As development occurs elsewhere throughout the cities of Fontana, Rialto, Rancho Cucamonga, and the larger San Bernardino County area, any proposal to change the underlying land use or development intensity for a specific property would not have the potential to result in conflict with applicable land plans and result in substantial, adverse environmental effects with implementation of an amendment to the applicable land use plan. The Project would not result in any cumulatively-considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

4.11.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not physically divide an established community.

Threshold b: Less-than-Significant Impact. The Project proposes to change the General Plan land use designation and the zoning designation, however, the Project on an individual bases does not have an impact and as such, would not conflict with the goals and objectives of the AQMP.

4.11.7 MITIGATION

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



4.12 MINERAL RESOURCES

This Subsection describes the potential mineral resources that are located on the Project Site and in the vicinity and evaluates the potential effects that the Project may have on these resources. The following analysis is based on information obtained in the City’s General Plan Update 2015-2035; the “Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Northeast Corner of Citrus Avenue and Santa Ana Avenue, Fontana, California,” dated April 25, 2022, prepared by NorCal Engineering (NorCal Engineering, 2022) and included as EIR *Technical Appendix F1*; and the “Phase I Environmental Site Assessment, Oleander Avenue and Santa Ana Avenue, Fontana, California” dated February 22, 2022, prepared by Ardent Environmental Group, Inc. and included as EIR *Technical Appendix H* (Ardent, 2022). Refer to Section 7.0, *References*, for a complete list of these and other reference sources.

4.12.1 EXISTING CONDITIONS

The Project Site encompasses 29.4 acres containing a mix of residential and associated structures and vacant, undeveloped land. The property is a generally rectangular-shaped, with relatively flat topography, and a gradual slope of a few feet, from north to south. According to the CA Department of Conservation (DOC), the Project Site is not located in an area known to be underlain by regionally- or locally-important mineral resources or within an area that has the potential to be underlain by regionally- or locally-important mineral resources (DOC, 2015).

4.12.2 REGULATORY SETTING

The following is a brief description of the state environmental laws and related regulations related to mineral resources.

A. State Plans, Policies, and Regulations

1. Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, §§ 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. Public Resources Code § 2207 provides annual reporting requirements for all mines in the state, under which the State Mining and Geology Board is also granted authority and obligations. (DOC, n.d.)

SMARA, Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources. These policies are prepared in accordance with the Administrative Procedures Act, (Government Code) and are found in California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1. (DOC, n.d.)



4.12.3 BASIS FOR DETERMINING SIGNIFICANCE

Section XI of Appendix G to the CEQA Guidelines addresses typical adverse effects to mineral resources, and includes the following threshold questions to evaluate the Project's impacts on mineral resources (OPR, 2017a):

- a. *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;*
- b. *Result in the loss of availability of a locally-important mineral resource recover site delineated on a local general plan, specific plan, or other land use plan.*

4.12.4 IMPACT ANALYSIS

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

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 not located within an area known to be underlain by regionally- or locally-important mineral resources or within an area that has the potential to be underlain by regionally- or locally-important mineral resources (DOC, 2015). Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. No impact would occur.

4.12.5 CUMULATIVE IMPACT ANALYSIS

As mapped by the DOC, the Project Site does not contain known mineral resource deposits. As such, the Project does not have potential to result in cumulatively-considerable impacts due to the loss of availability of a known mineral resource that would be of value to the region or residents of the State. No cumulatively-considerable impacts would occur.

The City of Fontana's General Plan does not designate the Project Site as mineral resource recovery sites, and there are no other land use plans that identify the Project Site or surrounding areas for containing mineral resources. As such, the Project does not have potential to result in cumulatively-considerable impacts due to 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. No cumulatively-considerable impacts would occur.

4.12.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a and b: No Impact. The Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Project would not 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 and no impact would occur.



4.12.7 MITIGATION

No impacts would occur; therefore, mitigation is not required.



4.13 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, titled "Oleander & Santa Ana Warehouses (PAM22-013) Noise and Vibration Analysis" ("Noise Analysis") and dated December 1, 2022 (UC, 2022e). The report is included as *Technical Appendix J* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.13.1 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 1,000 feet. (UC, 2022e, pp. 1-3)

B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used noise descriptor is the equivalent level (L_{eq}). L_{eq} represents a steady state sound level containing the same total energy as a time varying signal over a given time period. L_{eq} values are not measured directly but are calculated from sound pressure levels typically measured in dBA. Consequently, L_{eq} can vary depending on the time of day. (UC, 2022e, p. 3)

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may cause a disturbance if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of five (5) decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources. (UC, 2022e, p. 3)



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. (UC, 2022e, p. 3)

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. (UC, 2022e, pp. 3-4)

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. (UC, 2022e, p. 4)

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. (UC, 2022e, p. 4)



D. Response to Noise

Approximately 16 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 20-30 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.” (UC, 2022e, p. 5)

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.

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. (UC, 2022e, p. 6)

4.13.2 EXISTING NOISE CONDITIONS

A. Existing Study Area Ambient Noise Conditions

Urban Crossroads recorded 24-hour noise readings at three locations in the Project vicinity on February 24, 2022. The results of the existing noise level measurements are summarized below. Noise measurement worksheets for the hourly noise levels and the minimum and maximum observed noise levels at each measurement location are provided in the Noise Analysis (refer to *Technical Appendix J*).

- Location L1 represents the noise levels located north of the Project Site near the Fontana Adult School at 10755 Oleander Avenue. The noise level measurements collected show an average daytime noise level calculated to be 61.1 dBA L_{eq} and an average nighttime noise level calculated to be 60.2 dBA L_{eq} at location L1.
- Location L2 represents the noise levels located east of the Project Site near Citrus High School at 10760 Cypress Avenue. The noise level measurements collected show an average daytime noise level calculated to be 61.5 dBA L_{eq} and an average nighttime noise level calculated to be 59.8 dBA L_{eq} at location L2.



- Location L3 represents the noise levels located northwest of the Project Site near a single-family residence at 16078 Tyrol Drive. The noise level measurements collected show an average daytime noise level calculated to be 62.9 dBA L_{eq} and an average nighttime noise level calculated to be 61.0 dBA L_{eq} at location L3.

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.

C. Existing Airport Noise

The Project Site is located approximately 7.3 miles east of the Ontario International Airport (ONT). According to the ONT Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is within the ONT Airport Influence Area and within the ONT noise impact zone (60-65 CNEL). (Ontario, 2018, Map 2-3)

D. Existing Traffic Noise

Noise contours along roadways were developed by Urban Crossroads based on traffic volumes as summarized in Table 4.13-1, *Existing Roadway Noise Contours*. Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

4.13.3 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to noise to the Project, the Project Site, and/or the surrounding area.

A. Federal Plans, Policies, and Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products. (EPA, 2022j)

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, 2022j)



Table 4.13-1 Existing Roadway Noise Contours

| ID | Road | Segment | Receiving Land Use ¹ | CNEL at Nearest Receiving Land Use (dBA) ² | Distance to Contour from Centerline (Feet) | | |
|----|---------------|-------------------|---------------------------------|---|--|-------------|-------------|
| | | | | | 70 dBA CNEL | 65 dBA CNEL | 60 dBA CNEL |
| 1 | Citrus Av. | n/o I-10 WB Ramps | Non-sensitive | 78.0 | 225 | 484 | 1042 |
| 2 | Citrus Av. | n/o Slover Av. | Sensitive | 76.7 | 184 | 397 | 855 |
| 3 | Citrus Av. | s/o Slover Av. | Sensitive | 74.7 | 94 | 204 | 439 |
| 4 | Citrus Av. | s/o Santa Ana Av. | Sensitive | 73.3 | 77 | 166 | 357 |
| 5 | Oleander Av. | n/o Santa Ana Av. | Sensitive | 70.9 | 39 | 84 | 182 |
| 6 | Oleander Av. | s/o Santa Ana Av. | Non-sensitive | 71.0 | 40 | 86 | 185 |
| 7 | Slover Av. | w/o Oleander Av. | Sensitive | 75.6 | 123 | 265 | 570 |
| 8 | Slover Av. | e/o Oleander Av. | Sensitive | 75.4 | 120 | 258 | 555 |
| 9 | Santa Ana Av. | w/o Citrus Av. | Sensitive | 70.8 | 52 | 112 | 242 |
| 10 | Santa Ana Av. | w/o Oleander Av. | Sensitive | 70.3 | 48 | 104 | 224 |
| 11 | Santa Ana Av. | e/o Oleander Av. | Sensitive | 70.2 | 47 | 101 | 219 |

¹ Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the nearest receiving land use. "RW" = Location of the respective noise contour falls within the right-of-way of the road.

Source: (UC, 2022e, Table 7-1)

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2006, p. 1-1)

The NVIA also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.13-2, *Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2006, pp. 8-3 and 8-4)



Table 4.13-2 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:

- "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
- "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.
- "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
- 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.
- Vibration-sensitive equipment is generally not sensitive to ground-borne noise.

(FTA, 2006, Table 8-1)

3. Federal Highway Administration

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design. (FHWA, 2022)



The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. (FHWA, 2022)

4. Construction-Related Hearing Conservation

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels. (OSHA, 2002)

Note: This analysis does not evaluate the noise exposure of construction workers within the Project Site based on CEQA requirements, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Plans, Policies, and Regulations

1. State of California Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city in the State of California adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

2. Building Standards Code

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new



residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. (BSC, n.d.)

3. *OPR General Plan Guidelines*

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor's OPR, provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The OPR Guidelines state that General Plan policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements, and directly correlate to the Land Use, Circulation, and Housing Elements. The Guidelines also state that the Noise Element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels. (OPR, 2017b, 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 7.3 miles east of the nearest runway at the ONT and is located within the ONT Airport Influence Area (AIA) and noise impact zone (60-65 CNEL) (Ontario, 2018, Map 2-3). The most recent ONT ALUCP was adopted on April 19, 2011 and amended in July 2018. 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.

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)

4.13.4 METHODOLOGY FOR CALCULATING PROJECT-RELATED NOISE IMPACTS

A. Construction Noise Analysis Methodology

The construction noise analysis was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA) published in the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. A comprehensive list of noise generating characteristics for specific types of construction equipment is provided in the RCNM database along with an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. (UC, 2022e, p. 46)

Table 4.13-3, *Construction Reference Noise Levels* shows the combined noise levels for the loudest construction equipment, assuming they operate at the same time. The construction noise analysis evaluates Project construction-related noise levels at the nearby receiver locations in the Project study area. 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.

Six (6) representative receiver locations were considered in the construction noise analysis for the Project, including existing residences at 16079 Tyrol Drive, 16078 Tyrol Drive, and 10862 Mint Leaf Way and area schools, including Jurupa Hills High School, Fontana Adult School, and Citrus High School (UC, 2022e, p. 34). The receiver locations used in the Project's construction noise analysis are shown on Figure 4.13-1, *Construction Noise Receiver Locations*.



Table 4.13-3 Construction Reference Noise Levels

| Construction Stage | Reference Construction Activity | Reference Noise Level @ 50 Feet (dBA L _{eq}) ¹ | Combined Noise Level (dBA L _{eq}) ² | Combined Sound Power Level (PWL) ³ |
|-----------------------|---------------------------------|---|--|---|
| Demolition | Demolition Equipment | 82 | 83 | 115 |
| | Backhoes | 74 | | |
| | Hauling Trucks | 72 | | |
| Site Preparation | Crawler Tractors | 78 | 80 | 112 |
| | Hauling Trucks | 72 | | |
| | Rubber Tired Dozers | 75 | | |
| Grading | Graders | 81 | 83 | 115 |
| | Excavators | 77 | | |
| | Compactors | 76 | | |
| Building Construction | Cranes | 73 | 81 | 113 |
| | Tractors | 80 | | |
| | Welders | 70 | | |
| Paving | Pavers | 74 | 83 | 115 |
| | Paving Equipment | 82 | | |
| | Rollers | 73 | | |
| Architectural Coating | Cranes | 73 | 77 | 109 |
| | Air Compressors | 74 | | |
| | Generator Sets | 70 | | |

¹ FHWA Roadway Construction Noise Model (RCNM).

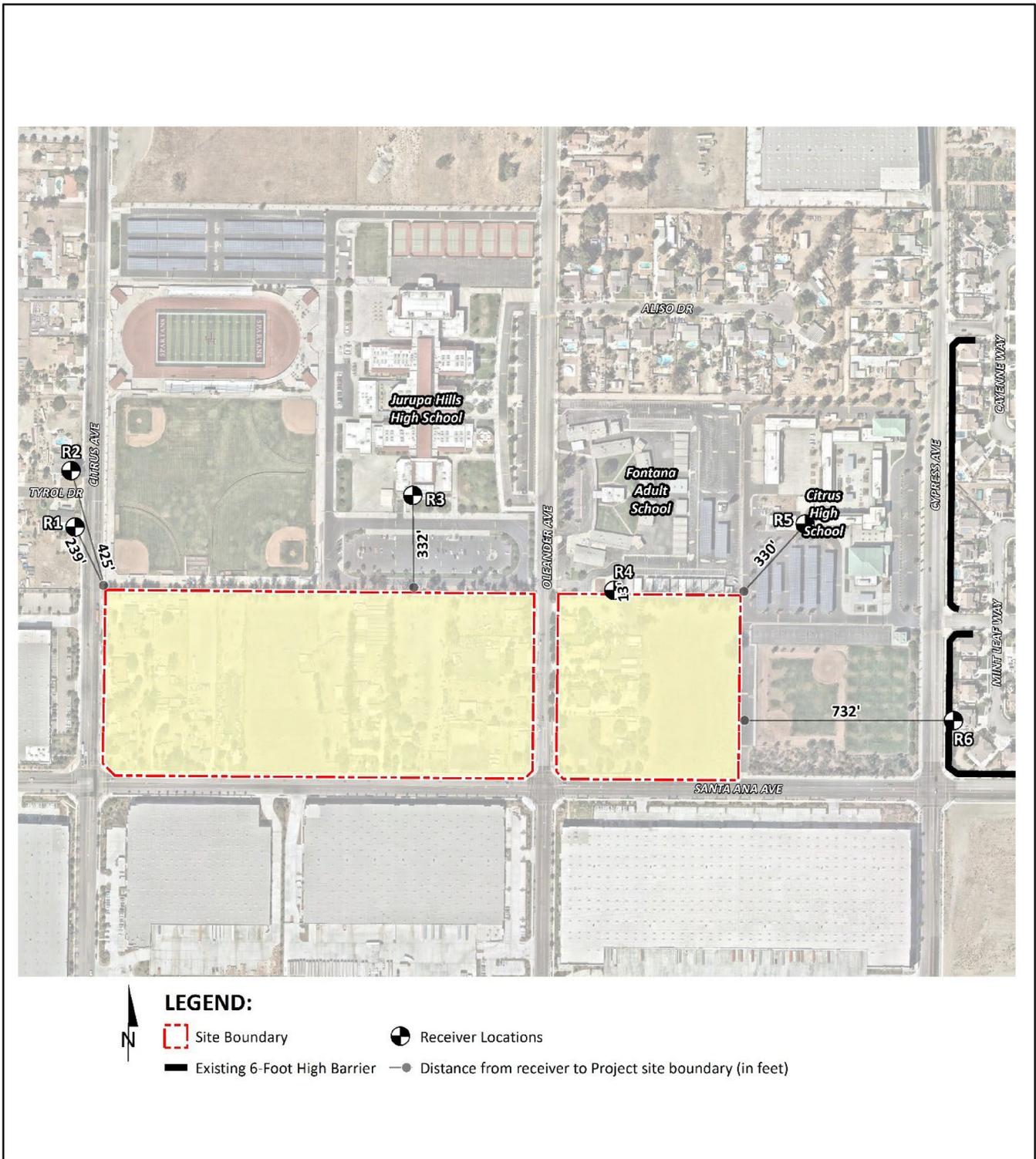
² Represents the combined noise level for all equipment assuming they operate at the same time consistent with FTA Transit Noise and Vibration Impact Assessment guidance.

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 calibrated using the CadnaA noise model at the reference distance to the noise source.

Source: (UC, 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 (L_w) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish because of intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment. (UC, 2022e, pp. 39-40) The reference Project operational noise and sound power levels are summarized in Table 4.13-4, *Reference Noise Level Measurements*.



Source(s): Urban Crossroads (11-30-2022)

Figure 4.13-1



Construction Noise Receiver Locations



Table 4.13-4 Reference Noise Level Measurements

| Noise Source ¹ | Noise Source Height (Feet) | Min./Hour ² | | Reference Noise Level (dBA L _{eq}) @ 50 Feet | Sound Power Level (dBA) ³ |
|---------------------------------|----------------------------|------------------------|-------|--|--------------------------------------|
| | | Day | Night | | |
| Loading Dock Activity | 8' | 60 | 60 | 65.7 | 111.5 |
| Roof-Top Air Conditioning Units | 5' | 39 | 28 | 57.2 | 88.9 |
| Trash Enclosure Activity | 5' | 60 | 60 | 57.3 | 89.0 |
| Parking Lot Vehicle Movements | 5' | 60 | 60 | 52.6 | 81.1 |
| Truck Movements | 8' | 60 | 60 | 59.8 | 93.2 |

¹ As measured by Urban Crossroads, Inc.

² Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 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.

Source: (UC, 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 J*) for a description of the CadnaA Noise Prediction Model parameters. Noise levels were calculated at the receiver locations shown in Figure 4.13-1.

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 active 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 (UC, 2022e, p. 20). Appendix 7.1 of *Technical Appendix J* contains the detailed model inputs for roadway parameters, average daily traffic volumes, time of day vehicle splits, and vehicle mix 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” (UC, 2022e, p. 46). The vibration source levels for Project construction equipment are summarized in Table 4.13-5, *Vibration Source Levels for Construction Equipment*.

Table 4.13-5 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 |
| Vibratory Roller | 0.210 |

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual
Source: (UC, 2022e, Table 10-5)

4.13.5 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. *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. *Generation of excessive ground borne vibration or ground borne noise levels;*
- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.*

In relation to Threshold “a,” Project-related construction and operational activities would be subject to the applicable noise standards established by the Fontana General Plan and Municipal Code. However, neither the General Plan nor the Municipal Code define the levels at which a development project’s temporary or permanent noise increases are considered substantial. Under Threshold “a,” CEQA requires that consideration be given to the to the magnitude of the increase, the existing ambient noise levels, and the location of sensitive receptors in order to determine if a noise increase represents a substantial increase and thus a significant adverse environmental impact. For purposes of this EIR, the metric used to evaluate the significance of the Project’s increase in ambient noise levels is adapted from the Federal Interagency Committee on Noise



(FICON). A detailed discussion of the noise exposure criteria is provided in Subsection 4.1 of the Project's noise impact analysis (refer to *Technical Appendix J*). Accordingly, in consideration of the City's General Plan and Municipal Code and the 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)) as follows:

- Construction activities occur outside of the hours permitted by the Fontana Municipal Code, Section 18-63(7) (7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays); and
 - Project construction noise levels would exceed the exterior 70 dBA L_{eq} daytime or 65 dBA L_{eq} nighttime noise level standards at adjacent land uses (City of Fontana Municipal Code, Chapter 30 Zoning and Development Code, Section 30-259); and
 - The Project creates a noise level increase greater than 3 dBA L_{eq} .

Project operational activities would result in a significant impact if operational noise exceeds the levels allowed by the City of Fontana Municipal Code (Section 30-543) 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 Code 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.

4.13.6 IMPACT ANALYSIS

Threshold a: Would the Project generate 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 J*).

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 4.13-6, *Construction Equipment Noise Level Summary*.

Project-related construction activities are expected to occur on weekdays (and, potentially, on Saturdays) during the hours when the City’s Municipal Code does not limit construction noise (i.e., between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays). Accordingly, during these hours the Project construction noise levels presented in Table 4.13-6 would not exceed the standards established by the City and impacts would be less than significant.



Table 4.13-6 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 | 66.6 | 63.6 | 66.6 | 64.6 | 66.6 | 60.6 | 66.6 |
| R2 | 63.7 | 60.7 | 63.7 | 61.7 | 63.7 | 57.7 | 63.7 |
| R3 | 67.0 | 64.0 | 67.0 | 65.0 | 67.0 | 61.0 | 67.0 |
| R4 | 75.9 | 72.9 | 75.9 | 73.9 | 75.9 | 69.9 | 75.9 |
| R5 | 65.2 | 62.2 | 65.2 | 63.2 | 65.2 | 59.2 | 65.2 |
| R6 | 57.0 | 54.0 | 57.0 | 55.0 | 57.0 | 51.0 | 57.0 |

¹ Construction noise source and receiver locations are shown on Figure 4.13-1.

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 J*).

Source: (UC, 2022e, Table 10-2)

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 4.13-7, *Nighttime Concrete Pour Noise Level Compliance*. 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 4.13-7 Nighttime Concrete Pour Noise Level Compliance

| Receiver Location ¹ | Concrete Pour Construction Noise Levels (dBA L _{eq}) | | |
|--------------------------------|--|----------------------------------|----------------------------------|
| | Exterior Noise Levels ² | Nighttime Threshold ³ | Threshold Exceeded? ⁴ |
| R1 | 51.9 | 70 | No |
| R2 | 49.0 | 70 | No |
| R3 | 52.3 | 70 | No |
| R4 | 61.2 | 70 | No |
| R5 | 50.5 | 70 | No |
| R6 | 42.3 | 70 | No |

¹ Construction noise source and receiver locations are shown on Figure 4.13-1.

² Nighttime Concrete Pour noise model inputs are included in Appendix 10.2 of the Project’s Noise Analysis (see *Technical Appendix J*).

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: (UC, 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 4.13-8, *Daytime Project Operational Noise Levels*, and Table 4.13-9, *Nighttime Project Operational Noise Levels*, respectively.

Table 4.13-8 Daytime Project Operational Noise Levels

| Noise Source ¹ | Operational Noise Levels by Receiver Location (dBA Leq) | | | | | |
|----------------------------------|---|-------------|-------------|-------------|-------------|-------------|
| | R1 | R2 | R3 | R4 | R5 | R6 |
| Loading Dock Activity | 50.6 | 50.1 | 56.3 | 51.1 | 54.9 | 46.5 |
| Roof-Top Air Conditioning Units | 37.8 | 35.0 | 36.2 | 40.0 | 32.0 | 25.9 |
| Trash Enclosure Activity | 15.0 | 24.1 | 30.3 | 13.2 | 28.8 | 24.2 |
| Parking Lot Vehicle Movements | 33.9 | 31.6 | 34.1 | 35.5 | 28.5 | 22.3 |
| Truck Movements | 40.7 | 37.8 | 40.8 | 55.8 | 36.5 | 18.9 |
| Total (All Noise Sources) | 51.3 | 50.5 | 56.5 | 57.2 | 55.0 | 46.6 |

¹ See Exhibit 9-A from the Project's Noise Analysis (*Technical Appendix J*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Project's Noise Analysis (*Technical Appendix J*). Source: (UC, 2022e, Table 9-2)

Table 4.13-9 Nighttime Project Operational Noise Levels

| Noise Source ¹ | Operational Noise Levels by Receiver Location (dBA Leq) | | | | | |
|----------------------------------|---|-------------|-------------|-------------|-------------|-------------|
| | R1 | R2 | R3 | R4 | R5 | R6 |
| Loading Dock Activity | 50.6 | 50.1 | 56.3 | 51.1 | 54.9 | 46.5 |
| Roof-Top Air Conditioning Units | 35.4 | 32.6 | 33.7 | 37.6 | 29.6 | 23.5 |
| Trash Enclosure Activity | 14.0 | 23.1 | 29.3 | 12.3 | 27.9 | 23.3 |
| Parking Lot Vehicle Movements | 33.9 | 31.6 | 34.1 | 35.5 | 28.5 | 22.3 |
| Truck Movements | 40.7 | 37.8 | 40.8 | 55.8 | 36.5 | 18.9 |
| Total (All Noise Sources) | 51.2 | 50.5 | 56.5 | 57.1 | 55.0 | 46.6 |

¹ See Exhibit 9-A from the Project's Noise Analysis (*Technical Appendix J*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Project's Noise Analysis (*Technical Appendix J*). Source: (UC, 2022e, Table 9-3)

Table 4.13-8 and Table 4.13-9 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 4.13-10, *Daytime Project Operational Noise Level Increases*, and Table 4.13-11, *Nighttime Operational Noise Level Increases*, 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 4.13-10 Daytime Project Operational Noise Level Increases

| Receiver Location ¹ | Land Use | 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 | Residential | 51.3 | L2 | 61.5 | 61.9 | 0.4 | 5.0 | No |
| R2 | Residential | 50.5 | L3 | 62.9 | 63.1 | 0.2 | 5.0 | No |
| R3 | School | 56.5 | L1 | 61.1 | 62.4 | 1.3 | 5.0 | No |
| R4 | School | 57.2 | L1 | 61.1 | 62.6 | 1.5 | 5.0 | No |
| R5 | School | 55.0 | L1 | 61.1 | 62.1 | 1.0 | 5.0 | No |
| R6 | Residential | 46.6 | L2 | 61.5 | 61.6 | 0.1 | 5.0 | No |

¹ See Figure 4.13-1 for the receiver locations.

