

Draft Program Environmental Impact Report

WALNUT VILLAGE SPECIFIC PLAN

for the City of Fontana

SCH No.2023050271

LEAD AGENCY

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- Appendix A - NOP and Public Scoping Materials
- Appendix B - Air Quality & Greenhouse Gas Modeling
- Appendix C - Biological Resources Assessment
- Appendix D - Cultural Report
- Appendix E - Vehicle Miles Traveled (VMT) Analysis
- Appendix F - Noise Data

1.0 EXECUTIVE SUMMARY

1.1 Introduction

This Draft Program Environmental Impact Report (Draft PEIR) process, as defined by the California Environmental Quality Act (CEQA), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decision-makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potentially significant adverse impacts; and (3) identify and evaluate reasonable alternatives to a project. In accordance with §15168 of the State CEQA Guidelines (Title 14 of the California Code of Regulations [CCR]), this Draft PEIR has been prepared for the proposed Updated Walnut Specific Plan Project (Project).

This Draft PEIR has been prepared by the City of Fontana (City) to provide an analysis of the Project's potential effects on the environment. CEQA requires that projects subject to approval by a public agency of the State of California, and that are not otherwise exempt or excluded, undergo an environmental review process to identify and evaluate potential impacts. CEQA Guidelines § 15050 states that environmental review shall be conducted by the Lead Agency, defined in CEQA Guidelines § 15367 as the public agency with principal responsibility for approving a project. The Project is subject to approval actions by the City, which is, therefore the Lead Agency for CEQA purposes.

This Draft PEIR serves as a "Program EIR" as defined in Section 15168 of the CEQA Guidelines and described in **Section 2.0: Introduction**. This Draft PEIR is intended to inform the public and decision-makers about the environmental consequences of the Project. Existing environmental resources within and surrounding the Project site were identified and the potential environmental impacts that would or could occur upon Project implementation were evaluated. Additionally, mitigation measures are described for each potential impact to avoid or reduce the magnitude of respective impacts determined to be significant.

Pursuant to CEQA Guidelines § 15082, The City circulated a Notice of Preparation (NOP) advising public agencies, special districts, and members of the public who had requested such notice that an EIR for the Project was being prepared. The NOP was distributed May 5, 2023, to solicit comments related to the proposed Project. The NOP was circulated with a 30-day public review period ending on June 5, 2023. This process and comments submitted in response to the NOP is discussed in **Section 2.0: Introduction** and **Section 1.6: Areas of Controversy**.

After receiving public comments on the NOP, the Project was analyzed for its potential to result in environmental impacts. Impacts were evaluated in accordance with the significance criteria presented in Appendix G, "Environmental Checklist Form," of the CEQA Guidelines. The criteria in the Environmental Checklist Form (checklist), was used to determine if the Project would result in, "no impact," "less than significant impact" to a particular environmental resource. A table listing the significant Project impacts and any associated mitigation measures is included at the end of this summary in **Table 1-1: Summary of Significant Impacts and Proposed Mitigation Measures**. Additionally, **Appendix A** of this Draft PEIR

contains the NOP along with the written letters received from the public within the 30-day public review period. The comments were used, as intended, to help inform the discussion of this Draft PEIR and help determine the scope and framework of certain topical discussions.

The Draft PEIR will be subject to further review and comment by the public, as well as responsible agencies and other interested jurisdictions, agencies, and organizations for a period of 45 days. Following the public review period, written responses to all comments received on the Draft PEIR will be prepared. Those written responses, and any other necessary changes to the Draft PEIR, will constitute the Final EIR and will be submitted to the City for their consideration. If the City finds that the Final PEIR is “adequate and complete” in accordance with the CEQA Guidelines, the City may certify the Final PEIR. The City would also consider the adoption of Findings of Fact pertaining to the Final PEIR, specific mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan. Upon review and consideration of the Final EIR, the hearing body would take action concerning the Project.

Regarding the MMRP, CEQA Guidelines § 15097 requires public agencies to set up monitoring and reporting programs to ensure compliance with mitigation measures, which are adopted or made as a condition of project approval and designed to mitigate or avoid the significant environmental effects identified in environmental impact reports. A MMRP incorporating the mitigation measures set forth in this Final PEIR will be considered and acted upon by the City decision-makers concurrent with adoption of the findings of this Final PEIR and prior to approval of the Project.

1.2 Project Overview

The proposed Project would rescind the existing Walnut Village Specific Plan (WVSP) and adopt a new specific plan to include mixed-use strategies and up zoning in order to increase residential density within the WVSP area.

Project Location

The Project is located in the City of Fontana. The Project site is approximately 53 acres of a total 342 acres of the WVSP. The Project site is bound by State Route (SR) 210 to the north, Baseline Avenue to the south, Mango Avenue to the east, and Sierra Avenue to the west. The location of the Project in both regional and local contexts are further identified in **Section 3.0: Project Description** and in **Figure 3-1: Regional Vicinity** and **Figure 3-2: Local Vicinity**.

Project Description

The Project proposes rescinding the WVSP and adopting a new specific plan to clarify regulations for existing development as well as allow for additional development on approximately 53 acres of a total 342 acres of the WVSP, which have been identified as developable or capable of redevelopment. The 53 acres identified for the Project are made up of 63 parcels in the northwest, southeast, and southwest portions of the WVSP area. There are currently four sub districts within the Project site, see **Figure 3-5: Walnut Specific Plan Sub-Districts**. The Project would consist of four sub districts with the following densities identified in **Table 1-1: Specific Plan Sub-Districts**.

Table 1-1: Specific Plan Sub-Districts

Specific Plan Sub-District	Acres	Primary Uses	Density (dwelling units per acre)	Maximum Intensity (Floor Area Ratio)
Gateway North - (GN)	6.03 ac	Mixed Use, Residential	Up to 39 du/ac	Up to 0.5 FAR
Gateway Residential 4 - (GR4)	4.15 ac	Residential	Up to 12 du/ac	N/A
Gateway South - (GS)	37.10 ac	Mixed Use, Commercial, Residential	39.1 to 50 du/ac	0.5 – 1.0 FAR
Gateway East - (GE)	5.28 ac	Mixed Use, Neighborhood Commercial, Residential	Up to 39 du/ac	Up to 0.5 FAR
Total Acres	52.56 ac			

1.3 Project Objectives

State CEQA Guidelines §15124(b) requires that an EIR include “[a] statement of the objectives sought by the proposed Project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the proposed Project.” The following objectives have been established for the proposed Project:

- Objective 1:** Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.
- Objective 2:** Create design guidelines which encourage the development of aesthetically pleasing land uses which are compatible with the existing community.
- Objective 3:** Provide an update to the WVSP based on the current needs of the City.
- Objective 4:** Encourage the development of local commercial uses in order to boost the local economy.
- Objective 5:** Increase housing diversity within the City.

1.4 Unavoidable Significant Impacts

The Project’s potentially significant impacts are defined in **Section 4.1: Aesthetics** through **Section 4.17: Utilities and Service Systems** of this Draft PEIR. As noted in these sections, most of the potentially significant impacts identified can be mitigated to a less than significant level through implementation of Project design features, standard conditions, and feasible mitigation measures. However, there are unavoidable significant impacts associated with **Section 4.2: Air Quality**, **Section 4.7: Greenhouse Gas Emissions**, and **Section 4.4: Cultural Resources**, as summarized below:

Air Quality

The Project would result in a significant and unavoidable impact related to the implementation of the air quality plan, cumulatively considerable net increase of criteria pollutants, and the exposure of sensitive receptors to substantial pollutant concentration. Future development projects within the Walnut Village SP could exceed SCAQMD construction and operational threshold for pollutant concentrations. Therefore, future development could conflict with the implementation of 2022 AQMP and result in cumulatively

considerable increases of criteria pollutants. In addition, the construction of future developments may expose surrounding sensitive receptors to substantial pollutant concentrations.

Greenhouse Gas Emissions

Currently, there are no specific development proposals associated with the proposed Project. Future development would re-capture and re-use underutilized land area in the City. All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements, including those associated with GHG emission reductions. Because of the programmatic nature of the proposed Project, including the uncertainty of timing of future developments, individual future developments could exceed the City's GHG threshold of 3,000 MT CO₂e per year. Therefore, impacts are considered significant and unavoidable.

Cultural Resources

Although the Project does not propose any development, future development within the Project area could result in a significant and unavoidable impact to a historical resource. As some historic resources and structures exist in the Project area, future development could require the demolition of some or all of these resources. Although mitigation measures have been identified to reduce impacts to historical resources, future development is unknown at this time, and the impact would be significant and unavoidable.

1.5 Alternatives to the Project

State CEQA Guidelines § 15126.6(a) requires that an EIR "describe the 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 will avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." In response to the potentially significant impacts that were identified, the EIR includes the following alternatives for consideration by decision-makers upon action related to the Project:

Alternative 1: No Project/No Build Alternative

The purpose of describing and analyzing a No Project/No Build Alternative is to allow decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project. The No Project/No Build Analysis is required to discuss the existing conditions (at the time the Notice of Preparation was published on May 5, 2023), as well as what would be reasonably expected to occur in the foreseeable future, if the Project were not approved, based on current plans and consistent with available infrastructure and services.

Under the No Project/No Build Alternative, the following would occur:

- The WVSP would not be updated to allow for additional development on the four sub-districts of the Project site.
- The existing development standards of the Project site would be maintained.
- Project Objectives 1, 2, 3, 4, and 5 would not be achieved.

Alternative 2: Complete Residential Alternative

The Complete Residential Alternative would include only the modifications to allowed residential density within the four Project sub-districts. This alternative would not include updates to land use standards to allow or expand commercial or mixed-use developments.

1.6 Areas of Controversy

The CEQA Guidelines § 15123 (b)(2) and (3) require that an EIR identify areas of controversy known to the Lead Agency, including issues raised by other agencies and the public and issues to be resolved, including the choice among alternatives and whether, or how to mitigate the significant effects. The following issues of concern have been identified during the review period of the distribution of the NOP and public meetings:

- Potential impacts to aesthetics from tree removal and installation of drought tolerant landscaping (Draft PEIR **Section 4.1: Aesthetics**).
- Potential impacts to air quality from past landfill (Draft PEIR **Section 4.2: Air Quality**).
- Potential impacts to GHG emissions from nearby industrial land use (Draft PEIR **Section 4.7: Greenhouse Gas**).
- Potential impacts to water quality from past landfill (Draft PEIR **Section 4.9: Hydrology and Water Quality**).
- Potential impacts to public safety relating to flood events after heavy precipitation (Draft PEIR **Section 4.9: Hydrology and Water Quality**).
- Potential impacts to public safety from surrounding industrial land use (Draft PEIR **Section 4.10: Land Use**).
- Potential impacts to recreation (Draft PEIR **Section 4.14: Recreation**).
- Potential impacts to truck routes and public safety (Draft PEIR **Section 4.15: Transportation**).
- Potential impacts with consistency to planning documents such as Southern California Association of Governments (SCAG) Connect SoCal (Draft PEIR **Section 4.15: Transportation**).
- Potential impacts to utilities and utility-related services, specifically water and power (Draft PEIR **Section 4.17: Utilities and Service Systems**).

1.7 Summary of Environmental Impacts & Mitigation Measures

The following table, **Table 1-2: Summary of Significant Impacts and Proposed Mitigation Measures**, is a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this PEIR. Refer to **Sections 4.0** through **4.17**, for a detailed description of the environmental impacts and mitigation measures for the Project. All impacts of the Project can be mitigated to less than significant levels with the exception of air quality.

Table 1-2: Summary of Significant Impacts and Proposed Mitigation Measures

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.2: Air Quality		
<p>Impact 4.2-1 Would the project conflict with or obstruct implementation of the applicable air quality plan?</p>	<p>Significant and Unavoidable</p>	<p>See Mitigation Measure (MM) AQ-1 and MM AQ-2 below. No additional feasible mitigation measures are proposed at the programmatic level to reduce future construction and operational emissions associated with development facilities by the Walnut Village SP. Future construction and operational emissions would conflict with implementation of the AQMP. Impacts remain significant and unavoidable.</p>
<p>Impact 4.2-2 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?</p>	<p>Significant and Unavoidable</p>	<p>MM AQ-1: The Project shall utilize “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of a building permit, the City Engineer shall confirm that plans include the following specifications:</p> <ul style="list-style-type: none"> • All architectural coatings will be super-compliant low VOC paints. • Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. • Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. • For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). • Use compliant low-VOC cleaning solvents to clean paint application equipment. • Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. • Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency. <p>MM AQ-2: The installation of wood-burning and natural gas devices shall be prohibited. The purpose of this measure is to limit emissions of ROG, NO_x, particulate matter, and visible emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, cooking, or ambiance. All residential appliances shall be electric. This prohibition shall be noted on the deed and/or lease agreements for future property owners/tenants to obey.</p> <p>MM AQ-3: Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project’s CC&Rs and/or tenant lease agreements include contractual language that all cleaning products used in public spaces will be U.S. EPA Safer Choice certified.¹ This requirement shall be included in the third-party vendor agreements for the building owner and tenants, as applicable.</p> <p>MM AQ-4: Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project’s Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used onsite shall be 100 percent electrically powered. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable.</p>
<p>Impact 4.2-3 Would the project, expose sensitive receptors to substantial pollutant concentrations?</p>	<p>Significant and Unavoidable</p>	<p>MM AQ-3: Each future development project within the Walnut Village SP shall prepare a construction health risk assessment to determine health impacts to surrounding residents that would result from the operation of diesel construction equipment on site and from on-road diesel trucks used for hauling soil and equipment to and from the site. The HRA will include mitigation measures to reduce impacts from the construction of future developments.</p>
<p>Impact 4.2-4 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is required.</p>

¹ U.S. EPA manages the Safer Choice Program which certifies products that contain safer ingredients for human health and the environment. <https://www.epa.gov/saferchoice/products>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.3: Biological Resources		
<p>Impact 4.3-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM BIO-1: Nesting birds are protected pursuant the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503,3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests, or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.</p> <p>If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.</p>
<p>Impact 4.3-2 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 Wildlife or U.S. Fish and Wildlife Service?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to march, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	No impact	No mitigation is necessary.
<p>Impact 4.3-4 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?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.3-5 Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	No impact	No mitigation is necessary.
<p>Impact 4.3-6 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?</p>	Less than Significant Impact	No mitigation is necessary.
Section 4.4: Cultural Resources		
<p>Impact 4.4-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?</p>	Significant and Unavoidable	<p>MM CUL-1: Before project activities can be permitted within areas of the Project site that contain historic-period resources, they require formal recordation on Department of Parks and Recreation (DPR) 523 forms and evaluation for the CRHR eligibility to determine if any are significant under CEQA. Evaluations must be completed under the oversight of a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Architectural History.</p> <p>MM CUL-2: Vacant parcels on the Project site require intensive-level pedestrian cultural resources field surveys under the oversight of a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Archaeology. This inventory would determine the</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>presence and significance of prehistoric and historic period archeological resources.</p> <p>MM CUL-3: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within MM TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide tribal input with regards to significance and treatment.</p> <p>MM CUL-4: If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM TCR-1. The archaeologist shall monitor the remainder of the project and implement the Monitoring and Treatment Plan accordingly.</p>
<p>Impact 4.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Refer to MM CUL-2.</p>
<p>Impact 4.4-3 Would the project disturb any human remains, including those interred outside of dedicated cemeteries?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM CUL-5: If human remains or funerary objects are encountered during the undertaking, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project. If the remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.5: Energy		
Impact 4.5-1 Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	Less than Significant Impact	No mitigation is necessary.
Impact 4.5-2 Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?	Less than Significant Impact	No mitigation is necessary.
Section 4.6: Geology and Soils		
Impact 4.6-1 Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	Less than Significant Impact	No mitigation is necessary.
Impact 4.6-2 Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: ii) Strong seismic ground shaking?	Less than Significant Impact	No mitigation is necessary.
Impact 4.6-3 Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) Seismic-related ground failure, including liquefaction?	Less than Significant Impact	No mitigation is necessary.
Impact 4.6-4 Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iv) Landslides?	Less than Significant Impact	No mitigation is necessary.

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.6-5 Would the Project result in substantial soil erosion or the loss of topsoil?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.6-6 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?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.6-7 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?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.6-8 Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM GEO-1: Prior to issuance of grading permits, the Applicant/Developer of individual projects will retain a qualified paleontologist to create and implement a Paleontological Resource Mitigation Program (PRIMP). The project paleontologist would review the grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements, to be documented in the PRIMP. The PRIMP would be submitted to the City for review and approval prior to issuance of a grading permit. Information contained in the PRIMP shall minimally include:</p> <ol style="list-style-type: none"> 1. Description of the project site and proposed grading operations. 2. Description of the level of monitoring required for earth-moving activities. 3. Identification and qualifications of the paleontological monitor to be employed during earth moving. 4. Identification of personnel with authority to temporarily halt or divert grading to allow recovery of large specimens.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ol style="list-style-type: none"> 5. Direction for fossil discoveries to be reported to the developer and the City. 6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils to minimize construction delays. 7. Sampling methods for sediments that are likely to contain small fossil remains, if any. 8. Procedures and protocol for collecting and processing of samples and specimens, as necessary. 9. Fossil identification cataloged and curated into the permanent collections of a scientific institution. 10. Identification of the repository to receive fossil material. 11. All pertinent maps and exhibits. 12. Procedures for reporting of findings. <p>Acknowledgment of the developer for content of the PRIMP and acceptance of financial responsibility for monitoring, reporting, and curation.</p>
Section 4.7: Greenhouse Gas Emissions		
<p>Impact 4.7-1 Would the project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?</p>	<p>Significant and Unavoidable.</p>	<p>MM GHG-1: Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation to the City of Fontana demonstrating that the Project shall be designed to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent in effect at the time of building permit application.</p> <p>MM GHG-2: All major in-unit appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, water heaters, and for space heating) provided/installed by the developer shall be Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Fontana shall verify implementation of this requirement. Installation of Energy Star-certified or equivalent appliances shall be verified by the Planning and Building Department during plan check.</p> <p>MM GHG-3: The Project shall be required to install solar photovoltaic (PV) panels or another source of renewable electricity generation on-site, based on the maximum roof area available for solar (i.e., solar-ready zone). The solar-ready zone shall comply with Section 110.10 of the 2022 California Energy Code and shall</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>comply with access, pathway, ventilation, and spacing requirements, and exclude skylight area.</p> <p>The final PV generation facility size requires approval by Southern California Edison (SCE). SCE’s Rule 21 governs operating and metering requirements for any facility connected to SCE’s distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption.</p> <p>The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. The schedule of photovoltaic system locations may be updated as needed.</p> <p>MM GHG-4: The Project shall require all fixtures provided/installed by the developer to be low-flow or high-efficiency fixtures that exceed state standards. These fixtures include: toilets, showerheads, bathroom faucets, kitchen faucets, dishwashers, and clothes washers. Prior to the issuance of the certificate of occupancy, the City of Fontana shall verify implementation of this requirement. Installation of water efficient fixtures shall be verified by the Planning and Building Department during plan check.</p> <p>MM GHG-5: The Walnut Village SP Project shall implement a recycling program to divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of occupancy, a recyclables collection and load area shall be constructed in compliance with the City standards for Recyclable Collection and Loading Areas.</p>
<p>Impact 4.7-2 Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</p>	<p>Significant and Unavoidable.</p>	<p>Refer to MM GHG-1 through MM GHG-5.</p>
<p>Section 4.8: Hazards and Hazardous Materials</p>		
<p>Impact 4.8-1 Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.8-2 Would the project create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM HAZ-1: If a proposed use at the Project has a threshold quantity of a regulated substance greater than as specified by the applicable health and safety code, the user shall prepare and implement a Hazardous Materials Risk Management Plan for facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code § 25532(g) in excess of threshold quantities. This plan shall be reviewed and approved by the San Bernardino County Department of Environmental Health through the Certified Unified Program Agencies (CUPA) process prior to implementation as required by the California Accidental Release Prevention (CalARP) Program.</p> <p>MM HAZ-2: If potentially contaminated soil is identified during site disturbance activities for the Project, as evidenced by discoloration, odor, detection by instruments, or other signs, a qualified environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and provide a written report to the Master Developer, Site Developer, or Lead Agency, as applicable, stating the recommended course of action. Depending on the nature and extent of contamination, the qualified environmental professional shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the qualified environmental professional, substantial remediation may be required, the Master Developer, Site Developer, or Lead Agency, as applicable, shall contact representatives of the San Bernardino County Fire Department and/or DTSC for guidance and oversight and shall comply with all performance standards and requirements of the respective agency for proper removal and disposal of contaminated materials.</p> <p>MM HAZ-3: Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive Asbestos-Containing Material survey to identify the locations and quantities of ACM in above-ground structures. The Master Developer or Site Developer, as applicable, shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. The consultant’s report shall include requirements for abatement, containment, and disposal of ACM, if encountered, in accordance with SCAQMD’s Rule 1403.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.8-3 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?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Refer to MM HAZ-1 through MM HAZ-2.</p>
<p>Impact 4.8-4 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>	<p>No impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.8-5 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?</p>	<p>No impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.8-6 Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>	<p>No impact</p>	<p>No mitigation necessary.</p>
<p>Impact 4.8-7 Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Section 4.9: Hydrology and Water Quality</p>		
<p>Impact 4.9-1 Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.9-2 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?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.9-3 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?</p> <p>i) Result in substantial erosion or siltation on- or off-site?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.9-4 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?</p> <p>ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.9-5 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?</p> <p>iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>
<p>Impact 4.9-6 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?</p> <p>iv) Impede or redirect flood flows?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.9-7 Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.9-8 Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</p>	Less than Significant Impact	No mitigation is necessary.
Section 4.10: Land Use		
<p>Impact 4.10-1 Would the Project physically divide an established community?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.10-2 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?</p>	Less than Significant Impact	No mitigation is necessary.
Section 4.11: Noise		
<p>Impact 4.11-1 Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	Less than Significant Impact with Mitigation Incorporated	<p>MM NOI-1 Demolition, grading, and building plan shall include measures to reduce construction-related noise impacts. The construction contractor shall implement the following noise reduction measures:</p> <ul style="list-style-type: none"> • Construction shall be limited to 7:00 AM to 6:00 PM on weekdays, 8:00 AM to 5:00 PM on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code. • Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible. • Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p> <ul style="list-style-type: none"> Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible. <p>MM NOI-2: A temporary and impermeable sound barrier shall be constructed along all Project boundaries facing residential properties prior to construction and shall remain during construction. The temporary sound barrier shall be a minimum of 8.0-feet high and shall have a minimum Sound Transmission Class rating of STC-25, such as, acoustical barrier blanket (with STC-25 rating) or 3/4" thick exterior grade plywood. The sound barrier must be designed to meet a minimum 10 dBA attenuation.</p> <p>MM NOI-3: Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:</p> <ul style="list-style-type: none"> A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor’s telephone numbers (during regular construction hours and off-hours); and A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. <p>MM NOI-4: As part of the Site Development Review Permit process for future development projects, the Applicant shall demonstrate that stationary noise sources do not exceed the City’s stationary noise source standard of 55 dBA L_{eq} during daytime hours and 45 dBA L_{eq} for nighttime hours for residential uses.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		Stationary noise sources that exceed the City’s standards shall be placed in an acoustical enclosure to reduce noise level to the required level.
<p>Impact 4.11-2 Would the project result in generation of excessive groundborne vibration or groundborne noise levels?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM NOI-5: Use of high impact, heavy-duty equipment shall be limited to the extent feasible within 25 feet of residential receptors and piledriving shall be prohibited within 65 feet of residential receptors. Where feasible, equipment or alternative techniques that would generate vibration velocities not exceeding 0.04 in/sec PPV at 25 feet shall be utilized. These requirements shall be incorporated in contract specifications and included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.</p> <p>MM NOI-6: Prior to large bulldozers, loaded trucks, and vibratory compactor/rollers being operated in Sub-District areas within 50 feet of an occupied residence, the Project Contractor(s) shall notify the affected residential property owners in writing of upcoming construction including the anticipated start and end dates and hours of operation. This restriction does not apply to trucks on a public right-of-way. These requirements shall be incorporated in contract specifications and included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.</p>
<p>Impact 4.11-3 For or 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?</p>	<p>No impact</p>	<p>No mitigation is necessary.</p>
<p>Section 4.12: Population and Housing</p>		
<p>Impact 4.12-1 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)?</p>	<p>Less than Significant Impact</p>	<p>No mitigation is necessary.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.12-2 Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</p>	No impact	No mitigation is necessary.
Section 4.13: Public Services		
<p>Impact 4.13-1 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: I) Fire protection? II) Police protection? III) Schools? IV) Parks? V) Other public facilities?</p>	Less than Significant Impact	No mitigation is necessary.
Section: 4.14: Recreation		
<p>Impact 4.14-1 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?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.14-2 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?</p>	Less than Significant Impact	No mitigation is necessary.
Section 4.15: Transportation		
<p>Impact 4.15-1 Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?</p>	Less than Significant Impact	No mitigation is necessary.

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>Impact 4.15-2 Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.15-3 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)?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.15-4 Would the Project result in inadequate emergency access?</p>	No impact	No mitigation is necessary.
Section 4.16: Tribal and Cultural Resources		
<p>Impact 4.16-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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:</p> <ul style="list-style-type: none"> i) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe? 	Less than Significant Impact with Mitigation Incorporated	<p>MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CUL-3, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to the Monitoring and Treatment Plan. The Monitoring and Treatment Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p> <p>MM TCR-2: Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.17: Utilities and Service Systems		
<p>Impact 4.17-1 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?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.17-2 Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.17-3 Would the Project result in a determination by the waste water 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</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.17-4 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?</p>	Less than Significant Impact	No mitigation is necessary.
<p>Impact 4.17-5 Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</p>	Less than Significant Impact	No mitigation is necessary.

2.0 INTRODUCTION AND PURPOSE

This Draft Program Environmental Impact Report (PEIR) is prepared for the Updated Walnut Village Specific Plan Project (Project) in compliance with the California Environmental Quality Act (CEQA). CEQA requires local and State agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The CEQA Guidelines are located within the California Code of Regulations, Title 14, Division 6, Chapter 3, §15000-15387 (CCR or CEQA Guidelines), while the CEQA statute is codified as Public Resources Code §21000-21189.57 (PRC or CEQA Statute). For purposes of CEQA review and compliance for this Project, the City of Fontana (City) serves as the Lead Agency.

The Project site is located in the County of San Bernardino (County), within the northwestern portion of the City. The Project is bounded by the City of Rialto immediately to the east. The land surrounding the Project site to the south and the west is primarily single family residential. The Project site is bounded to the north by retail use. The location of the Project in both regional and local contexts are further identified in **Section 3.0: Project Description**, **Figure 3-1: Regional Location Map**, and **Figure 3-2: Project Location Map**.

The Project entails updating the existing Walnut Village Specific Plan (Specific Plan) to increase residential density within the Specific Plan area.

This DPEIR evaluates the potentially significant, adverse, and beneficial impacts on the environment resulting from implementation of the Project. **Section 3.0: Project Description**, provides a detailed description of the Project. **Section 4.0: Environmental Impact Analysis**, discusses the regulatory environment, existing conditions, environmental impacts, and mitigation measures for the Project. Following public review of the Draft PEIR, a Final PEIR will be prepared, which will include responses public comments made on the Draft PEIR.

2.1 Purpose of the Environmental Impact Report

According to 14 CCR §15121 of the CEQA Guidelines and PRC §21061, the purpose of an EIR is to provide detailed information to public agency decision-makers and the public on the environmental effects of a proposed project. The purpose of this Draft EIR for the Project is to review the existing conditions at and in the vicinity of the Project site; identify and analyze the potential environmental impacts; and suggest feasible mitigation measures or alternatives to reduce significant adverse environmental effects, as described in **Section 3.0: Project Description** and **Section 6.0: Alternatives to the Proposed Project**.

This Draft EIR is being prepared as a Program EIR in accordance with § 15168 of the CEQA Guidelines, which states the following:

- a) *General. A program EIR is an EIR, which may be prepared on a series of actions that can be characterized as one large project and are related either:*
 - 1) *Geographically,*
 - 2) *As logical parts in the chain of contemplated actions,*

- 3) *In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
 - 4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*
- b) *Advantages. Use of a Program EIR can provide the following advantages. The Program EIR can:*
- 1) *Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,*
 - 2) *Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,*
 - 3) *Avoid duplicative reconsideration of basic policy considerations,*
 - 4) *Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and*
 - 5) *Allow reduction in paperwork.*
- c) *Use with Later Activities. Subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.*
- 1) *If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*
 - 2) *If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*
 - 3) *An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
 - 4) *Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.*

- 5) *A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*
- d) *Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The program EIR can:*
 - 1) *Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.*
 - 2) *Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.*
 - 3) *Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.*
- e) *Notice with Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:*
 - 1) *This activity is within the scope of the program approved earlier, and*
 - 2) *The program EIR adequately describes the activity for the purposes of CEQA.*

Therefore, this Draft Program EIR will act as the primary environmental document for all entitlements associated with the Project and the new adopted Specific Plan, including all discretionary approvals requested or required to implement the Project. As the Lead Agency, the City can approve subsequent actions without additional environmental documentation unless otherwise required by § 21166 of the CEQA Statutes and § 15162 of the CEQA Guidelines. Section 21166 of the CEQA Statutes states that:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- a) *Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*
- b) *Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*
- c) *New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

Additionally, § 15162 of the CEQA Statutes states that:

- a) *When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - a) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - b) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - c) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - d) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

2.2 Compliance with CEQA

According to the CEQA Guidelines (14 CCR § 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant effect on the environment. An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a

project. CEQA requires that State and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects.