² Total Project daytime operational noise levels as shown on Table 4.13-8.

³ Reference noise level measurement locations as shown in *Technical Appendix J*, Exhibit 5-A.

⁴ Observed daytime ambient noise levels as shown on Table 5-1 of the Project's Noise Analysis (*Technical Appendix J*).

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 Significance increase criteria as shown on Table 4-1 of the Project's Noise Analysis (*Technical Appendix J*).

Source: (UC, 2022e, Table 9-5)

Table 4.13-11 Nighttime Operational Noise Level Increases

| Receiver Location ¹ | Land Use | 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 | Residential | 51.2 | L2 | 59.8 | 60.4 | 0.6 | 5.0 | No |
| R2 | Residential | 50.5 | L3 | 61.0 | 61.4 | 0.4 | 5.0 | No |
| R3 | School | - ⁸ | L1 | 60.2 | - ⁸ | - ⁸ | - ⁸ | No |
| R4 | School | - ⁸ | L1 | 60.2 | - ⁸ | - ⁸ | - ⁸ | No |
| R5 | School | - ⁸ | L1 | 60.2 | - ⁸ | - ⁸ | - ⁸ | No |
| R6 | Residential | 46.6 | L2 | 59.8 | 60.0 | 0.2 | 5.0 | No |

¹ See Figure 4.13-1 for the receiver locations.

² Total Project nighttime operational noise levels as shown on Table 4.13-9.

³ Reference noise level measurement locations as shown in *Technical Appendix J*, Exhibit 5-A.

⁴ Observed nighttime ambient noise levels as shown on Table 5-1 of the Project's Noise Analysis (*Technical Appendix J*).

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 Significance increase criteria as shown on Table 4-1 of the Project's Noise Analysis (*Technical Appendix J*).

⁸ Receiver locations do not include any noise sensitive nighttime use.

Source: (UC, 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, with full analytical results found in *Technical Appendix J*:



- Existing (E)
- Existing with Project (EP)
- Opening Year Cumulative (2025) without Project (OYC)
- Opening Year Cumulative (2025) with Project (OYCP)
- Horizon Year (2040) without Project (HY)
- Horizon Year (2040) with Project (HYP)

Existing plus Project Conditions

The Existing plus Project (E+P) analysis determines the Project traffic noise impacts under the theoretical scenario where traffic from the Project is added to existing conditions. The EP scenario is presented to disclose potential direct impacts to the existing environment as required by CEQA. In the case of the proposed Project, the estimated time period between the commencement of the CEQA Analysis (2022) and Project buildout (2025) is three 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 EP scenario is very unlikely to materialize in real-world conditions when the Project is constructed and becomes operational. An analysis of EP Traffic conditions is presented herein for informational purposes.

EP traffic noise conditions in the Project vicinity are summarized in Table 4.13-12, *Existing With Project Traffic Noise Level Increases*. Under EP traffic conditions, Project-related traffic would contribute a maximum of 1.5 dBA CNEL to roadways in the vicinity of the Project Site. This incremental noise increase would not exceed the applicable significance thresholds under the EP scenarios; therefore, the Projects’ 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 4.13-12 Existing With Project Traffic Noise Level Increases

| ID | Road | Segment | Receiving Land Use ¹ | CNEL at Receiving Land Use (dBA) ² | | | Incremental Noise Level Increase Threshold ³ | |
|----|---------------|-------------------|---------------------------------|---|--------------|-------------------|---|-----------|
| | | | | No Project | With Project | Project Increment | Limit | Exceeded? |
| 1 | Citrus Av. | n/o I-10 WB Ramps | Non-sensitive | 78.0 | 78.0 | 0.0 | 3.0 | No |
| 2 | Citrus Av. | n/o Slover Av. | Sensitive | 76.7 | 77.1 | 0.4 | 1.5 | No |
| 3 | Citrus Av. | s/o Slover Av. | Sensitive | 74.7 | 75.5 | 0.8 | 1.5 | No |
| 4 | Citrus Av. | s/o Santa Ana Av. | Sensitive | 73.3 | 73.3 | 0.0 | 1.5 | No |
| 5 | Oleander Av. | n/o Santa Ana Av. | Sensitive | 70.9 | 71.0 | 0.1 | 1.5 | No |
| 6 | Oleander Av. | s/o Santa Ana Av. | Non-sensitive | 71.0 | 72.5 | 1.5 | 3.0 | No |
| 7 | Slover Av. | w/o Oleander Av. | Sensitive | 75.6 | 75.6 | 0.0 | 1.5 | No |
| 8 | Slover Av. | e/o Oleander Av. | Sensitive | 75.4 | 75.4 | 0.0 | 1.5 | No |
| 9 | Santa Ana Av. | w/o Citrus Av. | Sensitive | 70.8 | 70.8 | 0.0 | 1.5 | No |
| 10 | Santa Ana Av. | w/o Oleander Av. | Sensitive | 70.3 | 70.3 | 0.0 | 1.5 | No |
| 11 | Santa Ana Av. | e/o Oleander Av. | Sensitive | 70.2 | 70.2 | 0.0 | 1.5 | No |



¹ Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

³ Does the Project create an incremental noise level increase exceeding the significance criteria (Table 4-1 of the Project’s Noise Analysis, *Technical Appendix J*)?

"n/a" Per the County of Riverside General Plan Noise Element Table N-1, a barely perceptible 3 dBA or greater noise level increase is considered a significant impact when the ambient non-noise sensitive noise level is greater than the normally acceptable 70 dBA CNEL land use compatibility criteria.

Source: (UC, 2022e, Table 7-7)

Opening Year plus Cumulative plus Project (2024) Conditions

Opening Year plus Cumulative traffic noise conditions in the Project vicinity are summarized in Table 4.13-13, OYC 2025 With Project Traffic Noise Level Increases. Under Opening Year plus Cumulative traffic conditions, Project-related traffic would contribute a maximum of 1.4 dBA CNEL to roadways in the vicinity of the Project Site. This incremental noise increase would not exceed the applicable significance thresholds; therefore, the Projects’ contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant.

Horizon Year plus Project (2040) Conditions

Horizon Year plus Project traffic noise conditions in the Project vicinity are summarized in Table 4.13-14, HY 2040 With Project Traffic Noise Level Increases. Under Horizon Year plus Project traffic conditions, Project-related traffic would contribute a maximum of 1.3 dBA CNEL to roadways in the vicinity of the Project Site. This incremental noise increase would not exceed the applicable significance thresholds; therefore, the Projects’ 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 4.13-13 OYC 2025 With Project Traffic Noise Level Increases

| ID | Road | Segment | Receiving Land Use ¹ | CNEL at Receiving Land Use (dBA) ² | | | Incremental Noise Level Increase Threshold ³ | |
|----|---------------|-------------------|---------------------------------|---|--------------|-------------------|---|-----------|
| | | | | No Project | With Project | Project Increment | Limit | Exceeded? |
| 1 | Citrus Av. | n/o I-10 WB Ramps | Non-sensitive | 78.5 | 78.5 | 0.0 | 3.0 | No |
| 2 | Citrus Av. | n/o Slover Av. | Sensitive | 78.1 | 78.4 | 0.3 | 1.5 | No |
| 3 | Citrus Av. | s/o Slover Av. | Sensitive | 76.7 | 77.3 | 0.6 | 1.5 | No |
| 4 | Citrus Av. | s/o Santa Ana Av. | Sensitive | 75.0 | 75.0 | 0.0 | 1.5 | No |
| 5 | Oleander Av. | n/o Santa Ana Av. | Sensitive | 71.2 | 71.2 | 0.0 | 1.5 | No |
| 6 | Oleander Av. | s/o Santa Ana Av. | Non-sensitive | 71.3 | 72.7 | 1.4 | 3.0 | No |
| 7 | Slover Av. | w/o Oleander Av. | Sensitive | 76.6 | 76.6 | 0.0 | 1.5 | No |
| 8 | Slover Av. | e/o Oleander Av. | Sensitive | 76.5 | 76.5 | 0.0 | 1.5 | No |
| 9 | Santa Ana Av. | w/o Citrus Av. | Sensitive | 73.2 | 73.2 | 0.0 | 1.5 | No |
| 10 | Santa Ana Av. | w/o Oleander Av. | Sensitive | 72.8 | 72.9 | 0.1 | 1.5 | No |
| 11 | Santa Ana Av. | e/o Oleander Av. | Sensitive | 72.8 | 72.8 | 0.0 | 1.5 | No |



¹ Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

³ Does the Project create an incremental noise level increase exceeding the significance criteria (Table 4-1 of the Project's Noise Analysis, *Technical Appendix J*)?

"n/a" Per the County of Riverside General Plan Noise Element Table N-1, a barely perceptible 3 dBA or greater noise level increase is considered a significant impact when the ambient non-noise sensitive noise level is greater than the normally acceptable 70 dBA CNEL land use compatibility criteria.

Source: (UC, 2022e, Table 7-8)

Table 4.13-14 HY 2040 With Project Traffic Noise Level Increases

| ID | Road | Segment | Receiving Land Use ¹ | CNEL at Receiving Land Use (dBA) ² | | | Incremental Noise Level Increase Threshold ³ | |
|----|---------------|-------------------|---------------------------------|---|--------------|-------------------|---|-----------|
| | | | | No Project | With Project | Project Increment | Limit | Exceeded? |
| 1 | Citrus Av. | n/o I-10 WB Ramps | Non-sensitive | 78.9 | 78.9 | 0.0 | 3.0 | No |
| 2 | Citrus Av. | n/o Slover Av. | Sensitive | 78.5 | 78.8 | 0.3 | 1.5 | No |
| 3 | Citrus Av. | s/o Slover Av. | Sensitive | 77.2 | 77.6 | 0.4 | 1.5 | No |
| 4 | Citrus Av. | s/o Santa Ana Av. | Sensitive | 75.4 | 75.4 | 0.0 | 1.5 | No |
| 5 | Oleander Av. | n/o Santa Ana Av. | Sensitive | 71.6 | 71.6 | 0.0 | 1.5 | No |
| 6 | Oleander Av. | s/o Santa Ana Av. | Non-sensitive | 71.7 | 73.0 | 1.3 | 3.0 | No |
| 7 | Slover Av. | w/o Oleander Av. | Sensitive | 77.7 | 77.7 | 0.0 | 1.5 | No |
| 8 | Slover Av. | e/o Oleander Av. | Sensitive | 77.6 | 77.6 | 0.0 | 1.5 | No |
| 9 | Santa Ana Av. | w/o Citrus Av. | Sensitive | 73.6 | 73.6 | 0.0 | 1.5 | No |
| 10 | Santa Ana Av. | w/o Oleander Av. | Sensitive | 73.3 | 73.3 | 0.0 | 1.5 | No |
| 11 | Santa Ana Av. | e/o Oleander Av. | Sensitive | 73.2 | 73.2 | 0.0 | 1.5 | No |

¹ Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

² The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

³ Does the Project create an incremental noise level increase exceeding the significance criteria (Table 4-1 of the Project's Noise Analysis, *Technical Appendix J*)?

"n/a" Per the County of Riverside General Plan Noise Element Table N-1, a barely perceptible 3 dBA or greater noise level increase is considered a significant impact when the ambient non-noise sensitive noise level is greater than the normally acceptable 70 dBA CNEL land use compatibility criteria.

Source: (UC, 2022e, Table 7-9)

Threshold b: Would the Project generate 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 4.13-15, Project Construction Vibration Levels. As shown, one of the receiver locations in the vicinity of the Project Site would be exposed to vibration levels that exceed the applicable significance threshold. The typical Project construction vibration levels will exceed the building damage thresholds at the building façade of the Fontana Adult School relocatable classrooms (receiver location R4). The Project-related construction



vibration impacts would be potentially significant during the construction activities at the Project Site and mitigation is required.

Table 4.13-15 Project Construction Vibration Levels

| Receiver ¹ | Distance to Const. Activity (Feet) ² | Typical Construction Vibration Levels PPV (in/sec) ³ | | | | | | Thresholds PPV (in/sec) ⁴ | Thresholds Exceeded? ⁵ |
|-----------------------|---|--|------------|---------------|-----------------|------------------|-------------------------|--------------------------------------|-----------------------------------|
| | | Small bulldozer | Jackhammer | Loaded Trucks | Large bulldozer | Vibratory Roller | Highest Vibration Level | | |
| R1 | 239' | 0.000 | 0.001 | 0.003 | 0.003 | 0.007 | 0.007 | 0.3 | No |
| R2 | 425' | 0.000 | 0.000 | 0.001 | 0.001 | 0.003 | 0.003 | 0.3 | No |
| R3 | 332' | 0.000 | 0.001 | 0.002 | 0.002 | 0.004 | 0.004 | 0.3 | No |
| R4 | 13' | 0.008 | 0.093 | 0.203 | 0.237 | 0.560 | 0.560 | 0.3 | Yes |
| R5 | 330' | 0.000 | 0.001 | 0.002 | 0.002 | 0.004 | 0.004 | 0.3 | No |
| R6 | 732' | 0.000 | 0.000 | 0.000 | 0.001 | 0.001 | 0.001 | 0.3 | No |

¹ Receiver locations are shown on Figure 4.13-1.

² Distance from receiver location to Project construction boundary (Project site boundary).

³ Based on the Vibration Source Levels of Construction Equipment (Table 10-4 of the Project's Noise Analysis, *Technical Appendix J*).

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity
Source: (UC, 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 is located within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour) (Ontario, 2018, Map 2-3). Pursuant to Table 2-3 of the ONT ALUCP, all industrial land uses – including the logistics warehouse buildings proposed by the Project – are suitable within the 60 to 65 dBA CNEL noise contour with no sound attenuation needed (Ontario, 2018, Table 2-3). Accordingly, the Project would be a compatible use within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour) and operation of the Project would not expose people working on the Project site to excessive noise levels. The Project's impact would be less than significant.



4.13.7 CUMULATIVE IMPACT ANALYSIS

A. Construction Noise

There are several known active, pending, or planned construction projects in the immediate vicinity of the Project Site. To the north at the southeast corner of Citrus Avenue and Slover Avenue is a warehouse project. Southeast of the Project Site is the Goodman Logistics Center Fontana III Warehouse Project and the Fontana Foothills high-cube warehouse and distribution center project. West of the Project Site is the Southwest Industrial Park (SWIP) Specific Plan development which includes industrial, commercial, and office uses. The complete list of cumulative projects in the vicinity of the Project is provided in Table 4.0-1 in Section 4.0, *Environmental Analysis*, of this EIR. In the event that construction on the Project Site occurs simultaneously with construction of other nearby projects, the effect to sensitive receptors in proximity to the Project Site (to the north and to the east) would not be cumulatively considerable in consideration of the existing built environment. Specifically, Santa Ana Avenue separates the Project Site from other development projects that may be under construction to the south and Citrus Avenue separates the Project Site from other development projects that may be under construction to the west. Roadway noise would overshadow any construction noise from those projects. 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 Projects’ traffic noise contribution along study area roadways with consideration of cumulative development (Opening Year plus Cumulative and Horizon Year scenarios). As summarized in that analysis, the Projects’ 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. All cumulative development in the area is located south of Santa Ana Avenue, west of Citrus Avenue, or further north (not adjacent to) the Project Site, and as such, vibration sources would be on the opposite sides of these roads or already developed land and not comingle with the Project’s construction-related activities to elevate vibration



levels experienced at off-site properties. 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.

4.13.8 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: Significant Direct Short-Term Impact. The Project's construction activities would exceed the Fontana Adult School relocatable classrooms damage thresholds at the building façade.

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.

4.13.9 MITIGATION

While the analysis shows that the construction noise levels would not exceed the construction-related daytime noise level threshold of 80 dBA L_{eq} , additional noise abatement should be considered for the Fontana Adult School relocatable classrooms (receiver location R4). The provision of a temporary 8-foot-high noise barrier separating the Project Site and the Fontana Adult School relocatable classrooms will reduce the construction noise levels by approximately 5.7 dBA L_{eq} . With the temporary 8-foot-high noise barrier, the construction noise level will be further reduced to 70.2 dBA L_{eq} . Though construction noise is temporary and intermittent, and will not present any long-term impacts, the following mitigation measures are set forth.

MM 4.13-1 As a condition of the Building 2 grading permit and building permit, to reduce construction noise, the contractor shall be required to install a minimum 8-foot-high temporary construction



perimeter noise barrier for the duration of construction activities at the property boundary that adjoins the Fontana Adult School. The noise control barrier shall include the following:

- a) The noise control barrier must present a solid face from top to bottom.
- b) The noise barrier shall be constructed using one of the following materials with no decorative cutouts or line-of-sight openings between shielded areas and the noise source:
 - An acoustical blanket (e.g. vinyl acoustic curtains, quilted blankets, or equivalent) attached to the construction site perimeter fence or equivalent temporary fence posts.
 - Any combination of these construction materials satisfying a weight of at least 4 pounds per square foot of face area.
- c) The noise barrier shall be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
- d) During all construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project Site.

To address significant direct construction-related vibration impacts under threshold b, the following mitigation measure shall be implemented:

MM 4.13-2 As a condition of the Building 2 grading permit and building permit, during construction activities, when the Fontana Adult School relocatable classrooms are occupied, a 20-foot buffer setback will be required for the operation of large pieces of construction equipment. No large, loaded trucks, heavy mobile equipment greater than 80,000 pounds, jack hammers or vibratory roller shall occur within 20-feet of occupied structures. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Project construction to reduce vibration effects on nearby Fontana Adult School structures and their occupants. This requirement also shall be noted on all grading plans, building plans, and shall be specified in construction bid documents and construction contracts. ‘

MM 4.13-3 Prior to the commencement of construction activities on the Building 2 site, the Project Applicant/Developer or construction contractor shall be required to supply its construction schedule to Fontana Adult School. Best efforts shall be made by the Project Applicant/Developer to work with Fontana Adult School and schedule construction activities that are least disruptive to school activities occurring in the relocatable classrooms located within 20 feet of the Building 2 construction site. The Project Applicant/Developer also shall



work with Fontana Adult School on the feasibility of temporarily relocating the classrooms to another portion of the school campus while Project construction activity is occurring.

4.13.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold b: Significant Direct Short-Term Impact. Upon implementation of MM 4.13-2 and MM 4.13-3, Project construction vibration levels still exceed the 0.3 PPV (in/sec) construction vibration threshold, as shown in Table 4.13-16, *Mitigated Project Construction Vibration Levels*. The Project’s construction activities would have a significant direct impact on occupied structures at the Fontana Adult School that are located within 20 feet of construction activities on the Building 2 site.

Table 4.13-16 Mitigated Project Construction Vibration Levels

| Receiver ¹ | Distance to Const. Activity (Feet) ² | Typical Construction Vibration Levels PPV (in/sec) ³ | | | | | | Thresholds PPV (in/sec) ⁴ | Thresholds Exceeded? ⁵ |
|-----------------------|---|---|------------|---------------|-----------------|------------------|-------------------------|--------------------------------------|-----------------------------------|
| | | Small bulldozer | Jackhammer | Loaded Trucks | Large bulldozer | Vibratory Roller | Highest Vibration Level | | |
| R4 | 13' | 0.008 | 0.093 | 0.203 | 0.237 | 0.560 | 0.560 | 0.3 | Yes |

¹ Receiver locations are shown on Figure 4.13-1.

² Distance from receiver location to Project construction boundary (Project site boundary).

³ Based on the Vibration Source Levels of Construction Equipment (Table 10-4 of the Project’s Noise Analysis, *Technical Appendix J*).

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity
Source: (UC, 2022e, Table 10-7)



4.14 POPULATION AND HOUSING

The analysis in this Subsection discloses existing population and housing data for the City of Fontana and assesses the potential for the Project to result in direct or indirect impacts on population and housing. The analysis in this Subsection is based, in part, on information contained within the City of Fontana General Plan and population and housing projections from the Southern California Association of Governments (SCAG). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.14.1 EXISTING CONDITIONS

The Project Site is located in south Fontana. South Fontana historically supported agriculture and rural residential land uses. Beginning in the mid-1990s through the mid-2000s, south Fontana began transitioning to urban/suburban land uses, with the development of the Palm Court Shopping Center and new master-planned residential communities such as South Ridge and Sycamore Hills. In the mid-2000s, large-scale industrial land uses were introduced in south Fontana (east of Sierra Avenue and north of Santa Ana) and in 2012, the City of Fontana updated the SWIP Specific Plan, which established a development plan for the City's vision of a large, master-planned industrial park in south Fontana. At the time of the approval of the updated SWIP Specific Plan, industrial uses in south Fontana were mostly concentrated between Slover Avenue and Jurupa Avenue west of Hemlock Avenue. Today, due to the City's master-planning efforts with the updated SWIP Specific Plan and in response to market demand, industrial land uses – including multiple large-scale commerce center buildings – in south Fontana extend all the way to Cypress Avenue. As previously described in Section 2.3, *Surrounding Land Uses and Development*, the Project Site is surrounded by a mix of public facility (school), industrial, and commercial land uses. Under existing conditions, the Project Site contains a mixture of residential and associated accessory structures and fencing, and vacant, undeveloped land. Eight residences occur on the Project Site, seven of which are occupied by one person per structure and one of which is vacant.

A. Demographics

According to the most recent available U.S. Census data, the City of Fontana had a population of approximately 208,393 people in 2020 (USCB, 2022). Growth in the City of Fontana is projected to continue into the future and, by the year 2040, Fontana is estimated to be home to 280,900 people (Fontana, 2018a, p. 2.16). As stated above, several occupied residential structures are located on the Project Site under existing conditions. According to data compiled by SCAG, the City of Fontana had 54,432 housing units in 2018, of which 82% were comprised of single-family homes and 15% were comprised of multi-family homes (SCAG, 2019, p. 16). By the year 2040, Fontana is projected to contain 74,000 housing units, an approximately 26% increase from 2018 data (Fontana, 2018a, p. 2.15). The City of Fontana's General Plan Housing Element for 2021-2029 (6th Cycle Housing Element) is hereby incorporated by reference, which contains detailed demographic data for the City in its Section 2, Community Profile, pages 2-1 through 2-24. The Housing Element is available for public review at the City of Fontana, 8353 Sierra Avenue, Fontana, CA 92335 during regular business hours and also is available online at the website address listed in EIR Section 7.0, *References* (Fontana, 2022c).

B. Land Use and Zoning Designations

The City's General Plan designates the Project Site for "Residential Planned Community (R-PC)" and "Multi-Family Medium/High Residential (R-MFMH)" land uses. The R-PC land use designation is intended for



master-planned communities with a minimum area of 145 acres but can also apply to residential properties with minimum 10,000 s.f. lots. The R-MFMH land use designation is intended for higher-density multi-family development up to 39 units per acre (Fontana, 2018a, p. 15.25).

The City of Fontana Zoning District Map classifies the Project Site for “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” land uses. According to the City of Fontana Municipal Code, the “R-PC” zoning district is intended to facilitate the development of large parcels in an integrated and innovative manner that results in the formation of residential neighborhoods with local-serving neighborhood and commercial centers. The R-4 zoning district is intended for multiple-family residential developments commonly found in a dense urban environment (Fontana, 2022a, § 30-423).

4.14.2 REGULATORY SETTING

A. Federal Plans, Policies, and Regulations

1. Fair Housing Act

The federal Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Additional protections apply to federally-assisted housing. (HUD, n.d.)

2. U.S. Census Bureau

The U.S. Census Bureau is the leading source of statistical information about the nation’s people. Population statistics come from decennial censuses, which count the entire U.S. population every ten years, along with several other surveys. The American Community Survey (ACS) is an ongoing annual survey intended to help communities decide where to target services and resources. Demographic surveys measure income, poverty, education, health insurance coverage, housing quality, crime victimization, computer usage, and many other subjects. Economic surveys are conducted monthly, quarterly, and yearly, and cover selected sectors of the nation’s economy. (USCB, n.d.)

B. State and Regional Plans, Policies, and Regulations

1. State Housing Law

The State law regulating residential occupancies is entitled the “State Housing Law” and is found in Division 13, Part 1.5 of the California Health and Safety Code (HSC), Sections 17910 to 17998.3 Regulations implementing the State Housing Law mandate statewide residential building standards for new construction, which are found in the California Code of Regulations, Title 24, also referred to as the California Green Building Standards Code (CalGreen). (CA Legislative Info, n.d.)

2. Southern California Association of Governments (SCAG)

SCAG determines regional housing needs and the share of the regional needs to be addressed by San Bernardino County and its constituent cities. SCAG is a Joint Powers Agency and is the designated Council of Governments (COG), Regional Transportation Planning Agency (RTPA), and Metropolitan Planning Organization (MPO) for the six-county region of Los Angeles, Orange, Ventura, San Bernardino, Riverside,



and Imperial counties. SCAG’s Regional Comprehensive Plan and Guide (RCPG) and Regional Housing Needs Assessment (RHNA) are tools for coordinating regional planning and housing development strategies in southern California. (SCAG, 2022)

3. *Regional Housing Needs Assessment (RHNA)*

State Housing Law (California Government Code Article 10.6, Sections 65580-65590) mandates that local governments, through COGs, identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA). The RHNA provides recommendations and guidelines to identify housing needs within counties and cities. The City of Fontana addresses its RHNA allocation through its General Plan Housing Element. The RHNA prepared by SCAG projected Fontana’s share of regional housing need for 2014-2021 as 5,977 new housing units. Forty percent of this total (2,416 units) comprised housing need for extremely low-income, very low-income, and low-income households (Fontana, 2018a). Most recently, the RHNA prepared by SCAG projected Fontana’s share of regional housing need for 2021-2029 as 17,477 new housing units, with 5,096 units in the very low-income category, 2,943 units in the low-income category, 3,029 units in the moderate-income category, and 6,409 units in the above moderate-income category. The City of Fontana published a General Plan Housing Element Update for 2021-2029 (6th Cycle Housing Element), which identifies policies and programs to meet existing and projected future housing needs (Fontana, 2022c).

4. *Senate Bill 330 (Housing Crisis Act of 2019) and Senate Bill 8 (2021)*

On October 9, 2019, California Governor Gavin Newsom signed the Housing Crisis Act of 2019 (HCA) into law, commonly known as Senate Bill (SB) 330 (Chapter 654, Statutes of 2019) to respond to the California housing crisis. On September 16, 2021, Gov. Newsom also signed SB 8 (Chapter 161, Statutes of 2021), which is an extension of the HCA. The HCA aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and polices that can be applied to residential development. For example, State law now prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. SB 330 requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. (CA Legislative Info, 2019)

C. *City Plans, Policies, and Regulations*

1. *Fontana General Plan Housing Element*

The current State-approved City of Fontana General Plan Housing Element (2014-2021) was approved and adopted by the City Council in November 2018. The City is currently updating the General Plan Housing Element to the 2021-2029 Housing Element, but as of the time of this writing, it is still in draft form and not yet accepted by the California Department of Housing and Community Development (Fontana, 2022c). The 6th Cycle Housing Element was prepared according to State requirements, which stipulate that cities and



counties must include in their general plans a Housing Element that makes adequate provision for housing and housing growth by providing zoning at appropriate densities and with sufficient infrastructure to meet a “fair share” of the regional need for affordable housing, as shown in the RHNA, prepared by SCAG. The City of Fontana’s Housing Element goals are: 1) adequate housing to meet the needs of all residents in Fontana; 2) a high standard of quality in existing affordable housing stock; 3) housing development that is not affected by government constraints; and 4) affirmatively further fair housing in Fontana (Fontana, 2022c).

4.14.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *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);*
- b. *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere;*

4.14.4 IMPACT ANALYSIS

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)?*

A. Employment Generation

The Project would entail developing the subject property with three commerce center buildings and allowances for the development of an additional 5.0 acres with industrial uses. For the three proposed commerce center buildings, the Project would employ construction workers in various trades over the estimated 18-month construction phase. Long-term employment estimates were calculated using average employment density factors from Southern California Association of Governments’ (SCAG’s) “Employment Density Study.” SCAG reports that commerce center buildings in San Bernardino County employ an average of one (1) worker for every 1,195 s.f. of building area, which would yield 453 jobs (540,849 s.f. ÷ 1,195 s.f./employee = 453 employees) for proposed Buildings 1, 2, and 3. (SCAG, 2001, p. 15). Although no development is currently proposed on 5.0 acres of the Project Site, should those 5.0 acres be developed in the future with up to 131,464 s.f. of building space, an additional 110 jobs could be generated (131,464 s.f. ÷ 1,195 s.f./employee = 110 employees).

The City’s employment market contained 55,448 jobs in 2017 (SCAG, 2019, p. 24). By the year 2040, the employment market in Fontana is projected to grow to approximately 70,800 jobs (SCAG, 2016). This projected increase in jobs would accommodate the Project’s expected 453 to 563 total employees.



B. Induced Population Growth Analysis

1. Population Growth

According to the Bureau of Labor Statistics (BLS), in December 2021, the Riverside-San Bernardino-Ontario region's civilian labor force exceeded 2,121,300 persons with 2,012,500 people employed and an unemployment rate of 5.1% (or 108,800 persons) (BLS, n.d.). Accordingly, the region has an ample supply of potential employees to fill the 453 to 563 jobs anticipated to be generated by the Project. The Project's labor demand is not expected to draw substantial numbers of new, unplanned residents to the area. Furthermore, based on the most recent available data, approximately 90% of City of Fontana residents commute outside of the City for work and more housing units are expected to be built within the City over the next 20+ years (Fontana, 2018a, p. 2.15; SCAG, 2019, p. 21); the Project would provide job opportunities closer to home for existing and future residents in the nearby area, which would subsequently help achieve a better job-to-housing balance. Based on the foregoing, the Project is not expected to be a catalyst for any substantial, unplanned population increase.

There are no components of the Project that would remove obstacles to development in the local area (and result in indirect unplanned population growth) because the abutting area is already built-out. The Project would make connections to site-adjacent existing and planned infrastructure and would not construct new infrastructure or increase the capacity of existing infrastructure. Therefore, none of the Project's physical improvements would remove any development obstacles/barriers and that could result in unplanned growth.

Based on the foregoing analysis, the Project nor any Project-related component would directly or indirectly result in substantial unplanned population growth that would cause a significant impact to the environment. Impacts would be less than significant.

2. Planned Housing Allocation

The RHNA prepared by SCAG projected Fontana's share of regional housing need for 2021-2029 as 17,477 new housing units, with 5,096 units in the very low-income category, 2,943 units in the low-income category, 3,029 units in the moderate-income category, and 6,409 units in the above moderate-income category. The City of Fontana is planning to accommodate its share of the projected regional need for housing units, as documented in the City's General Plan Housing Element 2021-2029 (6th Cycle Housing Element) (Fontana, 2022).

The Project entails a General Plan Amendment (GPA) and Specific Plan Amendment (SPA) to change the properties' land use designation and zoning classification from a residential to non-residential category. The Project's proposed GPA No. 22-004 would amend the City's General Plan Land Use Map to change the land use designation for the Project Site from "Residential Planned Community (R-PC)" and "Multi-Family Medium/High Residential (R-MFMH)" to "General Industrial (I-G)." Refer to Figure 3-4, *Proposed GPA 22-004*, in Section 3.0, *Project Description*, of this EIR. Similarly, the Project's proposed SPA No. 22-002 would amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the Project Site. The Project Site would be incorporated into the SWIP's Slover East Industrial District (SED). The SPA would amend the City of Fontana Zoning District Map to change the zoning classification of



the Project Site from “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” to “Southwest Industrial Park (SWIP) Specific Plan.” Refer to Figure 3-6, *Proposed SPA 22-002*, in Section 3.0, *Project Description*, of this EIR.

To comply with SB 330, the Project would comply with the City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Density Bonus/Replacement Program,” which was approved by the Fontana City Council via Ordinance No. 1906 on October 25, 2022. This Program provides that concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, Chapter 30 Article XV assures that there is no net loss of residential capacity within the City as required by SB330. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property, up to 125 dwelling units are permitted on the R-PC designated property and up to 382 dwelling units are permitted on the R-MFMH designated property for a total of 507 multi-family residential units on the Project Site. This housing unit capacity would be made available to other properties under the No Net Loss Density Bonus/Replacement Program.

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

The Project Site contains eight residences under existing conditions, and implementation of the Project would remove these structures from the Project Site. Seven of the eight residences are owner-occupied under existing conditions, with one resident per structure, and one residential structure is vacant. Upon implementation of the Project, the current owners would sell their properties to the Project Applicant, self-relocate using proceeds from the sale at their discretion, and the structures on the Project Site would be removed. Displacement of seven people from the Project Site that would financially benefit from the sale of their properties does not constitute the displacement of substantial numbers of people. The removal of these structures from the Project Site would not substantially affect the supply of readily available housing units in the City. Therefore, implementation of the Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Implementation of the Project would result in a less-than-significant impact.

4.14.5 CUMULATIVE IMPACT ANALYSIS

The Project would not lead to substantial unplanned population growth or remove a substantial amount of housing that would require the construction of replacement housing elsewhere. As such, the Project does not have the potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units. The Project would supply employment opportunities for an estimated 453 to 563 persons. Although population growth resulting from the employment opportunities offered at the Project Site is not expected because the Projects’ employees are expected to already live in the local area, based on the availability of a local workforce, the surrounding area has ample supply of housing (with additional housing development expected in the City into the future) to accommodate any population growth in the area that could indirectly occur due to employment-demand generation from the Project and other developments in the area that will offer new employment opportunities. Citywide, Fontana has additionally planned for new housing to meet its RHNA allocation of 17,477 new housing units in the 2021-2029 planning period, for households at a



range of income levels (Fontana, 2022). The creation of employment opportunities by the Project would benefit the City and the larger Inland Empire region by helping to achieve a better jobs-to-housing balance and encouraging residents to work locally instead of commuting outside of the City for work. As such, the Project's contribution to unplanned housing and population growth would not be cumulatively considerable.

4.14.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The estimated 453 to 563 jobs to be generated by the Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Project would not induce substantial unplanned population growth.

Threshold b: Less-than-Significant Impact. The Project would remove eight residences, seven of which are occupied. The removal of eight homes would not displace substantial numbers of people or require the construction of replacement housing elsewhere.

4.14.7 MITIGATION

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



4.15 PUBLIC SERVICES

This Subsection provides information on existing public services and service levels for fire protection, police protection, schools, libraries, and public health facilities, and evaluates impacts to the environment that may result from the demand the Projects may have on such services.

4.15.1 EXISTING CONDITIONS

A. Fire Protection

Fire protection services to the Project Site and surrounding area are provided by the Fontana Fire Protection District (FFPD) (Fontana, n.d.). FFPD is contracted through the San Bernardino County Fire Department (SBCoFD) via a service agreement which contracts the SBCoFD to provide fire protection and emergency medical services within the FFPD.

The Fire Station that would serve the Project Site is the Fontana Fire Station 77, which is located approximately 1.4 miles east of the Project Site at 17459 Slover Avenue, Fontana, CA 92337 (Google Earth, 2022). Apparatus at Station 77 includes one medic truck and one medic squad.

B. Police Protection Services

Police protection services for the Project area is provided by the Fontana Police Department. The Fontana Police Department has 188 sworn officers providing law enforcement services (FPD, n.d.). Police protection services for the Project area is provided from the Fontana Police Headquarters, located approximately 3.1 miles northeast of the Project Site at 17005 Upland Avenue, Fontana, CA 92335.

C. School Services

The Project Site lies within the Fontana Unified School District. The western portion of the Project Site, between Citrus Avenue and Oleander Avenue, is located in the service area boundaries of Chaparral Academy of Technology (Elementary School), located 2.7 miles southwest at 14000 Shadow Drive, Fontana, CA 92337, Southridge Tech Middle School, located 2.2 miles southwest at 14500 Live Oak Avenue, Fontana, CA 92377, and Jurupa Hills High School, located north adjacent to the Project Site at 10700 Oleander Avenue, Fontana, CA 92335. The eastern portion of the Project Site, east of Oleander Avenue, is located in the service area boundaries of Cypress Elementary School, located 1.3 miles northeast at 9751 Cypress Avenue, Fontana, CA 92335, Harry S. Truman Middle School, located 1.2 miles north at 16224 Mallory Drive, Fontana, CA 92335, and Jurupa Hills High School, located north adjacent to the Project Site at 10700 Oleander Avenue, Fontana, CA 92335. The nearest schools to the Project Site are Jurupa Hills High School and Fontana Adult School, both located to the north adjacent to the Project Site at 10700 Oleander Avenue, Fontana, CA 92335 and 10755 Oleander Avenue, Fontana CA 92337, respectively, and Citrus High School located to the northeast adjacent to the Project Site at 10760 Cypress Avenue, Fontana, CA 92335. Under existing conditions, 13 occupied residential homes are located on the Project Site which are included in the Fontana Unified School District boundaries.



D. Library Facilities

The San Bernardino County Library System owns and operates 32 library branches throughout the County. Services offered by the San Bernardino County Library System include borrowing privileges, free public access to the Internet, youth services, books by mail, adult literary services, classes and events, and meeting and study rooms. The branch located closest to the Project Site is the Kaiser Branch Library located approximately 2.1 miles southwest of the Project Site at 11155 Almond Avenue, Fontana, CA 92337.

E. Public Health Services

Public health services in the City of Fontana are provided by the San Bernardino County Department of Public Health located 9.8 miles northeast of the Project Site at 351 N Mountain View Avenue, San Bernardino, CA 92415. The closest hospital to the Project Site is the Kaiser Permanente Medical Center located approximately 1.3 miles northeast at 9961 Sierra Avenue, Fontana, CA 92335.

4.15.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to public services.

A. State Plans, Policies, and Regulations

1. Fire Protection Services Regulations and Plans

Public Resources Code (PRC) Sections 4290-4299

These sections establish minimum statewide fire safety provisions pertaining to: roads for fire equipment access; signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. With certain exceptions, all new construction after July 1, 1991, in potential wildland fire areas, is required to meet these statewide standards. The state requirements, however, do not supersede more restrictive local regulations. (CA Legislative Info, n.d.)

As defined by CalFire, wildland areas defined as State Responsibility Areas (SRAs) may contain substantial wildfire risks and hazards. They consist of lands exclusive of cities, and federal lands regardless of ownership. The primary financial responsibility for preventing and suppressing fires within wildlands belongs to the State of California. However, it is not the State of California's responsibility to provide fire protection services to buildings or structures located within the wildlands unless CalFire has entered into a cooperative agreement with a local agency for those purposes pursuant to PRC Section 4142. As such, wildland areas require disclosure of these fire hazards in real estate transactions, and owners of properties in wildland areas are subject to PRC Section 4291 maintenance requirements. The law requires CalFire every five years (1991, 1996, 2001, etc.) to provide maps identifying the boundaries of lands classified as SRAs to the Riverside County Assessor. (CA Legislative Info, n.d.)

PRC Sections 4102-4127 - State Responsibility Areas (SRAs)

PRC Section 4102 specifies that "'State responsibility areas' means areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the [State Fire] Board pursuant to



Section 4125, to be primarily the responsibility of the state.” These areas may contain state or privately-owned forest, watershed, and rangeland. §§ 4126-4127 of the PRC further specify the standards that define what does and does not constitute an SRA. (CA Legislative Info, n.d.)

California Code of Regulations (CCR) Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the CCR refers to the California Building Code which contains complete regulations and general construction building standards of State of California adopting agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, “Materials and Construction Methods for Exterior Wildfire Exposure,” in the 2010 California Building Code addresses fire safety standards for new construction and Section 701A.3.2 addresses “New Buildings Located in Any Fire Hazard Severity Zone.” (BSC, n.d.)

CCR Title 14 – Natural Resources

These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They were prepared and adopted to establish minimum wildfire protection standards in conjunction with building, construction, and development within SRAs. Among other things, Title 14 requires the design and construction of structures, subdivisions, and developments in an SRA provide for basic emergency access and perimeter wildfire protection measures (fire fuel modification zones, etc.). (Westlaw, n.d.)

California Government Code (CGC) Sections 51178-51179 – Very High Fire Hazard Severity Zones

Section 51178 specifies that the Director of CalFire, in cooperation with local fire authorities, must identify areas that are Very High Fire Hazard Severity Zones (VHFHSZs) in Local Responsibility Areas (LRAs), based on consistent statewide criteria and the expected severity of fire hazard. It further specifies that VHFHSZs “shall be based on fuel loading, slope, fire weather and other relevant factors,” including areas subject to Santa Ana winds which are a “major cause of wildfire spread.” Section 51179 states that a local agency (such as a county) must also designate (and map) the VHFHSZs in its jurisdiction by ordinance. (See the discussion on Ordinance No. 787, below, regarding Riverside County’s VHFHSZs). Other portions of the Government Code outline when a local agency may use its discretion to exclude areas from VHFHSZ requirements or add areas not designated by the State of California to its VHFHSZ areas. (CA Legislative Info, n.d.)

CGC Section 51182 – Defensible Space

Pursuant to this code, a person who “owns, leases, controls, operates or maintains an occupied dwelling or occupied structure in, upon or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land or land that is covered with flammable material” in a very high fire hazard severity zone designated by the local agency pursuant to § 51179, shall at all times maintain a specified amount of “defensible space” to protect structures in high fire hazard areas. (CA Legislative Info, n.d.)



PRC Section 4213 - Fire Prevention Fees

Pursuant to PRC Section 4213, in July of 2011, the State of California began assessing an annual “Fire Prevention Fee” for all habitable structures within the State’s Responsibility Area (SRA) to pay for fire prevention services. The SRA is the portion of the state where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within incorporated city boundaries, Tribal or federally owned land. As a result of AB 398, California Global Warming Solutions Act of 2006, the fire prevention fee was suspended as of July 1, 2017. (Findlaw, n.d.)

2. *School Services Regulations and Plans*

Assembly Bill (AB) 16

In 2002, AB 16 created the Critically Overcrowded School Facilities program, which supplements the new construction provisions within the School Facilities Program (SFP). The SFP provides State of California funding assistance for new facility construction projects and modernization projects. The Critically Overcrowded School Facilities program allows school districts with critically overcrowded school facilities, as determined by the California Department of Education (CDE), to apply for new construction projects in advance of meeting all SFP new construction program requirements. Districts with SFP new construction eligibility and school sites included on a CDE list of source schools may apply. (CA Legislative Info, n.d.)

Leroy F. Greene School Facilities Act of 1998 (Senate Bill [SB] 50)

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998, which amended existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property....” (CA Legislative Info, n.d.)

The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. These base amounts are commonly called “Level 1 fees” and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years. (CA Legislative Info, n.d.)

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50% of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions: (CA Legislative Info, n.d.)

- At least 30% of the district’s students are on a multi-track year-round schedule.



- The district has placed on the ballot within the previous four years a local school bond that received at least 50% of the votes cast.
- The district has passed bonds equal to 30% of its bonding capacity.
- Or, at least 20% of the district’s teaching stations are relocatable classrooms.

Additionally, if the State of California’s bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as “Level 3 fees,” these fees are equal to 100% of land and construction costs of new schools required as a result of new developments. (CA Legislative Info, n.d.)

4.15.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*
 - *Fire Services;*
 - *Sheriff Services;*
 - *Schools;*
 - *Libraries; or*
 - *Health Services*

4.15.4 IMPACT ANALYSIS

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire Protection Services?*

The construction and operation of the Project would increase the demand for fire protection by introducing three buildings 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 introductions of buildings on the Project 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 which provides paramedic and fire services. 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 would also install fire hydrants on the sites. Lastly, the proposed commerce center buildings would feature a fire alarm system and ceiling-mounted sprinklers.

The City of Fontana Community Development Department, Planning Division forwarded the Projects' 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. 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, both the Project Applicant would be required to pay impact fees for fire protection services in accordance with Section 21-122 of the Fontana Municipal Code. The City will collect Development Impact Fees (DIF) for the Project based on building square footage. The Project's payment of DIF fees, as well as increased property tax revenues that would result from development of the Project, would be used by the City to help pay for fire protection services and other public services. (City of Fontana, 2022b, Section 21-122).

Based on the foregoing, the proposed Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection facilities would be less-than-significant.

Threshold b: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Sheriff Services?

The Project would introduce three new commerce center buildings to the Project Site, along with employees and visitors to the Project Site. This would result in an incremental increase in demand for police protection services. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment, and there is no aspect of the Project's construction, design, or operation that would cause the need to construct new police protection facilities. During the building plan check process, an FPD representative reviews the building plans before the City issues a building permit to determine the needs for crime prevention, such as installation of lighting systems, emergency notification systems, and/ or crime prevention through environmental design. This pre-construction review process is intended to prevent or deter crime and the demand for police protection services to new developments. For these reasons, the Project is not anticipated to generate crime nor would the Project precipitate crime which



would necessitate the construction of new or physically altered police facilities. Additionally, and pursuant to City of Fontana Municipal Code Section 21-122, the Project would be subject to payment of DIF fees, which the City uses in part to fund police protection services. Furthermore, property tax revenues generated from development of the Project 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. (City of Fontana, 2022b, Section 21-122)

Because Project implementation would not result in or require new or expanded police protection facilities and because the Project is required to contribute appropriate DIF fees to offset the Project's increased demand for police protection services, the Project's impacts to police protection services would be less-than-significant.

Threshold c: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for 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. Furthermore, as discussed in EIR Subsection 4.14, *Population and Housing*, the Project is not expected to draw a substantial number of new residents to the surrounding area as the result of unplanned population or housing growth and would not, therefore, indirectly increase unplanned enrollment at FUSD schools. Because the Project would not directly generate students and is not expected to indirectly draw students to the area, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a direct demand for public school services, the Project Applicant would be required to contribute development impact fees to the FUSD in compliance with the Leroy F. Greene School Facilities Act of 1998, which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits. Impacts to FUSD schools would be less-than-significant.

Threshold d: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Library Services?

The Project does not include any residential land uses and would not directly create a demand for public library facilities or directly result in the need to modify existing or construct new library buildings. Demand placed on libraries is based on the generation of a resident population associated with a person's place of residence, and not typically their place of employment. The Project would not result in an increase in the City's population and would therefore not directly result in an increased demand for library facilities. No impact would occur.



Threshold e: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Other Public Services?

The Project does not include any residential land uses and, therefore, it is not anticipated that the proposed Project would result in a substantial increase in demand for public and/or private health care facilities. Nonetheless, the Project could result in an incremental increase in demand for health services associated with the Project's addition of employees in the area. Existing public health facilities would accommodate nominal increases in demand, such as demand from the Project. Project implementation would not result in or require the physical construction, expansion, or alteration of public health facilities; therefore, impacts would be less-than-significant.

4.15.5 CUMULATIVE IMPACT ANALYSIS

The cumulative study area for public services encompasses the service area of the FFPD, Fontana Police Department, FUSD, and the San Bernardino County Library System, and assumes full buildout of the general plans for jurisdictions within these service areas.

Although the proposed Project would be adequately served by fire protection services based on the proximity from the nearby fire station facility, the Project would nonetheless result in an incremental increase in requests for service, which would affect the fire department's ability to provide acceptable levels of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, increased traffic volumes, and increased population. When considered in the context of on-going cumulative development throughout San Bernardino County, such impacts would be cumulatively considerable. However, the proposed Project and all cumulative developments within San Bernardino County would be required to contribute DIF fees pursuant to County Ordinance No. 659. Mandatory DIF fee contributions by the Project and cumulative developments would ensure that adequate funding is provided to the FFPD for the acquisition of additional facilities, equipment, and personnel. Accordingly, the proposed Project's impact to the FFPD is evaluated as less-than-cumulatively considerable.

Although the Project Site would be adequately served by police facilities, the increased population that would be generated by the Project, when considered in conjunction with other on-going development throughout Fontana, has the potential to adversely affect service response times. However, the proposed Project and all cumulative developments would be required to contribute DIF fees pursuant to City of Fontana Municipal Code Section 21-122, which the City uses in part to fund police protection services. Therefore, with mandatory payment of DIF fees, the Project impacts to police protection services would be less-than-cumulatively considerable.

With respect to school services, the Project would not directly increase the City's population and is not expected to result in an indirect increase in the City's population, and therefore would have no impact on school services. Regardless, the Project Applicant would be required to contribute development impact fees to the FUSD in compliance with California Senate Bill 50 (SB 50, Greene). The payment of school mitigation



impact fees authorized by SB 50 is deemed to provide “full and complete mitigation of impacts” on school facilities from the development of real property (California Government Code Section 65995). Accordingly, Project impacts to school services would be less-than-cumulatively considerable.

The Project would also have less-than-significant and less-than-cumulatively considerable impacts to library services because the Project would not directly create a demand for public library facilities and would not directly result in the need to modify existing or construct new libraries.