This Draft EIR identifies and analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by §15146 of the CEQA Guidelines. The analysis considers the activities associated with the Project in order to determine the short-term and long-term environmental effects associated with their implementation. This EIR discusses both direct and indirect impacts of the Project, as well as cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Based on significance criteria, the effects of the Project have been categorized as either “no impact,” “less than significant impact,” “less than significant with mitigation incorporated,” or “significant unavoidable impact” (refer to **Section 4.0: Environmental Impact Analysis**). Mitigation measures are recommended for potentially significant impacts, to avoid or lessen impacts. In some cases, the Project results in significant unavoidable impacts even with implementation of feasible mitigation measures. In these situations, the decision-makers may approve the Project based on a “Statement of Overriding Considerations.” This determination would require the decision-makers to balance the benefits of the Project to determine if they outweigh identified unavoidable impacts. The CEQA Guidelines § 15093 provides the following:

- *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”*
- *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.*
- *If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

2.3 Notice of Preparation/Early Consultation

In compliance with the CEQA Guidelines, the City provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft PEIR, efforts were made to contact various federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. Pursuant to CEQA Guidelines §15082 and CEQA Statute §21084.4, the City circulated the NOP directly to

public agencies (including the State Clearinghouse Office of Planning and Research), special districts, and members of the public who had requested such notice. The NOP was distributed on May 5, 2023, with the 30-day public review period concluding on June 4, 2023. The City prepared and distributed the NOP for the Project to the general public, including federal, State and local agencies.

Public Scoping Meeting

A public scoping meeting was hosted online by the City on May 24, 2023, to obtain comments regarding the scope of the environmental process. A second online scoping meeting was held on June 1, 2023 to garner additional public input.

Areas of concern identified during the public scoping period include:

- Aesthetics
- 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
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Native American Consultation

Senate Bill (SB) 18, requires local governments to consult with Native American tribes prior to making certain planning decisions, and to provide notice to tribe at certain key points in the planning process. The intent of SB 18 is to provide Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting and mitigating impacts to cultural places (refer to **Section 4.4: Cultural Resources** and **Section 4.16: Tribal Cultural Resources** for further information). Additionally, California Assembly Bill (AB) 52 created a new class of resources – tribal cultural resources for consideration under CEQA. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level (refer to **Section 4.16: Tribal Cultural Resources** for further information).

In accordance with the requirements of SB 18, the City sent consultation letters to the tribes listed below. The letters informed the respective tribes of the proposed Project and provided the opportunity for the tribe to consult with the City pursuant to Senate Bill 18 (SB 18) requirements. The City contacted the following tribes via written correspondence on June 5, 2023 in compliance with SB-18:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians

- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation, Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseno Indians
- Yuhaaviatam of San Manuel Nation
- Santa Rosa Band Cahuilla Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

Correspondence was received from the designated contact/tribal representative for the following tribes:

- Augustine Band of Cahuilla Indians
- Morongo Band of Mission Indians
- Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians)

The Augustine Band of Cahuilla responded that they are unaware of specific cultural resources that may be affected by the proposed Project. Both the Yuhaaviatam of San Manuel Nation and the Morongo Band of Mission Indians requested consultation during the environmental review process.

2.4 Environmental Impact Report

Public Review of the Draft PEIR

Per CEQA Guidelines § 15105, the public review period for a Draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. This DPEIR will be circulated for a 45-day public review period.

The public is invited to comment in writing on the information contained in this document. Interested agencies and members of the public are invited to provide written comments on the Draft PEIR and are encouraged to provide information that they believe should be included in the Draft PEIR. The Draft PEIR is available to the general public for review on the County's website at:

<https://www.fontanaca.gov/2137/Environmental-Documents>

The DPEIR is also available at the City's Planning Department listed below:

City of Fontana Planning Department
8353 Sierra Avenue
Fontana, CA 92335

Comment letters should be sent to:

Cecily Session-Goins	Phone: (909) 350-6723
City of Fontana	Fax: (909) 350-7676
8353 Sierra Avenue	Email: csgoins@fontanaca.gov
Fontana, CA 92335	

Final EIR

Upon completion of the 45-day Draft EIR public review period, the City will evaluate all written comments received during the public review period on the Draft EIR. Pursuant to CEQA Guidelines §15088, the City will prepare written responses to comments raising environmental issue(s) concerns. Pursuant to CEQA Guidelines §15132 (Contents of Final Environmental Impact Report), the Final EIR will be prepared and will include:

- a) The Draft EIR or a revision of the draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR; and
- d) The lead agency's responses to significant environmental points raised in the review and consultation process.

Additionally, pursuant to CEQA Guidelines §15088 (Evaluation of and Response to Comments), after the Final EIR is completed and at least ten days prior to certifying the Final EIR, the City will provide a copy of the written response to comments made by each public agency who commented on the Draft EIR.

Certification of the Final EIR

The Draft EIR, as revised by the Final EIR, will be considered by the City of Fontana Planning Commission and the City Council for certification, consistent with CEQA Guidelines §15090, which states:

Prior to approving a project, the lead agency shall certify that:

- 1) The final EIR has been completed in compliance with CEQA;
- 2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and

3) The final EIR reflects the lead agency's independent judgment and analysis.

Regarding the adequacy of an EIR, according to CEQA Guidelines §15151, "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Project Consideration

With certification of the Final EIR, the proposed Project will also be adopted. A decision to approve the Project would be accompanied by specific, written findings, in accordance with CEQA Guidelines § 15091.

Format of the EIR

This DPEIR is organized into nine sections:

Section 1.0 Executive Summary, provides a Project summary and summary of environmental impacts, and the proposed mitigation measures and alternatives.

Section 2.0 Introduction, provides CEQA compliance information.

Section 3.0 Project Description, provides Project history, as well as the environmental setting, Project characteristics and objectives, phasing, and anticipated permits and approvals that may be required for the Project.

Section 4.0 Environmental Impact Analysis, provides a discussion of the existing conditions for each of the environmental impact areas. This section also describes methodologies for significance determinations, identifies both short-term and long-term environmental impacts of the Project, recommends mitigation measures to reduce the significance of environmental impacts, and identifies any areas of potentially significant and unavoidable impacts. This section includes a discussion of cumulative impacts that could arise as a result of the implementation of the Project.

Section 5.0 Additional CEQA Considerations, summarizes unavoidable significant impacts, and discusses significant irreversible environmental changes, growth-inducing impacts, and energy conservation, in accordance with CEQA Guidelines Appendix F.

Section 6.0 Alternatives to the Proposed Project, describes potential Project alternatives, including alternatives considered but rejected from further consideration, the No Project Alternative, various Project Alternatives, and identifies the Environmentally Superior Alternative.

Section 7.0 Effects Found Not to Be Significant, describes potential impacts that have been determined not to be significant throughout the EIR process.

Section 8.0 EIR Consultation and Preparation identifies the CEQA lead agency and EIR preparation team, as well as summarizes the EIR consultation process.

Section 9.0 References, identifies the sources cited throughout the EIR.

2.5 Responsible and Trustee Agencies

Lead Agency

City of Fontana

As noted previously, the City is the Lead Agency under CEQA. This DPEIR has been prepared in accordance with the CEQA Statute and the CEQA Guidelines. CEQA requires lead agencies to consider potential environmental effects that may occur with implementation of a project and to avoid or substantially lessen significant effects to the environment when feasible. When a project may have a significant effect on the environment, the agency with primary responsibility for carrying out or approving the Project (the Lead Agency) is required to prepare an EIR.

Trustee, Responsible, and Cooperating Agencies

Other federal, State, and local agencies are involved in the review and approval of the proposed project, including trustee and responsible agencies under CEQA. Under CEQA, a trustee agency is a State agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. The California Department of Fish and Wildlife (CDFW) is a trustee agency that will likely require permits, approvals, and/or consultation in order to implement various elements of the project. A responsible agency is an agency other than the lead agency that has responsibility for carrying out or approving a project. The City is the responsible agency for this Project. Responsible and trustee agencies are consulted by the CEQA lead agency to ensure the opportunity for input and also review and comment on the Draft EIR. Responsible agencies also use the CEQA document in their decision-making. Several agencies other than the City may require permits, approvals, and/or consultation in order to implement various elements of the project, as listed in **Section 3.10: Discretionary Actions and Approvals**.

2.6 Incorporation by Reference

Pertinent documents relating to this EIR are cited in accordance with CEQA Guidelines §15148 or have been incorporated by reference in accordance with CEQA Guidelines §15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR and are available for review online. Information contained within these documents is utilized for various sections of this EIR.

Fontana Forward General Plan. The City adopted the Fontana Forward General Plan in 2003 and was updated in 2018. The sixteen chapters or “elements summary of existing conditions and current trends, the planning process, and goals, policies and actions for many different topic areas that will affect the physical and economic development of the City over the next twenty years.

The Community and Neighborhood (CN) Element focuses on attributes that contribute to the form, character and quality of life in the communities and neighborhoods where people live.

The Housing (H) Element provides a summary of the State-approved 2021-2029 Housing Element, prepared according to State requirements and on the State timetable.

The Building a Healthier Fontana (BHF) 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.

The Conservation, Open Space, Parks and Trails (COPT) Element describes measures for the preservation of open space for the protection of natural resources, and for public health and safety.

The Public and Community Services Department (PCS) Element focuses on three important aspects of municipal service provision: public safety, public facilities, and the many services provided by the Community Services department.

The Community Mobility and Circulation Element (CMC) expand the options for transit and “active transportation” (pedestrian and bicycle mobility) for Fontana. It is aligned with the Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy concepts of Neighborhood Mobility Areas and Livable Corridors.

The Infrastructure and Green Systems (IGS) Element focuses on maintenance of City property, including parks and trails, streets, sewer lines and lift stations, and City buildings; for stormwater management; and for maintaining the City fleet.

The Noise and Safety (NS) Element’s goal is to combine the Goals and Policies of the Noise and Safety Elements of the 2003 General Plan into one Noise and Safety Element supported by data in the Hazard Mitigation Plan.

The Sustainability and Resilience (SR) element focuses especially on resource efficiency and planning for climate change.

The Economy, Education, and Workforce Development (EEWD) element focuses on providing more jobs in Fontana for Fontana residents by promoting a diversified economy that builds on existing businesses and develops, attracts and retains future job-creating sectors.

The Downtown Area Plan (DTAP) element ensure that new infill development is compatible in scale and character with the existing neighborhood while ensuring that transportation and utility infrastructure keeps pace with the neighborhood character.

The Land Use, Zoning, and Urban Design (LUZUD) element includes an amended Land Use Plan. The amendments will provide new development opportunities in targets areas and along corridors that can accommodate such development.

The Stewardship and Implementation (SI) element, discusses overall stewardship of the plan to keep it useful and current by creating systems and procedures to make sure that the plan is used to guide decision-making and that it is evaluated regularly to see if strategies are working and if it continues to reflect community goals.

The General Plan was used throughout this EIR since it contains information, policies, and regulations relevant to the proposed Project. This document is available for review on the City's website at:

<https://www.fontana.org/2632/General-Plan-Update-2015---2035>

City of Fontana Municipal Code. The Fontana Municipal Code (Municipal Code) establishes detailed zoning districts and regulations based on the Fontana Forward General Plan. The Fontana Zoning and Development Code (Municipal Code Chapter 30) serves as the primary implementation tool for the Fontana Forward General Plan. Whereas the Fontana Forward General Plan is a policy document that sets forth direction for development decisions, the Zoning Code is a regulatory document that establishes specific standards for the use and development of all properties in the City. The Zoning Code regulates development intensity using a variety of methods, such as setting limits on building setbacks, yard landscaping standards, and building heights. The Zoning Code also indicates which land uses are permitted in the various zones. The Municipal Code includes all of the City's zoning ordinance provisions and has been supplemented over time to include other related procedures such as subdivision regulations, environmental review procedures, and advertising and sign code provisions. Municipal Code regulations and maps must be consistent with the Fontana Forward General Plan land uses, policies, and implementation programs. The Municipal Code is referenced throughout this Draft EIR as it relates to the analysis of the project area parcels within the City's Sphere of Influence.

The City's Municipal Code can be found online at:

https://library.municode.com/ca/fontana/codes/code_of_ordinances

Southern California Association of Governments (adopted 2020-2045). The Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal was adopted on September 2, 2020. The Connect SoCal is SCAG's long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It charts a path toward a more mobile, sustainable, and prosperous region by making connections between transportation networks, between planning strategies, and between the people whose collaboration can improve the quality of life for southern Californians. The Connect SoCal addresses the cumulative impact of future development and associated infrastructure improvements for the SCAG region, which includes the County and the City.

The SCAG Connect SoCal can be accessed online at:

<https://scag.ca.gov/read-plan-adopted-final-plan>

3.0 PROJECT DESCRIPTION

3.1 Purpose

The City of Fontana (City), as Lead Agency under the California Environmental Quality Act (CEQA) has prepared this Draft Program Environmental Impact Report (Draft PEIR) for the Updated Walnut Specific Plan Project (Project). The purpose of the Project Description is to provide an accurate, stable, and finite description of the Project to allow for meaningful review by local, state, and federal reviewing agencies, decision-makers, and interested parties. CEQA Guidelines §15124 (14 California Code of Regulations [CCR] §15124) requires a project description to contain the following:

1. The precise location and boundaries of the proposed project shown on a detailed map and along with a regional location map;
2. A clearly written statement of the objectives of the proposed project including the underlying purpose of the project and project benefits. The statement of objectives must be detailed enough to allow a Lead Agency the opportunity to develop and evaluate project alternatives;
3. A description of the proposed project's technical, economic, and environmental characteristics along with engineering and public service facilities details; and
4. A statement describing the intended uses of the EIR, including a chronological list of all necessary approvals and a roster of other agencies that may use the document, a list of required permits and approvals, and a list of related consultation and environmental review necessary under local, state, and federal laws, regulations, and policies.

An adequate project description need not be extensive, but it must be sufficient to allow for review and evaluation of the possible environmental impacts of a proposed project.

3.2 Project Overview

The Walnut Village Specific Plan is a land use regulatory document that provides design and development guidance to future project applicants. The Walnut Village Specific Plan establishes land use regulations, permitted uses, design guidelines public improvements and permitting procedures. Comprehensive design guidelines and development standards and regulations guide and regulate land uses, site planning, landscape, and architectural character within the Specific Plan area to establish expectation of design quality. The Walnut Village Specific Plan was previously developed under the Specific Plan first approved in 1983. The original Specific Plan has undergone numerous amendments since. The updated version of the Walnut Village Specific Plan aims to promote new development, while also complimenting and demonstrating compatibility with past and nearby Specific Plans and developments.

The proposed Project entails an update of the approved specific plan to include mixed-use strategies and up zoning in order to increase residential density within the Walnut Village Specific Plan and adoption of a new specific plan to clarify regulations for existing development as well as all for additional development on approximately 53 acres of the 342-acre of the SP, which have been identified as developable or capable of redevelopment.

3.3 Project Background

The history of the Walnut Village Specific Plan (Specific Plan) stems from the revision of the City's General Plan in the 1980's and the hope to accommodate for new growth. The Specific Plan was first approved of by the Planning Commission in 1983. This approval stemmed from an unexpected population growth within the City. Since the adoption of the 1981 General Plan, the population of the City increased 50 percent between the years 1981 to 1987, much faster than what had been estimated. To address the rapid growth, the General Plan was updated, along with a series of Specific Plans that were aimed to offer comprehensive planning programs to various parts of the City.

Born of the General Plan, the Walnut Village Specific Plan area is located on the northeast portion of the City. The Specific Plan is bounded on the north by Highland Avenue and the 210 Foothill freeway, on the east by Palmetto Avenue, the south by Baseline Avenue, and the west by Sierra Avenue. Additionally, the north and east boundaries of the Specific Plan area divide the City and the City of Rialto. In the City boundary is the Sierra Lakes Specific Plan area. Similar to the goals of Walnut Village, Sierra Lakes provides an innovative mix of complementary land uses. To the right of Walnut Village (Eastbound of Palmetto Avenue) sits The City of Rialto and additional warehouse units.

As of 2023, the Walnut Village Specific Plan is one of 27 Specific Plans in the City. According to the 2035 General Plan the Specific Plan allows for the land uses of Community Commercial (C-C), Residential Planned Community (R-PC), Residential Medium Density (R-M), Public Facilities (P-PF), and Recreational Facilities (P-R), which correlates to the surrounding areas. The area consists of 1,644 dwelling units, 39 acres of commercial land, and 2.5 acres of commercial mixed-use land. Originally, the Walnut Village Specific Plan was to restrict residential developments to single-family dwelling units on lots with a minimum of 7,200 net square feet and dwelling units of 1500 square feet. However, this minimum square footage was met with opposition. Up until the mid-1990's provisions in the Specific Plan were updated addressing minimum square footage, lot coverage and other dwelling unit requirements. By March 1st, 2000, the Walnut Village Specific Plan had undergone 11 amendments and has shifted its focus towards the development of a variety of housing product types, commercial units, and parks. Due to the result of new growth demands as a result of regional housing planning and large areas of vacant land in it, Walnut Village has been identified as an area suitable to receive some of that potential.

3.4 Project Location and Settings

The Project is located in the City within the southwest portion of the County of San Bernardino; refer to **Figure 3-1: Regional Vicinity**. The Project site is bounded by State Route (SR) 210 to the north, Baseline Avenue to the south, Palmetto Avenue to the east, and Sierra Avenue to the west. Refer to **Figure 3-2: Local Vicinity**. The Project site is comprised of the entire Walnut Village Specific Plan. The majority of the Specific Plan has been developed.

3.5 Surrounding Land Uses

The land to the west of the Project site is designated community commercial (C-C), general commercial (C-G), and medium density residential (R-M).¹ The land to the north of the Project site is designated regional mixed-use (RMU).² The land to the south of the Project site is designated medium density residential (R-M) and single family residential (R-SF).³ The land to the east of the Project site is located in the City of Rialto and is designated for business park land uses.⁴

3.6 Land Use Designations and Zoning

The Walnut Village Specific Plan area has a General Plan land use designation of Residential Planned Community (R-PC), Community Commercial (C-C), Recreational Facilities (P-R), Medium Density Residential (R-M), and Public Facilities (P-PF); The following definitions from the Fontana Municipal Code provides the intended use of the largest area designation of Residential Planned Community (R-PC). The Project proposes to change the zoning of the site to (R-5) Multi Family High Residential. Refer to **Figure 3-3: Existing General Plan Land Use** and **Figure 3-4: Proposed Land Use** for more details.

3.7 Existing Site Conditions

As discussed above the Project site is comprised of the entire Walnut Village Specific Plan. The majority of the Specific Plan has been developed, and the area surrounding the Project site is developed as well. The Project site has a graded fall from north to south, with an average slope of approximately 2.5 percent. The elevation ranges from approximately 1,520 feet at Highland Avenue to 1,400 feet at Baseline Avenue. Additionally, the Project site is located on the western portion of the Lytle Creek alluvial fan and consists of generally coarse-grained materials eroded from the eastern San Gabriel Mountains, which rise 6,000 feet above the adjoining upper Santa Ana River Valley.

3.8 Proposed Project

As discussed above the proposed Project consists of updating the approved Specific Plan to include mixed-use strategies and up zoning in order to increase residential density within the Walnut Village Specific Plan and adoption of a new Specific Plan to clarify regulations for existing development as well as all for additional development on approximately 53 acres of the 342-acre of the SP, which have been identified as developable or capable of redevelopment.

The Land Use Plan of the Specific Plan focuses on the development of vacant or underutilized areas within four areas of the Specific Plan area. **Figure 3-5: Walnut Village Specific Plan Sub-Districts** displays four areas including parcels on the corner of South Highland Avenue and Sierra Avenue (“Gateway North Sub-District”), a small strip of four underutilized parcels along the Sierra Avenue Corridor (“Gateway Residential 4 Sub-District”), a large group of vacant and underutilized parcels on the corner of

¹ City of Fontana. (2018). *City of Fontana 2015-2035 General Plan Update-Land Use, Zoning, and Urban Development*. Retrieved at: <https://www.fontanaca.gov/2632/General-Plan-Update-2015---2035> (accessed July 2023).

² Ibid.

³ Ibid.

⁴ City of Rialto. (2010). *Rialto General Plan December 2010*. Retrieved at: <https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan> (accessed July 2023).

Sierra Avenue and Baseline Avenue (“Gateway South Sub-District”), and another smaller group of vacant and underutilized parcels on the corner of Baseline Avenue and Palmetto Avenue (“Gateway East Sub-District”). The Specific Plan area encompasses approximately 327 acres (including rights-of-way) with approximately 53 acres of vacant or underutilized land that is developable or can be redeveloped.

Table 3-1: Walnut Village Specific Plan Land Use Summary provides a summary of the land use sub-districts being focused on in the Specific Plan area.

Table 3-1: Walnut Village Specific Plan Land Use Summary

Specific Plan Sub-District	Acres	Primary Uses	Density (dwelling units per acre)	Maximum Intensity (Floor Area Ratio)
Gateway North - (GN)	6.03 ac	Mixed Use, Residential	Up to 39 du/ac	Up to 0.5 FAR
Gateway Residential 4 - (GR4)	4.15 ac	Residential	Up to 12 du/ac	N/A
Gateway South - (GS)	37.10 ac	Mixed Use, Commercial, Residential	39.1 to 50 du/ac	0.5 – 1.0 FAR
Gateway East - (GE)	5.28 ac	Mixed Use, Neighborhood Commercial, Residential	Up to 39 du/ac	Up to 0.5 FAR
Total Acres	52.56 ac			

Gateway North Sub-District

The intent of the Gateway North sub-district is to create and promote a complimentary mix of residential and commercial opportunities. The area is intended to serve adjacent residents and take advantage of its immediate access to the I-210 freeway. The Gateway North sub-district seeks to integrate existing uses and plan for long-term potential development of underutilized and vacant land.

Gateway Residential 4 Sub-District

The intent of the Gateway Residential sub-district is to encourage quality, diverse residential opportunities along the Sierra Avenue corridor. The area seeks to complement existing single family uses by integrating existing uses with new single- and multi-family residential that will mesh with the adjacent single-family development.

Gateway South Sub-District

The intent of the Gateway South sub-district area is to promote the development of a mix of complementary uses, including commercial, office, and higher density residential uses. The area is intended to establish a mixed use, pedestrian-oriented community through the establishment of higher density residential and pedestrian-scaled amenities. Commercial uses will provide retail and job opportunities for local residents.

Gateway East Sub-District

The intent of this area is to promote mixed use development opportunity with a variety of medium to high density residential opportunities. As a primary corridor into the City, it is intended to serve as a node for mixed uses with a focus on locally serving commercial retail and medium to high density residential opportunities.

Circulation Plan

The Circulation Plan within the Specific Plan describes the general layout of roadways, ingress and egress, and multimodal transportation infrastructure within and surrounding the Specific Plan area. The circulation plan provides for the mitigation of potentially significant impacts associated with the Land Use Plan. Future development facilitated by the Walnut Village Specific Plan would be subject to discretionary permits and requires compliance with all applicable City policies and requirements in the Fontana General Plan and Municipal Code. This includes policies and regulations required to improve the transportation system, as applicable, and improve public access and safety for people who walk and bike. Further, future development within the Walnut Village Specific Plan would be required to adhere to all state requirements for consistency with transportation plans. As a result, future development facilitated by the Walnut Village Specific Plan would not conflict with an adopted program, plan, ordinance, or policy that addresses the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Primary access to the Specific Plan area is provided by Sierra Avenue to the west, Baseline Avenue to the south and South Highland to the north. Surrounding areas consist of an industrial park located east of the Specific Plan area in Rialto. Due to the industrial park and local streets that end in cul-de-sacs in the eastern Specific Plan area, access to this portion of the site is limited.

A Vehicle Miles Travelled (VMT) analysis was conducted as part of this Specific Plan. The analysis concluded that the highest number of trips generated originated from the Gateway South sub-district. Sierra Avenue and Baseline Avenue are a designated Primary and Secondary Highways.

The permitted uses, including residential, commercial, and retail uses along Baseline Avenue, have sufficient capacity to meet the demand of future development in the Specific Plan area.

Public Transit

Omnitrans bus lines provide the primary public transit serving the Specific Plan area. Three Omnitrans bus lines (Routes 10, 67, and 82) run adjacent to the Specific Plan area. There are no bus lines running directly through the Specific Plan area. Existing bus lines make stops predominantly on Sierra and Baseline Avenue from Monday to Friday. Omnitrans bus lines run adjacent to the Specific Plan area along the following streets:

- Omnitrans Line 10 runs east to west along Baseline Avenue and north/south along Sierra Avenue;
- Omnitrans Line 67 runs north/south along Sierra Avenue and west from Walnut Village Parkway to Walnut Street, which continues from there; and
- Omnitrans Line 82 runs north/south along Sierra Avenue.

Figure 3-6: Existing Public Transit illustrates the existing Omnitrans bus lines and stop locations. While there are currently additional public transit services planned, the Specific Plan will not hinder the opportunities for new Omnitrans bus lines and stops in the future.

Bicycle Facilities

Figure 3-7: Existing and Planned Bicycle Facilities identifies the existing and planned bicycle facilities within and adjacent to the Specific Plan area. A Class II bicycle facility exists along the western border of the Specific Plan area on Sierra Avenue. The lane extends for approximately 0.82 miles in a north-south direction and is located between South Highland Avenue and Baseline Avenue. Another Class II bicycle facility extends westward from Walnut Street and Baseline Avenue that are adjacent to the Specific Plan area and connects Sierra Avenue to adjacent Class II bike lanes and public transit stations outside of the planning area. A proposed Class II bicycle facility on Highland Avenue extends westward adjacent to the Specific Plan area.

Currently, no bicycle facilities exist within the Specific Plan area on Mango Avenue, Baseline Avenue, Walnut Avenue, and Highland Avenue. However, planned Class II bicycle facilities on these corridors may connect cyclists to the adjacent westward bicycle facilities and public transit stations, providing multimodal circulation and connectivity within and surrounding the Specific Plan area. Planned bicycle facilities shall be implemented consistent with the existing policies of the General Plan Circulation Element and the Fontana Active Transportation Plan, which encourages road diets (where feasible), short-term and long-term bike racks/lockers/facilities at new residential, commercial, and industrial developments, and the addition of the following Class II bicycle facilities:

- Sierra Avenue to Cherry Avenue adjacent to the west Specific Plan boundary.

Planned improvements are conceptual in nature and the exact location of facilities can change when considering future development, design and placement of improvements in the Specific Plan area. The conceptual location of future improvements are shown in **Figure 3-7: Existing and Planned Bicycle Facilities**. Future development activity in the Specific Plan area would not hinder circulation and provides for future opportunities for new bicycle facilities.

Pedestrian Mobility

Pedestrian Facilities

Pedestrian routes in the Specific Plan area are shown in **Figure 3-8: Pedestrian Facilities**. Mango Avenue is the main pedestrian route and occurs in a north/south direction along the entire Specific Plan area. Walnut Avenue is a parkway that starts in the middle of the Specific Plan area and goes westward. Currently, there is no connection along Palmetto Avenue at the eastern boundary of the Specific Plan area. All corridors generally connect to the sub-districts of the Specific Plan.

Key ingress and egress points are located at Sierra Avenue/Walnut Village Parkway, Sierra Avenue/South Highland Avenue, and Baseline Avenue/Mango Avenue. Secondary access is provided at Sierra Avenue/South Highland Avenue and Sierra Avenue/Micallef Street.

Pedestrian Sidewalk Improvements

Most streets in the Specific Plan area are currently improved with ADA compliant sidewalks. However, streets adjacent to vacant or underutilized lots do not have sidewalks while existing sidewalks may be substandard in quality. Sidewalks will be improved as individual developments are approved through the

landscaping provisions required in the Specific Plan land use and development regulations. Specific improvements may include:

- Augmented, widened, or improved sidewalks along Baseline Avenue, Sierra Avenue, and South Highland Avenue,
- Improved pedestrian crossings at South Highland and Sierra Avenue; and
- Added sidewalk bulb-outs and extensions or reduced curb returns on intersection corners, where feasible.

Key opportunities for pedestrian intersection improvements as shown in **Figure 3-8: Pedestrian Facilities** include:

- Mango Avenue and South Highland Avenue
- Sierra Avenue and South Highland Avenue
- Sierra Avenue and Walnut Village Parkway
- Sierra Avenue and Baseline Avenue
- Palmetto Avenue and Baseline Avenue

Infrastructure Plan

Domestic Water System

Fontana Water Company (FWC) currently serves the City. FWC is a subsidiary of the San Gabriel Valley Water Company (SGVWC). The FWC water service area encompasses approximately 52 square miles, which includes most of the City, some areas within the Cities of Rialto and Rancho Cucamonga, and unincorporated areas of San Bernadino County. In total, the FWC provides more than 48,000 municipal connections of water services in the City and throughout.

The FWC provides water services to an area with a current population of approximately 237,000. According to FWC's 2020 Urban Water Management Plan (UWMP), the population is projected to grow to approximately 272,900 by 2040. Projected populations in the FWC's service area were based on data from the Southern California Association of Governments (SCAG). The SCAG data incorporates demographic trends, existing land use, general plan land use policies, and input and projections from the Department of Finance (DOF) and the U.S. Census Bureau.

In 2020, the City's water demand was 39,395 acre-feet per year (AFY), 57 percent or 22,459 AFY of which was residential uses. The 2020 UWMP projected water consumption estimates at approximately 25,069 AFY by 2040, representing an increase of 12 percent. Primary demands would continue to occur from residential uses throughout the City. Accordingly, necessary improvements to water conveyance infrastructure would be planned through Capital Improvement Programs and development impact fees.

The FWC's water supply sources include groundwater pumped from the local Chino, Rialto-Colton, Lytle, and No Man's Land Basins. The FWC also has supplemental imported water that can be purchased from the Inland Empire Utilities Agency (IEUA) and the San Bernadino Valley Municipal Water District (SBVMWD) for emergencies in the event that system demands exceed the production capacity of the

FWC's groundwater wells. The FWC pumps ground water primarily from Chino Basin through its active wells with an Allowed Pumping Allocation of 15,275 AFY. The wells that are allowed usage by the FWC have a combined pumping capacity of approximately 39,459 AFY if operated continuously.

Based on current groundwater management practices in the Central Basin, the reliability of supplemental water purchased from SBVMWD for emergency use, including water conservation efforts from customers, a dry year or multiple dry year scenarios would not compromise the FWC's ability to provide a reliable supply of water to its customers. Additionally, recycled water facilities can be expanded upon through the planning horizon to meet demands for non-potable water.