Although the proposed Project is not expected to result in an increase in the City’s service population, the construction and operation of three commerce center buildings on the Project Site could result in an incremental increase in demand for health services due to the addition of employees in the area. Cumulative growth is not expected to result in or require the physical construction, expansion, or alteration of public health facilities; therefore, the Project impacts would be less-than-cumulatively considerable.

4.15.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD’s existing fire stations have adequate physical capacity to service the Project. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental effect under CEQA; thus, impacts are less-than-significant.

Threshold b: Less-than-Significant Impact. The Project would increase the demand for police protection services provided by the Fontana Police Department. Service to the Project Site is provided by the Fontana Police Department Headquarters, and the Fontana Police Department has no plans to physically construct or expand a station due to the Project or other growth in the area. As such, the Project would have no physical environmental effects on police protection services. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental effect under CEQA; thus, impacts are less-than-significant.

Threshold c: Less-than-Significant Impact. The Project would not result in or require new or expanded public school facilities and would not result in any direct demand for school facilities. There is no potential for the Project to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur.

Threshold d: No Impact. The Project would not result in or require new or expanded public library facilities and would not result in any direct demand for library space. There is no potential for the Project to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur.

Threshold e: Less-than-Significant Impact. The Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Project Site. However, because the Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Project’s demand, impacts to public health facilities would be less-than-significant.



4.15.7 MITIGATION

Impacts would be less than significant; thus, no mitigation is required.



4.16 RECREATION

This Subsection provides an overview of the existing parks and recreational facilities that exist within the Project Site's vicinity and that could potentially be directly or indirectly physically affected by implementation of the proposed Project. The analysis herein is based in large part on the Project's application materials on file with the City of Fontana and information contained in the City of Fontana's General Plan Update 2015-2035 Conservation, Open Space, Parks, and Trails Element.

4.16.1 EXISTING CONDITIONS

A. Federal Parks

The nearest national park to the Project Site is the San Bernardino National Forest located approximately 9.0 miles northwest of the Project Site. The next closest park under federal jurisdiction is the Cucamonga Wilderness, part of the Angeles National Forest, located approximately 12.3 miles northwest of the Project Site.

B. State Parks

The nearest State park to the Project Site is California Citrus Historic State Park, located approximately 10.9 miles south of the Project Site. The California Citrus Historic State Park features passive recreational opportunities, such as walking, horseback riding, or mountain biking along park trails. The park also has a visitor's center/museum. The next closest State park is the Chino Hills State Park, which is located approximately 15.6 miles southwest of the Project Site. The Chino Hills State Park features passive recreational opportunities, such as walking, horseback riding, or mountain biking along park trails and a Discovery Center.

C. Regional and Local Parks

Several regional and local parks occur within a two-mile radius of the Project Site. These facilities are described below. Intervening development between the Project Site and these parks includes commerce center buildings, public roadways, and residential homes. The Project Site does not directly abut a public park. The Project Site does, however, directly abut recreational sports fields that are part of Jurupa Hills High School and Citrus High School.

1. Public Parks

- **Martin Tudor Jurupa Hills Regional Park.** Martin Tudor Jurupa Hills Regional Park is a regional park located approximately 0.7-mile southeast of the Project Site. The park features a playground, ball fields, volleyball, trails, and pavilions.
- **Catawba Park.** Catawba Park is a local park that is located approximately 0.7-mile southwest of the Project Site. The park features tennis courts and ball fields.



- **Mary Vagle Nature Center.** Mary Vagle Nature Center is located at the foot of the Jurupa Hills, approximately 0.9-mile south of the Project Site. The nature center features a pond, nature trails, and gardens.
- **Sycamore Hills Park.** Sycamore Hills Park is a local park that is located approximately 1.0-mile southwest of the Project Site. The park features a pavilion, playground, and basketball courts.
- **Fiesta Park.** Fiesta Park is a local park that is located approximately 1.2 miles southeast of the Project Site. The park features a playground.
- **Village Park.** Village Park is a local park that is located approximately 1.0-mile southwest of the Project Site. The park features a playground, ball fields, basketball courts, and a pavilion.
- **Jack Bulik Park.** Jack Bulik Park is a regional park that is located approximately 1.5 miles northeast of the Project Site. The park features a sports center, skate park, ball fields, and pavilions.

2. *Public School Recreation Facilities*

The Project Site directly abuts recreational sports fields that are part of Jurupa Hills High School and Citrus High School.

- **Jurupa Hills High School Recreation Facilities.** Directly north of the Project Site is Jurupa Hills High School property. Sports fields configured as baseball and softball fields are located near the Project Site Boundary. The closest features include a maintenance road, home base, back stop, dugouts, bleachers, and portions of the infields and outfields. The fields are enclosed by fencing. North of the sports fields is the football field and track.
- **Citrus High School Recreation Facilities.** Directly east of the Project Site is Citrus Hills High School property. Sports fields configured as practice baseball and softball fields are located near the Project Site Boundary. The closest features include a maintenance road, home base, back stop, and portions of the infields and outfields. North of these fields are hard surface sport courts and east of the baseball and softball fields is a soccer field.

D. *Regional Trails and Bikeway Systems*

The City of Fontana Active Transportation Plan identifies the City's existing, planned, and proposed bikeways (Fontana, 2017). Under existing conditions, a bike lane is located along both the northbound and southbound shoulders of Citrus Avenue and along the eastbound shoulder of Santa Ana Avenue, east of Oleander Avenue. A bike lane on the westbound shoulder of Santa Ana Avenue extends approximately 300 feet east from Oleander Avenue along the portion of the Project Site that is developed, stops along the portion of the Project Site that is undeveloped land, and resumes again east of the Project Site. A Class III bike route is planned along Oleander Avenue, which bisects the Project Site. A Class IV separated bikeway is planned along Citrus Avenue



on the western side of the Project Site. Class II bike lanes are planned along Santa Ana Avenue to the south of the Project Site and along Cypress Avenue to the east of the Project Site.

4.16.2 REGULATORY SETTING

The following is a brief description of the state and local environmental laws and related regulations related to recreation.

A. State Regulations

1. Quimby Act, California Government Code § 66477

The State of California's Quimby Act was established by the California Legislature for the purpose of preserving open space and providing park facilities for California's growing communities. The Quimby Act allows local agencies to establish ordinances requiring residential subdivisions to provide land or "in-lieu-of" fees for park and recreation purposes. This State Act requires the dedication of land and/or imposes a requirement of fees for park and recreational purposes as a condition of approval of tentative tract map or parcel map. (CA Legislative Info, n.d.)

4.16.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *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;*
- 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?*

4.16.4 IMPACT ANALYSIS

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 includes the proposed development of 24.4 acres of the 29.4-acre Project Site with three commerce center buildings and the reasonably foreseeable development of the remaining 5.0 acres with a similar use. The Project does not propose any residential development or other land use that may generate a population that would increase the use of existing parks or other recreational facilities. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. No impact would occur.



Threshold b: Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No on- or off-site recreation facilities would be constructed as part of the Project. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur.

4.16.5 CUMULATIVE IMPACT ANALYSIS

The Project proposes to develop the Project Site with three commerce center buildings. Accordingly, the Project does not include recreational facilities and the Project does not propose any type of residential use or other land use which would generate a population that would require the construction or expansion of recreational facilities or existing neighborhood or regional parks. Accordingly, no cumulatively considerable impact associated with recreational facility development or use would occur as a result of development of the Project.

The Project would not impact any recreational facilities on a cumulatively considerable basis. Cumulative effects associated with implementation of the Project is evaluated throughout this EIR under the appropriate issue headings. Where cumulative impacts have been identified, mitigation measures have been imposed to reduce such impacts to the maximum feasible extent. There are no conditions that would result in cumulatively significant impacts to the environment that are not already disclosed by this EIR or that are inherent to recreation. Therefore, a cumulatively considerable impact associated with recreation facilities would not occur.

4.16.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. The Project does not propose any type of residential use or other land use that would generate a population that would increase the use of recreation facilities or existing neighborhood or regional parks. Parks would not be physically affected by the Project.

Threshold b: No Impact. No on- or off-site recreation facilities or expansion of any existing off-site recreational facilities would occur. No impacts related to the construction or expansion of recreational facilities would occur.

4.16.7 MITIGATION

There would be no impacts to recreation; thus, mitigation measures are not required.



4.17 TRANSPORTATION

This Subsection assesses the potential for transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.17.2 below, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, which identified 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, titled "Oleander & Santa Ana Warehouses Traffic Analysis," and dated February 22, 2023 (UC, 2023). This report was prepared in accordance with the City of Fontana's *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment* (October 2020). This report is provided as *Technical Appendix K* to this EIR.

4.17.1 EXISTING TRANSPORTATION SETTING

A. Existing Baseline 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. The baseline VMT for San Bernardino County is 17.1 VMT per employee. (UC, 2023, p. 71)

B. Existing Roadway System

The Project is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Oleander Avenue and Santa Ana Avenue intersection. The Fontana General Plan classifies Citrus Avenue and Santa Ana Avenue as Secondary Highways, and Oleander Avenue as a Collector Street. Secondary Highways typically have up to 4 travel lanes and are typically used to carry traffic along the perimeters of large developments (Fontana, 2018a, p. 9.8). Collector Streets can accommodate 2 to 4 lanes of traffic and are typically used to take traffic from neighborhoods to Primary and Secondary Roads (Fontana, 2018a, p. 9.16). Under existing conditions, there are 7 private driveway connections from the Project Site to the east side of Citrus Avenue, 12 private driveway connections from the Project Site to the north side of Santa Ana Avenue, 5 private driveway connections from the Project Site to the west side of Oleander Avenue, and 7 private driveway connections from the Project Site to the east side of Oleander Avenue. This totals 31 private driveway connections from the Project Site to the public roadway system under existing conditions.

The primary regional travel routes serving the Project Site are I-10, which is located approximately 0.6-mile north, I-15, which is located approximately 5.3 miles west of the Project Site, and I-215, which is located approximately 8.5 miles east of the Project Site. (Google Earth, 2022)



C. Existing Truck Routes

The Fontana General Plan designates Citrus Avenue, which abuts the Project Site to the west, as a Truck Route. Jurupa Avenue to the south of the Project Site and Santa Ana Avenue to the west of the Project Site, between Mulberry Avenue and Citrus Avenue, also are designated Truck Routes. The segment of Santa Ana Avenue that abuts the Project Site to the south is not a designated Truck Route. (Fontana, 2018a, Exhibit 9.7)

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 an existing bus route, Omnitrans Route 82, that runs along Jurupa Avenue, south of the Project Site, and along Slover Avenue, north of the Project Site. The closest bus stops along this route are located at the Jurupa Avenue intersections with Citrus Avenue and Oleander Avenue, both approximately 0.5-mile south of the Project Site, and at the Slover Avenue intersections with Citrus Avenue and Oleander Avenue, both approximately 0.4-mile north of the Project Site. There are currently no transit routes that provide service along the segments of Citrus Avenue, Santa Ana Avenue, and Oleander Avenue that front the Project Site. (OmniTrans, 2022)

E. Existing Bicycle and Pedestrian Facilities

The Fontana General Plan does not identify any existing bicycle facilities abutting the Project Site; however, Citrus Avenue and Santa Ana Avenue are planned Class II bike facilities (Fontana, 2018a, Exhibit 9.6). Under existing conditions, bike lanes are located along both the northbound and southbound shoulders of Citrus Avenue and along the eastbound shoulder of Santa Ana Avenue, east of Oleander Avenue. A bike lane on the westbound shoulder of Santa Ana Avenue extends approximately 300 feet east from Oleander Avenue along the portion of the Project Site that is developed, stops along the portion of the Project Site that is undeveloped land, and resumes again east of the Project Site. Sidewalks are located along both sides of Citrus Avenue, Santa Ana Avenue, and Oleander Avenue (Fontana, 2018a, Exhibit 9.4).

4.17.2 REGULATORY SETTING

A. State Plans, Policies, and Regulations

1. Senate Bill 743

SB 743, which was codified in Public Resources Code Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to Public Resources Code Section 21099, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” To that end, in developing the criteria, the OPR proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation. The updated CEQA Guidelines include the addition of CEQA Guidelines Section 15064.3, of which Subdivision b establishes criteria for evaluating a project’s transportation impacts based on project type and using automobile VMT as the metric.



B. Local Plans, Policies, and Regulations

1. SCAG Regional Transportation Plan/Sustainable Communities Strategy

On September 3, 2020, SCAG’s Regional Council approved and adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (“*Connect SoCal*”). *Connect SoCal* is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Project. The goals of *Connect SoCal* are to: 1) Encourage regional economic prosperity and global competitiveness; 2) Improve mobility, accessibility, reliability, and travel safety for people and goods; 3) Enhance the preservation, security, and resilience of the regional transportation system; 4) Increase person and goods movement and travel choices within the transportation system; 5) Reduce greenhouse gas emissions and improve air quality; 6) Support healthy and equitable communities; 7) Adapt to a changing climate and support an integrated regional development pattern and transportation network; 8) Leverage new transportation technologies and data-driven solutions that result in more efficient travel; 9) Encourage development of diverse housing types in areas that are supported by multiple transportation options; 10) Promote conservation of natural and agricultural lands and restoration of habitats. Performance measures and funding strategies also are included to ensure that the adopted goals are achieved through implementation of the RTP.

2. SCAQMD Rule 2202

Intended to reduce air pollutant emissions from vehicle tailpipes, South Coast Air Quality Management District (SCAQMD) Rule 2202 reduces overall VMT by encouraging employees to reduce trip lengths and use modes of transportation to and from work other than single occupancy vehicles. SCAQMD Rule 2202 “On-Road Motor Vehicle Mitigation Options” provides employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act. With certain exception, Rule 2202 applies to any employer that employs 250 or more employees on a full or part-time basis at a worksite for a consecutive six-month period calculated as a monthly average. Among other items, employers must designate an employee to serve as an Employee Transportation Coordinator for each worksite with 250 or more employees and implement measures on good faith to achieve an average vehicle ridership (AVR) target.

3. 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.



4. *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").

5. *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").

6. *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*.

7. *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.



4.17.3 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). Refer to *Technical Appendix K* for a detailed description of the methodology used for the Project 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 (i.e., number of employees). Project-generated VMT includes all 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 an efficiency metric by dividing the VMT by the Project's service population (i.e., employees) to allow a comparison with the baseline and cumulative VMT generated by the SBTAM.

As noted in the City's VMT 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 County of San Bernardino VMT; or 2) Cumulative project-generated VMT per service population is not at least 15 percent below the baseline County of San Bernardino VMT. The baseline VMT for San Bernardino County is 17.1 VMT per employee; therefore, for analysis purposes, the City's VMT significance threshold is set at 14.54 VMT per employee. (UC, 2023, p. 71)

4.17.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation and traffic if the Project or any Project-related component would (OPR, 2019)

- 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 section 15064.3, subdivision (b);*
- 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.*

4.17.5 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. The Project would generate 928 daily vehicular trips (600 passenger vehicles and 328 trucks) as shown in *Technical Appendix K*.

□ **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 subsection under the response to Threshold “c,” the Project would not result in a substantial safety hazard to motorists. Additionally, the proposed buildings – as commerce center buildings 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 would contribute to and would be consistent with planned land use, upon approval of GPAs, 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 the proposed development of commerce center buildings within a developed area of the City. A portion of the Project Site (the Building 1 site) abuts Citrus Avenue, a designated Truck Route” along its western priority boundary. Truck access to and from the Building 2 and Building 3 Sites would use Oleander Avenue, with southerly directional movement. To reach the Building 2 and Building 3 sites, trucks would exit I-10 at southbound Citrus Avenue, turn eastbound on Jurupa Avenue, and turn northbound on Oleander Avenue to reach the Building 2 and Building 3 truck driveways. Exiting trucks would travel in the reverse pattern to I-10. The Project would facilitate goods movement locally and within the region. The Project would provide on-site bicycle parking facilities (bike racks) in accordance with CALGreen. No component of the Project would obstruct or prevent the use of Citrus Avenue and Santa Ana Avenue as planned Class II bicycle facilities. Accordingly, the Project would ensure that multiple travel choices are available for future employees and visitors to the Site. 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 of Fontana. 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 adversely alter the vehicular travel way for Citrus Avenue, Santa Ana Avenue, or Oleander Avenue and, thus, would not hinder the roadway's ability to serve adjacent land uses. The Project provides for improvements to Citrus Avenue, Santa Ana Avenue, and Oleander Avenue abutting the Project Site that would include new driveways, landscaping/irrigation, and fire hydrants. In addition, the proposed Project's site plans provide bicycle parking facilities (bike racks) for Project employees. 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*, 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, thereby promoting local opportunities for 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 Citrus Avenue, Santa Ana Avenue or Oleander Avenue along the Project Site's frontages, ensuring that these roadways would remain accessible for motor vehicles and bicyclists. The Project would reconstruct the sidewalks along the Project



Site's frontage with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, thereby ensuring enhanced, safe local access for pedestrians after Project construction. Lastly, curb returns and ramps provided at Project driveways connecting to Citrus Avenue, Santa Ana 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 Citrus Avenue to the west, which is a City of Fontana designated truck route. Truck access to and from proposed Building 1 would use the northernmost driveway on the Building 1 Site, connecting with Citrus Avenue, which provides direct access to I-10, approximately 0.6-mile to the north. Truck access to and from the Building 2 and Building 3 Sites would use the Project's northernmost driveways connecting with Oleander Avenue. None of the Project's driveways connecting with Santa Ana Avenue would be permitted to be used by trucks because the segment of Santa Ana Avenue fronting the Project Site is not a designated truck route. The truck route from I-10 to Building 2 and Building 3 would be to exit I-10 at southbound Citrus Avenue, turn eastbound on Jurupa Avenue, and turn northbound on Oleander Avenue to reach the Building 2 and Building 3 truck driveways. Exiting trucks would travel in the reverse pattern to I-10. No Project truck traffic would be permitted to travel north of the Project Site on Oleander Avenue. Accordingly, with the exception of Project-related vehicles using Oleander Avenue to access Jurupa Avenue, Project-related truck traffic is expected to use City truck routes between the Project Site and the State highway system rather than utilizing streets within local residential or commercial areas. The segment of Oleander Avenue that would be used by Project truck traffic is abutted on both sides by commerce center development. As such, 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 Jurupa Avenue to the south of the Project Site and along Slover Avenue to the north of the Project Site, but there are no stops adjacent to the Project Site. The closest bus stops along this route are located at the Jurupa Avenue intersections with Citrus Avenue and Oleander Avenue, both approximately 0.5-mile south of the Project Site, and at the Slover Avenue intersections with Citrus Avenue and Oleander Avenue, both approximately 0.4-mile north of the Project Site. There are currently no transit routes that provide service along the segments of Citrus Avenue, Santa Ana Avenue, and Oleander Avenue that front the Project Site. Accordingly, the Project would not affect the accessibility or safety of transit service. 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 plans provide for 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.

Under existing conditions, the Project Site contains residential and associated accessory structures and vacant, undeveloped land. The surrounding area consists of public schools to the north and east (Jurupa Hills High School, Fontana Adult School, and Citrus High School) beyond which further to the north and east are a mixture of residential neighborhoods, commercial uses, commerce center uses, and I-10. Directly to the north of Jurupa High School are commerce center buildings under construction.

The Project Site abuts Citrus Avenue to the west, which is a City of Fontana designated truck route. Truck access to and from proposed Building 1 would use the northernmost driveway on the Building 1 Site, connecting with Citrus Avenue, which provides direct access to I-10, approximately 0.6-mile to the north. The truck route from I-10 to Building 2 and Building 3 would be to exit I-10 at southbound Citrus Avenue, turn eastbound on Jurupa Avenue, and turn northbound on Oleander Avenue to reach the Building 2 and Building 3 truck driveways. Exiting trucks would travel in the reverse pattern to I-10. Accordingly, with the exception of Project-related vehicles using Oleander Avenue to access Jurupa Avenue, Project-related truck traffic is expected to use City truck routes between the Project Site and the State highway system rather than utilizing streets within local residential or commercial areas. The segment of Oleander Avenue that would be used by Project truck traffic is abutted on both sides by commerce center development.

In the vicinity of the Project Site, residential development is located to the west of Jurupa Hills High School on the opposite side (west side) of Citrus Avenue, to the east of Jurupa Hills High School, to the north of Fontana Adult School, and to the north and west of Citrus High School. Otherwise, the area is built out with non-residential uses the predominance of which are commerce center buildings. Conversion of the Project Site from its existing residential use to commerce center use would continue the pattern of commerce center development along Santa Ana Avenue and contribute to the City's economic prosperity. Development of the Project would result in Jurupa Hills High School having commerce center development all along its southern and northern boundaries and Fontana Adult School having commerce center development along its southern boundary. However, implementation of the Project would not physically separate the schools from the communities they serve because the Project Site does not connect the adjacent schools to any residential communities. All of the land uses south of the Project Site and along Santa Ana Avenue are commerce center buildings. The residential uses to the northwest are already physically separated from the Project Site by Citrus Avenue, a designated truck route. Because the Project would continue the pattern of development that has already occurred along Santa Ana Avenue, implementation of the Project would be consistent with Goal 2 and the policy to locate industrial land uses where there is easy access to transportation routes.



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 addressing the circulation system, but would conflict with Objective 1.A related to VMT. As such, Project impact would be 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 Project would facilitate pedestrian and bicycle access along Citrus Avenue, Santa Ana Avenue, and Oleander Avenue by reconstructing the sidewalk facilities along these roadways. There are also planned Class II bike facilities along Citrus Avenue and Santa Ana Avenue, which are not a part of the proposed Project. Although non-vehicular travel is encouraged in the area with the existing sidewalks and bike lanes, the baseline VMT per employee for the Project would be higher than the City regional baseline VMT per employee. The regional average VMT per for San Bernardino County is 17.1 VMT per employee; therefore, for analysis purposes, the City’s VMT significance threshold is set at 14.54 VMT per employee (UC, 2023, p. 71). The Project would generate 16.77 VMT per employee in the baseline year and 16.14 VMT per employee in cumulative year 2040, which is approximately 16.77 percent above the existing baseline for the baseline year and 11 percent above baseline in cumulative year 2040. Because the Project would generate VMT that is above the regional baseline, the Project is considered to substantially influence or increase VMT within the City. The Project would conflict with this objective, which is a significant impact. (UC, 2023, p. 72)

Objective 1.B: Reduce barriers to pedestrian and bicyclist travel.

The Project would reconstruct the sidewalks along the Project Site’s frontage with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, thereby preserving and promoting local opportunities for walking. The site plans for the Project provide on-site bicycle parking facilities (bike racks) 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 reconstruct the sidewalks along the Project Site’s frontage with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, thereby preserving and promoting local opportunities for walking. The site plans for the Project provide on-site 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 adverse modifications to the vehicle travel way for Citrus Avenue, Santa Ana Avenue, or Oleander Avenue along the Project Site's frontages, and construction of the Project would ensure that these roadways remain accessible for motor vehicles, pedestrians, and bicyclists. The Project would not introduce any hazards or obstacles within any public right of right-of-way, thereby ensuring safe local access for pedestrians during and after Project construction. Lastly, ramps provided at Project driveways connecting to Citrus Avenue, Santa Ana 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, subdivision (b)?

The City of Fontana's VMT analysis guidelines, as established in their *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 to evaluate a project's transportation impacts using automobile VMT as the metric. In accordance with the City's VMT analysis guidelines, a development project would result in a significant impact if it cannot achieve a minimum 15 percent reduction below the regional average vehicle trip length based on its service population. The 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. The baseline VMT for San Bernardino County is 17.1 VMT per employee; therefore, for analysis purposes, the City's VMT significance threshold is set at 14.54 VMT per employee ($17.1 \text{ VMT per employee} \times 0.85\% = 14.54 \text{ VMT per employee}$ (15% below 17.1)). (UC, 2023, p. 72)

Employment estimates were calculated using average employment density factors from Southern California Association of Governments' (SCAG's) "Employment Density Study." SCAG reports that commerce center buildings in San Bernardino County employ an average of one (1) worker for every 1,195 s.f. of building area, which would yield 453 jobs ($540,849 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 453 \text{ employees}$) for proposed Buildings 1, 2, and 3. (SCAG, 2001, p. 15). Although no development is currently proposed on 5.0 acres of the Project Site, should those 5.0 acres be developed in the future with up to 131,464 s.f. of building space, an additional 110 jobs could be generated ($131,464 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 110 \text{ employees}$). In total, the Project could thus produce between 453 and 563 jobs.



For the proposed Building 1, Building 2, and Building 3, and the 5.0-acre parcel, assuming 563 employees (slightly more than would be generating using the SCAG employment generation factor), under Baseline (2022) traffic conditions, the Project is calculated to generate 16.77 VMT per employee (UC, 2023, p. 72). The Project's VMT would be approximately 15.34 percent above the average regional trip length, which would not meet the VMT reductions required by the applicable significance threshold (15 percent below the average regional trip length). Accordingly, the Project's VMT impact is considered to be significant and the Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3.

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. Project construction activities that would occur in the public right-of-way and that could temporarily require the partial or a travel lane is 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. 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 vehicular 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 Citrus Avenue, Santa Ana Avenue, or Oleander Avenue. Any Project construction activities that would occur within the Citrus Avenue, Santa Ana Avenue, or Oleander Avenue public right-of-way and requires a partial or full closure of a 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 Projects' construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. No impact would occur.

4.17.6 CUMULATIVE IMPACT ANALYSIS

As described under the response to Threshold "a," the Project would conflict with Goal 1, Objective 1.A, of the *Fontana Active Transportation Plan*, which calls for a reduction of VMT by 4% by 2035. The Project would generate 16.77 VMT per employee (approximately 15.34 percent above the existing baseline) and thereby would conflict with this objective, resulting in a cumulatively-considerable impact. (UC, 2023, p. 72)



As noted under the analysis for Threshold “b,” the Project would result in a significant and unavoidable VMT impact. Under cumulative traffic conditions, the VMT impact would be cumulatively considerable. In summary, SBTAM was utilized to calculate the Projects’ VMT, at 16.77 VMT per employee. The VMT for all traffic analysis scenarios including for future cumulative conditions is then normalized by dividing by the Project TAZ’s employees. Project Cumulative Year 2040 VMT per employee is 16.14, which is above the significance threshold of 14.54 VMT per employee by 11 percent. 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, 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.

4.17.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035.

Threshold b: Significant Direct and Cumulatively-Considerable Impact. The VMT generated by the Project would exceed the City’s significance threshold by 15.34 percent and therefore, the Project would conflict with CEQA Guidelines Section 15064.3.

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 Project Site or surrounding properties.

4.17.8 MITIGATION

The following mitigation measure is imposed to address VMT impacts.

- MM 4.17-1 Building users shall be required to prepare and implement a Transportation Demand Management Program (TDMP), which shall be reviewed and approved by the City of Fontana prior to the issuance of an occupancy permit. The TDMP shall include feasible strategies to reduce vehicle miles traveled by employees, such as carpooling or vanpooling programs, public transportation use incentives, and walking and biking to work incentives.



Although transportation safety impacts would be less than significant, the following mitigation measures are recommended to assure that design features will be implemented as part of the Project's implementation pertaining to bicycle and pedestrian safety.

- MM 4.17-2 Signs shall be installed at the truck exit driveways on Oleander Avenue directing trucks to turn southbound only. Trucks shall be prohibited from turning northbound on Oleander Avenue upon exiting the Project Site.

- MM 4.17-3 The Project Developer/Applicant and all successors in interest shall install and maintain signs at the Project driveway exits connecting with Citrus Avenue and Oleander Avenue at heights visible to truck drivers that state, "CAUTION, PEDESTRIAN AND BICYCLE CROSSINGS AHEAD." The City shall verify installation of the signs prior to the issuance of an occupancy permit and require as a condition of the occupancy permit that the signs be maintained in legible condition.

4.17.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project would result in a conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline. The TDMP required by MM 4.17-1 is not assured to reduce the Project's direct and cumulatively-considerable impact due to Project-related VMT to less than significant. Neither the Project Applicant nor the City of Fontana has the jurisdictional authority to mandate or monitor the effectiveness of the business practices of private enterprises such as the implementation of TDMP measures, nor assure a change in human behavior such as the choice to carpool, walk, or bike to and from work. For these reasons, the effectiveness of VMT mitigation cannot be reasonably assured.

Threshold b: Significant Direct and Cumulatively-Considerable Impact. The TDMP required by MM 4.17-1 is not assured to reduce the Project's direct and cumulatively-considerable impact due to Project-related VMT to less than significant. Neither Because no feasible mitigation is available to assure VMT reduction for the Project's employees to below the City's calculated average VMT, the Project would result in a significant and unavoidable direct and cumulatively considerable impact under Threshold "b."



4.18 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection relies in part on information from a cultural resource assessment report prepared by Brian F. Smith and Associates titled “Cultural Resources Study for the Citrus and Oleander Avenue at Santa Ana Avenue Project,” dated September 30, 2022, and is included as *Technical Appendix D* to this EIR (BFSA, 2022a). The analysis in this Subsection also contains information obtained by the City of Fontana during consultation with local Native American tribal representatives. It should be noted that much of the written and oral communication between Native American tribes and the City of Fontana is considered confidential in respect to places that have traditional tribal cultural significance (Gov. Code § 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. § 15120(d)). All non-confidential references used in this Subsection are listed in EIR Section 7.0, *References*.

4.18.1 EXISTING CONDITIONS

Refer to Subsection 4.5, *Cultural Resources*, for a description of the pre/protohistoric period setting for the Inland Empire region and the Fontana area.

A. Project Site Conditions

BFSA conducted a pedestrian survey of the Project Site on March 15, 2022. The pedestrian survey consisted of a series of transects spaced at approximately 10-meter intervals to examine all exposed ground surfaces. Ground visibility was limited across approximately 50 percent of the project due to residential development and associated landscaping. Visibility of the ground surface in the undeveloped areas was good, except for occasional areas of high grasses and weeds. BFSA did not observe any prehistoric resource site or isolates on the Project Site during the pedestrian survey. (BFSA, 2022a, p. 3.0-2)

BSFA 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 half-mile radius of the Project Site. The results of the records search indicate that no prehistoric resources were recorded on the Project Site. (BFSA, 2022a, p. 1.0-20)

4.18.2 REGULATORY SETTING

A. State Regulations

1. *Traditional Tribal Cultural Places Act (Senate Bill 18, “SB 18”)*

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places (“cultural places”) through local land use planning. SB 18 also requires the Governor’s Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations (OPR, 2005).



The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 *et seq.*) and specific plans (defined in Government Code § 65450 *et seq.*). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment.

2. *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. The legislature added new requirements regarding tribal cultural resources in Assembly Bill 52 (AB 52). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources (OPR, 2017a). By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 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, § 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 § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.



Section 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017a)

3. State Health and Safety Code

California Health and Safety Code (HSC) § 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. § 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 §§ 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 Information, n.d.)

4.18.3 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to tribal resources if the Project or any Project-related component would (OPR, 2019):

- a. *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.

4.18.4 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: 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 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 prehistoric resource sites, features, places, or landscapes were identified on the surface of the Project Site during field work conducted by BFSa in 2022 that are either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), a resource must include the following:

- A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- B. Is associated with the lives of persons important in our past;
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

No resources were identified on the Project Site that meet any of the four criteria listed above to be eligible for the California Register and no prehistoric resource sites or isolates were found on the Project Site (BFSa, 2022a, p. 3.0-78). Furthermore, no substantial evidence was presented to or found by the City of Fontana that led to the identification of any obvious known and physically identifiable resources on the Project Sites that in the City's discretion had the potential to be considered a tribal cultural resource. Tribal cultural resources, however, include resources with inherent tribal values that are difficult to identify through the same means as archaeological resources. These resources can be identified and understood through direct consultation with the tribes who attach tribal value to the resource. Tribal cultural resources may include Native American archaeological sites, but they may also include other types of resources such as a cultural landscape. Also relevant is the category termed "traditional cultural property" which is typically associated with cultural resource management performed under federal auspices. "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is derived



from the role the property plays in a community's historically rooted beliefs, customs, and practices. A traditional cultural property can be defined, generally, as one that is eligible for inclusion in the National Register of Historic Places (NRHP) because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. A landscape can be a traditional cultural property and by extension a tribal cultural resource, provided the cultural landscape meets the criteria and that the landscape is geographically defined in terms of the size and scope. The appropriate treatment of tribal cultural resources is determined through consultation with tribes having cultural affiliation.

As part of the SB 18 and AB 52 consultation processes required by State law, the City of Fontana sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area on October 13, 2022. No responses to the SB18 and AB 52 consultation invitations were received.

Although given the lack of any previously identified prehistoric sites within or near the Project Site and the magnitude of ground disturbances on the Project Site over the previous 90-plus years, there is little potential for any prehistoric resources to be present or disturbed by the proposed development. Notwithstanding, excavations on portions of the Project Site would 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 1 to 4 feet below the ground surface; thus, excavations on the Project Site that would occur within previously undisturbed soils could, in theory, contain tribal cultural resources. If any tribal cultural resources are unearthed during Project construction that meet the definition of a tribal cultural resource according to Public Resources Code Section 21074 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, impacts to the tribal cultural resource would be significant. Mitigation is thus required. As discussed below, with implementation of mitigation, direct and cumulatively-considerable impacts would be less than significant.

As discussed under EIR Subsection 4.5, the Project Site does not contain a known cemetery site and human remains have not been previously discovered on the sites. Mandatory compliance with State law (California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98) would ensure that, in the unlikely event that human remains are discovered during Project construction, the remains would be identified in accordance with proper protocols and the remains would be treated or disposed with appropriate dignity. Accordingly, the Project would not result in a substantial adverse effect to tribal cultural resources associated with human remains.

4.18.5 CUMULATIVE IMPACT ANALYSIS

The potential for Project construction to result in cumulatively-considerable impacts to tribal, religious, and cultural resources were analyzed in conjunction with other projects located in southwestern San Bernardino County and northwestern Riverside County that occur in the same tribal influence areas as the Project Site. The other development projects within these areas would have a similar potential to uncover tribal cultural



resources during construction activities. Therefore, the potential for Project construction to impact tribal cultural resources is a cumulatively-considerable impact for which mitigation is required.

4.18.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project has the potential to result in significant impacts to tribal cultural resources in the absence of protective measures in the event that such resources are discovered during ground-disturbing construction activities.

4.18.7 MITIGATION

Mitigation Measures MMs 4.5-1 through 4.5-3 shall apply (refer to Subsection 4.5, *Cultural Resources*).

4.18.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant with Mitigation Incorporated. Implementation of MMs 4.5-1 through 4.5-3 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less than significant.



4.19 UTILITIES AND SERVICE SYSTEMS

This Subsection addresses the topics of water service and supply, wastewater collection and treatment, stormwater drainage management, and solid waste collection and disposal, and relies on publicly available information provided by local service providers. A complete list of references for information relied upon to prepare this Subsection can be found in EIR Section 7.0, *References*.

4.19.1 EXISTING CONDITIONS

A. Water Service

The Project Site is located within the Fontana Water Company's water service area. The Fontana Water Company (FWC) is a member agency of the Inland Empire Utilities Agency (IEUA), a wholesale water distributor. The FWC's service area is approximately 52 square miles; in 2015, FWC provided a combined 34,095 acre-feet of water to 45,045 customers. (FWC, 2017, p. ES-1) Under existing conditions, water mains are installed beneath Citrus Avenue, Santa Ana Avenue, and Oleander Avenue abutting the Project Site.

Under existing conditions, the Project site contains 13 residential and associated accessory structures, seven of which are occupied by residents and receive water service from FWC. Although the existing uses on the Project Site consume water under existing conditions, for purposes of the analysis in this Subsection (and in order to present a "worst-case" scenario) all water used by the Project is considered to represent a "new" demand and no deduction is taken for the elimination of any uses on the Project Site that consume water.

B. Wastewater Service

Wastewater in the Project area is conveyed via City of Fontana maintained sewer lines to the RP-4 wastewater treatment facilities (operated by the Inland Empire Utilities Agency (IEUA)). The RP-4 facility has a treatment capacity of approximately 14 million gallons of wastewater per day but, under existing conditions, only treats, on average, approximately 10 million gallons of wastewater per day. The excess capacity for RP-4 is approximately 4 million gallons per day. (IEUA, n.d.)

Under existing conditions, the Project Site contains residences that receive wastewater treatment from the IEUA RP-4 facility. Although the existing uses on the Project Site receive wastewater treatment services under existing conditions, for purposes of the analysis in this Subsection (and in order to present a "worst-case" scenario) all wastewater produced by the Project is considered to represent a "new" wastewater treatment demand and no deduction is taken for the elimination of any uses on the Project Site that generate wastewater.

C. Stormwater Conveyance Facilities

Under existing conditions, the Project Site does not contain any stormwater drainage facilities. Surface runoff from the Project Site sheet flows in a southerly direction to Santa Ana Avenue.



D. Solid Waste Collection and Disposal

Solid waste from the Project Site would be collected by Burrtec Waste Industries, Inc. and is expected to be disposed at the Mid-Valley Landfill, located approximately 5.9 miles northeast of the Project Site, in the City of Rialto. The Mid-Valley Landfill is 408 acres in size, has a total permitted capacity of 101,300,000 cubic yards, is permitted to receive 7,500 tons of solid waste per day and has a reported remaining disposal capacity of 61,219,377 cubic yards, as of June 2019. The current closure date is projected as April 2045 (CalRecycle, 2022a).

Under existing conditions, residences are located on the Project Site and produce solid waste requiring disposal. Although the existing uses on the Project Site generate solid waste under existing conditions, for purposes of analysis in this Subsection (and in order to present a “worst-case” scenario) all solid waste produced by the Project is considered to represent a “new” demand for solid waste disposal services and no deduction is taken for the elimination of any uses on the Project Site that generate solid waste.

4.19.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to utilities and service systems.

A. Federal Plans, Policies, and Regulations

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, 2022e)

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to SDWA require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to



implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids. (EPA, 2022)

B. State Plans, Policies, and Regulations

1. Applicable Water Supply Regulations

Water Conservation in Landscaping Act

The Water Conservation in Landscaping Act was established to ensure adequate water supplies are available for future uses. To promote the conservation and efficient use of water, the Act requires local agencies to adopt a water efficient landscape ordinance. When such an ordinance had not been adopted, a finding as to why (based on the climatic, geologic, or topographical conditions) such an ordinance is not necessary, must be adopted. In the absence of such an ordinance or findings, the policies and requirements contained in the “model” ordinance drafted by the State of California shall apply within the affected jurisdiction. (CA Legislative Info, 2016)

Water Recycling in Landscaping Act

In 2000, Senate Bill 2095 (Water Recycling in Landscaping Act) was approved by Governor Davis requiring any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water within the boundaries of a local agency, to notify the local agency of that fact. In turn, local agencies are required to adopt and enforce within 180 days a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. (CA Legislative Info, 2000)

Urban Water Management Planning Act

The Urban Water Management Planning Act (UWMP Act) was proposed and adopted to ensure that water planning is conducted at the local level, as the State of California recognized that two water agencies in the same region could have very different impacts from a drought. The UWMP Act requires water agencies to develop Urban Water Management Plans (UWMPs) over a 20-year planning horizon, and further required UWMPs to be updated every five years. UWMPs are exempt from compliance with CEQA. (DWR, 2016, p. 1-2)

The UWMPs provide a framework for long term water planning and inform the public of a supplier’s plans for long-term resource planning that ensures adequate water supplies for existing and future demands. This part of the California Water Code (CWC) requires urban water suppliers to report, describe, and evaluate:

- Water deliveries and uses;
- Water supply sources;
- Efficient water uses;
- Demand management measures; and
- Water shortage contingency planning. (DWR, 2016, p. 1-3)



The UWMP Act has been modified over the years in response to the State’s water shortages, droughts, and other factors. A significant amendment was made in 2009, after the drought of 2007-2009 and as a result of the governor’s call for a statewide 20 percent reduction in urban water use by the year 2020. This was the Water Conservation Act of 2009, also known as SB X7-7. This Act required agencies to establish water use targets for 2015 and 2020 that would result in statewide savings of 20 percent by 2020. Beginning in 2016, retail water suppliers are required to comply with the water conservation requirements in SB X7-7 in order to be eligible for State water grants or loans. Retail water agencies are required to set targets and track progress toward decreasing daily per capita urban water use in their service area, which will assist the State in meeting its 20 percent reduction goal by 2020. (DWR, 2016, p. 1-2)

□ **Government Code § 66473.7(b)(2) (Senate Bill 221)**

Under Senate Bill (SB) 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. SB 221 is intended as a ‘fail safe’ mechanism to ensure that collaboration on finding the needed water supplies to serve a new large subdivision occurs before construction begins. SB 221 requires the legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove a tentative map, must include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply must be requested by the subdivision applicant or local agency, at the discretion of the local agency, and is based on written verification from the applicable public water system within 90 days of a request. SB 221 does not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households. (DWR, 2003; CA Legislative Info, n.d.)

□ **California Senate Bill 610**

The California Water Code (Water Code) §§ 10910 through 10915 were amended by the enactment of SB 610 in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. (DWR, 2003; CA Legislative Info, 2021) For the purposes of SB 610, “project” means any of the following:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.



- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project. (DWR, 2003; CA Legislative Info, 2021)

Because the Project proposes development of three commerce center buildings with a maximum of 551,108 square feet (s.f.) of total building floor area at full buildout (Building 1: 153,129 s.f., Building 2: 198,166 s.f., and Building 3: 199,813 s.f.), a water supply assessment was not required.

CA. Water Code § 10610 et seq. (Senate Bill 901)

Signed into law on October 16, 1995, Senate Bill (SB) 901 required every urban water supplier to identify as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. The code requires the water service purveyor to assess the projected water demand associated with a proposed project under environmental review. Later provisions of SB 901 required compliance in the event that the proposed Project involved the adoption of a specific plan, amendment to, or revision of the land use element of a general plan or specific plan that would result in a net increase in the state population density. Upon completion of the water assessment, cities and counties may agree or disagree with the conclusions of the water service purveyors, but cannot approve projects in the face of documented water shortfalls without first making certain findings. (CA Legislative Info, 2022f)

Executive Order B-29-15

Executive Order (EO) B-29-15 ordered the State Water Resources Control Board (SWRCB) to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directed the California Department of Water Resources (DWR) to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and directed the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. (SWRCB, 2020)

Executive Order B-37-16

Signed on May 9, 2016, EO B-37-16 established a new water use efficiency framework for California. The order bolstered the state's drought resilience and preparedness by establishing longer-term water conservation measures that include permanent monthly water use reporting, new urban water use targets, reducing system leaks and eliminating clearly wasteful practices, strengthening urban drought contingency plans, and improving agricultural water management and drought plans. (SWRCB, 2020)

Executive Order B-40-17

Signed on April 7, 2017, EO B-40-17 ended the drought state of emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne, where emergency drinking water projects will continue to help address



diminished groundwater supplies. It maintains water reporting requirements and prohibitions on wasteful practices. The order was built on actions taken in Executive Order B-37-16, which remains in effect. In a related action, state agencies, including the Department of Water Resources (DWR), released a plan to continue making water conservation a way of life. (SWRCB, 2020)

Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA required, by June 30, 2017, the formation of locally-controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. The GSP Emergency Regulations for evaluating GSPs, the implementation of GSPs, and coordination agreements were adopted by DWR and approved by the California Water Commission on May 18, 2016. (DWR, n.d.)

2. *Applicable Solid Waste Regulations*

California Solid Waste Integrated Waste Management Act (AB 939, 1989)

The Integrated Waste Management Act (IWMA) established an integrated waste management hierarchy to guide the California Integrated Waste Management Board (CIWMB) and local agencies in implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal (it should be noted that the CIWMB no longer exists, and its duties have been assumed by CalRecycle). As part of the IWMA, the CIWMB was given a purpose to mandate the reduction of disposed waste. (CalRecycle, n.d.) The IWMA also required:

- The establishment of a task force to coordinate the development of city Source Reduction and Recycling Elements (SRREs) and a countywide siting element. (CalRecycle, n.d.)
- Each city, by July 1, 1991, to prepare, adopt and submit a SRRE to the county which includes the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste (asbestos, sewage sludge, etc.); and household hazardous waste. (CalRecycle, n.d.)
- Each county, by January 1, 1991, to prepare a SRRE for its unincorporated area, with the same components described above, and a countywide siting element, specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction which cannot be reduced or recycled for a 15-year period.
- Each county to prepare, adopt, and submit to the Board an Integrated Waste Management Plan (IWMP), which includes all of the elements described above. (CalRecycle, n.d.)



- Each city or county plan to include an implementation schedule which shows: diversion of 25 percent of all solid waste from landfill or transformation facilities by January 1, 1995 through source reduction, recycling, and composting activities; and, diversion of 50 percent of all solid waste by January 1, 2000 through source reduction, recycling, and composting activities. (CalRecycle, n.d.)
- The CIWMB to review the implementation of each SRRE at least once every two years. (CalRecycle, n.d.)
- The IWMA required the CIWMB, in conjunction with an inspection conducted by a Lead Enforcement Agency (LEA), to conduct at least one inspection per year of each solid waste facility in the state. (CalRecycle, n.d.)

Additionally, the IWMA established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities. (CalRecycle, n.d.)

Waste Reuse and Recycling Act (AB 1327)

The Waste Reuse and Recycling Act (WRRRA) required the CIWMB to approve a model ordinance for adoption by any local government for the transfer, receipt, storage, and loading of recyclable materials in development projects by March 1, 1993. The WRRRA also required local agencies to adopt a local ordinance by September 1, 1993 or allow the model ordinance to take effect. The WRRRA requires all development projects that are commercial, industrial, institutional, or marina in nature and where solid waste is collected and loaded, to provide an adequate area for collecting and loading recyclable materials over the lifetime of the project. The area is required to be provided before building permits are issued. (CalRecycle, n.d.)

Mandatory Commercial Recycling Program (AB 341)

Assembly Bill (AB) 341 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. CalRecycle initiated formal rulemaking with a 45-day comment period beginning Oct. 28, 2011. The final regulation was approved by the Office of Administrative Law on May 7, 2012. AB-341 was designed to help meet California's recycling goal of 75% by the year 2020. AB 341 requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition, multi-family apartments with five or more units are also required to form a recycling program. (CalRecycle, n.d.)

2016 California Green Building Standards Code (CAL Green; Part 11 of Title 24, California Code of Regulations)

California Code of Regulations, Title 24, Part 11 is referred to as the California Green Building Standards Code (CALGreen Code). CALGreen became effective January 1, 2017, and is applicable to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout the State of California (including residential structures and elementary schools). 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). Section 5.408.3 of the CALGreen Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled onsite until the storage site is developed. Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code. (CEC, 2018)

C. Local Plans, Policies, and Regulations

1. Fontana Water Company Urban Water Management Plan

The *San Gabriel Valley Water Company, Fontana Water Company Division Urban Water Management Plan (2020)* provides a summary of anticipated water supplies and demands for the years 2020 to 2045. The Plan was prepared consistent with the Urban Water Management Act, the Water Conservation Act of 2009, and the Department of Water Resources Guidebook for Urban Water Suppliers. The *2020 Urban Water Management Plan* evaluates whether supplies will be sufficient to meet demand during a normal average year, a single dry year, and multiple dry years; existing baseline water use in terms of gallons per capita per day; targets for future water use consistent with the Water Conservation Act of 2009; demand management measures implemented or planned for implementation as well as the methods proposed for achieving future water use targets; water shortage contingency planning; and notification and coordination with other water agencies, land entities, and the community. (FWC, 2020)

2. City of Fontana Municipal Code

Chapter 24 of the City of Fontana Municipal Code outlines the goals, policies, and programs the City will implement to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates (Fontana, 2019a).

4.19.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;*
- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;*



- c. *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;*
- d. *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;*
- e. *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.*

4.19.4 IMPACT ANALYSIS

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 telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The Project entails the development of property that contains residential homes and associated accessory structures, and vacant, undeveloped land under existing conditions. The proposed development includes three commerce center buildings and associated drive aisles, parking areas, landscaping, and other supporting features on 24.0 acres, and reasonably foreseeable commerce center development on an additional 5.0 acres. The installation of the infrastructure improvements proposed as part of the Project would result in physical environmental impacts; however, these impacts have already been considered in the analyses of construction-related effects presented throughout this EIR. The construction of infrastructure necessary to serve the proposed Project would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in this this EIR. There are no components of the Project's infrastructure improvements that would result in impacts not already disclosed in this EIR and, accordingly, additional mitigation measures beyond those identified throughout this EIR would not be required. A summary discussion of each component of the Project's infrastructure system is provided below.

A. Water and Water Treatment Facilities

Water demand features associated with the proposed Project would consist of interior plumbing devices, outdoor landscape irrigation, and potentially various industrial process systems depending on the buildings' end users. Water service would be provided to the Project Site by FWC.