Wastewater System

The wastewater system in the Walnut Village Specific Plan area is served by the City's Public Works Department, Utilities Division. The City has a sewer system that is composed of approximately 437 miles of pump stations and sewer lines. The Project site contains an existing extensive network of sewer lines, which provides services to the existing developments in the Specific Plan area.

Individual property sewer lines, or sewer laterals (4-in. diameter), are connected to larger sewer collection pipes (8-10 in. diameter). Some vacant lots have existing connections to the larger sewer collection pipes. The collector system primarily follows the footprint of the existing roadways. Wastewater from the collection sewer lines generally flow west and southwest towards interceptor pipes, which are treated at the adjacent water recycling facility. Sewer lines west of Mango Avenue flow east and southeast until reaching Mango Avenue. The wastewater is subsequently conveyed through Mango Avenue and out the Specific Plan area. There is also a sewer line south of Woodhill Street that has some wastewater flowing southeast, then south parallel to Palmetto Street and out of the Specific Plan area. Additionally, there is a sewer connection on the southwest portion of the Specific Plan area that connects to a sewer line running parallel to Sierra Avenue and intersects at Baseline Avenue. The said line on Baseline Avenue then diverges into east and west directions, with the eastern flow running parallel to the Specific Plan area then merging with the sewer line on Mango Avenue, which afterwards conveys wastewater out of the Specific Plan area.

The IEUA and City of Rialto assist the City in providing wastewater treatment services. Wastewater is conveyed primarily to the IEUA Regional Water Recycling Plant No. 4 (IEUA RP-4). Any additional wastewater is conveyed to the City of Rialto Wastewater Treatment Plant (WWTP). The IEUA RP-4 is located at 12811 6th Street in the City of Rancho Cucamonga, and the City of Rialto WWTP is located at 501 East Santa Ana Avenue in the City of Rialto. The IEUA RP-4 treats an average flow of 10 million gallons of wastewater per day (mgd) and has a treatment capacity of 14 mgd. The City of Rialto WWTP discharges approximately 0.3 mgd per day with a treatment capacity of 7.5 mgd.

Storm Drain System

The City's Master Storm Drainage Plan provides guidance for establishing drainage systems and cost estimates of the infrastructure in the city. The stormwater management system in the Specific Plan area is largely characterized by overland surface flows into gutters and Type 1 catch basins (30 cubic feet) in onsite roadways, which in turn directly flows into an underground network of storm drains.

The Specific Plan area storm drain system were initially developed with 12-inch pipes, which can accommodate peak flow rates from a 25-year flood event. The stormwater system was also constructed to accommodate 100-year flood events assuming a built-out scenario. Currently, stormwater from underground pipes of various sizes is gravity fed towards outlets located throughout the site and towards municipal catch basins located south of the Specific Plan area along Baseline Avenue.

Stormwaters are also conveyed via V-ditches throughout the Specific Plan area.

Stormwater capacities vary, so future development will connect with existing stormwater drainage infrastructure to accommodate potential flood events. Additionally, there is no active stormwater detention or treatment currently undertaken in the Walnut Village Specific Plan area. However, the development plans to implement onsite water retention provisions such as permeable landscaping and open space provisions that can address stormwater flows.

3.9 Project Objectives

Section 15124(b) of the State CEQA Guidelines requires that an EIR include “[a] statement of the objectives sought by the proposed Project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the proposed Project.” The following objectives have been established for the proposed Project:

- Establish a high quality of life and economic prosperity.
- Encourage a compact, walkable, mixed-use area.
- Establish development standards and design guidelines to promote high level of quality development.
- Establish a mix of uses that complement the existing development pattern.
- Promote more urban densities along key corridors in the Specific Plan.
- Preserve and promote community culture and heritage.
- Enhance connectivity open spaces and recreational facilities.
- Establish a well-balanced community with opportunities for commercial, residential, and open space.
- Maintain consistency with existing developments design, purpose, and standards.

3.10 Discretionary Actions and Approvals

The City is the Lead Agency under CEQA and is responsible for reviewing and certifying the adequacy of the Draft PEIR for the proposed Project. Prior to development of the proposed Project, discretionary permits and approvals must be obtained from local, State, and federal agencies, as listed below. It is expected that these agencies, at a minimum, would consider the data and analyses contained in this Draft PEIR when making their permit determinations. The proposed Project consists of applications for a

Specific Plan Amendment a Zone Change (ZCA) No. 18-006 and a Zoning Text Amendment (ZCA) No. 18-007.

ZCA NO. 18-006, 20-003, 20-004 - ZONE CHANGE

The ZCA would be applied for in accordance with Fontana City Code (FCC) Section No. 30-41, requiring an initial step and a pre-application meeting request to the Planning Department Development standards or zoning designation of any zone can be made when deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the general plan. A ZCA also must be approved by the Planning Commission and City Council.

A ZCA for the Project site is proposed and would result in the site being upzoned from Residential Planned Community (R-PC) to (R-5) Multi-Family High Residential.

ZCA No. 18-007 - ZONING TEXT AMENDMENT

The proposed Project also would require a ZTA. The ZTA would be used to change to the text in the Zoning Ordinance. The text would be modified, with approval of both the Planning Commission and City Council as part of the proposed Project. The ZTA would amend, as needed, the zoning code to enable construction of the warehouse site and eventual development of the Malaga Site and Palmetto Site should they be built. Examples of amended elements include permitted uses, setback requirements, or parking or even signage.

SPA 22-005 – SPECIFIC PLAN AMENDMENT

The proposed Project would also require a Specific Plan Amendment. The Project is a request to rescind and readopt the Walnut Village Specific Plan.

3.11 References

City of Fontana. (2018). *City of Fontana 2015-2035 General Plan Update-Land Use, Zoning, and Urban Development*. Retrieved at: <https://www.fontanaca.gov/2632/General-Plan-Update-2015-2035>. (Accessed July 2023)

City of Fontana. 2018. General Plan Land Use Map. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26777/Land-Use-Map---Exhibit-158>. (Accessed July 2023)

City of Rialto. (2010). *Rialto General Plan December 2010*. Retrieved at: <https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan>. (Accessed July 2023)

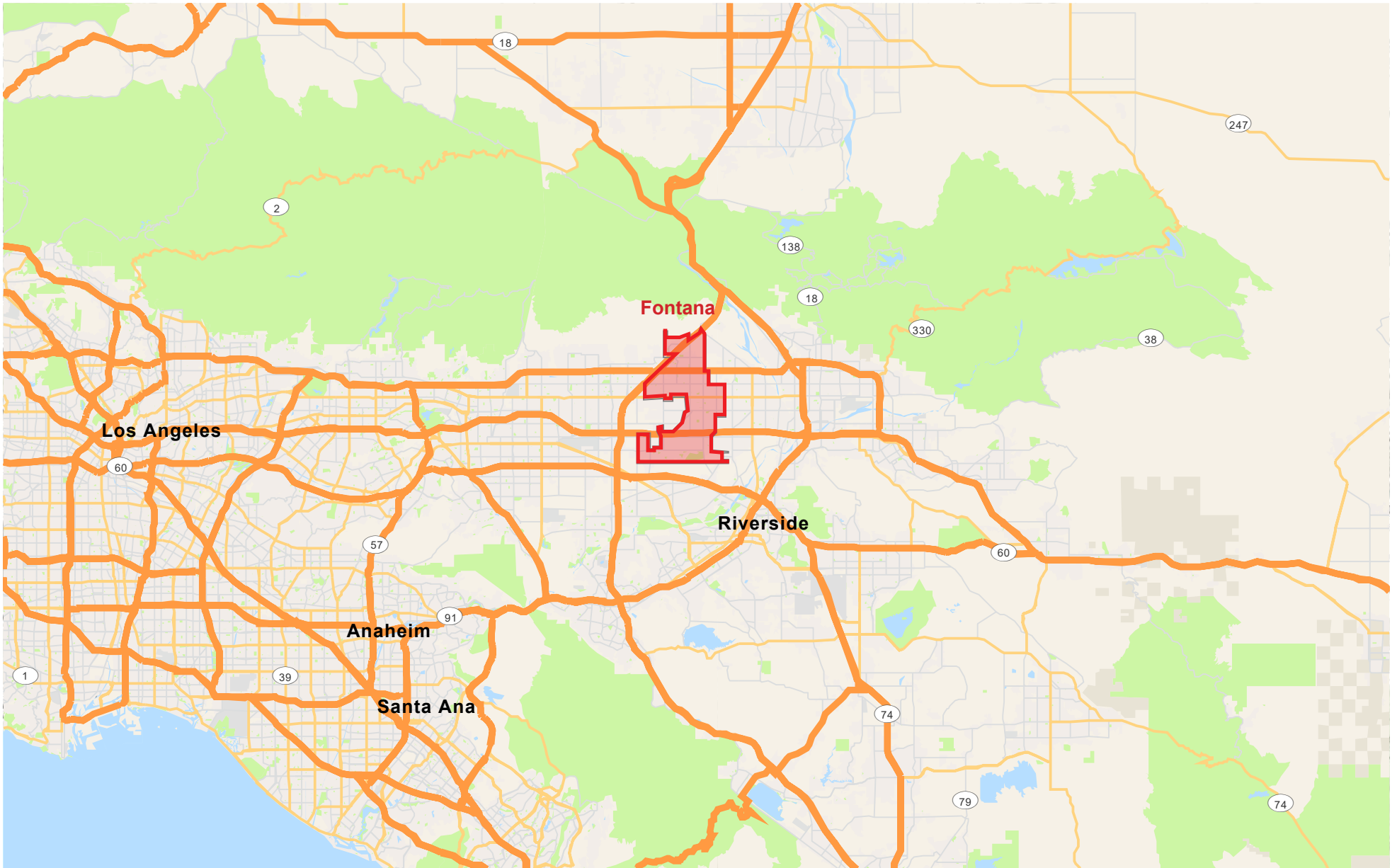


Figure 3-1: Regional Vicinity
Walnut Village Specific Plan Project, City of Fontana




Not to scale



Legend

 Walnut Village Specific Plan Area

FIGURE 3-2: Local Vicinity
Walnut Village Specific Plan Project, City of Fontana

 Not to scale

Kimley»Horn

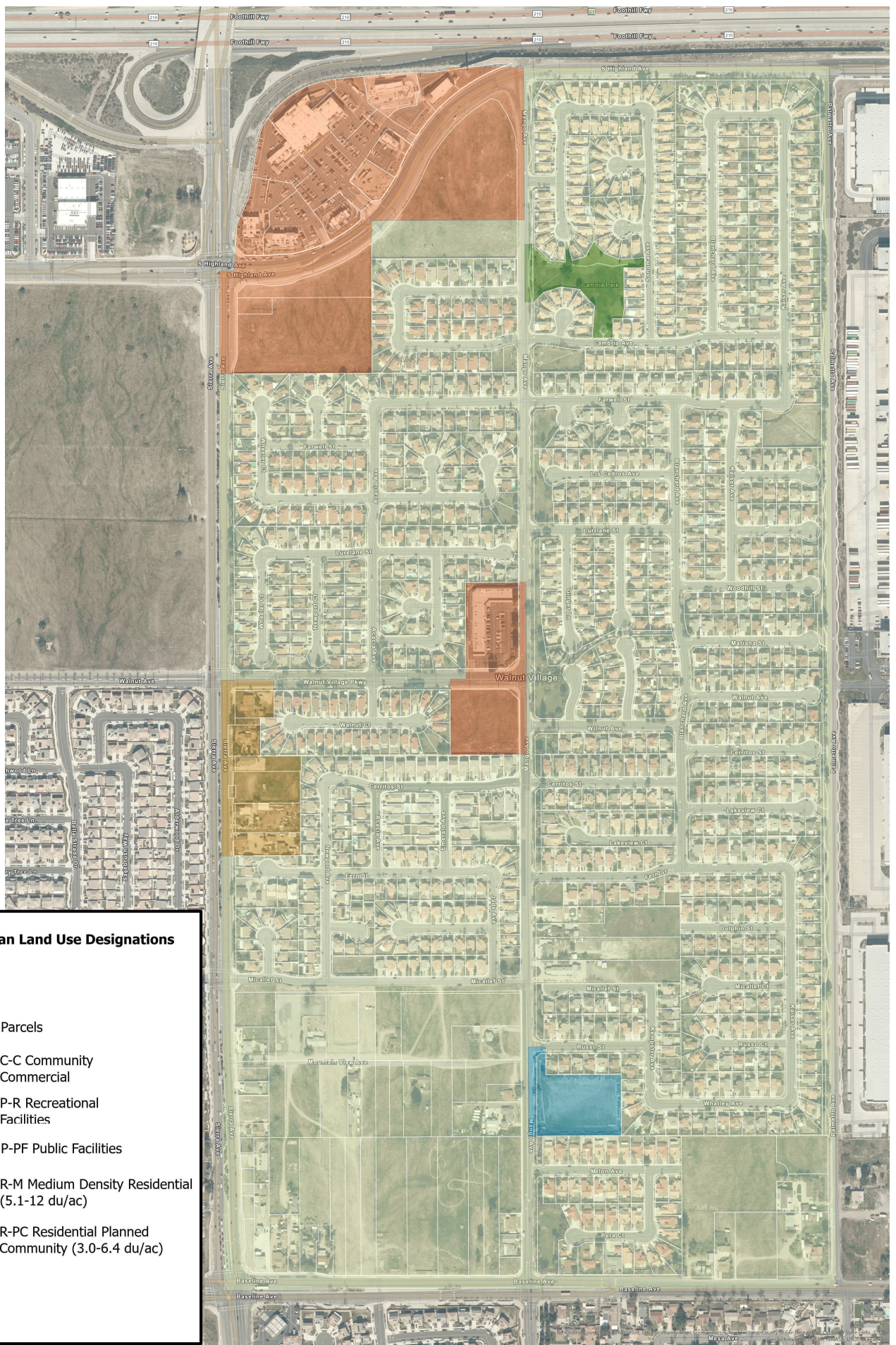
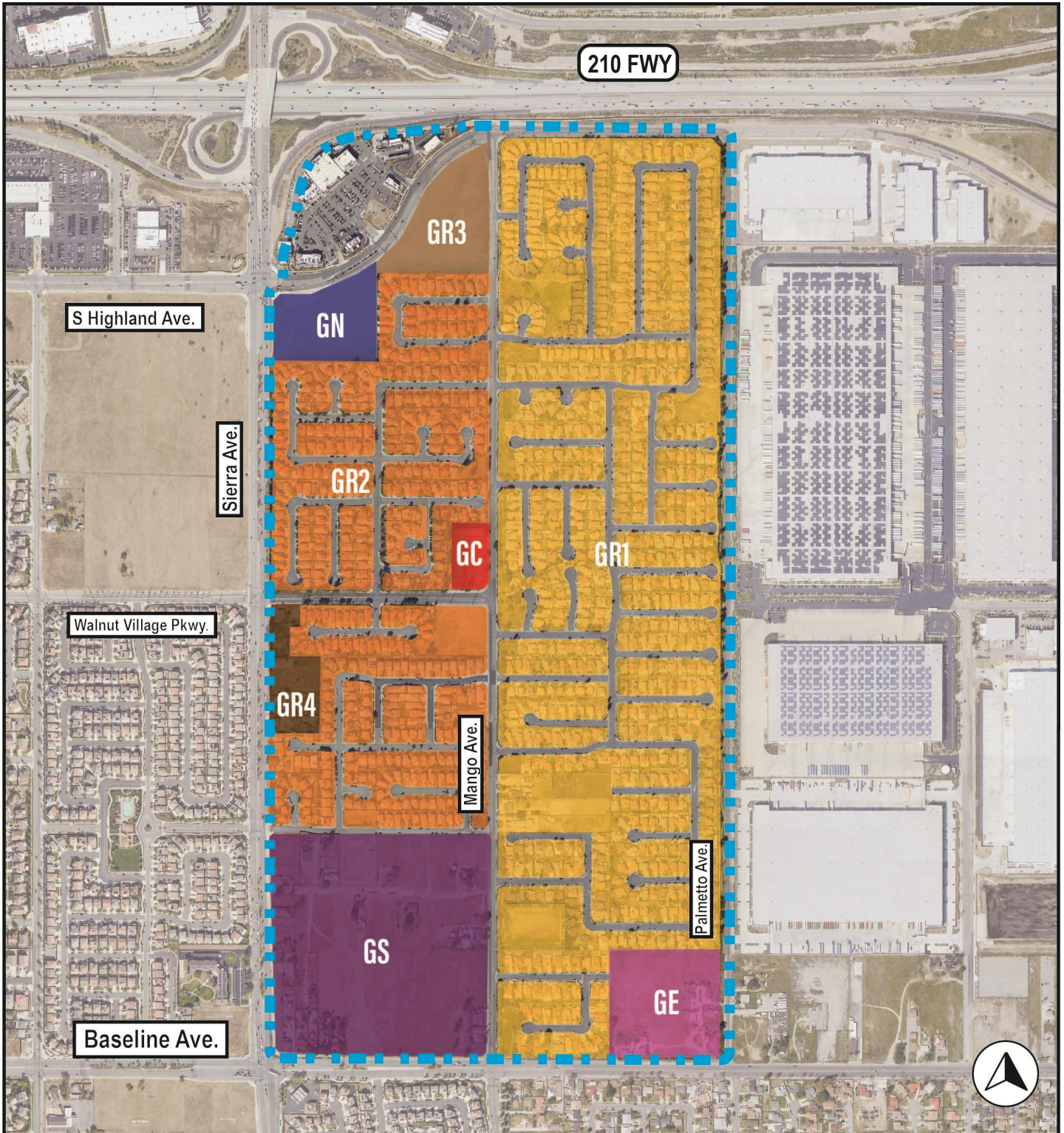


Figure 3-3: Existing General Plan Land Use
Walnut Village Specific Plan Project, City of Fontana



Legend



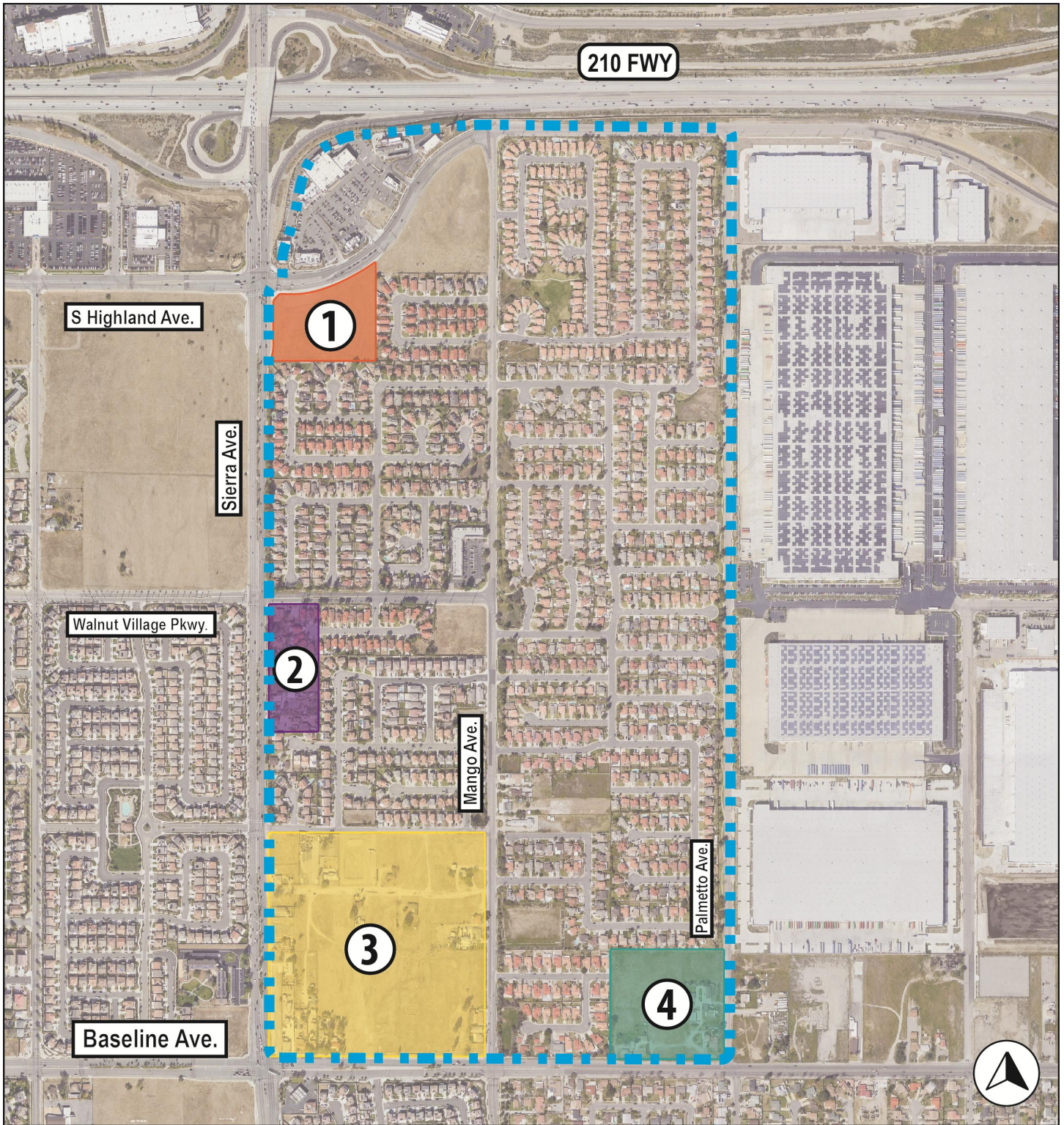
	Walnut Village Specific Plan Area		GR1 Gateway Residential 1		GC Gateway Commercial
	GN Gateway North		GR2 Gateway Residential 2		
	GS Gateway South		GR3 Gateway Residential 3		
	GE Gateway East		GR4 Gateway Residential 4		


Figure 3-4: Proposed Land Use
Walnut Village Specific Plan Project, City of Fontana

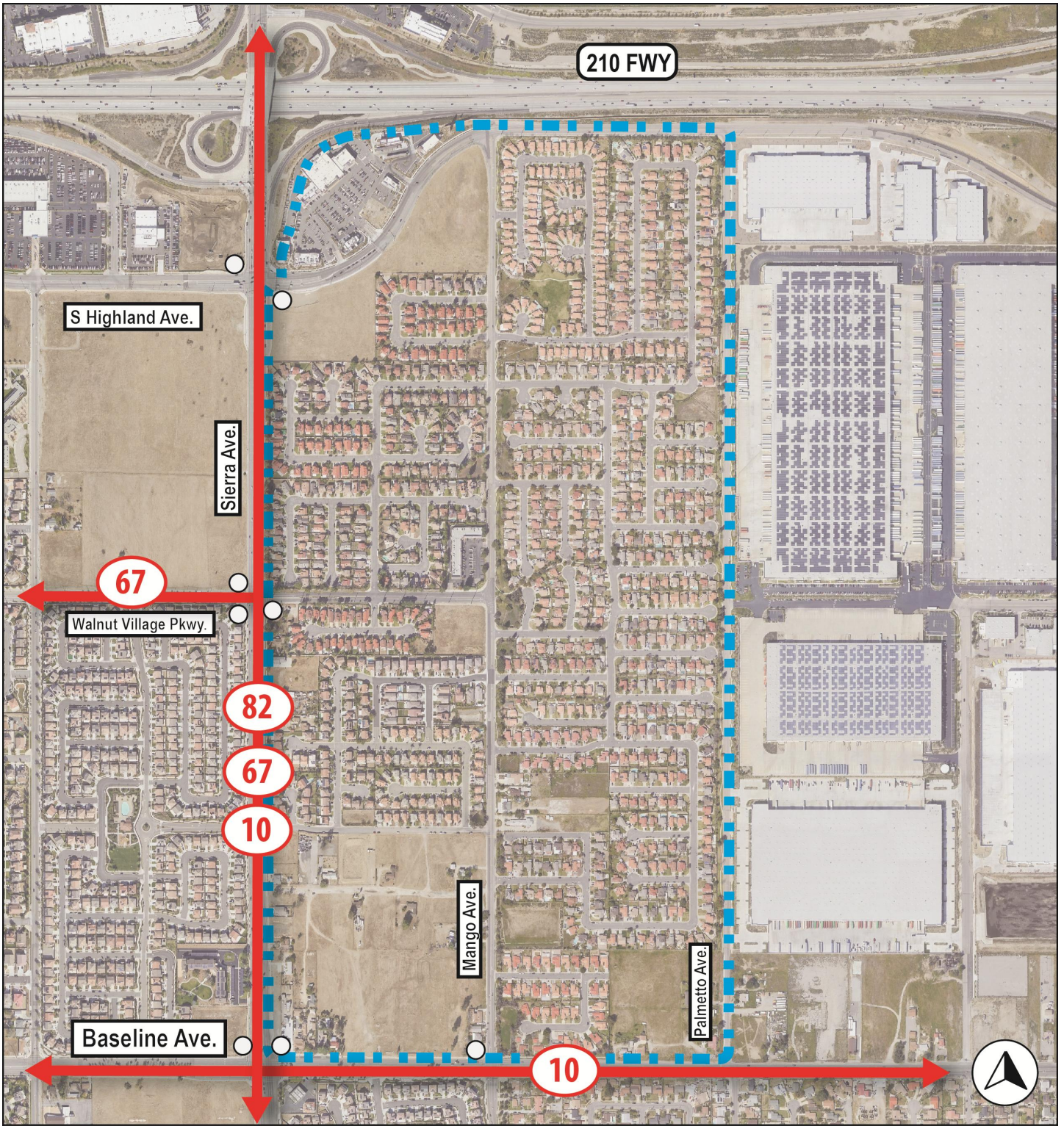


Legend

-  Walnut Village Specific Plan Area
-  South Highland & Sierra Avenue
-  Sierra Avenue Corridor
-  Sierra & Baseline Avenue
-  Baseline & Palmetto Avenue

Figure 3-5: Walnut Specific Plan Sub-Districts
Walnut Village Specific Plan Project, City of Fontana

 Not to scale



Legend



Walnut Village Specific Plan Area



Omni Bus Route Number



Existing Local Bus Stops

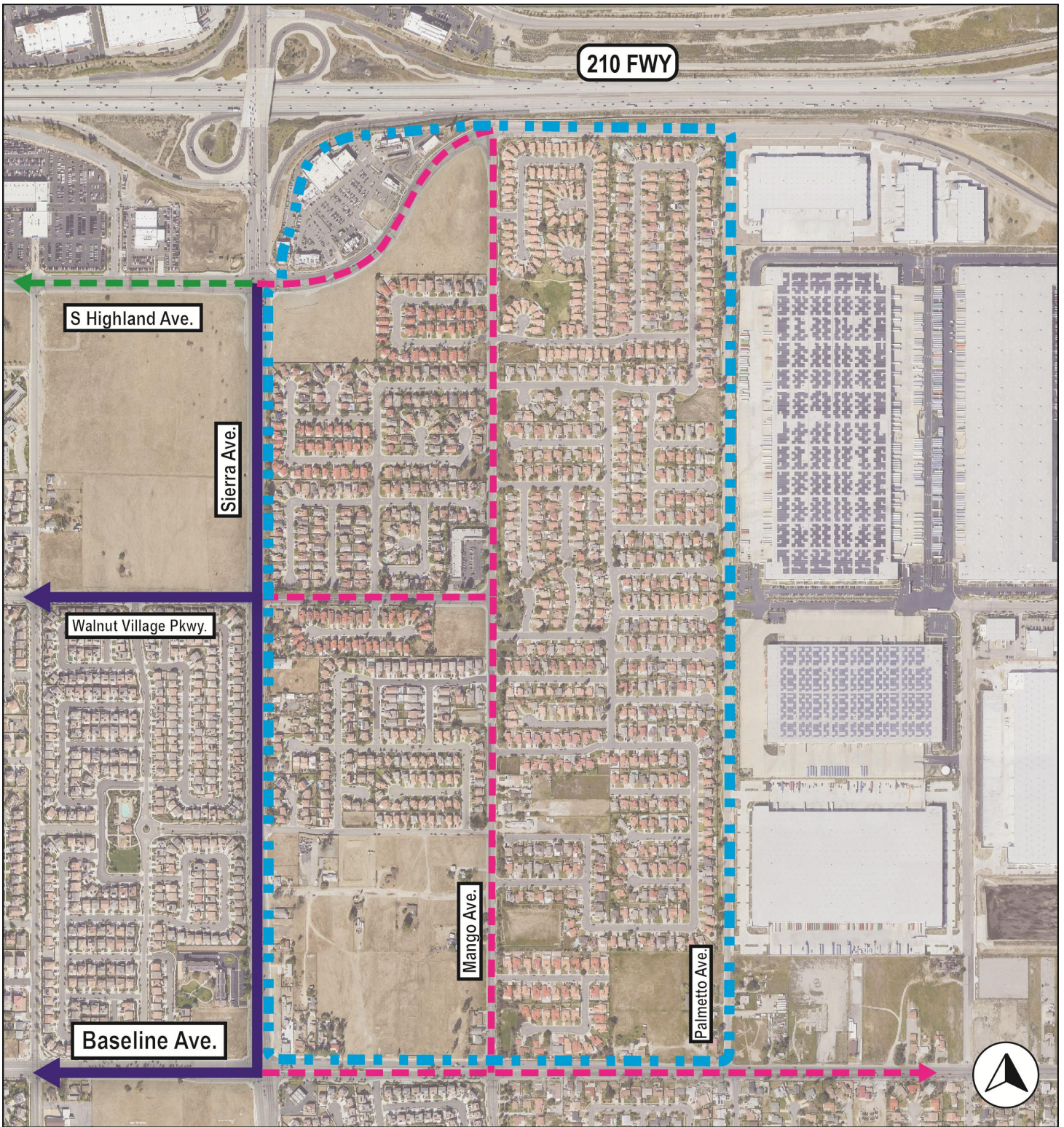


Existing Omnibus Lines

Figure 3-6: Existing Public Transit
Walnut Village Specific Plan Project, City of Fontana



Not to scale



Legend

- Walnut Village Specific Plan Area
- Planned Class II Bike Lane
- Existing Class II Bike Lane
- Proposed Class II Bike Lane

Figure 3-7: Existing and Planned Bicycle Facilities
Walnut Village Specific Plan Project, City of Fontana




Legend

 Walnut Village Specific Plan Area

 Pedestrian Intersections

Figure 3-8: Pedestrian Facilities
Walnut Village Specific Plan Project, City of Fontana

 Not to scale

4.0 ENVIRONMENTAL IMPACT ANALYSIS

Organized by environmental resource category, this section provides an integrated discussion of the affected environment, including regulatory and environmental settings and environmental impacts and mitigation measures, which reduce or avoid potentially significant impacts associated with implementation of the Project. **Section 6.0: Additional CEQA Considerations**, discusses mandatory findings of significance and other required California Environmental Quality Act (CEQA) topics.

4.0.1 Section Content and Definition of Terms

The environmental setting, impacts, and mitigation measures related to each environmental impact area are described in **Sections 4.1** through **4.17**. **Section 4.0** is organized into the following environmental topic areas:

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

The following environmental topics are not discussed in detail in this Program EIR (PEIR) because the Project would not impact these resources: Agriculture and Forestry Resources, Mineral Resources, and Wildfire. See **Section 7.0: Effects not found to be Significant** for detailed information.

Each potentially significant environmental issue area is addressed in a separate PEIR **Section (4.1** through **4.17)** and is organized into the following Subsections:

- **“Environmental Setting”** provides an overview of the existing physical environmental conditions in the study area that could be affected by implementation of the Project (i.e., the “affected environment”).
- **“Regulatory Framework”** identifies the plans, policies, laws, and regulations that are relevant to each resource area and describes permits and other approvals necessary to implement the Project. As noted above, the PEIR needs to address possible conflicts between the Project and the requirements of federal, state, regional, or local agencies, including consistency with adopted land use plans, policies, or other regulations for the area. Therefore, this subsection summarizes or lists the potentially relevant policies and objectives, such as from the applicable *City of Murrieta General Plan* and *Municipal Code*.

- **“Significance Criteria and Thresholds”** provides the criteria used in this document to define the level at which an impact would be considered significant in accordance with CEQA. Significance criteria used in this PEIR are based on the checklist presented in Appendix G of the State CEQA Guidelines, factual or scientific information and data, and regulatory standards of Federal, state, and local agencies.
- **“Impacts and Mitigation Measures”** are listed numerically and sequentially throughout each section, for each Project component. A bold font impact statement precedes the discussion of each impact and provides a summary of each impact and its level of significance. The discussion that follows the impact statement includes the analysis on which a conclusion is based regarding the level of impact.
- **“Cumulative Impacts”** identifies potential environmental impacts of past, present and reasonably foreseeable future projects, in combination with the Project;
- **“Significant Unavoidable Impacts”** identifies environmental impacts that may remain significant even with implementation of reasonable and feasible mitigation measures.

“Mitigation Measures” are recommended where feasible to avoid, minimize, offset, or otherwise compensate for significant and potentially significant impacts of the Project, in accordance with the State CEQA Guidelines (14 CCR §15126.4). Each mitigation measure is identified by resource area, numerically, and sequentially. For example, mitigation measures in **Section 4.2: Air Quality**, are numbered **AQ-1, AQ-2, AQ-3**, and so on. Pursuant to CEQA, the PEIR provides a brief discussion of potential significant impacts of a given mitigation measure, if applicable.

The level of impact of the Project is determined by comparing estimated effects with baseline conditions, in light of the thresholds of significance identified in the EIR. Under CEQA, the existing environmental setting normally represents baseline conditions against which impacts are compared to determine significance. The environmental baseline is typically set as the date of Notice of Preparation publication. Further, CEQA Guideline §15125 Environmental Setting states:

- a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision-makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.
 - 1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In

addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

Project component-specific analyses are conducted to evaluate each potential impact on the existing environment. This assessment also specifies why impacts are found to be significant, potentially significant, or less than significant, or why there is no environmental impact.

CCR §15382 and PRC §21068 define a significant effect on the environment as a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” A potentially significant effect is one that, if it were to occur, would be considered a significant impact; however, the occurrence of the impact is uncertain. PRC §21100(b)(3) states that mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy, shall be included in the EIR. Subsection (d) of PRC §21100 adds that for the purposes of this section (PRC §21100), any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in PRC §21060.5. Therefore, a “potentially significant” effect and “significant” effect are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. 14 CCR §15364 and PRC §21061.1 states that “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. A mitigation measure is determined to be feasible if it would avoid or substantially lessen a significant effect on a resource (PRC §21082.3). A “less than significant” impact is one that would not result in a substantial adverse change in the physical environment (applicable significance thresholds would not be exceeded in consideration of Project Design Features and existing laws, ordinances, standards or regulations).

Both direct and indirect effects of the Project are evaluated for each environmental resource area (14 CCR §15126.2 and PRC §21065.3). Direct effects are those that are caused by the action and occur at the same time and place. Indirect effects are reasonably foreseeable consequences that may occur at a later time or at a distance that is removed from the Project area, such as growth-inducing effects and other effects related to changes in land use patterns, population density, or growth rate, and related effects on the physical environment.

Cumulative impacts are discussed below and throughout **Section 4.0**, at the end of each individual resource section.

There are no mitigation measures proposed when there is no impact, or the impact is determined to be “less than significant” prior to mitigation (14 CCR §15126.4(a)(3)). Where sufficient feasible mitigation is not available to reduce impacts to a less than significant level, the impacts are identified as remaining “significant and unavoidable.”

4.0.2 Cumulative Impact Methodology

Under the CEQA Guidelines, “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 causing related impacts” (14 CCR §15130(a)(1)). According to CEQA, an EIR must discuss cumulative impacts if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable” (14 CCR §15130(a)). Together, these projects compose the cumulative scenario which forms the basis of the cumulative impact analysis.

Cumulative impacts analysis should highlight past actions that are closely related either in time or location to the project being considered, catalog past projects, and discuss how they have harmed the environment and discuss past actions even if they were undertaken by another agency or another person. Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact” (14 CCR §15130(b)).

For purposes of this EIR, the Project would cause a cumulatively considerable and therefore significant cumulative impact if:

- The cumulative effects of other past, current, and probable future projects without the Project are not significant and the Project’s incremental impact is substantial enough, when added to the cumulative effects, to result in a significant impact.
- The cumulative effects of other past, current, and probable future projects without the Project are already significant and the Project would result in a cumulatively considerable contribution to the already significant effect. The standards used herein to determine whether the contribution is cumulatively considerable include the existing baseline environmental conditions, and whether the Project would cause a substantial increase in impacts, or otherwise exceed an established threshold of significance.

The approach and geographic scope of the cumulative impact evaluation vary depending on the environmental topic area being analyzed. The individual “Cumulative Impacts” subsections within each environmental topic present impacts and mitigation measures for the Project. Each section of the PEIR begins with a summary of the approach and the geographic area relevant to that environmental topic area. For most environmental topic areas, the list approach is used. The list of potentially relevant projects as well as methodology and relevant planning documents are discussed in each impact section’s discussion of “Cumulative Impacts.”

The cumulative analysis must include sufficient detail to be useful to the decision-maker in deciding whether, or how, to alter the Project to lessen cumulative impacts. **Table 4-1: Cumulative Projects List** provides a list of projects that were used in assessing the potential for cumulative impacts from the Project. Most of the projects included in the cumulative analysis are undergoing, or are required to undergo, their own independent environmental review under CEQA. Significant adverse impacts of the cumulative projects are required to be reduced, avoided, or minimized through the application and

implementation of feasible mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of contribution to cumulative impacts. The cumulative analysis discussion, found at the end of each impact section, provides an analysis of overall cumulative effects of the Project taken together with other past, present, and reasonably foreseeable probable future projects.

Geographic Scope

In respect to this PEIR analysis, cumulative effects can generally be geographically classified as localized, site-specific resource issues, regional, watershed-level resource issues, and global resource issues. At the localized, site-specific resource scale, the Project's cumulative impacts have been analyzed for all 16 resource topics.

Each of the cumulative impact categories (PEIR **Section 4.0**) is analyzed and regulated by different agencies and associated regulatory or policy documents, in order to best protect the resource in question. The analysis of cumulative effects considers a number of variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of each analysis is based on the topography surrounding the Project site and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the Project. The PEIR addresses the Project's potentially significant impacts, recommends Project-specific feasible mitigation measures, and then also identifies existing or recommended measures to address potential cumulative impacts.

Cumulative Analysis Approach

There are two commonly used approaches, or methodologies, for establishing the cumulative impact setting or scenario. One approach is to use 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, ..." (14 CCR §15130(b)(1)(A) and PCR §21083(b)(2)). The other approach is to use a "summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect" (14 CCR §15130(b)(1)(B) and PCR §21100(e)).

From a broad perspective, the Project site is located in the northeastern portion of the City, adjacent to the City of Rialto to the west, within the County of San Bernardino. The Project would amend the existing Walnut Village Specific Plan to include updated development standards and design guidelines and zoning for higher density residential housing development in the Project area.

Cumulative impacts of this part of the City are addressed in the *City of Fontana General Plan*,¹ *City of Fontana – Fontana Forward General Plan Update 2015-2035 Draft EIR*,² and *City of Fontana General Plan*

¹ City of Fontana. (2018). City of Fontana General Plan. Available at: <https://www.fontana.org/2632/General-Plan-Update-2015---2035> (accessed September 6, 2022).

² City of Fontana. (2018). Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report. Available at: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed September 6, 2022).

*Final EIR.*³ On a broader level, cumulative impacts of southern California buildout have been addressed in Southern California Association of Governments’ (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal “Certified Final Connect SoCal Program EIR”⁴ The Connect SoCal considers a longer horizon view of potential future growth through the year 2045.

The projects identified in **Table 4-1: Cumulative Projects List** in conjunction with previously certified local and regional planning program EIRs provide context as to the nature of potential cumulative projects. The intent of the cumulative impact discussions is to provide sufficient information to inform decision-makers and the public, rather than “tiering” off of prior CEQA documents for cumulative impacts.

Table 4-1: Cumulative Projects List

Project No.	Name	Land Use	Location
1	Mango and South Highland Townhomes	Residential	Mango and S Highland Ave
2	Veterinary Hospital	Commercial	Walnut Village Pkwy and Mango Ave
3	Catalyst-Fontana LLC	Commercial	Sierra Ave
4	Dutch Bros	Commercial	S Highland Ave
5	Fontana Element 7 Inc.	Commercial	S Highland Ave
6	Sierra 12 Condominiums	Residential	Sierra Ave
7	Midland Plaza	Commercial	Sierra and Baseline Ave
8	La Sierra Senior Housing	Commercial	16796 Montgomery Avenue
9	Mango Villas 15 SFR	Residential	Mango Ave
10	Sierra Avenue Townhomes	Residential	Sierra and Ramona Ave
11	Catawba Homes	Residential	Catawba Ave
12	Catawba Cell Site Generator	Commercial	Catawba Ave and SR-210
13	Fontana Square	Commercial	Highland and Citrus Ave
14	Citrus Crossroads	Commercial	S Highland and Citrus Ave
15	Fontana CDRJ Dealership Project	Commercial	S Highland and Oleander Ave
16	Andresen Citrus Multifamily	Residential	Citrus Ave
17	Single Family Homes	Residential	Walnut and Citrus Ave
18	Marriot Springhill Suites	Commercial	Cypress and S Highland Ave
19	Chase Road Detached Homes	Residential	Chase Rd
20	Providence II Amendment	Residential	Baseline and Citrus Ave
21	Baseline Village	Commercial	Baseline Ave
22	Kingston Meadow	Residential	Baseline Ave
23	Iglesia Ni Cristo Chapel Renovation	Public Facility	Cypress Ave
24	Miller Villas Design Review	Residential	Miller and Citrus Ave
25	Foothill and Tokay Multifamily Development	Residential	Foothill Blvd and Tokay Ave
26	Electronic/Digital Billboard	Commercial	Citrus Ave and Foothill Blvd
27	Inspiration Village	Residential	Oleander Ave and Foothill Blvd
28	Cypress Multi-Family	Residential	Cypress Ave, Foothill Blvd, Date St
29	CA Outdoors	Commercial	Foothill Blvd and Cypress Ave
30	LA Central Tacos	Commercial	Foothill Blvd
31	Bennet Subdivision	Residential	Bennett Ave
32	Motor 1 Auto Center	Commercial	Foothill and Alley Al

³ City of Fontana. (2018). Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report. Available at: <https://www.fontana.org/DocumentCenter/View/29525/Final-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed September 6, 2022).

⁴ SCAG. (2020). *Certified Connect SoCal Program EIR*. Available at: <https://scag.ca.gov/certified-2020-peir> (accessed September 6, 2022).

Project No.	Name	Land Use	Location
33	Burger King Façade Modification	Commercial	Sierra Ave and Foothill Blvd
34	Hernandez Condominiums	Residential	Sierra Ave and Reed St
35	Electronic/digital Billboard	Commercial	Sierra Ave and Paine St
36	Warehouse Shoe Sale Façade Modifications	Commercial	Foothill Blvd and Sierra Ave
37	Foothill Del Taco Façade Upgrade	Commercial	Foothill Blvd and Sierra Ave
38	Malaga 18 Unit Apartment Complex	Residential	Malaga St and Sierra Ave
39	Real Journey Academies Charter School	Commercial	Sierra and Miller Ave
40	8060 Mango Ave Storage Building	Commercial	Mango Ave and Foothill Blvd
41	Fontana Splash Car Wash	Commercial	Foothill Blvd
42	Mango Villas 15 SFR	Residential	Miller and Mango Ave
43	United Gas Station and Car Wash	Commercial	Foothill Blvd and Alder Ave
44	Sierra Lakes and Mango Center	Commercial	Mango Ave and Sierra Lakes Pkwy
45	Mango Avenue Industrial	Industrial	Mango Ave
46	Sierra/Summit Warehouse Project	Industrial	Sierra Ave
47	Sierra Distribution Facility P	Industrial	Summit and Sierra Ave
48	Costco Fueling Station	Commercial	Sierra Lakes Pkwy and SR-210

Source: City of Fontana. 2023. *Fontana Development Projects*. Available at <https://experience.arcgis.com/experience/4ddd9f6c05104ea991881f5a5ca53cc5>.

4.1 AESTHETICS

4.1.1 Introduction

This section of the Draft Program Environmental Impact Report (Draft PEIR) identifies existing aesthetic conditions in the Project area and evaluates the Project's potential to cause a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and surroundings in a non-urbanized and/or urbanized area; and create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Mitigation to avoid/reduce impacts is identified, as needed.

Visual Resource Terminology and Concepts

When viewing a landscape, people can have different responses to that landscape based on what is seen, their expectations of views, and because of proposed or current changes to the visual landscape. Viewer responses will vary based upon the viewer's values, familiarity, concern, or expectations of that landscape as well as the scenic quality. Because each person's attachment to and value for a landscape is unique, visual changes to that landscape inherently affect viewers differently. Nonetheless, generalizations can be made about viewer sensitivity to scenic quality and visual changes. Recreational users (e.g., hikers, equestrians, tourists, and people driving for pleasure) generally have high concern for scenery and landscape character. People commuting daily through the same landscape generally have a moderate concern for scenery, while people working at an industrial site would generally have a lower concern for scenic quality or changes to existing landscape character. Regarding travelers navigating through a landscape, the visual sensitivity of these types of viewers is affected by the travel speed at which they are moving, the landscape they are viewing, and area in which they are traveling, for example, an interstate or scenic highway. Other considerations may include changes as seen by viewers from hiking trails or stationary viewers from a residence.

The visual sensitivity of a viewer also is affected by variables such as the viewing distances to the landscape. For example, a project feature or natural environment can be perceived differently by people depending on the distance the observer is from the viewed object. At closer ranges greater detail of an object or landscape is visible. In these instances, changes to viewed object have a greater potential to influence the visual quality of the object because changes to form or scale (the object's relative size in relation to the viewer) are more noticeable. When the same object is viewed at background distances, details may be imperceptible while changes to the overall forms of terrain and vegetation may be evident. In the middle ground, some detail is evident (e.g., the foreground), and landscape elements are seen in context with landforms and vegetative patterns (e.g., the background). Nonetheless, changes in views from all distances can result in negative consideration from viewers.

Specific terms and concepts are used to assess the visual elements, aesthetic setting, and potential for a project to have effects on visual resources. These terms are included in the discussions throughout this section and are listed below.

Scenic Vista. An area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. This includes any such areas designated by a federal, state, or local agency.

Scenic Highway. Any stretch of public roadway that is designated as a scenic corridor by a federal, state, or local agency.

Sensitive Receptors. Viewer responses to visual settings are inferred from a variety of factors, including distance and viewing angle, types of viewers, number of viewers, duration of view, and viewer activities. The viewer type and associated viewer sensitivity are distinguished among project viewers in recreational, residential, commercial, military, and industrial areas. Viewer activities can range from a circumstance that encourages a viewer to observe the surroundings more closely (such as recreational activities) to one that discourages close observation (such as commuting in heavy traffic). Viewers in recreational areas are considered to have high sensitivity to visual resources. Residential viewers generally have moderate sensitivity but extended viewing periods. Viewers in commercial, military, and industrial areas are generally considered to have low sensitivity.

Viewshed. A project's viewshed is defined as the surrounding geographic area from which the project is likely to be seen, based on topography, atmospheric conditions, land use patterns, and roadway orientations. "Project viewshed" is used to describe the area surrounding a project site where a person standing on the ground or driving a vehicle can view the project site.

Visual character typically consists of landforms, vegetation, water features, and cultural modifications that impart an overall visual impression of an area's landscape. Scenic areas typically include open space, landscaped corridors, and viewsheds. Visual character is influenced by many different landscape attributes including color contrasts, landform prominence, repetition of geometric forms, and uniqueness of textures among other characteristics.

4.1.2 Environmental Setting

The Walnut Village Specific Plan (WVSP) area is an approximate 342-acre site comprised of designated residential, commercial, quasi-public and recreational land uses within 24 Planning Areas (PAs) (refer to **Figure 3-4: General Plan Land Use Designations in Section 3.0: Project Description**). The Project site is currently contains vacant lots as well as open space, recreational, residential land uses. The immediate surrounding properties are comprised of mostly residential communities in addition to sparse commercial development.

Views of the Project site are primarily available to drivers and pedestrians along Sierra Avenue, Highland Avenue, Palmetto Avenue, Baseline Avenue, and Mango Avenue. Other views of the Project area are visible to travelers within the WVSP area via internal streets and cul-de-sacs.

Scenic Vistas

The City of Fontana General Plan (Fontana GP) identifies two scenic vistas visible from the City; the San Gabriel Mountains, located approximately 3.2-miles north of the Project site, and the Jurupa Hills, located approximately 5.1 miles south of the Project site. The Jurupa Hills are the highest point of the City

at 1,900 feet above mean sea level (msl) and offers scenic views of the San Gabriel Mountains and surrounding valleys.¹ The Fontana GP does not note any specific view corridors within the City.

Scenic Highways

There are no scenic highways officially designated by California Department of Transportation (Caltrans) within or adjacent to the Project site. Additionally, there are no roadways that are currently eligible for scenic highway designation in the City. The closest officially designated scenic highway is the segment of State Route (SR) 330 to SR 30 at North Highland to SR 18 in Running Springs, located approximately 13.5 miles east of the Project site.²

Light and Glare

Light and glare in the Project area is typical of that found in urban environments. Sources of light and glare include residential and commercial land uses within the WVSP area. Sources of light and glare also include stationary source lighting that is generated from building interiors and exterior sources (i.e., building illumination, security lighting, and parking lot lighting) from the industrial uses located to the east of Gateway North Sub-District, residential and commercial uses within the WVSP and to the west of Gateway Residential 4 Sub-District and 5, and residential uses to the south of Gateway South Sub-District and Gateway East Sub-District. The Project area is also influenced by light and glare from vehicle headlights, streetlights, and other sources present in the surrounding area.

4.1.3 Regulatory Setting

Federal

No Federal laws, regulations, or executive orders apply to scenic resources in the Project.

State

California Building Code: Building Energy Efficiency Standards

Energy conservation standards for new residential and non-residential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission [CEC]) in June 1977 and most recently revised in 2022 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The CEC adopted the 2022 Building Energy Efficiency Standards, which went into effect on January 1, 2023. Title 24 requires outdoor lighting controls to reduce energy usage; in effect, this reduces outdoor lighting.

¹ City of Fontana. (2018). *Fontana Forward General Plan Update 2015-2035, page 5.1-1 – Draft Environmental Impact Report*. Available at: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed September 6, 2022).

² California Department of Transportation. 2014. *California Scenic Highways – GIS*. Available at: <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize> (accessed September 6, 2022).

California Department of Transportation (Caltrans) State Scenic Highways

California’s Scenic Highway Program was created in 1963 with a purpose to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated 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.

The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The status of a proposed state scenic highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. Scenic corridors consist of land that is visible from 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. The city or county must also adopt ordinances, zoning and/or planning policies to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances and/or policies make up the Corridor Protection Program.

In San Bernardino County, State Route (SR) 38 from east of South Fork Campground to State Lane in the San Bernardino Mountains is classified by Caltrans as an “Officially Designated State Scenic Highway” and is part of the Rim of the World Scenic Byway. It is also considered a U.S. Forest Service (USFS) Scenic Byway. Several other highways in the County are classified as “Eligible State Scenic Highway – Not Officially Designated.”

Local

City of Fontana General Plan 2015-2035

The purpose of the City’s General Plan Open Space and Conservation Element is to define and establish an open space and conservation system, together with conservation and management policies and action programs that will preserve the highest priority resources, while balancing the land needs of an ever-expanding population. The element sets forth the following policies pertaining to visual resources and aesthetics:

Conservation, Open Space, Parks and Trails

Goal 3 **Fontana has a healthy, drought-resistant urban forest.**

Policy Support tree conservation and planting that enhances shade and drought resistance.

Expand Fontana’s tree canopy.

City of Fontana Municipal Code³

The Project sites are within the limits of the City and would be required to comply with the regulations set forth in the Fontana Municipal Code (Fontana MC).

Section 18-63 of the Fontana MC addresses the hours of construction permitted. Construction or repairing of building or structures other than between the hours of 7:00am to 6:00pm on weekdays and between the hours of 8:00am to 5:00pm on Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less with the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or structure or the excavation of streets and highways within the hours of 6:00pm and 7:00am, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done on weekdays within the hours of 6:00pm and 7:00am, upon application being made at the time the permit for the work is awarded or during the progress of the work.

Section 30-260 of the Fontana MC addresses the performance standards for industrial structures. The MC directs that all lights should be either directed or shielded to prevent lights from affected adjacent commercial or residential properties.

All lighting must have the following characteristics, as is outlined in Fontana MC Section 30-266:

- All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.
- On-site lights shall provide a safe, functional, and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare.
- Light fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.
- High-intensity security lighting fixtures shall not be substituted for site or landscape lighting or general building exterior illumination but shall be limited to loading and storage locations or other similar service areas only.

Section 28-61 of Article III Preservation of Heritage and Significant Specimen Trees was adopted to establish regulations for the preservation and protection of heritage, significant, and/or specimen trees. The City notes that these trees are worthy of preservation in order to enhance the scenic beauty of the City as well as other benefits.

Section 30-664 of Article X – General Landscape Requirements discusses the design guidelines for landscape in developments within the City. This section encourages harmonious landscape design, is

³ City of Fontana. (2022). *City of Fontana Municipal Code*. Available at: https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodemd=CH30ZODECO (accessed September 6, 2022).

responsive to physical characteristics of the site, includes xeriscape design, and other elements to ensure it is a visually appealing element of design.

Fontana MC Sections 30-471 (residential zoning districts) and 30-505 (commercial and mixed-use zoning districts) place lighting and glare standards on both residential, commercial, and mixed-use zoning development to prevent light from adversely affecting adjacent properties or distracting motorists.

Fontana MC Section 30-112 places limitations on the signage that can be used for residential developments that would be related to the proposed upzone to R-2 Multiple-Family Residential zone and places limitations on lighting such that it should be directed away from public rights-of-way and adjacent properties.

Fontana MC Section 28-61 of Article III Preservation of Heritage and Significant Specimen Trees was adopted to establish regulations for the preservation and protection of heritage, significant, and/or specimen trees. The City notes that these trees are worthy of preservation in order to enhance the scenic beauty of the City as well as other benefits.

Fontana MC Section 30-664 of Article X – General Landscape Requirements discusses the design guidelines for landscape in developments within the City. This section encourages harmonious landscape design, is responsive to physical characteristics of the site, includes xeriscape design, and other elements to ensure it is a visually appealing element of design.

4.1.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning aesthetics. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

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

Methodology and Assumptions

The Project site is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning aesthetics. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts at the Project site.

Approach to Analysis

This analysis of impacts on aesthetic resources examines the temporary (i.e., construction) and permanent (i.e., operational) effects based on significance criteria/threshold's application outlined above. For each criterion, the analyses are generally divided into two main categories: (1) temporary impacts and (2) permanent impacts. Each criterion is discussed in the context of Project site and the surrounding characteristics and geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are from review of Project site plan, maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on scenic resources or visual character considers the site's aesthetic resource value and the severity of the Project component's visual impact (e.g., the nature and duration of the impact). For example, a Project component resulting in a severe impact on a site with a low aesthetic resource value would result in a less than significant impact concerning scenic or visual character. In other words, new conspicuous structures or visual changes in areas with a low aesthetic resource value may not necessarily result in substantial adverse effects on visual resources.

4.1.5 Impacts and Mitigation Measures

Impact 4.1-1 ***Would the Project have a substantial adverse effect on a scenic vista?***

Level of Significance: Less than Significant Impact

Construction and Operations

Under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the public's benefit. Scenic vistas viewable from the Project site include the San Gabriel Mountains located to the north/northwest, as well as the Jurupa Hills located to the south/southeast. The San Gabriel Mountains are the City's most prominent visual feature. The Jurupa Hills are the highest point within the City. These vistas provide an aesthetically pleasing natural backdrop for residents within the Project area.

The Project site is not identified as a visually sensitive area. The Project site is located approximately 6 miles south of the San Gabriel Mountains and approximately 4.3 miles north of the Jurupa Hills Mountains. Future residential and neighborhood commercial development within the Project sub-districts would be consistent with existing development within the surrounding areas and would be consistent with established zoning standards found within the City. Specifically, those determined for Community Commercial Zones (C-1), Medium Density Residential Zones (R-2), Multiple Family Residential Zones (R-3), Multi Family Medium/High Density Residential Zones (R-4), and Multi Family High Density Residential Zones (R-5). Development of the Project's four sub-districts would increase the potential development yield compared to the original WVSP as well as be developed with current height standards associated with the zones (35-foot maximum). However, future developments would be developed at a scale which would not substantially impede scenic vistas as the maximum height allowed within the WVSP would be

75 feet, and this standard is inclusive of City goals to preserve views of scenic vistas. As well, land use standards used within the City and proposed for the Project would allow for neighborhood scale development which would generate the least obstructive effects to scenic resources within the City.

Although the Project would be visible to the surrounding area, the Project would comply with the aforementioned guidelines and the buildings would not significantly impede the visibility of scenic vistas. Therefore, due to the Project's lack of diminishing effects on scenic vistas, a less than significant impact is anticipated, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-2 ***Would the Project Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

Level of Significance: No impact

Construction and Operations

There are no officially designated state scenic highways located near the Project site. The closest eligible state scenic highway is the segment of SR 183 that intersects with the west end of SR 2 to the intersection of SR 18 within the San Gabriel Mountains.⁴ The Project is approximately 13 miles southwest of the eligible highway. The closest officially designated state scenic highway is SR 2 which extends from 2.7 miles north of SR 210 (La Cadena) to the San Bernardino County Line.⁵ The closest point of this segment is approximately 19 miles northwest of the Project site. Therefore, the construction and operation of the Project site would not damage or obstruct a scenic resource (i.e., trees, rock outcroppings, or historic buildings) within a state scenic highway and no impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-3 ***Would the Project In nonurbanized 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?***

Level of Significance: Less than significant

Construction and Operations

The Project site is currently zoned as Walnut Village S.P.⁶ The permitted uses within the WVSP land use zoning district includes residential, commercial uses, quasi-public, and recreational land uses. The Project

⁴ Caltrans. 2018. *California State Scenic Highway System Map*.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed June 2023).

⁵ Ibid.

⁶ County of San Bernardino. ND. Public San Bernardino County Map Viewer.
<https://sbcounty.maps.arcgis.com/apps/MapSeries/index.html?appid=f5a50c44766b4c36a3ae014497aa430d> (accessed September 2021).

proposes four Specific Plan sub-districts within the existing WVSP area (see: sub-districts). The current land uses within the Specific Plan sub-districts include Community Commercial (C-C), Residential Planned Community (R-PC), and Medium Density Residential (R-M)⁷. The South Highland and Sierra Avenue (Gateway North - (GN)) area primary uses would be mixed use and residential. The Sierra Avenue Corridor (Gateway Residential 4 - (GR4)) area is designated solely for residential uses. The Sierra Avenue and Baseline Avenue (Gateway South - (GS)) uses would include mixed use, commercial, and residential. Lastly, the Baseline Avenue and Palmetto Avenue (Gateway East - (GE)) would be used for mixed use, neighborhood commercial, and residential.

The Project will allow for the future development of a maximum of 2,408 new residential units and up to 1,582,953 square feet of new non-residential (commercial, retail, office, public facilities, etc.) uses.⁸ Density standards for each sub-district would accommodate medium to high-density residential development. The Project proposes land use development, including residential and mixed use development that is consistent with the existing zoning and land use designation as outlined in the City of Fontana General Plan and existing WVSP. Although development intensity would change, the uses proposed for the Project would be consistent with those proposed in the original WVSP. Additionally, the Project would be an update to the existing WVSP and would maintain the specific plan zoning designation. Therefore, there project would not conflict with existing zoning governing scenic quality and a less than significant impact would occur.