Building 1 would join the existing 12-inch water main along Citrus Avenue. Buildings 2 and 3 would each connect to the existing 18-inch water main along Santa Ana Avenue via proposed 3-inch water lines. Future development on the 5.0 acres that is not part of the currently proposed development plans is expected to connect to the water main along Santa Ana Avenue. The Project would not require the relocation or upsizing of any existing water lines off-site. The installation of onsite water lines that connect to the Citrus Avenue and Santa Ana Avenue lines are an inherent part of the Project's construction processes. The installation of water



conveyance lines as part of the Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. All water utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans (Caltrans, 2022). Environmental impacts associated with the construction of the Project, including the installation of the proposed water lines are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of water infrastructure to serve the Project, and impacts would be less than significant.

While the Project would result in an incremental increase in demand for water treatment capacity, the Project's water demands would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the San Gabriel Valley Water Company's Fontana Water Company Division 2020 *Urban Water Management Plan* (UWMP). Impacts unique to the installation of water infrastructure would be less than significant.

B. Wastewater and Wastewater Treatment Facilities

Sewer demand features associated with the proposed Project include interior plumbing devices in the proposed commerce center buildings.

Buildings 1, 2, and 3 would each connect to the existing 8-inch sewer line installed along Santa Ana Avenue via proposed 6-inch sewer lines. Future development on the 5.0 acres that is not part of the currently proposed development plans also is expected to connect to the sewer line installed along Santa Ana Avenue. The Project would not require the relocation or upsizing of any existing sewer lines off-site. The installation of onsite sewer lines that connect to the Santa Ana Avenue line is an inherent part of the Project's construction processes. The installation of wastewater conveyance lines as part of the Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. All wastewater utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans (Caltrans, 2022). Environmental impacts associated with the construction of the Project, including the installation of the proposed sewer lines are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of wastewater infrastructure to serve the Project, and impacts would be less than significant.

The Project's wastewater would be conveyed to the RP-4 wastewater treatment facility operated by the IEUA, which has a treatment capacity of approximately 14 million gallons of wastewater per day but, under existing conditions, only treats, on average, approximately 10 million gallons of wastewater per day. The excess capacity for RP-4 is approximately 4 million gallons per day, and sufficient to treat the Project's wastewater which would only comprise a small fraction of the available capacity. (IEUA, n.d.)



C. Storm Water Drainage Facilities

Under existing conditions, drainage from the Project Site sheet flows in a southerly direction to Santa Ana Avenue. Upon development of the Project, runoff from the west side of Building 1 would be routed south, then east, to discharge to Santa Ana Avenue. Runoff from the east side of Building 1 and the truck yard would be collected by catch basins in the truck yard and routed south, where it would confluence with runoff from the southeast vehicle parking lot and continue south to discharge to Santa Ana Avenue. Prior to discharging, stormwater would be diverted to the proposed underground retention system for infiltration and a hydrodynamic separator for pretreatment. (Thienes, 2022a, p. 1-1)

Runoff from the east side of Building 2 and from the east vehicle parking lot would be collected in a catch basin on the south end of the vehicle parking lot and routed west to discharge to Santa Ana Avenue. Runoff from the west side of Building 2 and the truck yard would be collected by catch basins in the truck yard and routed south, where it would confluence with runoff from the southwestern vehicle parking lot and continue south to discharge to Santa Ana Avenue. Prior to discharging, stormwater would be diverted to the proposed underground retention system for infiltration and a hydrodynamic separator for pretreatment. (Thienes, 2022b, p. 1-1)

Runoff from the west side of Building 3 and the west vehicle parking lot would be collected by a catch basin in the west vehicle parking lot. Runoff would be routed south, then east to discharge to Santa Ana Avenue. Runoff from the east side of Building 3 and the truck yard would be collected by catch basins in the truck yard and routed south, where it would confluence with runoff from the southeast vehicle parking lot and continue south to discharge to Santa Ana Avenue. Prior to discharging, stormwater would be diverted to the proposed underground retention system for infiltration and a hydrodynamic separator for pretreatment. (Thienes, 2022c, p. 1-1)

Runoff from the 5.0 acres not currently proposed for development would continue to occur based on existing conditions until the property is developed. When this parcel is developed in the future, storm water would be required to be conveyed in a storm drain system and discharged to Santa Ana Avenue.

The installation of storm water drainage infrastructure is an inherent part of the Project's construction processes. The installation of stormwater collection facilities and conveyance lines as part of the Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. All storm water infrastructure installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans (Caltrans, 2022). Environmental impacts associated with the construction of the Project, including the installation of the proposed storm water drainage systems are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with



the installation of stormwater drainage infrastructure to serve the Project, and impacts would be less-than-significant.

D. Dry Utilities (Electrical Power, Natural Gas, and Telecommunications)

Under existing conditions, overhead electrical lines supported on wooden poles are located along the frontage of the Project Site with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue. As part of the Project's development, these lines would be relocated underground along the frontages of the Project Site. Other dry utility lines are available in the Santa Ana Avenue right-of-way, to which the Project would make connections during the construction phase. The installation of onsite and site adjacent dry utility infrastructure is an inherent part of the Project's construction processes. The installation of dry utilities as part of the Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. All electric line undergrounding and other dry utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans (Caltrans, 2022). Environmental impacts associated with the construction of the Project, including the installation of the proposed dry utility systems are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of dry utilities to serve the Project, and impacts would be less than significant.

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 San Gabriel Valley Water Company Fontana Water Company (FWC) Division would provide potable water service to the Project. Present and future water supplies available to the FWC to provide water service to the Project include groundwater pumped from the Chino Basin, Lytle Basin, Rialto Basin, and No-Man's Land Basin; surface water diversions from Lytle Creek; imported State Water Project water from the IEUA and San Bernardino Valley Municipal Water District (SBCMWD); and recycled water, as specified in the FWC's 2020 Urban Water Management Plan (UWMP) (FWC, 2020). The FWC UWMB reports in its Table 7-8 that during five-year drought conditions beginning in 2021, FWC's supplies are projected to be adequate to meet projected demands, even without water conservation, and water conservation is expected, thereby reducing FWC's reliance on the Chino Basin supply (FWC, 2020, Section 7.3.3). The FWC UWMP also reports that water demands in the FWC water service area are expected to increase but represent a more than 10 percent decrease in the 2040 projected water demand from FWC's prior 2015 UWMP due to water conservation efforts (FWC, 2020, p. ES-2).

FWC's forecasts for projected water demand are based on the population projections of the Southern California Association of Governments (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 involves a General Plan Amendment, the Project would be inconsistent with the growth assumptions used by FWC to calculate its future water service obligations. Using a water use rate of 2,200 gallons per day (gpd) per acre derived from recorded water use data in industrial/commercial areas within FWC's service area, the Project would generate



an estimated water demand of 53,680 gallons per day (24.4 acres x 2,200 gpd = 53,680 gpd), or 59.6 AFY. In comparison to FWC's total projected 2024 water demand of 48,943 AFY, the Project' demand would be only approximately one-tenth of one percent (0.12%) of the total demand, and a de minimis increase in overall water supply demand across FWC's service area resulting in less than significant impacts on water supply.

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?

Wastewater generated by the Project would be treated at IEUA's RP-4 wastewater treatment plants. Under existing conditions, RP-4 has an excess treatment capacity of approximately 4 million gallons per day, while Project operations are conservatively estimated to generate approximately 53,680 of wastewater per day. (The Project's wastewater demand mirrors the water demand for Project operations and is conservative because Project operations include water use for landscape irrigation, which does not flow into the sewer system or require wastewater treatment.) Accordingly, implementation of the Project would utilize approximately 1.3% of the excess treatment capacity at RP-4. Accordingly, RP-4 has sufficient excess capacity to treat wastewater generated by the Project in addition to existing commitments. Implementation of the Project would not create the need for any new or expanded wastewater facility. Because there is adequate capacity at existing treatment facilities to serve Project demands, impacts would be less than significant, and mitigation is not required.

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

The Project would be required to comply with mandatory waste reduction requirements of the California Integrated Waste Management Act (AB 939), the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), and Chapter 24 (Solid Waste) of the City of Fontana Municipal Code. Notwithstanding, construction and operation of the Project would result in the generation of solid waste requiring disposal at a landfill.

A. Construction-Related Landfill Disposal

During construction of the Project, demolition material would be generated from removal of existing residential structures and associated accessory structures located on the Project Site. Waste also would be generated by the construction process on the Project Site, primarily comprising discarded materials and packaging. Based on the proposed building sizes of 153,129 s.f. (Building 1), 198,166 s.f. (Building 2), and 199,813 s.f. (Building 3), for a total building space of 551,108 s.f., and using a construction waste generation factor of 4.34 pounds per square foot (EPA, 2009, p. 10), approximately 1,195.9 tons of waste would be generated over the course of Project construction ($[551,108 \text{ sq. ft.} \times 4.34 \text{ lbs/sq. ft.}] \div 2,000 \text{ lbs/ton} = 1,195.9 \text{ tons}$). AB 939 requires that a minimum of 50% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies) consistent with the State's solid waste reduction goals; therefore, the Project is estimated to generate up to 598.0 tons of construction waste requiring disposal at a landfill.



The Project's construction would occur over a period of approximately 18 months (540 days), which corresponds to approximately 2.2 tons of construction waste being generated per day of construction activity. As of 2019, the Mid-Valley Landfill's peak daily disposal was 5,330 tons, which represents 71% of the maximum daily capacity with 29% capacity available. The Project's estimated construction-related generated waste represents approximately 0.03% ($[2.2 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.03\%$) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste generated during Project construction (2.2 tons per day) would neither exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal; therefore, impacts to landfill capacity associated with near-term Project construction activities would be less-than-significant.

B. Operational-Related Landfill Disposal

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of commerce center building area (CalRecycle, 2022b), long-term operation of the Project would generate approximately 3.91 tons of solid waste per day ($[551,108 \text{ sq. ft.} \times 1.42 \text{ lbs/} 100 \text{ sq. ft.}] \div 2,000 \text{ lbs/ton} = 3.91 \text{ tons}$). A minimum of 50% of all solid waste would be required to be recycled pursuant to AB 939, consistent with the State's solid waste reduction goals; therefore, Project operation would generate up to approximately 1.96 tons per day of solid waste requiring disposal at a landfill. As of February 2019, the Mid-Valley Landfill's peak daily disposal was 5,330 tons, which represents 71% of the maximum daily capacity with 29% capacity available. The projected estimated operation-related generated waste represents approximately 0.05% ($[2.07 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.05\%$) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste expected to be generated during Project operation (3.91 tons per day) would neither exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal; therefore, impacts to landfill capacity associated with long-term Project operational activities would be less-than-significant.

Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

In order to assist the City of Fontana in achieving the mandated goals of the Integrated Waste Management Act, and pursuant to City of Fontana Municipal Code Chapter 24, the Project's building occupant(s) would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), the Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. (CA Legislative Info, n.d.) 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 (CA Legislative Info, 2011). The



implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.

4.19.5 CUMULATIVE IMPACT ANALYSIS

The Project would require water, wastewater, and stormwater drainage services and infrastructure, as well as solid waste disposal during construction and operation of the Project. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with ministerial and discretionary review authority. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Because the comprehensive utility and service planning and coordination activities described above would ensure that new development projects do not disrupt or degrade the provision of utility services, cumulatively considerable impacts to utilities and service systems would not occur.

4.19.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The physical environmental effects associated with installing the Project's water, wastewater, stormwater drainage, and dry utility infrastructure is evaluated throughout this EIR and no adverse impacts specific to the provision utilities services have been identified.

Threshold b: Less-than-Significant Impact. The FWC is expected to have sufficient water supplies to service the Project. The Project would not exceed the FWC's available supply of water during normal years, single-dry years, or multiple-dry years.

Threshold c: Less-than-Significant Impact. The IEUA would provide wastewater treatment services to the Project site via RP-4. These facilities have adequate capacity to service the Project and no new or expanded facilities would be needed.

Threshold d: Less-than-Significant Impact. There is adequate capacity available at the Mid Valley Landfill to accept the Project's solid waste during both construction and long-term operation. The Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure to handle the waste.

Threshold e: Less-than-Significant Impact. The Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.

4.19.7 MITIGATION

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



4.20 WILDFIRE

The following analysis is based on information obtained in part from the Fontana Local Hazard Mitigation Plan (Fontana, 2018c) and data available from the California Department of Forestry and Fire Protection (CalFire, 2022). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.20.1 EXISTING CONDITIONS

A. Fire Hazard Classification

According to the California Department of Forestry and Fire Protection (CalFire) Fire Hazard Severity Zone (FHSZ) Viewer, Project Site is not in an area identified as being subject to wildfires. The closest area to the Project Site in Fontana classified as a “Very High Fire Hazard Severity Zone (VHFHSZ)” is located approximately 1.3 miles southwest of the Project Site. (CalFire, 2022)

According to the City of Fontana Local Hazard Mitigation Plan (LHMP), there are three factors that contribute to wildfire behavior – topography, weather, and fuel, which are discussed below (Fontana, 2018c, p. 46).

B. Topography

The topography of the Project Site is flat and gently sloping. The rate of wildlife is fastest in steep areas and slowest in flat areas (Fontana, 2018c, p. 46).

C. Climate

Throughout southern California, climate has a large influence on fire risk. The Inland Empire area of southern California in which the Project Site is located typically have warm, dry summers and cool, wet winters. Fires are of concern in the region during summer and fall, before the rainy period, especially during dry Santa Ana wind events. The Fontana LHMP discloses that the City of Fontana has experienced extreme weather, such as high winds, high temperatures and low humidity, which can and has led to volatile and dangerous wildfire activity (Fontana, 2018c, p. 46). Santa Ana events can occur anytime of the year; they generally occur during the autumn months, although also have occurred in the spring and summer. Santa Ana winds may gust up to 75 miles per hour (mph) or higher. This phenomenon markedly increases the wildfire danger and intensity by drying out and preheating vegetation as well as accelerating oxygen supply, and thereby, making possible the burning of fuels that otherwise might not burn under cooler, moister conditions.

D. Fuel (Vegetation)

The Project Site is a mix of residential houses and associated accessory structures, and vacant, undeveloped land. The undeveloped areas of the Project Site are classified as disturbed or non-native grassland which is periodically disced. Vegetation on the developed portion of the Project Site is limited and consists of ornamental shrubs and trees. Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of the existing biological setting on the Project Site.

Surrounding the Project Site, the area is fully developed with limited non-irrigated vegetative fuel. North of the Project Site is Jurupa Hills High School and the Fontana Adult School, which have paved parking areas



and baseball/softball fields adjacent to the Project Site. While the baseball/softball fields are open areas, they are regularly mowed and maintained. Similarly, to the east of the Project Site is baseball/softball fields that are regularly mowed and maintained. South and east of the Project Site is fully developed with commercial/industrial uses.

E. Fire History

According to the California Wildfire History Map, no wildfires have occurred on the Project Site or immediately surrounding properties for several decades. The closest wildfire to the Project Site, named Scenic, occurred within the Jurupa Hills area to approximately 0.2-mile southeast of the Project Site along Cypress Avenue, south of Santa Ana Avenue. This fire occurred in 1983, when the surrounding area was less developed than it is today, and the cause of this fire was determined to be arson. (Cal Fire, 2021)

F. Fire Risk

Wildland fires are a common hazard in most of southern California. Native landscapes can become highly flammable each fall and the climate of southern California has been characterized by fire climatologists as the worst fire climate in the United States with high winds (Santa Ana) occurring in the autumn after a summer drought period. (EOS, 2004) The southern California landscape in the region containing the Project Site include a diverse range of plant communities, including grasslands, shrublands, and forests like those found in the hilly and mountainous areas located east and southwest of the Project Site including in the Cleveland National Forest located approximately 16.5 miles southwest of the Project Site and the San Bernardino National Forest, located approximately 24.3 miles east of the Project Site. Given the developed nature of the properties surrounding the Project Site and the absence of any wildfire occurrences on or adjacent to the Project Site in the last 40+ years, the risk of a spreading wildfire occurring on or in the immediate vicinity of the Project Site is low.

4.20.2 REGULATORY SETTING

A. Federal Plans, Policies, and Regulations

1. Healthy Forests Restoration Act of 2003

On August 22, 2002, President Bush established the Healthy Forests Initiative, directing the Departments of Agriculture and the Interior, and the Council on Environmental Quality, to improve regulatory processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildland fires. On June 5, 2003, the Departments of Agriculture and the Interior adopted two new categorical exclusions from documentation in an environmental assessment or environmental impact statement (EIS): an exclusion for hazardous-fuel reduction and another for rehabilitation of resources and infrastructure damaged by wildfire (68 FR 33814). (DOI, 2003)

B. State Plans, Policies, and Regulations

1. Public Resources Code (PRC) Sections 4290-4299

These sections establish minimum statewide fire safety provisions pertaining to: roads for fire equipment access; signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency



fire use; and fire fuel breaks and greenbelts. With certain exceptions, all new construction after July 1, 1991, in potential wildland fire areas, is required to meet these statewide standards. The state requirements, however, do not supersede more restrictive local regulations. (CA Legislative Info, n.d.)

As defined by CalFire, wildland areas defined as State Responsibility Areas (SRAs) may contain substantial wildfire risks and hazards. They consist of lands exclusive of cities, and federal lands regardless of ownership. The primary financial responsibility for preventing and suppressing fires within wildlands belongs to the State of California. However, it is not the State of California's responsibility to provide fire protection services to buildings or structures located within the wildlands unless CalFire has entered into a cooperative agreement with a local agency for those purposes pursuant to PRC Section 4142. As such, wildland areas require disclosure of these fire hazards in real estate transactions, and owners of properties in wildland areas are subject to PRC Section 4291 maintenance requirements. The law requires CalFire every five years (1991, 1996, 2001, etc.) to provide maps identifying the boundaries of lands classified as SRAs to the Riverside County Assessor. (CA Legislative Info, n.d.)

2. PRC Section 4213 – Fire Prevention Fees

Pursuant to PRC Section 4213, in July of 2011, the State of California began assessing an annual “Fire Prevention Fee” for all habitable structures within SRAs to pay for fire prevention services. SRAs are the portions of California where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within incorporated city boundaries, Tribal or federally owned land. As a result of AB 398, California Global Warming Solutions Act of 2006, the fire prevention fee was suspended as of July 1, 2017. (CA Legislative Info, n.d.)

3. California Government Code (CGC) Section 51178 and 51182

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 California Government Code (CGC) § 51178, a local agency may, at its discretion, exclude from the requirements of § 51182 an area within its jurisdiction that has been identified as a VHFHSZ, if it provides substantial evidence in the record that the requirements of § 51182 are not necessary for effective fire protection within the area. Alternatively, local agencies may include areas not identified as VHFHSZ by CalFire, following a finding supported by substantial evidence in the record that the requirements of § 51182 are necessary for effective fire protection within the new area. According to § 51182, such changes made by a local agency shall be final, and shall not be rebuttable by CalFire. (CA Legislative Info, n.d.; CA Legislative Info, n.d.)

4. California Code of Regulations (CCR) Title 14 – Natural Resources

These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They were prepared and adopted to establish minimum wildfire protection standards in conjunction with building, construction, and development within SRAs. Among other things, Title 14 requires the design, and construction of structures, subdivisions, and developments in an SRA provide for basic emergency access and perimeter wildfire protection measures (fire fuel modification zones, etc.). (Westlaw, n.d.)



5. CCR Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the CCR refers to the California Building Code, which contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, “Materials and Construction Methods for Exterior Wildfire Exposure,” in the 2010 California Building Code addresses fire safety standards for new construction. In addition, Section 701A.3.2, “New Buildings Located in Any Fire Hazard Severity Zone,” states: (BSC, n.d.)

“New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.”

Additionally, Chapter 49 specifies fuel modification requirements for wildland-urban interface areas that are prone to fire hazards (BSC, n.d.).

C. Local Plans, Policies, and Regulations

1. City of Fontana Municipal Code Article XV – California Fire Code

The City of Fontana’s Municipal Code Article XV adopts the California Code of Regulations, Title 24, Part 9, based on the International Fire Code. The International Fire Code contains regulations to safeguard life and property from fires and explosion hazards. Topics include general precautions, emergency planning and preparedness, fire department access and water supplies, automatic sprinkler systems, special hazards, and the storage and use of hazardous materials.

2. Fontana Municipal Code, Fire Hazard Overlay District

Division 8, Section 30-656 of the Fontana Zoning and Development Code regulates new development in very high fire hazard areas. The fire hazard overlay district was created to provide greater public safety to City residents and structures in areas prone to wildfires by establishing development standards for these areas. Standards pertain to emergency access, construction practices, and fuel modification where necessary (Fontana, 2021b).

3. 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.

4. Fontana Fire Protection District Strategic Plan

The Fontana Fire District's Strategic Plan is an extension of the Safety Element of the City of Fontana's General Plan. The General Plan outlines broad goals in identifying and mitigating risks associated with fires and the Strategic Plan specifically shows how the Fire District intends to accomplish those goals and to prevent emergencies from occurring. The Plan addresses Fire District operations, administration, and fire prevention covering topics including but not limited to fire suppression, emergency medical response, disaster preparedness, and requirements for annual fire safety inspections. (Fontana, 2018d)

4.20.3 BASIS FOR DETERMINING SIGNIFICANCE

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

- a. *Substantially impair an adopted emergency response plan or emergency evacuation plan;*
- b. *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;*
- c. *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 or ongoing impacts to the environment;*
- d. *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

4.20.4 IMPACT ANALYSIS

Threshold a: *Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

The Project Site does not contain any emergency facilities nor is it physically part of an emergency evacuation route. As part of the 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 circulation on the Project Site would be adequate for emergency vehicles. The development of Project as proposed would introduce one driveway access point along Citrus Avenue, three driveway access points along Santa Ana Avenue, and two driveway access points along Oleander Avenue. In the event of a wildfire



emergency, emergency personnel are trained to direct vehicle traffic along the street system and designated evacuation routes to ensure safe and efficient evacuations. There are no components of the Project that would substantially impair an emergency response plan.

Accordingly, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and impacts would be less-than-significant.

Threshold b: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, would the Project thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As previously indicated, according to the CalFire FHSZ Viewer, the Project Site and areas surrounding the Project Site are not in an area identified as being subject to wildfires (CalFire, 2022). The areas surrounding the Project Site are fully developed with limited non-irrigated vegetative fuel. North of the Project Site is Jurupa Hills High School and the Fontana Adult School, which have paved parking areas and baseball/softball fields adjacent to the Project Site. While the baseball/softball fields are open areas, they are regularly mowed and maintained. Similarly, to the east of the Project Site is baseball/softball fields that are regularly mowed and maintained. South and east of the Project Site is fully developed with commercial/industrial uses. The development of the Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. Impacts would be less-than-significant.

Under existing conditions, the Project Site is classified for residential land uses. According to the City's LHMP (2017) residential structures are the least fire resistive in their construction and the population groups that inhabit them are the least prepared to evacuate in a large-scale wildfire event. (Fontana, 2018c, p. 58) The Project Applicant is proposing a General Plan Amendment and Specific Plan Amendment to redesignate the property from planned residential use to general industrial designations to allow for construction of the three commerce center buildings that are proposed. The commerce center buildings are proposed to be constructed with concrete tilt-up walls, and concrete is very fire resistant compared to what would occur if the Project Site was developed with residential housing. As such, the proposed Project would reduce fire risk on the Project Site. Due to the Project Site's location in context to surrounding development, and the Project's construction type of commerce center buildings with concrete tilt-up construction that would be built in compliance with all applicable Building and Fire Codes, and include irrigated landscaping, fire protection systems, and interior sprinkler systems, there is no reasonable potential that the Project would expose the Project Sites' 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 or ongoing impacts to the environment?

The Project entails the construction and operation of three concrete tilt-up dock high commerce center buildings. Building 1 would be a maximum of 153,129 s.f., Building 2 would be a maximum of 198,166 s.f., and Building 3 would be a maximum of 199,813 s.f. (for a collective total of 551,108 s.f. of total building area at full buildout). Associated site improvements for the Project would include drive aisles, irrigated landscaping, utility infrastructure, exterior lighting, and signage. No components of the Project would trigger the installation or maintenance of offsite infrastructure or wildfire management features that could result in exacerbated fire risks. Less-than-significant impacts would occur.

Threshold d: Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Should the Project Site ever be affected by wildfire, there is no potential that the Project Site could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Project Site exhibits little topographic variation, and development on the Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding or landslides.