Impact 4.1-4 *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Level of Significance: Less than significant

Construction

Existing sources of light and glare exist in the Project's immediate vicinity. Existing lighting sources include track lighting associated with streetlights for outdoor safety, security lighting from adjacent commercial developments, and vehicle headlights from adjacent roadways. Construction within the Project area would be limited to the daytime hours of construction which are between the hours of 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and would not occur on Sundays or Federal holidays unless in the case of a public safety emergency, which would then require a permit by the building inspector. Additionally, light trespass would be negligible as the construction would not introduce substantially brighter light sources during the day. Therefore, no short-term impacts associated with light and glare would occur.

Operations

Operational uses of lighting would include streetlights both in residential and commercial areas and security lighting for commercial uses such as parking lots and pedestrian walkways. The Project would adhere to the City of Fontana MC regarding light standards by ensuring that exterior light are shielded to prevent glare and undesirable light leakage to adjacent properties and streets. Although the Project would

⁷ City of Fontana. 2022. *General Plan Land Use Map*. Available at <https://www.fontanaca.gov/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed June 2023).

⁸ Email

require additional light sources within the vacant portions of the Project area, light standards established by the City would be utilized, and additional light sources would be consistent with development currently within the WVSP. Therefore, there would be a less than significant impact from the generation of light and glare.

Mitigation Measures

No mitigation is necessary.

4.1.6 Cumulative Impacts

The cumulative study area for aesthetic impacts is the visual landscape of the Project site and adjacent areas. The viewsheds visible from the Project site will serve as the geographic context for cumulative aesthetic impacts. Surrounding developments that would alter scenic views of the San Gabriel and San Bernardino mountains as well as the Jurupa Hills would be considered to have cumulative aesthetic impacts. Development within the Project area would ensure minimization of potential aesthetic impacts such that they do not are not incompatible with existing development patterns. Future development within the Project area would have the potential to increase the amount of light and glare present. However, any additional development in the cumulative area would be required to adhere to the policies and regulations outlined in the City of Fontana Municipal Code and existing WVSP. For these reasons, the cumulative development would not result in significant cumulative aesthetic impacts that oppose aesthetic standards for preserving scenic landscapes, public views, scenic vistas, or the requirements for minimizing and controlling potential light and glare. Therefore, the Project would not cause a cumulatively considerable impact on aesthetics and no mitigation is required.

4.1.7 Significant Unavoidable Impacts

No significant and unavoidable impacts were identified.

4.1.8 References

California Department of Transportation. 2014. *California Scenic Highways – GIS*.

<https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize>.

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[https://sbcountry.maps.arcgis.com/apps/MapSeries/index.html?appid=f5a50c44766b4c36a3ae014497aa430d.](https://sbcountry.maps.arcgis.com/apps/MapSeries/index.html?appid=f5a50c44766b4c36a3ae014497aa430d)

4.2 AIR QUALITY

4.2.1 Introduction

This section of the Draft Program Environmental Impact Report (Draft PEIR) will identify potential impacts to air quality associated with the development and implementation of the Walnut Village Specific Plan Project (Project). The ambient air quality of the local and regional area is described, along with relevant federal, state, and local air pollutant regulations. The analysis also addresses the consistency of the Project with the air quality policies set forth within the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) and the City of Fontana General Plan Update 2015-2035. The analysis of Project-generated air emissions focuses on whether the Project would cause an exceedance of an ambient air quality standard or SCAQMD significance threshold.

Information and analysis presented in this section are derived from air quality and greenhouse gas modeling data, found in Draft PEIR *Appendix B*.

4.2.2 Environmental Setting

Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the South Coast Air Basin (SCAB), which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, as well as all of Orange County. The SCAB is on a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean on the southwest and high mountains forming the remainder of the perimeter.¹ Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed below.

The SCAB is part of a semi-permanent high-pressure zone in the eastern Pacific. As a result, the climate is mild and tempered by cool sea breezes. This usually mild weather pattern is occasionally interrupted by periods of extreme heat, winter storms, and Santa Ana winds. The annual average temperature throughout the 6,645-square-mile SCAB ranges from low 60 to high 80 degrees Fahrenheit with little variance. With more oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas.

Contrasting the steady pattern of temperature, rainfall is seasonally and annually highly variable. Almost all annual rainfall occurs between the months of November and April. Summer rainfall is reduced to widely scattered thundershowers near the coast, with slightly heavier activity in the east and over the mountains.

Although the SCAB has a semiarid climate, the air closer to the Earth's surface is typically moist because of the presence of a shallow marine layer. Except for occasional periods when dry, continental air is brought into the SCAB by offshore winds, the "ocean effect" is dominant. Periods of heavy fog are frequent and low clouds known as high fog are characteristic climatic features, especially along the coast. Annual average humidity is 70 percent at the coast and 57 percent in the eastern portions of the SCAB.

¹ South Coast Air Quality Management District, *CEQA Air Quality Handbook*, 1993.

Wind patterns across the SCAB are characterized by westerly or southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Wind speed is typically higher during the dry summer months than during the rainy winter. Between periods of wind, air stagnation may occur in both the morning and evening hours. Air stagnation is one of the critical determinants of air quality conditions on any given day. During winter and fall, surface high-pressure systems over the SCAB, combined with other meteorological conditions, result in very strong, downslope Santa Ana winds. These winds normally continue for a few days before predominant meteorological conditions are reestablished.

The mountain ranges to the east affect the diffusion of pollutants by inhibiting the eastward transport of pollutants. Air quality in the SCAB generally ranges from fair to poor and is similar to air quality in most of coastal Southern California. The entire region experiences heavy concentrations of air pollutants during prolonged periods of stable atmospheric conditions.

In addition to the characteristic wind patterns that affect the rate and orientation of horizontal pollutant transport, two distinct types of temperature inversions control the vertical depth through which air pollutants are mixed. These inversions are the marine inversion and the radiation inversion. The height of the base of the inversion at any given time is called the “mixing height.” The combination of winds and inversions is a critical determinant leading to highly degraded air quality for the SCAB in the summer and generally good air quality in the winter.

Air Pollutants of Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by state and federal laws. These regulated air pollutants are known as “criteria air pollutants” and are categorized into primary and secondary pollutants.

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead are primary air pollutants. Of these, CO, NO_x, SO₂, PM₁₀, and PM_{2.5} are criteria pollutants. ROG and NO_x are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O₃) is formed by a chemical reaction between ROG and NO_x in the presence of sunlight. O₃ and nitrogen dioxide (NO₂) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4.2-1: Air Contaminants and Associated Public Health Concerns**.

Table 4.2-1: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM ₁₀ and PM _{2.5})	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O ₃)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC) ¹ and nitrogen oxides (NO _x) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.

Pollutant	Major Man-Made Sources	Human Health Effects
Sulfur Dioxide (SO ₂)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO ₂)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to O ₃ . Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.
<p>¹ Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).</p> <p>Source: United States Environmental Protection Agency, <i>Criteria Pollutants</i>, https://www.epa.gov/criteria-air-pollutants. accessed December 26, 2023.</p>		

Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (i.e., chronic, carcinogenic or cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs.

Almost all diesel exhaust particle mass is 10 microns or less in diameter. Due to their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Ambient Air Quality

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the Project are documented by measurements made by the South Coast Air Quality Management District (SCAQMD), the air pollution regulatory agency in the SCAB that maintains air quality monitoring stations which process ambient air quality measurements.

Pollutants of concern in the SCAB include O₃, PM₁₀, and PM_{2.5}. The closest air monitoring station to the Project that monitors ambient concentrations of these pollutants is the Fontana-Arrow Monitoring Station (located approximately 3.6 miles to the southwest). Local air quality data from 2019 to 2021 are provided in **Table 4.2-2: Ambient Air Quality Data**, which lists the monitored maximum concentrations and number of exceedances of state or federal air quality standards for each year.

Table 4.2-2: Ambient Air Quality Data

Criteria Pollutant	2020	2021	2022
Ozone (O₃)¹			
1-hour Maximum Concentration (ppm)	0.151	0.125	0.144
8-hour Maximum Concentration (ppm)	0.111	0.103	0.107
<i>Number of Days Standard Exceeded</i>			
CAAQS 1-hour (>0.09 ppm)	56	44	44
NAAQS 8-hour (>0.070 ppm)	89	81	68
Carbon Monoxide (CO)¹			
1-hour Maximum Concentration (ppm)	1.67	1.93	1.57
<i>Number of Days Standard Exceeded</i>			
NAAQS 1-hour (>35 ppm)	0	0	0
CAAQS 1-hour (>20 ppm)	0	0	0
Nitrogen Dioxide (NO₂)¹			
1-hour Maximum Concentration (ppm)	0.066	0.067	0.068
<i>Number of Days Standard Exceeded</i>			
NAAQS 1-hour (>.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 10 Microns (PM₁₀)¹			
National 24-hour Maximum Concentration	76.8	73.8	62.4
State 24-hour Maximum Concentration	73.6	70.7	59.8
State Annual Average Concentration (CAAQS=20 µg/m ³)	—	—	—
<i>Number of Days Standard Exceeded</i>			
NAAQS 24-hour (>150 µg/m ³)	0	0	0
CAAQS 24-hour (>50 µg/m ³)	6	3	6
Particulate Matter Less Than 2.5 Microns (PM_{2.5})¹			
National 24-hour Maximum Concentration	57.6	55.1	38.1
State 24-hour Maximum Concentration	57.6	55.1	38.1
<i>Number of Days Standard Exceeded</i>			
NAAQS 24-hour (>35 µg/m ³)	4	2	1
NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m ³ = micrograms per cubic meter; — = not measured			
¹ Measurements taken at the Fontana-Arrow Monitoring Station at 14360 Arrow Boulevard, Fontana, California 92335 (CARB# 36197)			
Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (https://www.arb.ca.gov/adam) except for CO, which were retrieved from the CARB Air Quality and Meteorological Information System (https://www.arb.ca.gov/qaweb/siteinfo.php).			

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. Sensitive land uses surrounding the Project consist mostly of residential communities. Sensitive land uses near the Project include single-family residential homes located a minimum of 10 feet from the Project boundaries.

4.2.3 Regulatory Setting

Air quality in the region is regulated by several jurisdictions including the U.S. Environmental Protection Agency (U.S. EPA), CARB, SCAQMD, San Bernardino County, and City of Fontana. Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. Although U.S. EPA regulations may not be superseded, both state and local regulations may be more stringent.

Federal

U.S. Environmental Protection Agency

At the federal level, the U.S. EPA has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the Federal Clean Air Act (FCAA), which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990.

Federal Clean Air Act

The FCAA required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) and set deadlines for their attainment. Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions. NAAQS identify levels of air quality for "criteria" pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare. The criteria pollutants are ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂ is a form of NO_x), sulfur oxides (SO₂ is a form of SO_x), PM less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}, respectively) and lead (Pb). NAAQS are summarized in **Table 4.2-3: State and Federal Ambient Air Quality Standards**.

The U.S. EPA can withhold certain transportation funds from states that fail to comply with the planning requirements of the FCAA. If a state fails to correct these planning deficiencies within two years of Federal notification, the U.S. EPA is required to develop a Federal implementation plan for the identified nonattainment area or areas. The provisions of 40 Code of Federal Regulations Parts 51 and 93 apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. The U.S. EPA has designated enforcement of air pollution control regulations to the individual states. Applicable NAAQS are summarized along with California Ambient Air Quality Standards (CAAQS) in **Table 4.2-3: State and Federal Ambient Air Quality Standards**.

The FCAA was amended in 1990 to address the numerous air pollutants that are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects. 188 specific pollutants and chemical groups were initially identified as hazardous air pollutants (HAPs), and the list has been modified over time. The FCAA Amendments included new regulatory programs to control acid deposition and for the issuance of stationary source operating permits.

In 2001, the U.S. EPA issued its first Mobile Source Air Toxics Rule, which identified 21 mobile source air toxic (MSAT) compounds as being HAPs that required regulation. A subset of six of these MSAT compounds were identified as having the greatest influence on health and included benzene, 1,3-butadiene, formaldehyde, acrolein, acetaldehyde, and DPM. More recently, the U.S. EPA issued a second MSAT Rule in February 2007, which generally supported the findings in the first rule and provided additional recommendations of compounds having the greatest impact on health. The rule also identified several engine emission certification standards that must be implemented. Unlike the criteria pollutants, toxics do not have NAAQS making evaluation of their impacts more subjective.

National Emissions Standards for Hazardous Air Pollutants (NESHAPs) were incorporated into a greatly expanded program for controlling toxic air pollutants. The provisions for the attainment and maintenance of the NAAQS were substantially modified and expanded. Other revisions included provisions regarding stratospheric O₃ protection, increased enforcement authority, and expanded research programs.

Section 112 of the FCAA Amendments governs the federal control program for HAPs. NESHAPs are issued to limit the release of specified HAPs from specific industrial sectors. These standards are technology-based, meaning that they represent the best available control technology an industrial sector could afford. The level of emissions controls required by NESHAPs are not based on health risk considerations because allowable releases and resulting concentrations have not been determined to be safe for the general public. The FCAA does not establish air quality standards for HAPs that define legally acceptable concentrations of these pollutants in ambient air.

State

California Air Resources Board

CARB administers the air quality policy in California. The CAAQS were established in 1969 pursuant to the Mulford-Carrell Act. The CAAQS, included with the NAAQS in **Table 4.2-3**, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates.

The California Clean Air Act (CCAA) requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the State Implementation Plan for meeting CAAQS. Like the U.S. EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a CAAQS for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a state standard, and are not used as a basis

for designating areas as nonattainment. The applicable CAAQS are summarized in **Table 4.2-3: State and Federal Ambient Air Quality Standards**.

Table 4.2-3: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards ¹	Federal Standards ²
Ozone (O ₃) ^{2,5,7}	1 Hour	0.09 ppm (180 µg/m ³)	NA
	8 Hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)	0.10 ppm ¹¹
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂) ⁸	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)
	Annual Arithmetic Mean	NA	0.030 ppm (80 µg/m ³)
Particulate Matter (PM ₁₀) ^{1,3,6}	24-Hour	50 µg/m ³	150 µg/m ³
	Annual Arithmetic Mean	20 µg/m ³	NA
Fine Particulate Matter (PM _{2.5}) ^{3,4,6,9}	24-Hour	NA	35 µg/m ³
	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³
Sulfates (SO ₄₋₂)	24 Hour	25 µg/m ³	NA
Lead (Pb) ^{10,11}	30-Day Average	1.5 µg/m ³	NA
	Calendar Quarter	NA	1.5 µg/m ³
	Rolling 3-Month Average	NA	0.15 µg/m ³
Hydrogen Sulfide (H ₂ S)	1 Hour	0.03 ppm (42 µg/m ³)	NA
Vinyl Chloride (C ₂ H ₃ Cl) ¹⁰	24 Hour	0.01 ppm (26 µg/m ³)	NA

Notes:

ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = no information available.

¹ California standards for O₃, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM₁₀, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. Measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, a level one-half the national standard and two-thirds the State standard.

² National standards shown are the "primary standards" designed to protect public health. National standards other than for O₃, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour O₃ standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour O₃ standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm or less. The 24-hour PM₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m³. The 24-hour PM_{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.

³ Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM₁₀ is met if the 3-year average falls below the standard at every site. The annual PM_{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard. NAAQS are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

⁴ On October 1, 2015, the national 8-hour O₃ primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour O₃ concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the O₃ level in the area.

⁵ The national 1-hour O₃ standard was revoked by the EPA on June 15, 2005.

⁶ In June 2002, CARB established new annual standards for PM_{2.5} and PM₁₀.

⁷ The 8-hour California O₃ standard was approved by the CARB on April 28, 2005 and became effective on May 17, 2006.

⁸ On June 2, 2010, the EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO₂ NAAQS however must continue to be used until one year following EPA initial designations of the new 1-hour SO₂ NAAQS.

⁹ In December 2012, EPA strengthened the annual PM_{2.5} NAAQS from 15.0 to 12.0 µg/m³. In December 2014, the EPA issued final area designations for the 2012 primary annual PM_{2.5} NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

¹⁰ CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.

¹¹ National lead standards, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

Source: South Coast Air Quality Management District, *Air Quality Management Plan*, 2022; California Air Resources Board, <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. Accessed December 26, 2023

California Energy Commission – Title 24 Building Energy Efficiency Standards

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in CCR Title 24 Part 6, were established in 1978 in response to a legislative mandate to reduce California’s energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The Energy Standards include requirements for mandatory mechanical ventilation intended to improve indoor air quality in homes, and requirements for Minimum Efficiency Reporting Value (MERV) 13 air filtration on space conditioning systems, and ventilation systems that provide outside air to a dwelling’s occupiable space. The Residential Compliance Manual for the Building Energy Efficiency Standards notes that air filter efficiencies of at least MERV 13 protect occupants from exposure to the smaller airborne particles (i.e., PM_{2.5}) that are known to adversely affect respiratory health. CCR Title 24 Part 6 requires a particle size efficiency rating equal to or greater than 85 percent in the 1.0 to 0.3 µm range.

Regional

South Coast Air Quality Management District

The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties. The agency’s primary responsibility is ensuring that CAAQS and NAAQS are attained and maintained in the SCAB. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The SCAQMD is also the lead agency in charge of developing the AQMP, with input from the Southern California Association of Governments (SCAG) and CARB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources. SCAG has the primary responsibility for providing future growth projections and the development and implementation of transportation control measures. CARB, in coordination with federal agencies, provides the control element for mobile sources.

The 2016 AQMP was adopted by the SCAQMD Governing Board on March 3, 2017. The purpose of the AQMP is to set forth a comprehensive and integrated program that would lead the SCAB into compliance with the federal 24-hour PM_{2.5} air quality standard, and to provide an update to the SCAQMD’s commitments towards meeting the 8-hour O₃ NAAQS. Specifically, the 2016 AQMP covers the following NAAQS: 1979 1-hour O₃ NAAQS, 1997 8-hour O₃ NAAQS, 2006 24-hour PM_{2.5} NAAQS, 2008 8-hour O₃ NAAQS, and the 2012 annual PM_{2.5} NAAQS.

On October 1, 2015, the U.S. EPA strengthened the NAAQS for ground-level O₃. The 2022 AQMP, adopted by the SCAQMD Governing Board on December 2, 2022, was developed to address the requirements for meeting the 2015 8-hour O₃ standard. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and

feasible, and low NO_x technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other FCAA measures to achieve the 2015 8-hour ozone standard. The 2022 AQMP incorporates the latest scientific and technological information and planning assumptions, including the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* and updated emission inventory methodologies for various source categories. The 2022 AQMP requires CARB’s adoption before submittal for the U.S. EPA’s final approval, which is expected to occur sometime in 2023.

The SCAQMD has published the CEQA Air Quality Handbook (approved by the SCAQMD Governing Board in 1993 and augmented with guidance for Local Significance Thresholds [LST] in 2008). The SCAQMD guidance helps local government agencies and consultants to develop environmental documents required by California Environmental Quality Act (CEQA) and provides identification of suggested thresholds of significance for criteria pollutants for both construction and operation (see discussion of thresholds below). With the help of the CEQA Air Quality Handbook and associated guidance, local land use planners and consultants are able to analyze and document how proposed and existing projects affect air quality in order to meet the requirements of the CEQA review process. The SCAQMD periodically provides supplemental guidance and updates to the handbook on their website.

The SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. Under federal law, SCAG is designated as a Metropolitan Planning Organization and under State law as a Regional Transportation Planning Agency and a Council of Governments.

The state and federal attainment status designations for the SCAB are summarized in **Table 4.2-4: South Coast Air Basin Attainment Status**. The SCAB is currently designated as a nonattainment area with respect to the O₃, PM₁₀, and PM_{2.5} CAAQS, as well as the 8-hour O₃ and PM_{2.5} NAAQS. The SCAB is designated as attainment or unclassified for the remaining CAAQS and NAAQS.

Table 4.2-4: South Coast Air Basin Attainment Status

Pollutant	State	Federal
Ozone (O ₃) (1 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Ozone (O ₃) (8 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Particulate Matter (PM _{2.5}) (24 Hour Standard)	–	Non-Attainment (Serious)
Particulate Matter (PM _{2.5}) (Annual Standard)	Non-Attainment	Non-Attainment (Moderate)
Particulate Matter (PM ₁₀) (24 Hour Standard)	Non-Attainment	Attainment (Maintenance)
Particulate Matter (PM ₁₀) (Annual Standard)	Non-Attainment	–
Carbon Monoxide (CO) (1 Hour Standard)	Attainment	Attainment (Maintenance)
Carbon Monoxide (CO) (8 Hour Standard)	Attainment	Attainment (Maintenance)
Nitrogen Dioxide (NO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment

Pollutant	State	Federal
Nitrogen Dioxide (NO ₂) (Annual Standard)	Attainment	Attainment (Maintenance)
Sulfur Dioxide (SO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂) (24 Hour Standard)	Attainment	–
Lead (Pb) (30 Day Standard)	–	Unclassifiable/Attainment
Lead (Pb) (3 Month Standard)	Attainment	–
Sulfates (SO ₄₋₂) (24 Hour Standard)	Attainment	–
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	–

Source: South Coast Air Quality Management District, *Air Quality Management Plan, 2022*; United States Environmental Protection Agency, *Nonattainment Areas for Criteria Pollutants (Green Book), 2023*.

The following is a list of SCAQMD rules that are required of construction activities associated with the Project:

Rule 402 (Nuisance) – This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Rule 403 (Fugitive Dust) – This rule requires fugitive dust sources to implement best available control measures for all sources, and all forms of visible particulate matter are prohibited from crossing any property line. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. PM₁₀ suppression techniques are summarized below.

- Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

Rule 445 (Wood Burning) – Rule 445 prohibits permanently installed wood-burning devices into any new development. A wood-burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel

for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

Rule 1113 (Architectural Coatings) – This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.

Local

City of Fontana General Plan

Chapter 6, Building a Healthier Fontana² of the City’s General Plan identifies goals that will result in a healthier city. Goals and policies that relate to air quality impacts include the following:

Goal 1 The average lifespan in Fontana is consistently within the top ten of all southern California cities.

Policy 1.3 Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma.

4.2.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Conflict with or obstruct implementation of the applicable air quality plan;
- 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;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

SCAQMD Thresholds

The significance criteria established by SCAQMD may be relied upon to make the above determinations. According to the SCAQMD, an air quality impact is considered significant if the Project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SCAQMD has established thresholds of significance for air quality during construction and operational activities of land use development projects, as shown in **Table 4.2-5: South Coast Air Quality Management District Emissions Thresholds**.

² City of Fontana. (2018). Fontana Forward General Plan – Building a Healthier Fontana Element. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26745/Chapter-6--Building-a-Healthier-Fontana> (accessed June 2022).

Table 4.2-5: South Coast Air Quality Management District Emissions Thresholds (Pounds Per Day)

Criteria Air Pollutants and Precursors	Construction-Related	Operational-Related
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO _x)	100	55
Sulfur Oxides (SO _x)	150	150
Coarse Particulates (PM ₁₀)	150	150
Fine Particulates (PM _{2.5})	55	55

Source: South Coast Air Quality Management District, *South Coast AQMD Air Quality Significance Thresholds*, April 2019.

Localized Significance Thresholds

In addition to the CO hotspot analysis, the SCAQMD developed LSTs for emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at new development sites (off-site mobile source emissions are not included in the LST analysis). LSTs represent the maximum emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent CAAQS or NAAQS. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours, but are present for shorter periods of time, such as eight hours.

LST analysis for construction is applicable for all projects that disturb five acres or less on a single day. The City of Fontana is located within SCAQMD SRA 34, Central San Bernardino Valley. **Table 4.2-6: Local Significance Thresholds for Construction/Operations** shows the LSTs for a 1-acre, 2-acre, and 5-acre project in SRA 34. Because the nearest sensitive receptors are located a minimum of 10 feet (3 meters) from the Project boundary, the threshold for distances of 25 meters or less are listed below.

Table 4.2-6: Local Significance Thresholds for Construction/Operations

Project Size	Maximum Daily Emissions (Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
1 Acre	118/118	667/667	4/1	3/1
2 Acres	170/170	972/972	7/2	4/1
5 Acres	270/270	1,746/1,746	14/4	8/2

NO_x = Nitrogen Oxides; CO = Carbon Monoxide; PM₁₀ = Particulate Matter 10 microns in diameter or less; PM_{2.5} = Particulate Matter 2.5 microns in diameter or less

LSTs associated with all acreage categories are provided in **Table 4.2-6** for informational purposes. **Table 4.2-6** shows that the LSTs increase as acreages increase. It should be noted that LSTs are screening thresholds and are therefore conservative. The construction LST acreage is determined based daily acreage disturbed. The operational LST acreage is based on the total area of the Project site. Although the Project site is greater than five acres, the 5-acre operational LSTs are conservatively used to evaluate the Project.

4.2.5 Methodology and Assumptions

The air quality impact analysis for the Project considered the Project's construction and operational impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.16. CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and the SCAQMD.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

For the purposes of analyzing construction emissions, the construction activities for the four areas; Gateway North Sub-District, Gateway Residential 4 Sub-District, Gateway South Sub-District, and Gateway East Sub-District, were modeled as separate phases (Phase 1, Phase 2, Phase 3, and Phase 4). Although construction of the Project is assumed to occur over a period of 20 to 30 years, for a worst-case scenario, the default construction schedule generated by CalEEMod was used to model construction emissions:³

- Phase 1: Commence in 2024 with a 14-month duration.
- Phase 2: Commence in 2025 with a 14-month duration.
- Phase 3: Commence in 2026 with a 32-month duration.
- Phase 4: Commence in 2029 with a 14-month duration.

Project operations would result in emissions of area sources (consumer products, architectural coating, and landscape equipment), energy sources (natural gas usage), and mobile sources (motor vehicles from Project generated vehicle trips). Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. Emissions from each of these categories are discussed below.

- **Area Sources.** Area source emissions would be generated due to consumer products, on-site equipment, architectural coating, and landscaping that were previously not present on the site. Consumer products are various solvents used in non-industrial applications, which emit VOCs during product use. These typically include cleaning supplies, kitchen aerosols, cosmetics, and toiletries. The CalEEMod default emissions rates were used to model the Project.

³ As the Project development is speculative, a conservative worst-case construction timeline has been modeled for analysis purposes. This involves modeling emissions at the earliest feasible date. Emissions in future years (i.e., due to a later construction start date or operational opening year) would be lower due to phased-in emissions standards, inspection and maintenance requirements, and fleet turnover). Project construction that occurs at a later date than what was modeled impacts would result in lower emissions than those analyzed due to the use of more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to state regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. As a result, Project-related construction emissions would be lower than the impacts disclosed herein. For emissions modeling purposes, conservatively analyzing the emissions using an earlier construction start date provides for a worst-case analysis and full disclosure of potential air quality impacts, as required by CEQA.

- Energy Sources.** Energy source emissions would be generated due to electricity and natural gas usage associated with the Project. Primary uses of electricity and natural gas by the Project would be from space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Energy source emissions were calculated in CalEEMod. No changes were made to the default energy usage consumption rates or emissions factors.
- Mobile Sources.** Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern. NO_x and ROG react with sunlight to form O₃, known as photochemical smog. Additionally, wind currents readily transport PM₁₀ and PM_{2.5}. However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions are conservatively based on trip generation rates from Institute of Transportation Engineers (ITE) Codes 220 and 221. These trip generation rates are incorporated into CalEEMod as recommended by the SCAQMD. The following Project trip generation utilized in this report is based on the following ITE land use categories:

- ITE Land Use 220, Multifamily Residential (Low-Rise), 6.74 daily trips per dwelling unit.
- ITE Land Use 221, Multifamily Residential (Mid-Rise), 4.54 daily trips per dwelling unit.

The Project land use assumptions and trip generation from the Traffic Study are summarized in **Table 4.2-7: CalEEMod Land Use and Trip Generation.**

Table 4.2-7: CalEEMod Land Use and Trip Generation

Land Use	Dwelling Units	Daily Trips
Phase 1: Gateway North Sub-District		
Multifamily Housing (Low-Rise)	200	1,348
Phase 2: Gateway Residential 4 Sub-District		
Multifamily Housing (Low-Rise)	53	357
Phase 3: Gateway South Sub-District		
Multifamily Housing (Mid-Rise)	1,980	8,989
Phase 4: Gateway East Sub-District		
Multifamily Housing (Low-Rise)	175	1,180
Total	2,408	11,874
Source: Institute of Transportation Engineers (ITE) Trip Generation Manual, 11 th Edition		

4.2.6 Impacts and Mitigation Measures

Impact 4.2-1 *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Level of Significance: Significant and Unavoidable

The current plan is the 2022 AQMP adopted on December 2, 2022. The 2022 AQMP is designed to meet the CCAA and FCAA planning requirements and focuses on O₃ and PM_{2.5} NAAQS. The SCAQMD’s AQMP was prepared to: accommodate growth; reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD; and attain clean air within the region. Projects that are considered consistent

with the AQMP would not interfere with attainment because this growth is included in the projections used to formulate the AQMP.

The SCAQMD’s CEQA Handbook identifies two key indicators of consistency with the AQMP:

1. Whether a project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether a project will exceed the assumptions in the AQMP based on the year of project buildout and phase.

Concerning the first criterion, construction activities associated with individual development projects facilitated by the Walnut Village SP Project could potentially exceed AQMD significance thresholds. As shown in **Table 4.2-12: Mitigated Operational Emissions** and **Table 4.2-13: Mitigated Overlapping Phase Emissions**, even with mitigation measures (MM) AQ-1 through MM AQ-4 included, the Project would exceed operational emission standards. Therefore, the Project would potentially contribute to an existing air quality violation. Thus, the Project is not consistent with the first criterion.

Information regarding specific development projects, construction phase timing, earthwork volumes, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. All future projects would be subject to the City’s development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. Additionally, at a programmatic level, due to the size of the Project, operational emissions would exceed thresholds and impacts would be potentially significant. As discussed in Impact 4.2-2 below, impacts would be significant and unavoidable as future projects facilitated by the Walnut Village SP may increase the frequency or severity of existing air quality violations.

Concerning the second criterion, the 2022 AQMP, the most recent AQMP adopted by the SCAQMD, incorporates local municipalities’ general plans and SCAG’s Connect SoCal – 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy socioeconomic forecast projections of regional population, housing and employment growth. **Table 4.2-8: San Bernardino County and Fontana Regional Growth Estimates**, shows the SCAG regional growth projections.

Table 4.2-8: San Bernardino County and Fontana Regional Growth Estimates

	2016		2045	
	County of San Bernardino	City of Fontana	County of San Bernardino	City of Fontana
Population	2,140,400	211,000	2,815,100	286,700
Households	630,300	51,500	875,000	77,800
Jobs	791,200	56,700	1,063,700	75,100

Source: SCAG Connect SoCal RTP/SCS. Demographics and Growth Forecast Technical Report, Table 15 Jurisdiction-Level Growth Forecast

The Walnut Village SP Project would allow for development of 2,408 dwelling units. According to the California Department of Finance (DOF) 2023 housing estimates, the average household size for the City

of Fontana is 3.74 persons per household.⁴ Assuming 3.74 per dwelling unit, the Walnut Village SP Project has the potential to generate 8,980 additional residents. According to the California DOF, the City has an estimated current population of 213,851. The estimated population increase of 8,980 new residents is within the forecasted population increase by SCAG for the City of Fontana of 75,700 residents between 2016 and 2045. Assuming no change in the average household size and no other changes to the number of housing units in Fontana, implementation of the Specific Plan could increase the City population to 222,831 over the course of Specific Plan buildout, an increase of 4 percent. This population increase would not result in a total population that exceeds SCAG’s forecasted population for the City of 286,700.

As described above, the population, housing, and employment forecasts, which are adopted by SCAG’s Regional Council, are based on local City plans and policies; these are used by SCAG in all phases of implementation and review. Additionally, the SCAQMD has incorporated these same projections into the 2022 AQMP. Implementation of the Walnut Village SP Project would not exceed the population growth forecasted in the RTP/SCS, on which the 2022 AQMP is based. Future projects within the Specific Plan area would be required to demonstrate consistency with the AQMP. As such, the Project would not result in substantial unplanned growth or unaccounted for growth in the General Plan or job growth projections used by the SCAQMD to develop the AQMP.

As noted above (and discussed further in Impact 4.2, below), Project implementation would result in air pollutant emissions that exceed SCAQMD’s operational emission thresholds. Although mitigation would reduce emissions by the greatest feasible amount, Project emissions attributable to mobile sources are beyond the scope of the Project, as a result emission levels would remain significant and would contribute to the nonattainment designations in the SSAB. Therefore, the Project would be inconsistent with the AQMP, resulting in a significant and unavoidable impact despite the implementation of mitigation.

Mitigation Measures

Refer to **MM AQ-1** through **MM AQ-4**. **MM AQ-1** would require the Project to use “Super-Compliant” low VOC paints to reduce ROG emissions. **MM AQ-2** requires all the installation of all-electric appliances. **MM AQ-3** requires that all cleaning products used in public spaces be Safer Choice certified and **MM AQ-4** requires that all landscaping equipment used onsite shall be 100 percent electrically powered. No additional feasible mitigation measures are proposed at the programmatic level to reduce future construction and operational emissions associated with development facilitated by the Walnut Village SP. Future construction and operational emissions would conflict with implementation of the AQMP. Impacts remain significant and unavoidable.

Impact 4.2-2 ***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?***

Level of Significance: Significant and Unavoidable

⁴ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023*. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/> (accessed December 2023).

Construction

The Walnut Village SP would allow for 2,408 DUs located throughout four Project areas. Project construction would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O₃-precursor pollutants (i.e., ROG and NO_x) and PM₁₀ and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD’s thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions. Plans, programs, and policies (PPP) AQ-1 requires the implementation of Rule 402 and 403 dust control techniques to minimize PM₁₀ and PM_{2.5} concentrations.

The architectural coating phase would also generate VOC emissions through the application of paint. SCAQMD Rule 1113 requires all paints applied to the building envelope (interior and exterior) to be 50 g/L of VOC or less. PPP AQ-2 requires the implementation of Rule 1113 to reduce VOC emissions.

Construction activities would occur in multiple phases. The timing assumed for each phase is described above in **Section 4.2.5**. Construction-generated emissions associated with the Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Unmitigated daily construction-generated emissions for Phases 1 through 4 are summarized in **Table 4.2-9: Unmitigated Construction Emissions**.

Table 4.2-9: Unmitigated Construction Emissions

Construction Year	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 1: Gateway North¹						
Year 2024	3.74	36.04	34.41	0.05	21.49	11.63
Year 2025	68.24	11.91	24.65	0.03	2.51	0.90
<i>Maximum</i>	<i>68.24</i>	<i>36.04</i>	<i>34.41</i>	<i>0.05</i>	<i>21.49</i>	<i>11.63</i>
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 2: Gateway Residential 4¹						
Year 2025	3.39	31.73	31.20	0.08	21.25	11.41
Year 2026	20.95	10.22	15.82	0.02	0.93	0.48

Construction Year	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
<i>Maximum</i>	20.95	31.73	31.20	0.08	21.25	11.41
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 3: Gateway South¹						
Year 2026	3.21	29.24	29.76	0.07	21.13	11.30
Year 2027	7.04	28.04	112.10	0.07	21.06	11.23
Year 2028	6.75	20.54	104.93	0.07	20.84	5.19
Year 2029	346.97	19.85	78.60	0.07	20.77	5.17
<i>Maximum</i>	346.97	29.24	112.10	0.07	21.13	11.30
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
Phase 4: Gateway East¹						
Year 2029	3.04	25.99	29.09	0.05	20.97	11.16
Year 2030	66.27	9.31	19.97	0.03	2.07	0.67
<i>Maximum</i>	66.27	25.99	29.09	0.05	20.97	11.16
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
1. SCAQMD RULE 1113 applied, limiting paint applied to buildings to 50 g/L. Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.						

As shown in **Table 4.2-9**, Phase 3: Gateway South construction would exceed the daily emission threshold for ROG. Most ROG (VOC) emissions are generated during the architectural coating phase of construction. **MM AQ-1** requires the Project to use “Super-Compliant” low VOC paints to reduce ROG emissions. Implementation of **MM AQ-1** would reduce construction impacts. As shown in **Table 4.2-10: Mitigated Construction Impacts**, impacts from Phase 3: Gateway South construction would be reduced to less than significant impacts.

Table 4.2-10: Mitigated Construction Emissions

Construction Year	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 1: Gateway North^{1, 2}						
Year 2024	3.73	36.04	34.41	0.05	9.49	5.47
Year 2025	13.70	11.91	24.65	0.03	2.51	0.90
<i>Maximum</i>	13.70	36.04	34.41	0.05	9.49	5.47
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 2: Gateway Residential 4^{1, 2}						
Year 2025	3.39	31.73	31.20	0.08	9.26	5.25
Year 2026	4.18	10.22	15.82	0.02	0.93	0.48
<i>Maximum</i>	4.18	31.73	31.20	0.08	9.26	5.25
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 3: Gateway South^{1, 2}						
Year 2026	3.21	29.24	29.76	0.07	9.14	5.14
Year 2027	7.04	28.04	112.10	0.07	20.88	5.27

Construction Year	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Year 2028	6.75	20.54	104.93	0.07	20.84	5.19
Year 2029	69.74	19.85	78.60	0.07	20.77	5.17
<i>Maximum</i>	<i>69.74</i>	<i>29.24</i>	<i>112.10</i>	<i>0.07</i>	<i>20.88</i>	<i>5.27</i>
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 4: Gateway East^{1,2}						
Year 2029	3.04	25.99	29.09	0.05	8.98	4.99
Year 2030	13.24	9.31	19.97	0.03	2.07	0.67
<i>Maximum</i>	<i>13.24</i>	<i>25.99</i>	<i>29.09</i>	<i>0.05</i>	<i>8.98</i>	<i>4.99</i>
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
1. Mitigation includes MM AQ-1 , requiring the use of “Super-Compliant” low VOC paints on buildings and parking lots. 2. Reductions from SCAQMD RULE 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E). Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.						

Operational Emissions

The majority of the Specific Plan-related operational emissions would be due to vehicle trips to, from, and within the Specific Plan area and local region. Specific data for the types and amounts of future development were entered into CalEEMod to determine the pollutant emissions anticipated at full Project buildout (i.e., 2,408 multi-family dwelling units). Where project-specific data was not available, CalEEMod defaults were used.

Mobile and stationary source operational emissions would result from normal daily activities after occupancy of individual development projects. Mobile source emissions would be generated by the motor vehicles traveling to and from their respective sites. Stationary area source emissions would be generated by natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products. Stationary energy emissions would result from energy consumption associated with the future development. The estimated operational emissions associated with each of these sources are presented in **Table 4.2-11: Unmitigated Operational Emissions**. The table shows that individually, Phase 3 would exceed thresholds for ROG, NO_x, and CO while total emissions from Project Buildout would exceed the SCAQMD thresholds for ROG and NO_x.

Table 4.2-11: Unmitigated Operational Emissions

Source	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 1: Gateway North						
Area Sources	12.32	4.37	61.54	0.18	7.23	6.97
Energy	0.10	3.73	0.36	0.01	0.07	0.07
Mobile Sources	5.27	0.84	40.64	0.09	8.03	2.08
<i>Total</i>	<i>17.69</i>	<i>8.94</i>	<i>102.54</i>	<i>0.28</i>	<i>15.33</i>	<i>9.12</i>
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No

Source	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 2: Gateway Residential 4						
Area Sources	3.05	0.99	16.31	0.05	1.91	1.85
Energy	0.01	0.22	0.09	<0.01	0.02	0.02
Mobile Sources	1.32	1.16	10.18	0.02	2.13	0.55
<i>Total</i>	4.38	2.37	26.58	0.07	4.06	2.42
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 3: Gateway South						
Area Sources	108.87	36.89	609.81	1.76	71.58	69.00
Energy	0.32	5.52	2.35	0.04	0.45	0.45
Mobile Sources	28.56	24.40	222.48	0.58	53.45	13.82
<i>Total</i>	137.75	66.81	834.64	2.38	125.48	83.27
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	Yes	Yes	No	No	Yes
Phase 4: Gateway East						
Area Sources	10.03	3.26	53.91	0.16	6.33	6.10
Energy	0.04	0.74	0.31	<0.01	0.06	0.06
Mobile Sources	4.30	3.67	33.92	0.08	8.48	2.19
<i>Total</i>	14.37	7.67	88.14	0.24	14.87	8.35
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Project Buildout (Assumed 2030)						
Area Sources	68.39	35.23	151.53	0.22	2.81	2.79
Energy	0.43	7.32	3.11	0.05	0.59	0.59
Mobile Sources	35.85	30.52	282.37	0.75	70.56	18.23
<i>Total</i>	104.67	73.07	437.01	1.02	73.63	21.61
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	Yes	No	No	No	No

Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.

Mitigation measures are required to reduce emissions to the maximum extent feasible; however, emissions of motor vehicles are controlled by State and Federal standards and the Project has no control over these standards.

Table 4.2-12: Mitigated Operational Emissions shows that operational emissions would exceed the SCAQMD threshold for the O₃ precursors ROG (VOC) and NO_x. **MM AQ-2** through **MM AQ-4** have been identified to reduce operational emissions. **MM AQ-2** requires all the installation of all-electric appliances. **MM AQ-3** requires that all cleaning products used in public spaces be Safer Choice certified and **MM AQ-4** requires that all landscaping equipment used onsite shall be 100 percent electrically powered.

Table 4.2-12: Mitigated Operational Emissions

Source	Maximum Daily Emissions (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 1: Gateway North (2025)¹						
Area Sources	4.28	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources	5.28	4.70	40.64	0.09	8.03	2.08
<i>Total</i>	9.56	4.70	40.64	0.09	8.03	2.08
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 2: Gateway Residential 4 (2026)¹						
Area Sources	1.14	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources	1.32	1.16	10.18	0.02	2.13	0.55
<i>Total</i>	2.46	1.16	10.18	0.02	2.13	0.55
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 3: Gateway South (2029)¹						
Area Sources	38.35	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources	28.56	24.40	222.48	0.58	53.45	13.82
<i>Total</i>	66.91	24.40	222.48	0.58	53.45	13.82
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
Phase 4: Gateway East (2030)¹						
Area Sources	3.75	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.31	0.00	0.00	0.00
Mobile Sources	4.30	3.67	33.92	0.09	8.48	2.19
<i>Total</i>	8.05	3.67	33.92	0.09	8.48	2.19
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Project Buildout (2030)¹						
Area Sources	47.52	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources	35.85	30.52	282.37	0.75	70.56	18.23
<i>Total</i>	83.37	30.52	282.37	0.75	70.56	18.23
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
1. Mitigation includes: MM AQ-2 , requiring installation of all electrical appliances for residential uses. MM AQ-3 requiring the use of low VOC cleaning products. MM AQ-4 requiring all landscape equipment to be electric. Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.						

As shown in **Table 4.2-12**, after implementing **MM AQ-2** through **MM AQ-4**, operational emissions from Phase 3 and Project Buildout would continue to exceed the daily threshold for ROG. The majority of operational ROG emissions come from area sources and mobile sources. Although **MM AQ-2** through **MM AQ-4** have reduced area source ROG the Project has no influence on the emissions generated by mobile sources. In the future, as vehicles become more efficient and mobile emissions will continue to decrease. However, the worst-case scenario results shown in **Table 4.2-12** shows that the combination of

area source emissions and mobile source emissions still exceed the daily threshold for ROG during Phase 3 and Project Buildout. Therefore, even after incorporating mitigation measures, operational impacts would remain significant and unavoidable.

Emissions from Overlapping Phases

In addition to comparing the Project to construction and operational thresholds, SCAQMD has also requested that a project’s overlapping phase emissions be compared to the operational thresholds. **Table 4.2-13: Mitigated Overlapping Phase Emissions** summarizes emissions from overlapping operation and construction phases, beginning with operation emissions of Phase 1 combined with construction emissions of Phase 2 and concluding with the operation emissions of Phase 1, Phase 2, and Phase 3 combined with the construction emissions of Phase 4.

Table 4.2-13: Mitigated Overlapping Phase Emissions

Construction Year	Maximum Emissions Daily (Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Phase 1 Mitigated Operational Emissions and Phase 2 Mitigated Construction Emissions^{1,2}						
Phase 1 Operational Emissions	9.56	4.70	40.64	0.09	8.03	2.08
Maximum Phase 2 Construction	4.18	31.73	31.20	0.08	9.26	5.25
<i>Combined Overlapping Emissions</i>	13.74	36.43	71.84	0.17	17.29	7.33
<i>SCAQMD Operational Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Phase 1 and Phase 2 Mitigated Operational Emissions and Phase 3 Mitigated Construction Emissions^{1,2}						
Phase 1 Operational Emissions	9.56	4.70	40.64	0.09	8.03	2.08
Phase 2 Operational Emissions	2.46	4.16	10.18	0.02	2.13	0.55
Maximum Phase 3 Construction	69.74	29.24	112.10	0.07	20.88	5.27
<i>Combined Overlapping Emissions</i>	81.76	38.10	162.92	0.18	31.04	7.90
<i>SCAQMD Operational Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
Phases 1 through 3 Mitigated Operational Emissions and Phase 4 Mitigated Construction Emissions^{1,2}						
Phase 1 Operational Emissions	9.56	4.70	40.64	0.09	8.03	2.08
Phase 2 Operational Emissions	2.46	4.16	10.18	0.02	2.13	0.55
Phase 3 Operational Emissions	66.91	24.40	222.48	0.58	53.45	13.82
Maximum Phase 4 Construction	13.24	25.99	29.09	0.05	8.98	4.99
<i>Combined Overlapping Emissions</i>	92.17	59.25	302.39	0.74	72.59	21.44
<i>SCAQMD Operational Threshold</i>	55	55	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
1. Mitigation includes MM AQ-1 , requiring the use of “Super-Compliant” low VOC paints on buildings and parking lots. MM AQ-2 , requiring installation of all electrical appliances for residential uses. MM AQ-3 requiring the use of low VOC cleaning products. MM AQ-4 requiring all landscape equipment to be electric. 2. Reductions from SCAQMD RULE 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E). Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.						

As shown in **Table 4.2-13** even after applying **MMs AQ-1** through **AQ-4** the overlapping emissions from each phase would result in emissions that exceed the operational thresholds. Therefore, mitigated impacts related to phased construction and operations would remain significant and unavoidable.

Plans, Programs, and Policies:

The following includes existing requirements that are based on local, State, or federal regulations or laws that are frequently required independent of CEQA review. Typical standard conditions and requirements include compliance with the provisions of the Building Code, SCAQMD Rules, etc. The City may impose additional conditions during the approval process, as appropriate. Because these requirements are neither project specific nor a result of project development, they are not Mitigation Measures.

PPP 4.2 -1

Dust Control. During construction of future development within the Specific Plan area, each project applicant shall require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize short-term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:

- **Clearing and grubbing:** Apply water in sufficient quantity to prevent generation of dust plumes.
- **Cut and fill:** Pre-water soils prior to cut and fill activities and stabilize soil during and after cut and fill activities.
- **Earth-moving activities:** Pre-apply water to depth of proposed cuts; re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction; and stabilize soils once earth-moving activities are complete.
- **Importing/exporting of bulk materials:** Stabilize material while loading to reduce fugitive dust emissions; maintain at least six inches of freeboard on haul vehicles; and stabilize material while transporting to reduce fugitive dust emissions.
- **Stockpiles/bulk material handling:** Stabilize stockpiled materials; stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 feet in height, must have a road bladed to the top⁵ to allow water truck access, or must have an operational water irrigation system that is capable of complete stockpile coverage.
- **Traffic areas for construction activities:** Stabilize all off-road traffic and parking areas; stabilize all haul routes; and direct construction traffic over established haul routes.

Rule 403 defines large operations as projects with 50 or more acres of grading or with a daily earth-moving volume of 5,000 cubic yards at least 3 times in 1 year. Future

⁵ Refers to a road to the top of the pile.

development within the Specific Plan would potentially be considered a large operation. Large operations are required to implement additional dust-control measures (as specified in Tables 2 and 3 of Rule 403); provide additional notifications, signage, and reporting; and appoint a Dust Control Supervisor.

The Dust Control Supervisor is required to:

- Be employed by or contracted with the Property Owner or Developer;
- Be on the site or available on-site within 30 minutes during working hours;
- Have the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 requirements; and
- Have completed the AQMD Fugitive Dust Control Class and have been issued a valid Certificate of Completion for the class.

PPP 4.2-2 **Rule 445, Wood Burning** – Rule 445 prohibits permanently installed wood-burning devices into any new development. A wood-burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

PPP 4.2-3 **Architectural Coatings.** Architectural coatings shall be selected so that the VOC content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on the contractor specifications.

Mitigation Measures

MM AQ-1 The Project shall utilize “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of a building permit, the City Engineer shall confirm that plans include the following specifications:

- All architectural coatings will be super-compliant low VOC paints.
- Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org).
- Use compliant low-VOC cleaning solvents to clean paint application equipment.

- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.
- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.
- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

MM AQ-2 The installation of wood-burning and natural gas devices shall be prohibited. The purpose of this measure is to limit emissions of ROG, NO_x, particulate matter, and visible emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, cooking, or ambiance. All residential appliances shall be electric. This prohibition shall be noted on the deed and/or lease agreements for future property owners/tenants to obey.

MM AQ-3 Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's CC&Rs and/or tenant lease agreements include contractual language that all cleaning products used in public spaces will be U.S. EPA Safer Choice certified.⁶ This requirement shall be included in the third-party vendor agreements for the building owner and tenants, as applicable.

MM AQ-4 Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used onsite shall be 100 percent electrically powered. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable.

Impact 4.2-3 *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Level of Significance: Less than Significant with Mitigation Incorporated

Localized Construction Significance Analysis

To identify impacts to sensitive receptors, the SCAQMD recommends addressing LSTs for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the Final Localized Significance Threshold Methodology (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Project-specific emissions.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 4.2-14: Equipment-Specific Grading Rates** is used to determine the maximum daily disturbed acreage for comparison to LSTs. The appropriate SRA for the localized significance thresholds is the Central San Bernardino Valley (SRA 34)

⁶ U.S. EPA manages the Safer Choice Program which certifies products that contain safer ingredients for human health and the environment. <https://www.epa.gov/saferchoice/products>

since this area includes the Project. LSTs apply to NO₂, CO, PM₁₀, and PM_{2.5}. The SCAQMD produced look-up tables for projects that disturb areas less than or equal to 5 acres in size. CalEEMod construction modeling for Phase 1 through Phase 4 anticipates that all phases will use similar equipment. Project construction during each Phase is anticipated to disturb a maximum of 4.0 acres in a single day. As the LST guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site, the LSTs for a 4.0-acre threshold were interpolated and utilized for this analysis.

Table 4.2-14: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Tractors	2	0.5	8	1.0
	Graders	1	0.5	8	0.5
	Dozers	1	0.5	8	0.5
	Scrapers	2	1	8	2.0
Total Acres Graded per Day					4.0

Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.

Construction

The SCAQMD’s methodology states that “off-site mobile emissions from the Project should not be included in the emissions compared to LSTs.” Therefore, only emissions included in the CalEEMod “on-site” emissions outputs were considered. **Table 4.2-15: Localized Significance of Construction Emissions** presents the maximum daily emissions during each construction activity and compares them to the appropriate LST. The Project areas are surrounded by existing residential uses, with some sensitive receptors located adjacent to construction sites. Based on aerial mapping, the nearest sensitive receptors are assumed to be 10 feet (3 meters) from construction activity. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, the LSTs for receptors located 25 meters or less were utilized in this analysis. Localized emissions in **Table 4.2-15** also incorporate mitigation measures required under Impact 4.2-2.

Table 4.2-15: Localized Significance of Construction Emissions

Construction Activity	Maximum Daily Emissions (Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Phase 1: Gateway North, 2024-2025^{1,2}				
Site Preparation (6/30/2024 – 7/14/2024)	35.95	32.93	9.27	5.41
Grading (7/15/2024 – 8/12/2024)	18.23	18.82	3.60	2.11
Building Construction (8/13/2024 -7/1/2025)	11.22	13.12	0.50	0.46
Paving (7/2/2025 – 7/30/2025)	7.45	9.98	0.35	0.32
Architectural Coating (7/31/2025 – 8/28/2025)	0.88	1.14	0.03	0.03
<i>SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)</i>	237	1,488	12	7
Exceed SCAQMD Threshold?	No	No	No	No
Phase 2: Gateway Residential 4, 2025-2026^{1,2}				
Demolition (9/9/2025 – 10/7/2025)	22.20	19.92	6.10	1.63
Site Preparation (10/8/2025 – 10/15/2025)	31.64	30.18	9.03	5.20
Grading (10/16/2025 – 10/27/2025)	16.27	17.91	3.48	2.00
Building Construction (10/28/2025 – 9/15/2026)	10.44	13.04	0.43	0.40

Construction Activity	Maximum Daily Emissions (Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Paving (9/16/2026 – 10/11/2026)	6.23	8.81	0.26	0.24
Architectural Coating (10/12/2026 – 11/6/2026)	0.86	1.13	0.02	0.02
<i>SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)</i>	237	1,488	12	7
Exceed SCAQMD Threshold?	No	No	No	No
Phase 3: Gateway South, 2026-2029^{1,2}				
Demolition (11/16/2026 – 12/28/2026)	20.65	19.00	5.48	1.48
Site Preparation (12/29/2026 – 1/26/2027)	29.16	28.81	8.91	5.08
Grading (1/27/2027 – 3/31/2027)	25.58	27.28	4.63	2.38
Building Construction (4/1/2027 – 3/1/2029)	9.39	12.94	0.31	0.31
Paving (3/2/2029 – 4/20/2029)	6.46	9.92	0.24	0.22
Architectural Coating (4/21/2029 – 6/9/2029)	0.79	1.11	0.01	0.01
<i>SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)</i>	237	1,488	12	7
Exceed SCAQMD Threshold?	No	No	No	No
Phase 4: Gateway East, 2029-2030^{1,2}				
Demolition (6/11/2029 – 7/9/2029)	18.59	18.47	2.92	1.01
Site Preparation (7/10/2029 – 7/17/2029)	25.93	28.08	8.75	4.94
Grading (7/18/2029 – 7/29/2029)	13.03	17.24	3.29	1.82
Building Construction (7/30/2029 – 6/17/2030)	8.58	12.90	0.28	0.25
Paving (6/18/2030 – 7/13/2030)	5.61	8.79	0.19	0.17
Architectural Coating (7/14/2030 – 8/8/2030)	0.78	1.11	0.01	0.01
<i>SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)</i>	237	1,488	12	7
Exceed SCAQMD Threshold?	No	No	No	No
1. Mitigation includes MM AQ-1 , requiring the use of “Super-Compliant” low VOC paints on buildings and parking lots. 2. Reductions from SCAQMD RULE 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E). Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.				

As shown in **Table 4.2-15**, construction emissions for each phase of the Project are below SCAQMD LST. Significant impacts would not occur concerning LSTs during construction.

Localized Operational Significance Analysis

LSTs for receptors located at 10 feet (3 meters) for SRA 34 were used in this analysis. The four Project areas; Gateway North, Gateway Residential 4, Gateway South, and Gateway East are approximately 6.03, 4.15, 37.10, and 5.28 acres respectively, for a total of 52.56 acres. Therefore, the 5-acre threshold has conservatively been used to evaluate operational emissions all areas except for Gateway Residential 4 because these sites are greater than 5 acres and LSTs increase as site acreage increases. Therefore, the 5-acre LSTs are conservative for the evaluation of sites greater than 5 acres. For Gateway Residential 4, the LST for 4 acres has been interpolated from the 2-acre and 5-acre LSTs.

The LST analysis only includes on-site sources. However, the CalEEMod model outputs do not separate on- and off-site emissions for mobile sources. For a worst-case scenario assessment, the emissions shown in **Table 4.2-16: Localized Significance of Operational Emissions** assumes that 3 percent of the total mobile emissions would occur on site. Based on the 11,874 daily trips assumed in the traffic impact study,

3 percent of the daily vehicle miles traveled would assume that each one-way vehicle trip on site would be approximately 0.25 mile in length (the length of the Gateway South, the largest Project area).

Table 4.2-16: Localized Significance of Operational Emissions

Construction Activity	Maximum Daily Emissions (Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Phase 1: Gateway North (2025)¹				
Onsite Operational Emissions	0.14	1.22	0.24	0.06
SCAQMD Localized Screening Threshold (adjusted for 5.0 acres at 25 meters)	270	1,746	4	2
Exceed SCAQMD Threshold?	No	No	No	No
Phase 2: Gateway Residential 4 (2026)¹				
Onsite Operational Emissions	0.03	0.31	0.06	0.02
SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)	237	1,488	3	2
Exceed SCAQMD Threshold?	No	No	No	No
Phase 3: Gateway South (2029)¹				
Onsite Operational Emissions	0.68	6.67	1.60	0.41
SCAQMD Localized Screening Threshold (adjusted for 5.0 acres at 25 meters)	270	1,746	4	2
Exceed SCAQMD Threshold?	No	No	No	No
Phase 4: Gateway East (2030)¹				
Onsite Operational Emissions	0.10	1.02	0.25	0.07
SCAQMD Localized Screening Threshold (adjusted for 5.0 acres at 25 meters)	270	1,746	4	2
Exceed SCAQMD Threshold?	No	No	No	No
Project Buildout (2030)¹				
Onsite Operational Emissions	0.85	8.47	2.11	0.55
SCAQMD Localized Screening Threshold (adjusted for 5.0 acres at 25 meters)	270	1,746	4	2
Exceed SCAQMD Threshold?	No	No	No	No
1. Mitigation includes: MM AQ-2 , requiring installation of all electrical appliances for residential uses. MM AQ-3 requiring the use of low VOC cleaning products. MM AQ-4 requiring all landscape equipment to be electric. Source: CalEEMod version 2022.1.1.16 Refer to Appendix B for model outputs.				

Daily on-site operational emissions are compared to the LST thresholds in **Table 4.2-16**. **Table 4.2-16** shows that the maximum daily emissions of these pollutants during Project operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, the Project would result in a less than significant impact concerning LSTs during operational activities.

Criteria Pollutant Health Impacts

On December 24, 2018, the California Supreme Court issued an opinion identifying the need to provide sufficient information connecting a project’s air emissions to health impacts or explain why such information could not be ascertained (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502). The SCAQMD has set its CEQA significance thresholds based on the FCAA, which defines a major stationary source (in extreme O₃ nonattainment areas such as the SSAB) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review (NSR) Program and SCAQMD Rule 1303 for new or modified sources. The NSR Program⁷ was created by the FCAA to ensure that stationary sources of air

⁷ Code of Federal Regulation (CFR) [i.e. PSD (40 CFR 52.21, 40 CFR 51.166, 40 CFR 51.165 (b)), Non-attainment NSR (40 CFR 52.24, 40 CFR 51.165, 40 CFR part 51, Appendix S)]

pollution are constructed or modified in a manner that is consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts.

NO_x and ROG are precursor emissions that form O₃ in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so O₃ may be formed at a distance downwind from the sources. Breathing ground-level O₃ can result health effects that include reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily O₃ concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that O₃ can make asthma symptoms worse and can increase sensitivity to asthma triggers.

According to the SCAQMD's 2022 AQMP, O₃, NO_x, and ROG have been decreasing in the southern California since 1975 and are projected to continue to decrease in the future. Although vehicle miles continue to increase, NO_x and ROG levels are decreasing because of the 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 the use of cleaner fuels and renewable energy. The 2022 AQMP demonstrates how the SCAQMD's control strategy to meet the 8-hour O₃ standard in 2037. In addition, since NO_x emissions also lead to the formation of PM_{2.5}, the NO_x reductions needed to meet the O₃ standards will likewise lead to improvement of PM_{2.5} levels and attainment of PM_{2.5} standards.