The areas surrounding the Project Site is fully developed. North of the Project Site is Jurupa Hills High School and the Fontana Adult School, which have paved parking areas and baseball/softball fields adjacent to the Project Site. While the baseball/softball fields are open areas, they are regularly mowed and maintained. Similarly, to the east of the Project Site is baseball/softball fields that are regularly mowed and maintained. South and east of the Project Site is fully developed with commercial/industrial uses. The development of the Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. As a result, fire risk on surrounding properties would be reduced and impacts would be less-than-significant.

4.20.5 CUMULATIVE IMPACT ANALYSIS

The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route, and the Project would not serve as an evacuation route under long-term conditions. During construction, and at Project build-out, the proposed Project would be required to maintain adequate access for emergency vehicles. Other cumulative developments similarly would be required to accommodate emergency access and facilities. As such, cumulatively-considerable impacts would be less-than-significant.

The Project entail the development a property located in an area that is fully developed with limited non-irrigated vegetative fuel. The development of the Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into



a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. As such, cumulatively-considerable impacts would be less-than-significant.

The Project proposes to develop three commerce center buildings with associated site improvements. No components of the Project would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks. As such, cumulatively-considerable impacts would be less-than-significant.

Under existing and proposed conditions, the Project Site exhibits little topographic variation, and development on the Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards. As such, the Project has no potential to cumulatively contribute to impacts associated with the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Cumulatively-considerable impacts would not occur.

4.20.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. During construction and as part of ongoing operations at the Project Site, the City will require that adequate access for emergency vehicles be maintained. No emergency routes would be affected by the Project. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and impacts would be less-than-significant.

Threshold b: Less-than-Significant Impact. Due to the developed nature of the surrounding area and requirements to construct the Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Threshold c: Less-than-Significant Impact. The Project proposes the development of three commerce center buildings, no components of which would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks.

Threshold d: Less-than-Significant Impact. There is no potential that the Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Project Site exhibits little topographic variation, and development on the Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding, landslides, instability, or changes in downstream drainage patterns.

4.20.7 MITIGATION

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



5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a proposed project that cannot be reduced to a level of insignificance if the project is implemented and, where impacts cannot be alleviated without imposing an alternative design, the reasons why the project is being proposed, notwithstanding its effect, should be described (CEQA Guidelines Section 15126(b) & Section 15126.2(c)). As described in detail in Section 4.0 of this EIR, after the consideration of Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Project is expected to result in the following significant environmental impacts:

Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact.

A majority of the Projects' greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen), and Fontana Ordinance No. 1891 to reduce area-source and mobile-source emissions, neither the Project Applicant nor the City of Fontana can substantively or materially affect reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Projects' greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Threshold b: Significant Direct Impact. The Project's construction activities would exceed the Fontana Adult School relocatable classrooms damage thresholds at the building façade. Even with implementation of mitigation, Project construction vibration levels still exceed the 0.3 PPV (in/sec) construction vibration threshold.

Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts.

The Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035. The VMT generated by the Project would exceed the City's significance threshold by 15.34 percent in the baseline condition and 11 percent in the cumulative year 2040 condition and therefore, the Project would conflict with CEQA Guidelines Section 15064.3. Although a TDMP is required as mitigation, neither the Project Applicant nor the City of Fontana has the jurisdictional authority to mandate or monitor the effectiveness of the business practices of private enterprises such as the implementation of TDMP measures, nor assure a change in human behavior such as the choice to carpool, walk, or bike to and from work. For these reasons, the effectiveness of VMT mitigation cannot be reasonably assured and the impact would remain significant.



5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL IMPACTS WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION 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). Additionally, the Project is required by law to comply with the California Green Building Standards Code (CALGreen) in effect at the time of building permit issuance, which will minimize the Projects' demand for energy, including energy produced from non-renewable sources. A more detailed discussion of Project energy consumption is provided in EIR Subsection 4.6, *Energy*.

Implementation of the Project would commit the Project Site to a three-building commerce center facility and reasonably comment a 5.0-acre parcel to developing with an industrial use. The land use proposed for the Project Site is compatible with the existing industrial land use that is located to the south and west and also compatible with the use of Citrus Avenue (which abuts the Project Site on the west) as a City-designated truck route. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those that are planned by the City's General Plan. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the potential for hazardous materials to be transported to/from the Project Site and/or used on the Project Site during construction and operation. As concluded in Subsection 4.8, mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the Project Site.



As discussed in detail under EIR Subsection 4.5, *Energy*, the Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use.

Based on the above, Project construction and operation would require the commitment of limited, slowly renewable and non-renewable resources. However, this commitment of resources would not be substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions, and such resources would not be used in an inefficient or wasteful manner. Project construction and operation would adhere to the sustainability requirements of Title 24, Green Building Code, and CALGreen. Therefore, the Project would not result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes.

5.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(d)). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees.

According to regional population projections included in SCAG's *Connect SoCal*, the City of Fontana's population is projected to grow by 75,700 residents between 2016 and 2045 (approximately 0.99 percent annual growth) (SCAG, 2020). Over this same time period, employment in the City is expected to add 18,400 new jobs (approximately 0.84 percent annual job growth) (ibid). Economic growth would likely take place as a result of the Project's operation as commerce center facilities. 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 area 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 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 City of Fontana or the immediate surrounding Inland Empire area, the Projects' introduction of new employment opportunities on the Project Site would not induce substantial growth in the area.



Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as SCAG. Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The area surrounding the Project Site consist of public facilities to the north, public facilities and residential to the east, and industrial to the south and west. Development of the Project Site is not expected to place short-term development pressure on abutting properties because these areas are already built-out.

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 INITIAL SCREENING 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.” There were no environmental topic areas that fell into this category. All possible significant effects of the Project are evaluated in the EIR, Section 4.0.



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 described in detail in Section 4.0 of this EIR, after the consideration of Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Project is expected to result in the following significant environmental impacts:

Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact.

A majority of the Project's greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen), and Fontana Ordinance No. 1891 to reduce area-source and mobile-source emissions, neither the Project Applicant nor the City of Fontana can substantively or materially affect reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Project's greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Threshold b: Significant Direct Impact. The Project's construction activities would exceed the Fontana Adult School relocatable classrooms damage thresholds at the building façade. Even with implementation of mitigation, Project construction vibration levels still exceed the 0.3 PPV (in/sec) construction vibration threshold.

Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts.

The Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Project would generate VMT that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035. The VMT generated by the Project would exceed the City's significance threshold by 15.34 percent in the baseline condition and 11 percent in the cumulative year 2040 condition and therefore, the Project would conflict with CEQA Guidelines Section 15064.3. Although a TDMP is required as mitigation, neither the Project Applicant nor the City of Fontana has the jurisdictional authority to mandate or monitor the effectiveness of the business practices of private enterprises such as the implementation of TDMP measures, nor assure a



change in human behavior such as the choice to carpool, walk, or bike to and from work. For these reasons, the effectiveness of VMT mitigation cannot be reasonably assured and the impact would remain significant.

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 includes both a land use plan amendment (and change of zone) and a site-specific development proposal, this EIR includes two “No Project” Alternative analyses: (1) The scenario where the Project does not proceed and the Project Site remains in its existing condition is evaluated as the “No Development Alternative,” and (2) The potential scenario where the Project Site is used in accordance with the City’s existing land use plan (the City of Fontana General Plan) is evaluated as the “No Project Alternative.”

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 DEVELOPMENT ALTERNATIVE

The No Development Alternative considers no development on the Project Site beyond what occurs on the Site under existing conditions. Under this Alternative, the residential uses on the approximately 29.4-acre Project Site would be retained while the undeveloped portions of the Site would be kept vacant for the foreseeable future. No roadway frontage improvements including sidewalks would occur on Citrus Avenue, Santa Ana Avenue, or Oleander Avenue. 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 NO PROJECT ALTERNATIVE

The No Project Alternative considers the development of the Project Site in accordance with its existing land use designation of “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” land uses. The R-PC land use designation allows up to 6.4 dwelling units per acre and the R-



MFMH land use designation allows up to 39 dwelling units per acre. Under this alternative, the Project Site is assumed to be developed with high density residential housing. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property, this alternative assumes 125 dwelling units on the R-PC designated property and 382 dwelling units on the R-MFMH designated property for a total of 507 multi-family residential units on the Project Site. The R-MFMH would have a maximum permitted lot coverage of 70% and the R-PC would have a maximum permitted lot coverage of 45%. Building heights would be up to 55-feet. The extent of physical ground disturbance is expected to be the same as would occur under the proposed Project. This alternative is considered to compare the environmental effects of the Project against a development proposal that conforms to the land use standards and development regulations prescribed by the City of Fontana General Plan and Municipal Code under the Project Site's existing land use and zoning designations.

6.1.3 REDUCED PROJECT ALTERNATIVES

The Reduced Project Alternative considers the development of the Project with any of the three buildings being developed in any combination. Under these Alternatives, only Building 1 could be developed, only Building 2 could be developed, only Building 3 could be developed, or any combination of two buildings could be developed, including Buildings 1 and 2, Buildings 1 and 3, or Buildings 2 and 3. Areas not developed with a building would retain their existing condition. These alternatives are used to evaluate scenarios that would reduce the total building area on the Project site relative to the Project but still allow productive commerce center on portions of the Project Site.

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)).

The Project Applicant controls a 19.6-acre property located southeast of the Sierra Avenue and Duncan Canyon Road intersection. While the property is located in Fontana and could serve as commerce center space, it would not be feasible to locate the proposed Project on the property because the property is too small to accommodate the Project as proposed. Also, the Project Applicant is proposing another development project on that property.

Additionally, 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 impacts are related primarily to vehicles traveling to/from the Project Site and not related to the presence of sensitive resources on the Project. Although the Project Site is located directly south of Jurupa Hills High School and nearby other sensitive receptors, the alternative site in Fontana is located west of existing residents in the City of Rialto and south and east of existing and planned residents in the City of Fontana. Vehicle-related impacts are a direct reflection of the Project’s expected operational characteristics as a commerce center, regardless of where the Project is located.

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 of 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 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 a commerce center in close proximity to City of Fontana truck routes and 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 develop a property that has access to available infrastructure, including roads and utilities.

6.3.1 NO DEVELOPMENT ALTERNATIVE

The No Development 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 condition for the foreseeable future. Under existing conditions, the Project Site is entirely disturbed/developed with residential uses and undeveloped parcels. Refer to the description of the Project Site's existing physical conditions in Section 2.0 of this EIR.

A. Aesthetics

The No Development Alternative would leave the Project Site in its existing condition. As such, the 29.4-acre Project Site would remain disturbed lands primarily developed with residential land uses. Thus, the Project's less than significant impacts to scenic vistas would be avoided under this alternative. The Project Site is not visible from any officially-designated scenic highways; thus, impacts to scenic highways would be less than significant and similar to the proposed Project. Although the Project would result in less than significant light and glare impacts, no new lighting sources or sources of potential glare would occur on site under the No Development Alternative; thus, impacts associated with light and glare would be reduced in comparison to the proposed Project.

B. Agriculture and Forest Resources

The No Development Alternative would leave the Project Site in its existing condition. Under existing conditions, the Project Site is classified by the Farmland Mapping and Monitoring Program (FMMP) as "Urban and Built-Up Land" and "Other Land" and there are no portions of the Project Site mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under the Project or the No Development Alternative, and the level of impact would be the same. There are no lands surrounding the Project Site that are zoned for agricultural use; thus, neither the Project nor the No Development Alternative would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Project Site is not utilized for agricultural production, is not located within any agricultural preserves, and is not subject to a Williamson Act Contract. As such, neither the Project nor the No Development Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson



Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Project Site and surrounding areas are not zoned for 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)). As such, neither the Project nor the No Development Alternative would result in impacts to forestry resources, and impacts would be the same.

C. Air Quality

The No Development 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 Development Alternative would avoid all construction-related air quality impacts.

The Project Site is disturbed and primarily developed with residential uses. 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 Development 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 Development Alternative would avoid all construction-related air quality impacts.

D. Biological Resources

The No Development Alternative would leave the Project Site in its existing condition, which includes non-native grassland, disturbed habitat, and developed land. No special status plant or wildlife species have been identified on the Project Site. The Project Site would be left undisturbed and no wildlife species would be impacted. No grading would occur under this Alternative and there would be no potential impacts to biological resources. Implementation of the No Development Alternative would avoid impacts to biological resource associated with the Project and would require no mitigation.

E. Cultural Resources

The No Development 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 4.5 that would reduce the Project's direct and cumulatively considerable impacts to cultural resources to below a level of significance, implementation of the No Development Alternative would avoid impacts to cultural resources associated with the Project and would require no mitigation.

F. Energy

Under the No Development Alternative, there would be no increase in demand from the Project Site for energy resources. As such, the No Development Alternative would avoid the Project's less than significant impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources. Neither the Project nor the No Development Alternative would conflict with a State or local plan for renewable energy or energy



efficiency, although impacts would be reduced under the No Development Alternative in comparison to the Project because the No Development Alternative would not result in an increase in use of energy resources.

G. Geology and Soils

The No Development 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 Development 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 4.7 that would reduce the Project's direct and cumulatively considerable impacts to paleontological resources to below a level of significance, implementation of the No Development Alternative would avoid potential impacts to paleontological resources associated with the Project and would require no mitigation.

H. Greenhouse Gas Emissions

Under the No Development Alternative, there would be no new construction or development on the Project Site. Therefore, with the exception of ongoing nominal greenhouse gas (GHG) emissions associated with the single-family residences on the Project Site, there would be no new sources of near-term or long-term GHG emissions under the No Development Alternative. The No Development Alternative would avoid the significant and unavoidable impacts related to GHG emissions that would result from the Project.

I. Hazards and Hazardous Materials

The No Development 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 Development 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. The No Development 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.

J. Hydrology and Water Quality

No changes to the Project Site's existing hydrology and drainage conditions would occur under the No Development 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 Development 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.



K. Land Use and Planning

Neither the Project nor the No Development Alternative would disrupt or divide the physical arrangement of an established community. Neither the Project nor the No Development Alternative would conflict with the South Coast Air Quality Management District's (SCAQMD's) Air Quality Management Plan (AQMP) or SCAG RTP/SCS.

L. Mineral Resources

The Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Project or the No Development Alternative, and the level of impact would be similar. Additionally, neither the Project nor the No Development Alternative would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the No Development Alternative nor the Project would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

M. Noise

The No Development Alternative would not involve construction activities; no noise or vibration effects associated with construction would occur. The No Development Alternative would avoid all construction-related noise impacts and the Project's significant direct vibration impact. Under the No Development 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 Development Alternative would not contribute to an incremental increase in area-wide traffic noise levels. Selection of this Alternative would avoid the Project's significant direct noise impacts.

N. Population and Housing

The No Development Alternative would neither generate nor accommodate demand for additional housing. The eight single-family residences on the Project Site would be removed with the Project, which is a less than significant impact avoided under the No Development Alternative. Under existing zoning designations, up to 507 residential units could occur on the Project Site. Under the No Development Alternative, the 507 housing units would not be constructed on the Project Site. Although this is not a physical environmental effect, the No Development Alternative would not assist in meeting the City's housing production goals.

O. Public Services

There would be no new development for public services on Project Site under the No Development Alternative; thus, the No Development Alternative would avoid the Project's less than significant impacts to fire protection, police protection, school services, library services, and health services.

P. Recreation

The Project does not propose any residential uses or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Likewise, the No



Development Alternative would not result in any new development on site and thus would not generate any increase in demand for recreational resources, nor would any recreational resources be constructed on site under the No Development Alternative. Therefore, impacts to recreation would be similar under the Project and the No Development Alternative.

Q. Transportation

The No Development Alternative would not generate any new daily traffic. Accordingly, this Alternative would avoid the Project's significant and unavoidable impact associated with vehicle miles traveled (VMT). Under the No Development Alternative, sidewalk improvements along Citrus Avenue, which is a truck route, Santa Ana Avenue, and Oleander Avenue would not occur.

R. Tribal Cultural Resources

The No Development 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, the mitigation measures identified in EIR Subsection 4.5 would reduce the Project's tribal cultural resources impacts to less than significant impacts, implementation of the No Development Alternative would avoid potential impacts to tribal cultural resources associated with the Project and would require no mitigation.

S. Utilities and Service Systems

Under the No Development Alternative, there would be no increased demand for water, wastewater treatment, or stormwater drainage; thus, the No Development Alternative would avoid the Project's less than significant impacts due to the construction of such facilities and due to the provision of water or wastewater treatment services. There would be no increase in demand for water resources under the No Development Alternative; thus, the No Development Alternative would avoid the Project's less than significant impacts to water supply. Additionally, the No Development Alternative would avoid the Project's less than significant impacts due to the construction of wastewater conveyance facilities on and off site, and less than significant impacts to wastewater treatment capacity. There would be no increase in solid waste generated on site; thus, the No Development Alternative would avoid the Project's less than significant impacts due to solid waste. There are no components of the No Development Alternative or the proposed Project that would conflict with federal, State, and local management and reduction statutes and regulations related to solid wastes; thus, impacts would be less than significant and the level of impact would be similar. The No Development Alternative also would avoid the Project's less than significant impacts due to the construction of facilities for electricity, natural gas, communication systems, and street lighting, or due to increased roadway maintenance.

T. Wildfire

Under the No Development Alternative, there would be no new development on site. Although impacts due to wildfire would be less than significant under the proposed Project, the No Development Alternative would result in reduced hazards to structures that could be caused by wildfires in comparison to the Project because no new structures would be developed on site that could be impacted by wildfire. However, under the No



Development Alternative, the Project Site would remain in its existing condition, and would primarily consist of residential uses and natural vegetation that could serve as potential fuel for future wildfires in the local area; thus, impacts due to wildland fire hazards would be increased under the No Development Alternative as compared to the proposed Project.

U. Conclusion

Implementation of the No Development Alternative would result in no physical environmental impacts to the Project Site beyond those that have historically occurred on the Project Site and that will continue to occur into the future from routine activities. All potentially significant effects of the Project would be avoided by the selection of this Alternative. However, the No Development Alternative would not facilitate frontage sidewalk improvements to Citrus Avenue, Santa Ana Avenue, and Oleander Avenue and would not generate or accommodate demand for additional housing. Because the No Development Alternative would not result in development of 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 Development Alternative would not meet the Project's objectives.

6.3.2 NO PROJECT ALTERNATIVE

The No Project Alternative allows decision-makers to compare the environmental impacts of the Project against a development proposal that conforms to the land use standards and development regulations prescribed by the City of Fontana General Plan and Municipal Code under the Project Site's existing land use and zoning designations. The No Project Alternative considers development of the Project Site in accordance with the existing land use designation of R-PC and R-MFMH. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property on the Project Site, this Alternative assumes 125 dwelling units on the R-PC designated property and 382 dwelling units on the R-MFMH designated property for a total of 507 multi-family residential units on the Project Site. The R-MFMH would have a maximum permitted lot coverage of 70% and the R-PC would have a maximum permitted lot coverage of 45%. Building heights would be up to 55-feet. The extent of physical ground disturbance would occur over the entirety of the Project Site as would similarly occur under the proposed Project.

A. Aesthetics

The No Project Alternative would result in the construction of multi-family residential structures on the Project Site as compared to the commerce center structures and improvements proposed by the Project. Like the proposed Project, the No Project Alternative would not substantially affect views to scenic vistas and would not be located within the viewshed of a scenic highway. Further, because the Site is located in an urbanized area, the measure of visual quality and character impacts relates to regulatory compliance and the No Project Alternative would be consistent with existing General Plan and zoning designations and assumed compliant with applicable Fontana Municipal Code regulatory standards. Regarding light and glare, compliance with Fontana Municipal Code requirements for artificial lighting would ensure less than significant impacts although lighting may be more abundant for a multi-story residential and commercial development than for the proposed Project's commerce center development. Compared to the Project, impacts would be generally the same under the No Project Alternative and less than significant.



B. Agriculture and Forest Resources

Under existing conditions, the Project Site is classified by the FMMP as “Urban and Built-Up Land” and “Other Land” and there are no portions of the Project Site mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Project or the No Project Alternative, and the level of impact would be the same. There are no lands surrounding the Project Site that are zoned for agricultural use; thus, neither the Project nor the No Project Alternative would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Project Site is not utilized for agricultural production, is not located within any agricultural preserves, and is not subject to a Williamson Act Contract. As such, neither the Project nor the No Project Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Project Site and surrounding areas are not zoned for 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)). As such, neither the Project nor the No Project Alternative would result in impacts to forestry resources, and impacts would be the same.

C. Air Quality

The No Project Alternative would result in construction activities across the property, similar to the Project. Accordingly, construction-related air quality effects during demolition, site preparation, and grading would be similar to the Project. Even though the building type would be different (multi-family residential development instead of commerce center development), the types of construction equipment and daily construction activities would be generally the same other than the No Project Alternative likely to be wood frame construction instead of concrete tilt up construction as would occur under the proposed Project. This alternative is expected to result in similar air pollutant emissions during construction relative to the Project resulting in less than significant impacts during construction.

Because the No Project Alternative would develop the Project Site with land uses that would not generate or attract truck traffic as would the Project, this alternative would reduce criteria pollutant emissions during operations relative to truck vehicle exhaust compared to the Project. However, the total number of vehicle trips per day would likely increase, negating the emission reductions due to lowering the volume of truck trips.

Like the Project, the No Project Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Project, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of either the proposed Project or this alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.



D. Biological Resources

The No Project Alternative would develop the entire Project Site and would result in identical impacts to biological resources as the Project. The No Project Alternative would require the same mitigation measures for impacts to biological resources as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to biological resources.

E. Cultural Resources

The No Project Alternative would develop the entire Project Site and would result in identical potential impacts to cultural resources as the Project. The No Project Alternative would require similar mitigation as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to cultural resources.

F. Energy

The No Project Alternative would not result in a wasteful use of energy or conflict with policies or programs related to energy efficiency. The No Project Alternative would result in construction activities across the property, similar to the Project. Accordingly, construction-related energy use would be similar to the Project. Because the No Project Alternative would develop the Project Site with land uses that would not generate or attract truck traffic as would the Project, this alternative would reduce diesel gas usage relative to the Project. However, the total number of vehicle trips per day would likely increase, substantially increasing gasoline and electric energy usage to power passenger vehicles. Notwithstanding, energy use would not be wasteful and like the Project, the No Project Alternative would result in a less than significant impact.

G. 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 No Project Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking. With respect to paleontological resources, the No Project Alternative would disturb the same amount of ground area to a similar depth and have the same potential to discover previously unidentified paleontological resources. As such, the same mitigation measures would apply to reduce potential impacts to less than significant. The No Project Alternative would result in a similar, less than significant impact to geology and soils with mitigation as the Project.

H. Greenhouse Gas Emissions

Because the No Project Alternative would develop the Project Site with land uses that would not generate or attract truck traffic as would the Project, this alternative would reduce diesel-fueled truck mobile source GHG emissions during operations relative to the Project. However, the total number of vehicle trips per day would likely increase, negating the GHG emission reductions due to lowering the volume of truck trips. Regardless,



the significant and unavoidable GHG emissions impact would likely not be eliminated due to the operation of 507 residential units.

I. Hazards and Hazardous Materials

Neither implementation of the No Project Alternative nor the Project would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the No Project Alternative would have a lesser potential to handle and store hazardous materials than the Project. With mandatory regulatory compliance, both the No Project 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. Impacts from the No Project Alternative would be reduced compared to the Project.

J. Hydrology and Water Quality

Neither the Project nor the No Project Alternative would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Project and the No Project 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 No Project Alternative and the Project due to this alternative and the Project both disturbing the same physical area. Like the Project, the No Project Alternative would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the No Project Alternative would result in less than significant construction impacts to hydrology and water quality. Impacts would be similar

In the long-term, potential hydrology and water quality effects on the Project Site would be similar under both the No Project Alternative and the Project. The Project would likely generate more pollutants on-site than the No Project Alternative due to the greater impervious surface coverage and increased number of diesel-fueled vehicles that would occur with implementation of the Project; however, both the No Project Alternative and the Project would be required to implement a drainage plan and a WQMP. Similar to the Project, the No Project 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. Additionally, similar to the Project, the No Project 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 No Project Alternative would result similar operational hydrology and water quality impacts. Impacts under the No Project Alternative and the Project would be less than significant.

K. Land Use and Planning

The No Project Alternative would develop the Project Site in accordance with the City of Fontana General Plan. As such, there would be no conflicts with applicable land use plans, policies, or regulations resulting in significant environmental effects. Comparatively, the Project proposes a General Plan Amendment and Zone Change to address consistency between the proposed land uses and the General Plan and other plans, policies,



and regulations that rely on General Plan buildout projections. Both the No Project Alternative and the Project would result in less than significant land use and planning impacts.