The SCAQMD's air quality modeling demonstrates that NO_x reductions prove to be much more effective in reducing O₃ levels and will also lead to significant improvement in PM_{2.5} concentrations. NO_x-emitting stationary sources regulated by the SCAQMD include Regional Clean Air Incentives Market (RECLAIM) facilities (e.g., refineries, power plants, etc.), natural gas combustion equipment (e.g., boilers, heaters, engines, burners, flares) and other combustion sources that burn wood or propane. The 2016 AQMP identifies robust NO_x reductions from new regulations on RECLAIM facilities, non-refinery flares, commercial cooking, and residential and commercial appliances. Such combustion sources are already heavily regulated with the lowest NO_x emissions levels achievable but there are opportunities to require and accelerate replacement with cleaner zero-emission alternatives, such as residential and commercial furnaces, pool heaters, and backup power equipment. The AQMD plans to achieve such replacements through a combination of regulations and incentives. Technology-forcing regulations can drive development and commercialization of clean technologies, with future year requirements for new or existing equipment. Incentives can then accelerate deployment and enhance public acceptability of new technologies.

There are significant challenges with correlating specific health effects that will occur as a result of a project's significant criteria air pollutant emissions. Generally, models that correlate criteria air pollutant

concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the region-wide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any one project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin. In addition, such modeling efforts are costly, and the value of a project-specific analysis may be modest in relation to that cost. Furthermore, the results, while costly to produce, may not be particularly useful. For regional pollutants, it is difficult to trace a particular project's criteria air pollutant emissions to a specific health effect. Moreover, the modeled results may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level.

As discussed above, the mass emissions thresholds developed by SCAQMD and used by CEQA lead agencies throughout southern California to determine potential significance of project-related regional changes in the environment are not directly indicative of exceedances of applicable ambient air standards. Meteorology, the presence of sunlight, and other complex chemical factors all combine to determine the ultimate concentration and location of O₃ or PM. The effects on ground-level ambient concentrations of pollutants that may be breathed by people are also influenced by the spatial and temporal patterns of the emission sources. In other words, the effect on O₃ and PM concentrations from a given mass of pollutants emitted in one location may vary from the effect if that same mass of pollutants was emitted in an entirely different location in the air basin. The same effect may be observed when the daily and seasonal variation of emissions is taken into account. Regional-scale photochemical modeling, typically performed only for NAAQS attainment demonstration and rule promulgation, account for these changes in the spatial, temporal, and chemical nature of regional emissions.

Emissions from the construction and operation of the Project would vary by time of day, month, and season, and the majority of Project-related emissions, being generated by mobile sources (cars and trucks) driving to and from the site, would be emitted throughout a wide area defined by the origins and destinations of people traveling to and from the Project. As SCAQMD has stated, "it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region."⁸

Specifically, for extremely large regional projects, the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 pounds per day of NO_x and 89,180 pounds per day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O₃. Based on its recent experiences applying regional scale models to relatively small increase in emissions, SCAQMD stated in its Amicus Brief in the *Sierra Club v. County of Fresno* case: "[A] project emitting only 10 tons per year of NO_x or VOC is small enough that its regional impact on ambient ozone levels may not be detected in the

⁸ South Coast Air Quality Management District, *Amicus Brief in Support of Neither Party, Sierra Club v. County of Fresno*, 2015.

regional air quality models that are currently used to determine ozone levels.”⁹ The Brief makes it clear that SCAQMD does not believe that there must be a quantification of a project's health risks in CEQA documents prepared for individual projects. Any attempt to quantify the Project's health risks would be considered unreliable and misleading. Also, the Project does not generate anywhere near 6,620 pounds per day of NO_x or 89,190 pounds per day of ROG (VOC) emissions, which SCAQMD stated was a large enough emission to quantify O₃-related health impacts. Therefore, the Project's emissions are not sufficiently high enough to use regional modeling program to correlate health effects on a basin-wide level.

As previously discussed, localized effects of on-site Project emissions on nearby receptors for the Project would be less than significant (refer to **Table 4.2-15** and **Table 4.2-16**). The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. However, as discussed above, neither the SCAQMD nor any other air district currently have methodologies that would provide Lead Agencies and CEQA practitioners with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project's mass emissions. Information on health impacts related to exposure to ozone and particulate matter emissions published by the U.S. EPA and CARB have been summarized above and discussed in the Regulatory Setting section. Health studies are used by these agencies to set the NAAQS and CAAQS.

The NAAQS and CAAQS were developed to protect the most susceptible population groups from adverse health effects and were established in terms of parts per million or micrograms per cubic meter for the applicable emissions. As stated earlier, the mass emission thresholds were established primarily in conjunction with federal permitting “major source” thresholds. If emissions were below these “de minimis” emission rates, then the Project is presumed to conform with the NAAQS.¹⁰ While based on the status of an air basin level of attainment of the health-based NAAQS, emissions in excess of the mass emission thresholds from one project does not mean the air basin would experience measurably higher ground level concentrations, or more frequent occurrences of ground level concentrations in exceedance of standards, or delay timely attainment of a particular NAAQS.

Ozone concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level O₃ concentrations in relation to the NAAQS and CAAQS, none of the health-related information can be directly correlated to the pounds/day or tons/year of emissions estimated from a single, proposed project. It should also be noted that this analysis identifies health concerns related to particulate matter, CO, O₃, and NO₂. **Table 4.2-1** includes a list of criteria pollutants and summarizes common sources and effects. Thus, this analysis is reasonable and intended to foster informed decision making. Due to the uncertainty

⁹ South Coast Air Quality Management District, *Amicus Brief in Support of Neither Party, Sierra Club v. County of Fresno*, 2015. p. 1.

¹⁰ U.S. Environmental Protection Agency. Frequent Questions about General Conformity. Available: <https://www.epa.gov/general-conformity/frequent-questions-about-general-conformity> (accessed December 2023).

in the relationship between project-level mass emissions and regional O₃ formation as well as limitations with currently available technical tools, the resulting health effects associated with the Project cannot be identified.

Toxic Air Contaminants: Construction and Operations

Project construction would involve demolition of multiple structures within the Specific Plan area. If it is determined that if any of the existing structures contain asbestos-containing materials, the Project would limit asbestos emissions by implementing the appropriate all applicable procedures and practices in accordance with SCAQMD Rule 1403.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known toxic air contaminants (TAC). Construction would result in the generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. For construction activity, DPM is the primary toxic air contaminant of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. There are existing sensitive receptors throughout the perimeter boundaries of the Walnut Village Project. Therefore, **MM AQ-5**, requiring the preparation of construction health risk assessment (HRA) for each development shall be necessary to limit impacts from TACs.

Following construction, operation of the Project would not be considered a source of TACs that would pose a possible risk to off-site uses. The Project involves the future development of 2,408 DUs of multi-family residential land uses. The Project would not include stationary sources that emit TACs and would not generate a significant amount of heavy-duty truck trips (a source of diesel particulate matter [DPM]). Therefore, no impacts to surrounding receptors associated with TACs would occur.

CARB's Air Quality and Land Use Handbook: A Community Health Perspective recommends against siting sensitive receptors within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The primary concern with respect to heavy-traffic roadway adjacency is the long-term effect of TACs, such as diesel exhaust particulates, on sensitive receptors. The primary source of diesel exhaust particulates is heavy-duty trucks on freeways and high-volume arterial roadways. As part of the Walnut Village Project, residential units would be constructed a minimum of 1,000 feet from I-210. The Project would not result in direct construction of residential or non-residential uses but would facilitate and provide a policy framework for future development within the Project area. While the Project does not propose any development, it can be assumed that future development could potentially result in direct impacts through construction and operation of residential land uses within TAC emitters within the Project areas. **MM AQ-5**, requiring a construction health risk assessment shall be prepared for each future development project to determine the impact of construction on surrounding sensitive receptors. All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements, which may require additional studies for future projects.

Mitigation Measures

MM AQ-5 Each future development project within the Walnut Village SP shall prepare a construction health risk assessment to determine health impacts to surrounding residents that would result from the operation of diesel construction equipment on site and from on-road diesel trucks used for hauling soil and equipment to and from the site. The HRA will include mitigation measures, such as requiring construction equipment to meet Tier 4 standards, to reduce impacts from the construction of future developments to less than significant. The construction of developments determined by a HRA to exceed the carcinogenic risk threshold and/or non-carcinogenic hazard index shall be prohibited.

Impact 4.2-4 *Would the Project Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Level of Significance: Less than Significant Impact

Carbon Monoxide Hotspots

The SCAQMD defines typical sensitive receptors as residences, schools, playgrounds, childcare centers, athletic facilities, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes. When evaluating potential air quality impacts to sensitive receptors, the SCAQMD is primarily concerned with high localized concentrations of CO. Motor vehicles, and traffic-congested roadways and intersections are the primary source of high localized CO concentrations. Localized areas where ambient concentrations exceed federal and/or state standards for CO are termed CO “hotspots.”

It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. The Air Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD’s AQMP.

Additionally, SCAQMD conducted CO modeling for the 2003 AQMP for the four worst-case intersections in the Air Basin: (1) Wilshire Boulevard and Veteran Avenue; (2) Sunset Boulevard and Highland Avenue; (3) La Cienega Boulevard and Century Boulevard; and (4) Long Beach Boulevard and Imperial Highway. In the 2003 AQMP, SCAQMD notes that the intersection of Wilshire Boulevard and Veteran Avenue is the most congested intersection in Los Angeles County, with an average daily traffic volume of approximately 100,000 vehicles per day. This intersection is located near the on- and off-ramps to Interstate 405 in West Los Angeles. The evidence provided in the 2003 AQMP shows that the peak modeled CO concentration due to vehicle emissions at these four intersections was 4.6 ppm (one-hour average) and 3.2 (eight-hour average) at Wilshire Boulevard and Veteran Avenue which is well below the 35-ppm one-hour standard and 9-ppm Federal eight-hour standard. When added to the existing background CO concentrations, the screening values would be 6.8 ppm (one-hour average) and 4.5 ppm (eight-hour average).

The busiest roadway in the Project area, the intersection of I-210 and Sierra Avenue, has an average ADT of 50,127 (based on the 34,100 ADT identified in the General Plan¹¹ and incorporating a 47 percent growth rate by 2040 as identified in the Fontana General Plan EIR.¹² Given that the Walnut Village SP Project is anticipated to generate 11,874 ADT, Project traffic volumes are not anticipated to exceed 100,000 vehicles per day or generate a CO hotspot. Therefore, CO hotspots are not an environmental impact of concern for the proposed Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant. As a result, no significant impacts would occur, and no additional mitigation measures are required.

Construction

Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the allowable amount of VOCs from architectural coatings and solvents. Since compliance with SCAQMD Rules governing these compounds is mandatory, no construction activities or materials are proposed that would create objectionable odors adversely affecting a substantial number of people. Therefore, no significant impact would occur, and no mitigation is required.

Operation

According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Long-term Project operations would not introduce new sources of odors and would not create objectionable odors that could adversely affect a substantial number of people. The Project does not include any uses identified by the SCAQMD as being typically associated with objectionable or nuisance odors. Waste collection areas and disposal for the Project would be covered and situated away from off-site uses. Therefore, potential odor impacts would be less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is required.

4.2.7 Cumulative Impacts

Cumulative Construction Impacts

The SCAB is designated nonattainment for O₃, PM₁₀, and PM_{2.5} for the CAAQS and nonattainment for O₃ and PM_{2.5} for the NAAQS. Appendix D of the SCAQMD *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (2003) notes that projects that result in emissions that do not exceed the project specific SCAQMD regional thresholds of significance should result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. The mass-based regional significance thresholds published by the SCAQMD are designed to ensure compliance with both NAAQS and CAAQS and are based on an inventory of projected emissions in the SCAB.

¹¹ City of Fontana, *Fontana Forward General Plan Update 2015-2035*, Chapter 9 Community Mobility and Circulation, Exhibit 9.5 Average Daily Trips.

¹² City of Fontana, *Fontana Forward General Plan Update 2015-2035 EIR*, Table 5.13-4 2040 Growth Projections.

Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative air quality impact in the SCAB would not be cumulatively considerable. As shown in **Table 4.2-10** above, Project construction-related emissions with the incorporation of **MM AQ-1** would not exceed the SCAQMD significance thresholds for criteria pollutants. Therefore, the Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction.

The SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the FCAA mandates. The analysis assumed fugitive dust controls would be utilized during construction, including frequent water applications. SCAQMD rules, mandates, and compliance with adopted AQMP emissions control measures would also be imposed on construction projects throughout the SCAB, which would include related projects. Compliance with SCAQMD rules and regulations would further reduce Project construction-related emissions. Therefore, Project-related construction emissions, combined with those from other projects in the area, would not substantially deteriorate local air quality. The Proposed Project's construction-related emissions would not result in a cumulatively considerable contribution to significant cumulative air quality.

Cumulative Operational Impacts

The SCAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the SCAB's existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 4.2-12** above, the Project operational emissions (primarily area source and mobile source emissions) would exceed the SCAQMD threshold for ROG despite the implementation of **MM AQ-2** through **MM AQ-4**. As a result, operational emissions associated with the Project would result in a cumulatively considerable contribution to significant cumulative air quality impacts. Emissions of motor vehicles are controlled by State and Federal standards and the Project has no control over these standards. Therefore, the Project would contribute to a significant cumulative operational impact.

4.2.8 Significant Unavoidable Impacts

The Project would result in a significant and unavoidable impact related to the implementation of the air quality plan, cumulatively considerable net increase of criteria pollutants. Despite implementation of **MM AQ-2** through **MM AQ-4**, future development projects within the Walnut Village SP could exceed SCAQMD operational thresholds for pollutant concentrations. Therefore, future development could conflict with the implementation of 2022 AQMP and result in cumulatively considerable increases of criteria pollutants. In addition, the construction of future developments may expose surrounding sensitive receptors to substantial pollutant concentrations.

4.2.9 References

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4.3 BIOLOGICAL RESOURCES

4.3.1 Introduction

This section of the Draft PEIR identifies and evaluates potential impacts related to biological resources with the development of the Updated Walnut Specific Plan Project (Project). Information included in this section is provided from the following biological technical report:

- ELMT Consulting Biological Resources Assessment for the Walnut Village Specific Plan (**Appendix C**).

Additional sources used include:

- Fontana Forward General Plan Update 2015-2035.
- Fontana Forward General Plan Update 2015-2035. 2018. Draft EIR.

The analysis in this section will provide a description of the existing biological resources found on the Project site and identify potentially significant impacts to sensitive biological resources through Project implementation. The Project proposes updating the existing specific plan to include mixed-use strategies and up zoning to increase residential density within the Walnut Village Specific Plan (SP) and clarify regulations for existing development as well as all for additional development on approximately 53 acres of the 342-acre of the SP.

4.3.2 Environmental Setting

Existing Conditions¹

Site Conditions

The Project site consists of a mix of vacant/undeveloped land and residential development. One commercial development is located in the middle of the Project site boundaries. The majority of the site has been subject to anthropogenic disturbance such as onsite and surrounding development, grading, illegal dumping, stock piling and weed abatement. The undeveloped portions of the site are supported in the northwest corner and scattered throughout the southern portion of the Project site. The undeveloped areas are heavily vegetated with weedy, non-native species, and appear to be unmaintained. The majority of the Project site supports residential development.

Topography and Soils

On-site elevation ranges from approximately 1,417 to 1,535 feet above mean sea level (amsl) and generally slopes from north to south. On-site topography is relatively flat. Based on the National Resource Conservation Service (NRCS) United States Department of Agriculture (USDA) Web Soil Survey, the site is historically underlain by Soboba gravelly loamy sand (0 to 9 percent slopes), Tujunga loamy sand (0 to 5 percent slopes), and Tujunga gravelly loamy sand (0 to 9 percent slopes). Soils on-site have been

¹ ELMT Consulting, Inc. 2023. Biological Resources Assessment for the Walnut Village Specific Plan.

mechanically disturbed and heavily compacted from decades of anthropogenic disturbance (i.e., weed-abatement, grading, and on-site and surrounding development).

Vegetation and Land Cover

Due to historic and existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the Project site. The site supports one (1) natural plant community that would be classified as non-native grassland. Additionally, the Project site supports two (2) land-cover types that would be classified as disturbed and developed, refer to **Figure 4.3-1: Vegetation**.

The majority of the Project site supports residential development. Vegetation present within the developed areas includes ornamental species primarily installed for landscaping purposes. Prevalent species present within the developed areas include Mexican fan palm (*Washingtonia robusta*), tree of heaven (*Ailanthus altissima*), Italian cypress (*Cupressus sempervirens*), Monterey pine (*Pinus radiata*), and boxwood (*buxus* sp.).

Undeveloped, vacant land occurs primarily in the northwest, the southwest, and the southeast corners of the Project site, in addition to a few scattered undeveloped vacant parcels in the middle of the site. The undeveloped, vacant land within the Project site primarily supports a non-native grassland plant community. Species present within this community include weedy, invasive, ruderal, and early successional species. Species observed within the non-native grassland include Eucalyptus (*eucalyptus globulus*), shortpod mustard (*Hirschfeldia incana*), telegraph weed (*Heterotheca grandiflora*), horseweed (*Erigeron canadensis*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarum*), lemon clover (*Oxalis stricta*), prickly lettuce (*Lactuca serriola*), slender oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), Russian thistle (*Salsoa tragus*), and common sunflower (*Helianthus annuus*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the Project site. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The Project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site.

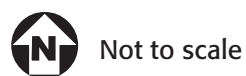
Amphibians

No amphibians or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of amphibians were observed on or within the vicinity of the Project site. Therefore, no amphibians are expected to occur and are presumed absent from the Project site.



Source: ELMT Consulting, Inc

Figure 4.3-1: Vegetation
Walnut Village Specific Plan Project, City of Fontana



Reptiles

The Project site provides minimal foraging and cover habitat for reptile species adapted to a high degree of anthropogenic disturbance. No reptile species were observed during the field investigation. Common reptilian species adapted to a high degree of human disturbance that could potentially occur on-site include great basin fence lizard (*Sceloporus occidentalis longipes*), western side-blotched lizard (*Uta stansburiana elegans*), and San Diego alligator lizard (*Elgaria multicarinata webbii*).

Birds

The Project site and surrounding urban environment provide suitable foraging and nesting habitat for avian species adapted to a high degree of anthropogenic disturbance. Avian species observed during the field investigation include red-tailed hawk (*Buteo jamaicensis*), American coot (*Fulica americana*), black phoebe (*Sayornis nigricans*), northern mockingbird (*Mimus polyglottos*), hooded oriole (*Icterus cucullatus*), rock pigeon (*Columba livia*), and house sparrow (*Passer domesticus*).

Mammals

The northwest, southwest, and southeast corners of the Project site provide limited foraging and cover habitat for mammalian species adapted to a high degree of anthropogenic disturbance. Mammalian species observed during the field investigation include domestic dog (*Canis lupus familiaris*) and domestic cat (*Felis catus*). Additional mammalian species that could potentially occur on-site include opossum (*Didelphis virginiana*), California ground squirrel (*Otospermophilus beecheyi*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), and brown rat (*Rattus norvegicus*).

Special-Status Biological Resources

Special-Status Plants

According to the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS), twenty-eight (28) special-status plant species have been recorded in the Devore and Fontana quadrangles (see **Table 4.3-1: Special-Status Wildlife**). No special-status plant species were observed on-site during the habitat assessment. The Project site has been subject to anthropogenic disturbances from on-site and surrounding development. These disturbances have eliminated the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the Project site.

Special-Status Wildlife

According to the CNDDDB, fifty-seven (57) special-status wildlife species have been reported in the Devore and Fontana quadrangles (see **Table 4.3-1: Special-Status Wildlife**). No special-status wildlife species were observed during the field investigation. The Project site largely supports undeveloped land that has been subject to a variety of anthropogenic disturbances and is surrounded by existing industrial development. These disturbances have eliminated the natural plant communities that once occurred on-site which has reduced potential foraging and nesting/denning opportunities for wildlife species.

Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the proposed Project site has a low potential to support Cooper's hawk (*Accipiter cooperii*), and California horned lark (*Eremophila alpestris actia*). It was further determined that the Project site does not provide suitable habitat for any of the other special-status wildlife species known to

occur in the area since the Project site has been heavily disturbed from onsite disturbances and surrounding development.

None of the aforementioned special-status wildlife species are federally or state listed as endangered or threatened. Marginal nesting opportunities for Cooper’s hawk and California horned lark, including utility poles and tall trees, exist along site boundaries and the undeveloped areas present within the Project site provide moderate foraging opportunities for both species.

Special-Status Plant Communities

According to the CNDDDB, three (3) special-status plant community has been reported in the Devore and Fontana USGS 7.5-minute quadrangle. None of these special status communities were observed within the boundaries of the Project site at the time of the field investigation.

Table 4.3-1: Special-Status Wildlife

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Accipiter cooperii</i> Cooper’s hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	Low Foraging habitat is present within and surrounding the project site. Marginal nesting opportunities present on site boundaries.
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated shrublands on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (<i>Artemisia californica</i>) but can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: None CA: SSC	Mostly found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. They live mostly underground, burrowing in the loose sandy soils.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Aquila chrysaetos</i> golden eagle	Fed: None CA: FP/WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Ardea alba</i> great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh, and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Ardea herodias</i> great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Arizona elegans occidentalis</i> California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Artemisiospiza belli belli</i> Bell's sage sparrow	Fed: None CA: WL	Occurs in chaparral dominated by fairly dense stands of chamise. Also found in coastal sage scrub in south of range.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Aspidoscelis hyperythra</i> orangethroat whiptail	Fed: None CA: WL	Inhabits low-elevations coastal scrub, chamise-redshank chaparral, mixed chaparral, and valley-foothill hardwood habitats. Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Bassariscus astutus octavus</i> southern California ringtail	Fed: None CA: None	Prefers rocky outcroppings, canyons, or talus slopes. Found generally in semi-arid country, deserts, chaparral, oak woodlands, pinyon pine woodlands, juniper woodlands and montane conifer forests.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Batrachoseps gabrieli</i> San Gabriel slender salamander	Fed: None CA: None	Known from select localities in the San Gabriel Mountains and the Mt. Baldy area of Los Angeles County and the western end of the San Bernardino Mountains in San Bernardino Co., with an elevation range of 1,200- 5,085 feet. Occurs on talus slope surrounded by a variety of conifer and montane hardwood species, including bigcone spruce, pine, white fir, incense cedar, canyon live oak, black oak, and California laurel.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Bombus crotchii</i> Crotch's bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-CascadeCrest; less common in western Nevada. Characterized as a dietary generalist, it shows favor towards milkweeds and is also commonly associated with dustymaidens, lupines, medics, phacelias, sages, and buckwheats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Bombus pensylvanicus</i> American bumble bee	Fed: None CA: None	Prefers farmlands, meadows, grasslands, and open fields. Nests below grass or underground. Feeds on pollen of a wide variety of flowering plants including vetches, clovers, goldenrods, and many crop species.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Buteo regalis</i> ferruginous hawk	Fed: None CA: WL	Occurs primarily in open grasslands and fields, but may be found in sagebrush flats, desert scrub, low foothills, or along the edges of pinyon-juniper woodland. Feeds primarily on small mammals and typically found in agricultural or open fields.	No	Presumed Absent No suitable habitat is present within or adjacent to the Project site.
<i>Calypte costae</i> Costa's hummingbird	Fed: None CA: None	Found in desert and semi-desert, arid brushy foothills and chaparral habitats. Breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.
<i>Catostomus santaanae</i> Santa Ana sucker	Fed: THR CA: None	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Steams that Santa Ana Sucker inhabit are generally perennial streams with	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
		water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.		
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	Fed: None CA: SSC	Lives in coastal scrub, chamise-redshank chaparral, mixed chaparral, sagebrush, desert wash, desert scrub, desert succulent scrub, pinyon-juniper woodlands, and annual grasslands. Prefers moderate canopy coverage of arid shrubland or on or near rocky slopes and sandy areas.	No	Presumed Absent No suitable habitat is present within or adjacent to the Project site.
<i>Cicindela tranquebarica viridissima</i> greenest tiger beetle	Fed: None CA: None	Often occur at ground level and prefer areas of bare ground with very little vegetation. Most commonly seen in warm and sandy habitats in heaths, hillsides, and dunes. Seen regularly at Brownfield sites.	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.
<i>Circus hudsonius</i> northern harrier	Fed: None CA: SSC	Breeds in wide-open habitats ranging from Arctic tundra to prairie grasslands, fields, and marshes. Nests are concealed on the ground in grasses or wetland vegetation.	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.
<i>Coleonyx variegatus abbotti</i> San Diego banded gecko	Fed: None CA: SSC	Prefers rocky coastal sage and chaparral habitat with granite outcrops. Also occurs in dry, rocky riverbeds. Species avoids areas with a high intensity of artificial night lighting.	No	Presumed Absent There is no suitable habitat is present within or adjacent to the Project site.
<i>Crotalus ruber</i> red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
		populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.		
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Fed: END CA: CE/SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Dipodomys simulans</i> Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Elanus leucurus</i> white-tailed kite	Fed: None CA: None	Common in savannas, open woodlands, marshes, desert grasslands, partially cleared lands, and cultivated fields. Tend to avoid heavily cleared or grazed areas. Breeds in lowland grasslands, agricultural wetlands, oak-woodland and savannah habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Eremophila alpestris actia</i> California horned lark	Fed: None CA: WL	Inhabits open ground, generally avoiding areas with trees or even bushes. May occur in a wide variety of areas that are sufficiently open such as short-grass prairies, extensive lawns such as on airports or golf courses, plowed fields, stubble fields, beaches lake flats, dry tundra of far north or high mountains.	No	Low Limited foraging habitat is present within and surrounding the Project site.
<i>Eugnosta busckana</i> Busk's gallmoth	Fed: None CA: None	Little is known about the habitat and distribution of this species.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Eumops perotis californicus</i> western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Falco mexicanus</i> prairie falcon	Fed: None CA: WL	Commonly occur in arid and semiarid shrubland and grassland community types. Also occasionally found in open parklands within coniferous forests. During the breeding season, they are found commonly in foothills and mountains which provide cliffs and escarpments suitable for nest sites.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Falco peregrinus anatum</i> American peregrine falcon	Fed: DL CA: DL	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Gila orcuttii</i> arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Icteria virens</i> yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting, and fairly dense brush for nesting.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Fed: None CA: None	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Microtus californicus mohavensis</i> Mojave river vole	Fed: None CA: END	Prefers habitat that is moist, including meadows, freshwater marshes, and irrigated pastures in locations surrounding the Mojave River between elevations of 2,460 to 2,700 feet.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Neolarra alba</i> white cuckoo bee	Fed: None CA: None	Typically found where other bee species are common. Known as “cleptoparasites,” cuckoo bees lay their eggs in cells provisioned by host bees. Live in urban areas, forests, and woodlands.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	Fed: None CA: SSC	Often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead – southern California DPS	Fed: END CA: CE	Found in permanent coastal streams from San Diego to the Smith River.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Pandion haliaetus</i> osprey	Fed: None CA: WL	Found near both fresh and saltwater habitats. Prefers rivers, lakes, and coastlines where large numbers of fish are present. May be most common around major coastal estuaries and salt marshes, but also regular around reservoirs.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse	Fed: None CA: SSC	Resides in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Polioptila californica californica</i> coastal California gnatcatcher	Fed: THR CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Pyrocephalus rubinus</i> vermillion flycatcher	Fed: None CA: SSC	Occupies desert riparian habitat, particularly cottonwoods, willows, mesquite, and other large desert riparian trees, in habitat adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas where it can forage.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Rana muscosa</i> southern mountain yellow-legged frog	Fed: END CA: END ;WL	Occurs in lower elevation habitats characterized by rocky streambeds and wet meadows, while higher elevation habitats include lakes, ponds, and streams. Occupy streams in narrow, rock-walled canyons. Often found along rock walls or vegetated banks and always within a few feet of the water.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Rhaphiomidas terminatus abdominalis</i> Delhi Sands flower-loving fly	Fed: END CA: None	DSF habitat is limited to areas that include Delhi fine sand, an aeolian (wind-deposited) soil type. The highest density of DSF have been found in habitat that includes a variety of plants including California buckwheat,	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
		California croton, deerweed, and telegraph weed.		
<i>Rhinichthys osculus ssp. 3</i> Santa Ana speckled dace	Fed: None CA: SSC	Requires permanent flowing streams within summer water temperatures of 17 – 20 degrees Celsius. Inhabits shallow cobble and gravel riffles and small streams that flow through steep, rocky canyons with chaparral covered walls.	No	Presumed Absent No suitable habitat is present within or adjacent to the Project site.
<i>Salvadora hexalepis virgultea</i> coast patch-nosed snake	Fed: None CA: SSC	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains. Requires friable soils for burrowing.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Setophaga petechia</i> yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Spinus lawrencei</i> Lawrence's goldfinch	Fed: None CA: None	Typical habitats include valley foothill hardwood, valley foothill hardwood-conifer, and, in southern California, desert riparian, palm oasis, pinyon-juniper, and lower montane habitats. Nearby herbaceous habitats often used for feeding. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Strix occidentalis occidentalis</i> California spotted owl	Fed: None CA: SSC	Breeds and roosts in forests and woodland with large old trees and snags, high basal areas of trees and snags, dense canopies, multiple canopy layers, and downed woody debris. Large old trees are key as they provide nest sites and cover from weather.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: END CA: END	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Ambrosia monogyra</i> singlewhorl burrobrush	Fed: None CA: None CNPS: 2B.2	Found in chaparral and woodland habitats in the Peninsular Ranges of Southern California and northern Baja California. Grows in washes and ravines in desert areas as well. Grows in sandy soils. Blooming period is August to November.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Arenaria paludicola</i> marsh sandwort	Fed: END CA: END CNPS: 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No	Presumed Absent There is no suitable habitat present within the Project site. The Project site occurs outside of the known elevation range for this species.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Found along the coast and inland hills in chaparral, coastal sage scrub, yellow pine forest, foothill woodland, and valley grassland plant communities. Prefers dry, rocky soils. Grows at elevations of up to 5,580 feet. Blooms from May to July.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Chloropyron maritimum ssp. maritimum</i> salt marsh bird's-beak	Fed: END CA: END CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 99 feet. Blooming period is from May to October.	No	Presumed Absent There is no suitable habitat present within the Project site. The Project site occurs outside of the known elevation range for this species.
<i>Chorizanthe parryi var. parryi</i> Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Chorizanthe xanti var. leucotheca</i> white-bracted	Fed: None CA: None	Grows on sandy or gravelly soils within coastal scrub (alluvial fans), Mojavean desert scrub, pinyon and juniper woodland habitats. Found at elevations	No	Presumed Absent The Project site occurs outside of this species' known elevation range.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
spineflower	CNPS: 1B.2	ranging from 984 to 3,937 feet. Blooming period is from April to June.		
<i>Cryptantha incana</i> Tulare cryptantha	Fed: None CA: None CNPS: 1B.3	Found in lower montane coniferous forests between 4,600 to 6,600 feet in elevation. Grows in open, gravelly, and rocky soils. Blooms from May to August.	No	Presumed Absent No suitable habitat is present within the Project site.
<i>Dodecahema leptoceras</i> slender-horned spineflower	Fed: END CA: END CNPS: 1B.1	Chaparral, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes. Found at elevations ranging from 1,181 to 2,690 feet. Blooming period is from April to June.	No	Presumed Absent No suitable habitat is present within the Project site.
<i>Eriastrum densifolium ssp. sanctorum</i> Santa Ana River woollystar	Fed: END CA: END CNPS: 1B.1	Grows in sandy or gravelly soils within chaparral and coastal scrub habitat. Found at elevations ranging from 299 to 2,001 feet. Blooming period is from April to September.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Galium jepsonii</i> Jepson's bedstraw	Fed: None CA: None CNPS: .3	Grows mainly in moist, shady habitats in hilly and mountainous areas, often within California chaparral and woodland ecoregions.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Galium johnstonii</i> Johnston's bedstraw	Fed: None CA: None CNPS: 4.3	Grows in chaparral, lower montane coniferous forest, pinyon and juniper woodland, and riparian woodland communities. Blooms from May to July.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Horkelia cuneata var. puberula</i> mesa horkelia	Fed: None CA: None CNPS: 1B.1	Occurs on sandy or gravelly soils in chaparral, woodlands, and coastal scrub plant communities. Found at elevations ranging from 230 to 2,657 feet. Blooming period is from February to September.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Juglans californica</i> southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Lepidium virginicum var. robinsonii</i> Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Lilium humboldtii ssp. ocellatum</i> ocellated Humboldt lily	Fed: None CA: None CNPS: 4.2	Found in openings within chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland habitats. Found at elevations ranging from 98 to 5,906 feet in elevation. Blooming period is from March to August.	No	Presumed Absent There is no suitable habitat present within the Project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Lilium parryi</i> lemon lily	Fed: None CA: None CNPS: 1B.2	Occurs in lower montane coniferous forest, meadows and seeps, riparian forest, and upper montane coniferous forest habitats. Generally, occurs in wet, mountainous terrain; forested areas; on the shady edges of streams; or in open, boggy meadows and seeps. Found at elevations ranging from 4,003 to 9,006 feet above msl. Blooming period is from July to August.	No	Presumed Absent There is no suitable habitat present within or adjacent to the Project site.
<i>Lycium parishii</i> Parish's desert-thorn	Fed: None CA: None CNPS: 2B.3	Habitats include coastal scrub and Sonoran Desert scrub. Found at elevations ranging from 443 to 3,281 feet. Blooming period is from March to April.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Malacothamnus parishii</i> Parish's bush-mallow	Fed: None CA: None CNPS: 1A	Grows in chaparral and coastal scrub habitats. Found at elevations ranging from 1,001 to 1,493 feet. Blooming period is from June to July.	No	Presumed Absent There is no suitable habitat present within the Project site. The Project site occurs outside of the known elevation range for this species.
<i>Monardella pringlei</i> Pringle's monardella	Fed: None CA: None CNPS: 1A	Prefers sandy soils within coastal scrub habitat. Found at elevations ranging from 984 to 1,312 feet. Blooming period is from May to June.	No	Presumed Absent There is no suitable habitat present within the Project site. The Project site occurs outside of the known elevation range for this species.
<i>Monardella Saxicola</i> rock monardella	Fed: None CA: None CNPS: 4.2	Found in yellow pine forest and chaparral communities. Grows in rocky and serpentinite soils, blooming time is May to August.	No	Presumed Absent No suitable habitat is present within the Project site.
<i>Opuntia basilaris var. brachyclada</i> short-joint beavertail	Fed: None CA: None CNPS: 1B.2	Habitats include chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodlands. Found at elevations ranging from 1,394 to 5,906 feet. Blooming period is from April to August.	No	Presumed Absent No suitable habitat is present within the Project site.
<i>Quercus durata var. gabrielensis</i> San Gabriel oak	Fed: None CA: None CNPS: 4.2	Grows between 1,500 and 4,500 feet in elevation. Found in chaparral slopes and ridges, and in oak woodlands in granitic soils.	No	Presumed Absent No suitable habitat is present within the Project site.
<i>Senecio aphanactis</i> chaparral ragwort	Fed: None CA: None CNPS: 2B.2	Found in sometimes alkaline soils in chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 425 to 2,165 feet. Blooming period is from January to April.	No	Presumed Absent There is no suitable habitat present within the Project site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Senecio astephanus</i> San Gabriel ragwort	Fed: None CA: None CNPS: 4.3	Found only in the rocky slopes of the Transverse Ranges and adjacent Coast Ranges of California. Blooms from March to May.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Sphenopholis obtusata</i> prairie wedge grass	Fed: None CA: None CNPS: 2B.2	Prefers cismontane woodland, meadows, and seeps. Found at elevations ranging from 984 to 6,562 feet. Blooming period is from April to July.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Streptanthus bernardinus</i> Laguna Mountains jewelflower	Fed: None CA: None CNPS: 4.3	Grows in chaparral and lower montane coniferous forest on clay or decomposed granite soils. It is sometimes found in disturbed areas such as streambanks or roadcuts. From 4,724 to 8,202 feet in elevation. Blooming period is from May to August.	No	Presumed Absent There is no suitable habitat present within the Project site.
<i>Symphyotrichum defoliatum</i> San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Grows in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic). Can be found growing near ditches, streams, and springs within these habitats. Found at elevations ranging from 7 to 6,693 feet. Blooming period is from July to November.	No	Presumed Absent There is no suitable habitat present within the Project site.
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	Absent. This plant community was not observed on-site.
Southern Riparian Forest	CDFW Sensitive Habitat	Comprised of winter-deciduous trees that require water near the soil surface. Primarily composed of Willow cottonwood (<i>Populus</i> sp.) and western sycamore (<i>Platanus racemosa</i>). Associated understory species include mule fat (<i>Baccharis salicifolia</i>), stinging nettle (<i>Urtica dioica</i> ssp. <i>holosericea</i>), and wild grape (<i>Vitis girdiana</i>). Found in moist canyons and drainage bottoms.	No	Absent. This plant community was not observed on-site.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Occurs below 2,000 meters in elevation, sycamore and alder often occur along seasonally flooded banks; cottonwoods and willows are also often present. Poison oak, mugwort, elderberry and wild raspberry may be present in understory.	No	Absent. This plant community was not observed on-site.
<p>USFWS – Federal END - Federal endangered THR - Federal Threatened Candidate END – Under Review</p> <p>CDFW – California END – California Endangered CSC – California Species of Concern WL – Watch List FP – California Fully Protected</p> <p>CNPS California Rare Plant Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere 1B - Plants Rare, Threatened, or Endangered in California and Elsewhere 2B - Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere 4 - Plants of Limited Distribution – A Watch List</p> <p>Threat Ranks 0.1 – Seriously threatened in California 0.2 – Moderately threatened in California 0.3 – Not very threatened in California</p>				