L. Mineral Resources

The Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Project or the No Project Alternative, and the level of impact would be similar. Additionally, neither the Project nor the No Project Alternative would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the No Project Alternative nor the Project would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

M. Noise

Noise associated with this alternative would occur during short-term construction activities and under long-term operation. The No Project Alternative would result in construction activities across the property, similar to the Project. Accordingly, construction-related noise and vibration during demolition, site preparation, and grading would be similar to the Project. Even though the building type would be different (multi-family residential development instead of commerce center development), the types of construction equipment and daily construction activities would be generally the same other than the No Project Alternative likely to be wood frame construction instead of concrete tilt up construction as would occur under the proposed Project. This alternative is expected to result in similar noise and vibration levels during construction relative to the Project resulting in less than significant noise impacts during construction but significant vibration impacts that would be significant and unavoidable.

The No Project Alternative would develop the Project Site with residential uses eliminating truck traffic noise; however, the total number of vehicle trips per day would likely increase, negating the noise level reductions due to lowering the volume of truck trips. Thus, the No Project Alternative would result in a similar noise environment as would development of the proposed Project. Impacts would be less than significant.

N. Population and Housing

The No Project Alternative would develop the Project Site with residential land uses in accordance with the City of Fontana General Plan and would not result in unexpected population growth. The No Project Alternative would not result in an adverse impact related to population and housing.

O. Public Services

The No Project Alternative would result in an increased level of development intensity on site compared to the proposed Project. As such, demands on fire protection services, sheriff services, school services, library facilities, and health services would be increased under the No Project Alternative as compared to the Project, although impacts would be less than significant with payment of mandatory Development Impact Fees (DIF)



in accordance with Section 21-122 of the Fontana Municipal Code and mandatory payment of school impact fees pursuant to Senate Bill 50 (SB 50).

P. Recreation

The No Project Alternative would develop the Project Site with 507 residential units in accordance with the City of Fontana General Plan and would not result in unexpected population growth. That said, the residents of the 507 units would create demand for recreational uses, which are expected to consist of public recreational facilities in and around the City of Fontana. There are no reasonably foreseeable environmental effects, however, resulting from the residents' use of existing and planned public recreational facilities. As such, both the Project and the No Project Alternative would result in less than significant impacts to existing recreational facilities.

Q. Transportation

Implementation of the No Project Alternative would result in the construction of 507 dwelling units as compared to the proposed commerce center use. Constructing 507 dwelling units on the Project Site would eliminate truck traffic, however, it would likely result in an increase in the number of daily vehicle trips.

By developing high-density multi-family residential uses on the site, the No Project Alternative would not conflict with the fundamental goals of SCAG's *Connect SoCal* related to mobility, travel safety, travel safety, and transportation mode choices. It is assumed that Citrus Avenue, Santa Ana Avenue, and Oleander Avenue frontage improvements would be installed under the No Project Alternative. It is assumed that the No Project Alternative would not introduce incompatible uses or design hazards and that its design would support walking and bicycling and adequately buffer residential uses from Citrus Avenue, a designated truck route. The design of the No Project Alternative also is assumed to be consistent with applicable City of Fontana *Active Transportation Plan* goals addressing the circulation system, including Objective 1.A related to VMT whereas the proposed Project would not meet Objective 1.A. The No Project Alternative's VMT methodology would be based on service population instead of exclusively employees, and given the high-density housing of the No Project Alternative, trip length by service population would fall below VTM significance thresholds. The significant VTM impact of the Project would be omitted.

R. Tribal Cultural Resources

The No Project Alternative would develop the entire Project Site and would result in identical potential impacts to tribal cultural resources as the Project. The No Project Alternative would require similar mitigation as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to tribal cultural resources.

S. Utilities and Service Systems

Like the proposed Project, the No Project Alternative would result in a demand for public utility and service systems and would result in the construction of domestic water, sewer, and stormwater drainage improvements. The No Project Alternative would result in a demand for domestic water, waste water treatment services, and



solid waste collection and disposal services that is higher than what occurs at the Project Site under existing conditions; but this alternative's overall demand would be substantially different than the Project's demand for the same services. Impacts would be less than significant.

T. Wildfire

The No Project Alternative would result in the construction of multi-family residential structures on the Project Site as compared to the commerce center structures and improvements proposed by the Project. Like the proposed Project, the No Project Alternative would result in less than significant impacts associated with potential wildfire. Like with the proposed Project, the City would require that adequate access for emergency vehicles be maintained. No emergency routes would be physically or operationally impacted by either the Project or the No Project Alternative and the implementation of adopted emergency response plan or emergency evacuation plans would not be affected. Due to the developed nature of the surrounding area and requirements to construct either the Project or the No Project Alternative in accord with applicable Building and Fire Codes, there is no reasonable potential that people would be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire or that other properties could be adversely affected by induced flooding, slope instability, or landslides due to a wildlife on the site. Impacts associated with wildlife potential would be less than significant.

U. Conclusion

The No Project Alternative would result in the development of 507 multi-family residential units with a maximum lot coverage of 70% and 55-foot structure height across the remainder of Project Site. Implementation of the No Project Alternative would result in identical physical environmental impacts as compared to the Project related to biological resources, geology and soils, cultural resources, and tribal cultural resources because the extent and depth of ground disturbance would be similar. Although the building type would be different (multi-family residential instead of commerce center development), the intensity of use on the site would be similar resulting in similar less than significant construction-related effects and long-term effects associated with aesthetics, public services, utilities and service systems, and wildfire. Because truck traffic would be less under the No Project Alternative, but total vehicle trips would likely increase, operational impacts related to air quality, GHG, and noise would be similar under the No Project Alternative and the GHG impact and short-term construction-related vibration impact would remain significant and unavoidable. The Project's VMT impact would be omitted as the No Project Alternative's VMT impact would be based on service population and less than significant. The No Project Alternative would not meet any of the Project's objectives.

6.3.3 REDUCED PROJECT ALTERNATIVES

The Reduced Project Alternatives consider the development of the Project with any of the three buildings being developed in any combination. Under these Alternatives, only Building 1 could be developed, only Building 2 could be developed, only Building 3 could be developed, or any combination of two buildings could be developed, including Buildings 1 and 2, Buildings 1 and 3, or Buildings 2 and 3. These alternatives were used to evaluate scenarios that would reduce the total building area on the Project site relative to the Project but still allow productive commerce center use on a portion of the Project site.



A. Aesthetics

Under the Reduced Project Alternative, a portion of the Project Site would remain in residential use as it is under existing conditions, a portion of the Project Site would be developed as proposed. The Project Site is not located within the viewshed of any officially designated State or County scenic highways or State-Eligible scenic highways. Impacts to scenic corridors would be less than significant under both the Project and the Reduced Project Alternative, and the level of impact would be similar. As with the proposed Project, the Reduced Project Alternative would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant under both the Project and the Reduced Project Alternative, and the level of impact would be the same.

B. Agriculture and Forest Resources

Under existing conditions, the Project Site is classified by the FMMP as “Urban and Built-Up Land” and “Other Land” and there are no portions of the Project Site mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Project or the Reduced Project Alternative, and the level of impact would be the same. There are no lands surrounding the Project Site that are zoned for agricultural use; thus, neither the Project nor the Reduced Project Alternative would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Project Site is not utilized for agricultural production, is not located within any agricultural preserves, and is not subject to a Williamson Act Contract. As such, neither the Project nor the Reduced Project Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Project Site and surrounding areas are not zoned for 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)). As such, neither the Project nor the Reduced Project Alternative would result in impacts to forestry resources, and impacts would be the same.

C. Air Quality

Under this Alternative, the peak daily intensity of construction would be reduced as compared to the Project due to the reduction of building area. As such, the total amount of air pollutant emissions generated during the construction phase would be reduced under this Alternative as compared to the Project. Emission levels are shown in Table 4.3-9 in Subsection 4.3, *Air Quality*. Therefore, the total daily emissions during the construction phase with the Reduced Project Alternative would be less than significant.

Because the Reduced Project Alternative would result in less building floor area than the Project, this Alternative would require less energy to operate than the Project and, therefore, would result in a reduction of non-mobile source air quality emissions as compared to the Project. The Reduced Project Alternative would generate a reduced amount of mobile source air pollutant emissions than the Project due to less heavy truck traffic, and it would reduce mobile source air quality emissions from passenger vehicles due to a reduction in



employees on-site. In total, the Reduced Project Alternative would reduce the Project's operational regional air quality emissions. Impacts would be less than significant. Emission levels are shown in Table 4.3-10 in Subsection 4.3, *Air Quality*.

A reduction of construction activity and heavy truck trip traffic the Reduced Project Alternative would result in a less than significant impact for carcinogenic and non-carcinogenic health risk hazards (due to a reduced amount of diesel particulate matter emissions). Emission levels are shown in Table 4.3-9 and Table 4.10 in Subsection 4.3, *Air Quality*.

Like the Project, the Reduced Project Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Project, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this Alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

D. Biological Resources

The Reduced Project Alternative would develop less of the Project Site and would result in reduced impacts to biological resources as compared to the proposed Project. The Reduced Project Alternative would require similar mitigation as the Project and, after mitigation, both the Reduced Project Alternative and the Project would result in less than significant impacts to biological resources.

E. Cultural Resources

The Reduced Project Alternative would only develop a portion of the Project Site and would result in reduced potential impacts to cultural resources. The Reduced Project Alternative would require similar mitigation as the Project and, after mitigation, both the Reduced Project Alternative and the Project would result in less than significant impacts to cultural resources.

F. Energy

Because the Reduced Project Alternative would result in less building floor area than the Project, the Reduced Project Alternative is expected to require less energy to construct and operate than the Project and, therefore, would result in a reduction of energy usage as compared to the Project. Additionally, the Reduced Project Alternative would generate fewer daily passenger vehicle trips than the Project and would reduce transportation energy demands. It should be noted that mitigation provided in Subsection 4.8 of this EIR requires that the Project's building roofs be solar ready and supply either 100% of the building users' anticipated electricity demand or is the maximum size feasible given applicable building code requirements and other constraints. The Reduced Project Alternative would result in a less than significant impact, which is the same conclusion drawn for the Project.



G. Geology and Soils

This alternative would only disturb a portion of the Project Site and would, therefore, have reduced potential for soil erosion during the construction phase. 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 Reduced Project Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking and geologic hazards. With respect to paleontological resources, the No Project Alternative would disturb the same amount of ground area to a similar depth and have the same potential to discover previously unidentified paleontological resources. As such, the same mitigation measures would apply to reduce potential impacts to less than significant. The Reduced Project Alternative would have a less than significant impact with mitigation to geology and soils.

H. Greenhouse Gas Emissions

Because the Reduced Project Alternative would result in less construction and operational activity than would occur under the Project, the Reduced Project Alternative would result in a reduction of GHG emissions as compared to the Project, but would not reduce the GHG impact to less than significant unless only one of the three proposed buildings is implemented.

I. Hazards and Hazardous Materials

Neither implementation of the Reduced Project Alternative nor the Project would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the Reduced Project Alternative would have a similar potential to handle and store hazardous materials as the Project. With mandatory regulatory compliance, both the Reduced Project 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.

J. Hydrology and Water Quality

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

During construction, potential hydrology and water quality effects on the would be reduced with the Reduced Project Alternative because only a portion of the Project Site would be disturbed. Like the Project, the Reduced Project 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 Reduced Project Alternative would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects would be reduced with the Reduced Project Alternative due to a reduced amount of non-pervious surfaces. Like the Project, the Reduced Project



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, like the Project, the Reduced Project Alternative would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the Project Site does not contain substantial pollutant concentrations. Both the Project and the Reduced Project Alternative would result in less than significant operational impacts to hydrology and water quality.

K. Land Use and Planning

Both this Alternative and the Project would require a General Plan Amendment (GPA) and a Zone Change (ZC) to develop the Project Site with industrial land uses. The Reduced Project Alternative would only require a GPA and ZC for a portion of the Project Site, however, land use and planning impacts would remain less than significant related to compliance with the SCAQMD's AQMP.

L. Mineral Resources

The Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Project or the Reduced Project Alternative, and the level of impact would be similar. Additionally, neither the Project nor the Reduced Project Alternative would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the Reduced Project Alternative nor the Project would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

M. Noise

Under Reduced Project Alternative, the types of daily construction activities conducted on the Project Site would be similar under both the Reduced Project Alternative and the Project, although the intensity of construction activities would be reduced under this alternative as only a portion of the Project would be constructed. Therefore, noise levels during the building construction phase would be reduced under this alternative as compared to the Project and impacts would be less than significant. Regarding vibration, if the portion of the Project to be developed under the Reduced Project Alternative is not located near the Fontana Adult School, the Project's significant direct impact would be avoided. Under long-term operational conditions, noise impacts from operations on a portion of the Project Site (i.e., stationary noise) would be reduced relative to the Project due to reduced operational practices (i.e., cargo loading/unloading activities) and reduced daily heavy truck traffic volumes.

N. Population and Housing

Neither the Project nor the Reduced Project Alternative would result in the displacement of substantial numbers of existing people or housing, necessitating the construction of housing elsewhere; thus, no impact would occur under either the Project or Reduced Project Alternative. Although neither the Project nor the Reduced Project Alternative are anticipated to result in an increased demand for housing, impacts under the Reduced Project Alternative would decrease in comparison to the Project because the Reduced Project Alternative would



generate fewer jobs, and thus fewer workers needing housing as compared to the proposed Project. Neither the Reduced Project Alternative nor the Project would represent substantial unplanned population growth as the Project Site are currently planned for residential land uses by the Fontana General Plan. Additionally, neither the Project nor the Reduced Project Alternative would indirectly induce growth, as infrastructure improvements would be sized to accommodate only future development on site. Impacts to population and housing would be less than significant under both the Project and Reduced Project Alternative, and the level of impact would be similar.

Reduced Project Alternative would entail a General Plan Amendment (GPA) and Zone Change (ZC) to change a portion of the Project Site's land use designations and zoning classifications from a residential to non-residential category. The loss of housing potential on a portion of the Project Site would be addressed through compliance with the City of Fontana Municipal Code Chapter 30 Article XV "No Net Loss Density Bonus/Replacement Program," which was approved by the Fontana City Council via Ordinance No. 1906 on October 25, 2022. Under Reduced Project Alternative, the housing units planned for by the General Plan on a portion of the Project Site would not be constructed. Although this is not a physical environmental effect, Reduced Project Alternative would not assist in meeting the City's housing production goals as well as the proposed Project or the No Project Alternative.

O. Public Services

The Reduced Project Alternative would result in a reduced level of development intensity on site compared to the proposed Project. As such, impacts to fire services, sheriff services, school services, library facilities, and health services would be slightly reduced under the Reduced Project Alternative as compared to the Project, although impacts would be less than significant with payment of mandatory Development Impact Fees (DIF) in accordance with Section 21-122 of the Fontana Municipal Code and mandatory payment of school impact fees pursuant to Senate Bill 50 (SB 50).

P. Recreation

Neither the Project nor the Reduced Project Alternative would entail residential development. As such, both the Project and the Reduced Project Alternative would result in less than significant impacts to existing recreational facilities, although impacts under the Reduced Project Alternative would be slightly reduced due to the reduction in the number of employees as compared to the proposed Project.

Q. Transportation

Under Reduced Project Alternative, only a portion of the Project Site would be developed and, therefore, not all of the frontage improvements to Citrus Avenue, a designated truck route, Santa Ana Avenue, and Oleander would occur as compared to the Project. The Reduced Project Alternative is expected to produce approximately the same VMT per employee as the proposed Project and, accordingly, would not reduce the Project's significant and unavoidable transportation impact.



R. Tribal Cultural Resources

The Reduced Project Alternative would only develop a portion of the Project Site and would result in reduced impacts to tribal cultural resources as compared to the Project. The Reduced Project Alternative would require similar mitigation as the Project and, after mitigation, both the Reduced Project Alternative and the Project would result in less than significant impacts to tribal cultural resources.

S. Utilities and Service Systems

Due to a reduced project area, the Reduced Project Alternative is expected to have a reduced demand for utilities and services systems, including water, sewer, storm water drainage service/facilities, and solid waste collection and disposal, as compared to the Project. However, as with the Project, the Reduced Project Alternative is expected to result in a less than significant impact to utilities and services systems.

T. Wildfire

The amount of building intensity would be reduced under the Reduced Project Alternative as compared to the proposed Project. As with the proposed Project, an adequate buffer would be accommodated between the proposed building on-site and off-site areas subject to wildland fire hazards. As such, impacts associated with wildfires would be less than significant under the Reduced Project Alternative and the proposed Project. However, the portion of the Project Site which would remain in its existing condition under the Reduced Project Alternative would primarily consist of natural vegetation and/or residences and associated structures that could serve as potential fuel for future wildfires in the local area; thus, impacts due to wildland fire hazards would be increased under the Reduced Project Alternative as compared to the proposed Project.

U. Conclusion

The Reduced Project Alternative scenario in which only one building would be implemented would reduce the Project's significant and unavoidable GHG emission impacts but a scenario in which two buildings would be implemented, the GHG impact would be reduced but not to below a level of significance. In all scenarios of any one or a combination of two buildings being implemented, the alternative would reduce the Project's less than significant impacts to biological resources, cultural resources, energy, geology and soils, hydrology and water quality, noise, public services, recreation, tribal cultural resources, and utilities and service systems. The Reduced Project Alternative would increase impacts associated with wildfire potential due a portion of the site remaining undeveloped or in residential use. All other impacts from the Reduced Project Alternative would be similar to the Project.

The Reduced Project Alternative would meet all of the Project's objectives; however, only a portion of the Project would be constructed and become operational, and a portion of the Project Site would remain undeveloped or in residential use. As such, the Project objectives would be met to a lesser extent than the Project.



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, *Alternatives to the Project – Comparison of Environmental Impacts*, both the No Development Alternative and No Project Alternative would avoid or reduce all or some of the Project’s significant environmental impacts and, therefore, can be considered environmentally superior to the Project. Both the No Development Alternative and No Project Alternative are 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)).

The Reduced Project Alternative, in the scenarios of only Building 1 or only Building 3 being implemented, is the Environmentally Superior Alternative, although it does not meet the Project objectives to the extent as the Project.

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

| ENVIRONMENTAL TOPIC | PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION | NO DEVELOPMENT ALTERNATIVE | NO PROJECT ALTERNATIVE | REDUCED PROJECT ALTERNATIVE |
|--|--|-----------------------------------|-------------------------------|------------------------------------|
| Aesthetics | Less-than-Significant Impact | Reduced | Similar | Similar |
| Agriculture and Forest Resources | Less-than-Significant Impact | Similar | Similar | Similar |
| Air Quality | Less-than-Significant Impact | Reduced | Reduced | Reduced |
| Biological Resources | Less-than-Significant Impact | Reduced | Similar | Reduced |
| Cultural Resources | Less-than-Significant Impact | Reduced | Similar | Reduced |
| Energy | Less-than-Significant Impact | Reduced | Reduced | Reduced |
| Geology & Soils | Less-than-Significant Impact | Reduced | Similar | Reduced |
| Greenhouse Gas Emissions | Significant Unavoidable Cumulatively-Considerable Impact | Reduced | Reduced | Reduced |
| Hazards & Hazardous Materials | Less-than-Significant Impact | Reduced | Reduced | Similar |



| ENVIRONMENTAL TOPIC | PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION | NO DEVELOPMENT ALTERNATIVE | NO PROJECT ALTERNATIVE | REDUCED PROJECT ALTERNATIVE |
|---|---|----------------------------|------------------------|-----------------------------|
| Hydrology & Water Quality | Less-than-Significant Impact | Increased | Similar | Reduced |
| Land Use and Planning | Less-than-Significant Impact | Similar | Reduced | Similar |
| Mineral Resources | No Impact | Similar | Similar | Similar |
| Noise | Significant Direct Impact | Reduced | Similar | Reduced |
| Population and Housing | Less-than-Significant Impact | Reduced | Reduced | Similar |
| Public Services | Less-than-Significant Impact | Reduced | Increased | Reduced |
| Recreation | No Impact | Similar | Increased | Reduced |
| Transportation | Significant Direct and Cumulatively-Considerable Impact | Reduced | Reduced | Increased |
| Tribal Cultural Resources | Less-than-Significant Impact | Reduced | Similar | Reduced |
| Utilities and Service Systems | Less-than-Significant Impact | Reduced | Reduced | Reduced |
| Wildfire | Less-than-Significant Impact | Increased | Similar | Increased |
| ABILITY TO MEET PROJECT OBJECTIVES | | | | |
| Objective 1: To expand economic development in the City of Fontana by 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 | No | Yes, but to a Lesser Extent |
| 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, but to a Lesser Extent |
| 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 | No | Yes, but to a Lesser Extent |
| Objective 4: To develop a commerce center in close proximity to City of Fontana truck routes and to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network. | | No | No | Yes, but to a Lesser Extent |
| Objective 5: To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond. | | No | No | Yes, but to a Lesser Extent |
| Objective 6: To develop a project that has architectural design and operational characteristics that are compatible with other | | No | No | Yes, but to a Lesser Extent |



| ENVIRONMENTAL TOPIC | PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION | NO DEVELOPMENT ALTERNATIVE | NO PROJECT ALTERNATIVE | REDUCED PROJECT ALTERNATIVE |
|---|--|----------------------------|------------------------|-----------------------------|
| existing and planned land uses in the immediate vicinity of the Project Site. | | | | |
| Objective 7: To develop a property that has access to available infrastructure, including roads and utilities. | | No | No | Yes, but to a Lesser Extent |



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 Oleander Avenue and Santa Ana Avenue Project 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: Notice of Preparation (NOP) and Written Comments on the NOP.
- Appendix B1: Urban Crossroads, 2022a. *Oleander & Santa Ana Avenue Warehouse Air Quality Impact Analysis*, City of Fontana. December 2, 2002.
- Appendix B2: Urban Crossroads, 2022b. *Oleander & Santa Ana Avenue Warehouse Mobile Source Health Risk Assessment*, City of Fontana. December 2, 2002.
- Appendix C: Alden Environmental, 2022. *Santa Ana and Oleander Project – Biological Resources*. April 4, 2022.
- Appendix D: Brian F. Smith and Associates, 2022a. *Cultural Resources Study for the Citrus and Oleander Avenue at Santa Ana Avenue Project*. September 30, 2022.



- Appendix E: Urban Crossroads, 2022c. *Oleander & Santa Ana Avenue Warehouse Energy Analysis*, City of Fontana. December 2, 2002.
- Appendix F1: NorCal Engineering, 2022. *Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Northeast Corner of Citrus Avenue and Santa Ana Avenue, Fontana, California*. April 25, 2022.
- Appendix F2: Brian F. Smith and Associates, 2022b. *Paleontological Assessment for the Citrus and Oleander Avenue at Santa Ana Avenue Project*. September 30, 2022.
- Appendix G: Urban Crossroads, 2022d. *Oleander & Santa Ana Avenue Warehouse Greenhouse Gas Analysis*, City of Fontana. December 2, 2002.
- Appendix H: Ardent Environmental Group, Inc., 2022. *Phase I Environmental Site Assessment, Oleander Avenue and Santa Ana Avenue, Fontana, California*. February 22, 2022.
- Appendix I1: Thienes Engineering, Inc., 2022a. *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 1) NEC of Santa Ana Ave and Citrus Ave, Fontana, CA 92337*. April 4, 2022.
- Appendix I2: Thienes Engineering, Inc., 2022b. *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 2) NWC of Santa Ana Ave and Oleander Ave, Fontana, CA 92337*. April 4, 2022.
- Appendix I3: Thienes Engineering, Inc., 2022c. *Storm Water Quality Management Plan (SWQMP) for Santa Ana Avenue Industrial Development (Building 3) NEC of Santa Ana Ave and Oleander Ave, Fontana, CA 92337*. April 4, 2022.
- Appendix I4: Thienes Engineering, Inc., 2022d. *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 1) NEC of Santa Ana Ave and Citrus Ave, Fontana, CA 92337*. August 17, 2022.
- Appendix I5: Thienes Engineering, Inc., 2022e. *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 2) NEC of Santa Ana Ave and Citrus Ave, Fontana, CA 92337*. August 18, 2022.
- Appendix I6: Thienes Engineering, Inc., 2022f. *Preliminary Hydrology Calculations for Santa Ana Avenue Industrial Development (Building 3) NEC of Santa Ana Ave and Citrus Ave, Fontana, CA 92337*. August 19, 2022.



- Appendix J: Urban Crossroads, 2022e. *Oleander & Santa Ana Warehouses (PAM22-103) Noise and Vibration Analysis, City of Fontana*. December 1, 2022.
- Appendix K: Urban Crossroads, 2023. *Oleander & Sant Ana Warehouses Traffic Analysis (PAM22-013) Traffic Analysis*. February 22, 2023.

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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