State and Federal Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The United States Army Corps of Engineers (USACE) Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and the USGS National Hydrography Dataset were reviewed to determine if any blue-line streams or riverine resources have been documented on the Project site. Based on this review, three freshwater pond features have been mapped in the middle of the Project site, just east of the intersection of Walnut Village Parkway and Mango Avenue. These features correspond to landscaped parks/greenbelts that are used as flood control basins for stormwater. These features would not be considered jurisdictional.

Several paved concrete v-ditches were observed within the undeveloped areas of the Project site. Each v-ditch leads to a box culvert of varying size and orientation, the primary purpose of which is to collect and divert runoff from surrounding development. These concrete v-ditches were excavated wholly in the uplands as a result of development and do not support riparian vegetation. No drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the USACE, Regional Water Quality Control Board (Regional Board), or CDFW were observed within the proposed Project site.

4.3.3 Regulatory Setting

Federal

Endangered Species Act of 1973

The Federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The FESA defines species as “threatened” or “endangered” and provides regulatory protection for listed species. The FESA provides a program for conservation and recovery of threatened and endangered species, and conservation of designated critical habitat that the USFWS has determined is required for the survival and recovery of these listed species.

Section 4 requires Federal agencies to, among other things, prepare recovery plans for newly listed species unless USFWS determines such a plan would not promote the conservation of the species.

Section 7 requires Federal agencies, in consultation with, and with the assistance of the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The USFWS and National Marine Fisheries Service (NMFS) share responsibilities for administering FESA. Regulations governing interagency cooperation under Section 7 are found at 50 CFR Part 402. The opinion issued at the conclusion of consultation would include a statement authorizing a take that may occur incidental to an otherwise legal activity.

Section 9 lists those actions that are prohibited under FESA. Take of a species listed in FESA is prohibited. Section 9 of FESA prohibits take (i.e., to harass, harm, pursue, hunt, wound, kill, etc.) of listed species of fish, wildlife, and plants without special exemption. “Harm” is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or shelter. “Harass” is further defined as actions that create the likelihood of injury to listed species, resulting in significantly disrupting normal behavior patterns which include, but are not limited to, breeding, feeding, and shelter.

Section 10 provides a means whereby a non-Federal action with a potential to result in the take of a listed species could be allowed under an incidental take permit. Application procedures are found at 50 CFR Parts 13 and 17 for species under the jurisdiction of USFWS and 50 CFR Parts 217, 220, and 222 for species under the jurisdiction of NMFS.

Clean Water Act/Rivers and Harbors Act

Section 401 requires that a project proponent for a Federal license or permit that allows activities resulting in a discharge to WUS must obtain a State certification that the discharge complies with other provisions of CWA. The Regional Water Quality Control Boards (RWQCBs) administer the certification program in California.

Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) into WUS, commonly referred to as the National Pollutant Discharge Elimination System (NPDES) Permit process, described further below.

Section 404 establishes a permit program, administered by the USACE, regulating the discharge of dredged or fill material into WUS, including wetlands. The extent of WUS is generally defined as the portion that falls within the limits of the OHWM, which typically corresponds to the two-year flood event. Wetlands, including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas are defined by USACE as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3[c](4); 40 CFR 230.3[o](iv)). Implementing regulations by USACE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines and were developed by the U.S. Environmental Protection Agency (U.S. EPA) in conjunction with USACE (40 CFR Parts 230). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

The Rivers and Harbors Act regulates placement of obstacles or structures within navigable waterways, including the area vertically beneath the ocean floor.

Migratory Bird Treaty Act (16 U.S.C. 701 through 719(c))

The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, the United States’ commitment to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States.

State

California Environmental Quality Act

Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (California State FGC §2050 et seq.)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the Federal ESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or

attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

FGC §§ 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

FGC § 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

- 1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- 2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake;
or
- 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

FGC § 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. CDFW’s regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have

supported riparian vegetation. A § 1602 Streambed Alteration Agreement (SAA) would be required if impacts to identified CDFW jurisdictional areas occur.

Fish and Game Code (FGC) §§ 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, § 3503 of the FGC makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under § 3503.5 of the FGC which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the FGC lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are fully protected by the state include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the FGC makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA 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 MBTA.

California Native Plant Protection Act (California State FGC 1900 through 1913)

CNPPA requires all State agencies to utilize their authority to carry out programs to conserve endangered and rare native plants. Provisions of the NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. A project proponent is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of this Act and sections of CEQA that apply to rare or endangered plants.

Regional Water Quality Control Board

Under Section 401 of the CWA, the RWQCB must certify that actions receiving authorization under Section 404 of the CWA also meet State water quality standards. The RWQCB also regulates waters of the State under the Porter-Cologne Act Water Quality Control Act (Porter-Cologne Act) (see below). The RWQCB requires projects to avoid impacts to wetlands if feasible and requires that projects do not result in a net loss of wetland acreage or a net loss of wetland function and values. The RWQCB typically requires compensatory mitigation for impacts on wetlands and/or waters of the State. The RWQCB also has jurisdiction over waters deemed isolated or not subject to Section 404 jurisdiction under the *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* decision. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of the State and prospective dischargers are required to obtain authorization through an Order of Waste Discharge or waiver thereof from the RWQCB and comply with other requirements of Porter-Cologne Act.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, waters of the State fall under the jurisdiction of the appropriate RWQCB. Under the Act, the RWQCB must prepare and periodically update basin plans. Each basin plan sets forth water quality standards for surface water and groundwater as well as actions to control nonpoint and point sources of pollution, thereby achieving and maintaining these standards.

Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition to water quality certification or a waiver under Section 401 of the CWA.

Local

City of Fontana General Plan Update 2015-2035

Conservation, Open Space, Parks and Trails Element

This Conservation Element² is required by California state law to address the conservation, development and utilization of natural resources including water and its hydraulic force; forests; soils; rivers and other waters; harbors and fisheries; wildlife; and minerals and other natural resources, such as energy. [California Government Code 65302(d)] Natural resources most relevant to the City of Fontana are hydrology; wildlife; and energy.

Goal Fontana continues to preserve sensitive natural open space in the foothills of the San Gabriel Mountains and Jurupa Hills.

Policy Consider permanent protection for sensitive foothill lands through potential partnerships with conservation organizations or acquisition and deed restrictions.

Goal Large city parks and open spaces include plantings and natural areas attractive to birds and other wildlife.

Policy Inform the public about the natural ecological character of Fontana.
Use public open space to support wildlife habitat as appropriate.

Goal Fontana has a healthy, drought-resistant urban forest, 25% tree canopy, and an urban forestry program.

Policy Support tree conservation and planting that enhances shade and drought resistance.
Expand Fontana’s tree canopy.

City of Fontana Municipal Code

Article III of Chapter 28 – Vegetation of the City’s Municipal Code is for the preservation of heritage, significant, and specimen trees. Per §28-61. Purpose “This article is adopted to establish regulations for the preservation and protection of heritage, significant and/or specimen trees within the city located on both private and public property. The city council finds that such trees are worthy of preservation in order to enhance the scenic beauty of the city, provide wind protection, prevent soil erosion, promote urban forestation, conserve the city's tree heritage for the benefit of all, and thereby promote the public health, safety and welfare.” No such trees were identified on the Project site.

² City of Fontana. (2018). City of Fontana General Plan – Conservation, Open Space, Parks, and Trails Element. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26746/Chapter-7---Conservation-Open-Space-Parks-and-Trails>. (accessed August 2022).

4.3.4 Impact Thresholds and Significance Criteria

The following significance criteria for biological resources were derived from the Environmental Checklist in CEQA Guidelines, Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- 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;
- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.3.5 Impacts and Mitigation Measures

Impact 4.3-1 *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Special Status Plant Species

As discussed in **Section 4.3.2: Environmental Setting**, no special-status plant species were observed on the Project site during the habitat assessment. Additionally, most of the Project site is developed and as well as the surrounding environment. This has eliminated the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the Project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the Project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the Project site. No focused surveys are recommended, and a less than significant impact would occur.

Special-Status Wildlife Species

No special-status wildlife species were observed during the field investigation. There is a low potential to support Cooper's hawk and California horned lark, and the Project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the Project site has been mostly developed.

No special-status wildlife species are federally or state listed as endangered or threatened. Marginal nesting opportunities for Cooper's hawk and California horned lark, including utility poles and tall trees, exist along site boundaries and the undeveloped areas present within the project site provide moderate foraging opportunities for both species. To ensure impacts to the aforementioned species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the **Mitigation Measure (MM) BIO-1** pre-construction nesting bird clearance survey, impacts to special status wildlife species will be less than significant.

Mitigation Measures

MM BIO-1 Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Impact 4.3-2 *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 Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: Less than Significant Impact

The Project site does not contain any riparian areas. Several paved concrete v-ditches were observed within the undeveloped areas of the Project site. However, the concrete v-ditches were excavated in the uplands as a result of development and do not support riparian vegetation. Additionally, at the time of the field investigation no special status plant communities were observed within the Project site. Thus, no sensitive natural communities would be impacted from Project implementation, and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.3-3 *Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Level of Significance: No Impact

Several paved concrete v-ditches were observed within the undeveloped areas of the project site. These concrete v-ditches were excavated wholly in the uplands as a result of development and do not support riparian vegetation. No drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the USACE, Regional Water Quality Control Board (Regional Board), or CDFW were observed within the proposed Project site. Project activities are not expected to result in impacts to USACE, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required. As a result, implementation of the Project would not result in any impacts or have a substantial adverse effect on protected wetlands.

Mitigation Measures

No mitigation is necessary.

Impact 4.3-4 *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?*

Level of Significance: Less than Significant Impact

According to the San Bernardino County General Plan, the project site has not been identified as occurring within a wildlife corridor or linkage. As designated by the San Bernardino County General Plan Open Space Element, the nearest major corridor or linkage documented in the vicinity of the project site is the Cajon Wash, located approximately 2.13 miles to the northeast. Additionally, the Cucamonga Wilderness lies approximately 3.15 miles to the northwest.

The proposed Project will be confined to existing areas that have been heavily disturbed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, implementation of the proposed Project is not expected to impact wildlife movement opportunities. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

The project site is not located within a federally designated Critical Habitat. The nearest designated Critical Habitats are located approximately 1.01 miles to the north for San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*), and 5.29 miles to the south for coastal California gnatcatcher (*Poliioptila californica californica*). Therefore, the loss or adverse modification of Critical Habitat from Project site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

Mitigation Measures

No mitigation is necessary.

Impact 4.3-5 ***Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Level of Significance: No Impact

The City Municipal Code, Article III of Chapter 28 – Vegetation is for the preservation of heritage, significant, and specimen trees. As discussed above per §28-61. Purpose “This article is adopted to establish regulations for the preservation and protection of heritage, significant and/or specimen trees within the city located on both private and public property. The city council finds that such trees are worthy of preservation in order to enhance the scenic beauty of the city, provide wind protection, prevent soil erosion, promote urban forestation, conserve the city's tree heritage for the benefit of all, and thereby promote the public health, safety and welfare.” No such trees were identified on the Project site. Therefore, impacts to local policies or ordinances are not expected to occur from the Project and mitigation is not required.

Mitigation Measures

No mitigation is necessary.

Impact 4.3-6 ***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?***

Level of Significance: Less than Significant Impact

The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the Project, and mitigation is not required.

Although the Project is located within the County of San Bernardino's Burrowing Owl Overlay Zone, based on the results of the field investigation, the Project site has a low potential to support burrowing owls.³ The Project site does not have suitable habitat present within or adjacent to the site that would support burrowing owls.

Mitigation Measures

No mitigation is necessary.

4.3.6 Cumulative Impacts

For purposes of biological resources, cumulative impacts are considered for projects located within the City and adjacent jurisdictions; see **Table 4-1: Cumulative Projects List, Section 4.0: Environmental Impact Analysis**. As discussed above, all potential Project impacts to biological resources would be less than significant in consideration of compliance with existing laws, ordinances, regulations and standards, and implementation of proposed mitigation measures. As with the Project, all cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential impacts to biological resources and avoid or reduce any impacts.

As discussed above, Project-level impacts to biological resources would be less than significant. Standard regulatory requirements and procedures are required of other present and reasonably foreseeable future projects. As a result, the proposed Project taken in sum with past, present, and reasonably foreseeable projects would not result in cumulatively considerable impacts on biological resources.

4.3.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning biological resources have been identified.

4.3.8 References

City of Fontana. (2018). City of Fontana General Plan – Conservation, Open Space, Parks, and Trails Element. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26746/Chapter-7-Conservation-Open-Space-Parks-and-Trails>. (Accessed August 2022).

County of San Bernardino. 2012. San Bernardino County Biotic Resources. Retrieved at: http://www.sbcounty.gov/Uploads/lus/GeneralPlan/cnty_all_biotic_resources_map_final.pdf (Accessed August 2023)

ELMT Consulting, Inc. 2023. *Biological Resources Assessment for the Walnut Village Specific Plan*.

³ County of San Bernardino. 2012. San Bernardino County Biotic Resources. Retrieved at: http://www.sbcounty.gov/Uploads/lus/GeneralPlan/cnty_all_biotic_resources_map_final.pdf. (Accessed August 2023)

4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section of the Draft PEIR identifies and analyzes the environmental and regulatory settings for cultural resources, as they relate to archaeological remains, historic buildings, traditional customs, tangible artifacts, historical documents, and public records, and assesses whether the Updated Walnut Specific Plan Project (Project) would cause any potentially significant impacts to cultural resources.

Cultural resources include properties, places, ceremonial and gathering areas, as well as landmarks and ethnographic locations. Cultural resources also include archaeological remains, historic buildings, artifacts, historical documents, and public records, along with traditional customs that make a location unique or significant.

The analysis in this section is derived from information provided by the following cultural resources study:

- BCR Consulting LLC (2023). *Cultural Resources Assessment (CRA) for the Walnut Village Specific Plan Project*, Fontana, San Bernardino County, California (**Appendix D**)

The cultural resources study was prepared in compliance with California Public Resources Code (PRC) Section 5024.1 to identify prehistoric, historical, and archaeological resources located within the Project site and identify potential significant impacts that could result from Project implementation.

4.4.2 Environmental Setting

Existing Conditions

The Project site lies in the City of Fontana and is comprised of four focus areas within the existing Walnut Village Specific Plan (WVSP). The majority of the WVSP has been developed with residential and commercial uses. The area surrounding the WVSP site is developed with commercial, residential, and warehouse uses. The Project encompasses approximately 53 acres of the 342-acres of the WVSP, which have been identified as developable or capable of redevelopment. The WVSP is bounded by State Route (SR) 210 to the north, Baseline Avenue to the south, Palmetto Avenue to the east, and Sierra Avenue to the west. The elevation of the Project site ranges from approximately 1,414 to 1,532 feet above mean sea level (amsl).¹

Ethnographic Setting

Please refer to **Section 4.16: Tribal Cultural Resources**, regarding the ethnography of Native American tribes within the Project site. For information regarding the cultural setting and archeological and historical context, see **Appendix D**.

¹ BCR Consulting. 2023. *Cultural Resources Assessment*. Page 1.

Prehistoric Setting²

San Bernardino County

The local prehistoric cultural setting for the region has been organized into many chronological frameworks, although there is no definitive sequence for the region. The difficulties in establishing cultural chronologies for western San Bernardino County are due to its enormous size and the small number of archaeological excavations conducted in the region. Moreover, throughout prehistory many groups have occupied the area and their territories often overlap spatially and chronologically resulting in mixed artifact deposits. Due to the region's dry climate and unpredictable geological processes, these artifacts rarely become integrated in their original place. The region has relied on temporally diagnostic artifacts, such as projectile points, or upon the presence/absence of other temporal indicators, such as groundstone. Such methods are instructive but can be limited by prehistoric occupants' simultaneous use of different artifact styles, or by artifact re-use or re-sharpening, as well as researchers' mistaken diagnosis, and other factors.

Historical Setting³

San Bernardino County

Spanish Period (1769 to 1821)

The first European to pass through the area is thought to be a Spaniard called Father Francisco Garces. Having become familiar with the area, Garces acted as a guide to Juan Bautista de Anza, who had been commissioned to lead a group across the desert from a Spanish outpost in Arizona to set up quarters at the Mission San Gabriel in 1771 near what is today Pasadena. Garces was followed by Alta California Governor Pedro Fages, who briefly explored the region in 1772. Searching for San Diego Presidio deserters, Fages had traveled through Riverside to San Bernardino, crossed over the mountains into the Mojave Desert and then journeyed westward to the San Joaquin Valley.

Mexican Period (1821 to 1848)

In the early years of this period Mexico overthrew Spanish rule, and the missions began to decline. By 1833, the Mexican government had passed the Secularization Act, and the missions reorganized as parish churches, lost their land holdings, and released their neophytes.

American Period (1848 to Present)

This period began with the Treaty of Guadalupe Hidalgo. California was accepted into the Union of the United States in 1850, primarily due to the population increase created by the Gold Rush of 1849. In the early years of this period the cattle industry reached its greatest prosperity. Land grants from the Mexican period created large pastoral estates in California, and demand for beef during the Gold Rush led to a cattle boom that lasted from 1849-1855. However, beginning in about 1855, demand for beef began to decline due to imports of sheep from New Mexico, and cattle from the Mississippi and Missouri Valleys. Many California ranchers lost their ranchos through foreclosure when the beef market collapsed. A series

² BCR Consulting. 2023. *Cultural Resources Assessment*.

³ Ibid.

of disastrous floods in 1861-1862, followed by a significant drought further diminished the economic impact of local ranching. This decline combined with ubiquitous agricultural and real estate developments of the late 19th century, allowed for diversified economic pursuits that have continued to proliferate to this day.

Methodology

Records Search

At the time of this study, a records search was completed by the South Central Coastal Information Center (SCCIC). The records search included a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from projects completed within one half-mile of the Project site. Additionally, a review was conducted of Historical Resources, and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

The records search results revealed that 31 cultural resource studies have taken place resulting in the recording of 13 cultural resources within a one half-mile radius of the Specific Plan. The Specific Plan area has been subject to two previous cultural resources studies, but no cultural resources have been previously identified within its boundaries. The records search results are summarized in Table A of the CRA in **Appendix D**. Additionally, aerial photograph research has shown that 21 historic-period residences, one historic-period mortuary, and a historic-period church are located within the Specific Plan Boundaries. See Table B of the CRA in **Appendix D** for additional details on the buildings within the Specific Plan area that are historic in age (45 or more years old) based on aerial photograph review.

Native American Heritage Commission Sacred Lands File Search

Please refer to **Section 4.16: Tribal Cultural Resources** for more information regarding the Native American Heritage Commission (NAHC) results.

Field Survey

A pedestrian field survey of the Project site was conducted on July 3, 2023. During the survey, the archaeologist inspected the ground surface for evidence of exposed native sediments or areas likely to contain or exhibit sensitive cultural resources. Field personnel inspected and photographed buildings that meet the minimum age threshold for the historic period (45 or more years old). Results of the field survey indicate that ground disturbances on the Project site were severe and resulted from a variety of natural and artificial factors, including excavation for paving, and for construction of utility services and modern and historic-period developments. As such, there is a low potential for encountering intact buried archaeological deposits in the Project area. Additionally, 21 historic-period residences, one historic-period mortuary, and a historic-period church were identified within the Specific Plan boundaries.

4.4.3 Regulatory Setting

Federal

National Register Bulletin 38

The National Park Service (NPS) has prepared guidelines to assist in the documentation of Traditional Cultural Places (TCPs) by public entities. While it is federal guidance, it serves as the best and most recognized guidance for identifying TCPs. National Register Bulletin (NRB) 38 is intended to be an aid in determining whether properties have traditional cultural significance and if they are eligible for inclusion in the NRHP. It is also intended to assist federal agencies, State Historic Preservation Offices (SHPO), Certified Local Governments, tribes, and other historic preservation practitioners who need to evaluate such properties when considering their eligibility for the NRHP as part of the review process prescribed by the ACHP.

Natural Register of Historic Places

The NRHP was established by the NHPA of 1966, as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment” (CFR 36 Section 60.2). The NRHP recognizes both historical-period and prehistoric archaeological properties that are significant at the national, state, and local levels.

To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must meet one or more of the following four established criteria (U.S. Dept. of the Interior, 1995):

1. Are associated with events that have made a significant contribution to the broad patterns of our history;
2. Are associated with the lives of persons significant in our past;
3. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

Unless the property possesses exceptional significance, it must be at least 50 years old to be eligible for listing in the NRHP (U.S. Dept. of the Interior, 1995). In addition to meeting the criteria of significance, a property must have integrity. Integrity is defined as “the ability of a property to convey its significance” (U.S. Dept. of the Interior, 1995). The NRHP recognizes seven qualities that, in various combinations, define integrity: location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.

State

California Environmental Quality Act

California public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.” PRC Section 21083.2 additionally requires agencies to determine whether proposed projects would have effects on “unique archaeological resources.”

“Historical resource” is a term with a defined statutory meaning. Under California Code of Regulations (CCR), Title 14, Chapter 3 (California Environmental Quality Act [CEQA] Guidelines), Section 15064.5 (a) “historical resource” includes the following:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission (SHRC), for listing in the California Register of Historical Resources (CRHR) (PRC §5024.1 and 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 PRC or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, 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 a 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 CRHR (PRC Section 5024.1 and Title 14 CCR Section 4852) including the following:
 - Criterion 1 - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - Criterion 2 - Is associated with the lives of persons important in our past;
 - Criterion 3 - 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
 - Criterion 4 - Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA addresses significant impacts to historical resources. “A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate

surroundings such that the significance of a historical resource would be materially impaired.” (CEQA Guidelines Section 15064.5(b)(1)).

CEQA also requires agencies to consider whether projects will affect “unique archaeological resources.” PRC Section 21083.2, subdivision (g), states that “‘unique archaeological resources’ means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- 1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- 2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- 3) Is directly associated with a scientifically recognized, important prehistoric or historic event or person.”

California Public Records Act

Sections 6254(r) and 6254.10 of the California Public Records Act (Government Code Section 6250 et seq.) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects... maintained by, ..., the Native American Heritage Commission...” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the [NAHC], another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHL) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest (PHI) program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the SHRC determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

- **Criterion 1:** It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- **Criterion 2:** It is associated with the lives of persons important in our past.

- **Criterion 3:** It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- **Criterion 4:** It has yielded, or may be likely to yield, information important in history or prehistory.

Under PRC Section 5024.1 and 14 CCR Section 4852(c), a cultural resource must retain integrity to be considered eligible for the CRHR. Specifically, it must retain sufficient character or appearance to be recognizable as a historical resource and convey reasons of significance. Integrity is evaluated with regard to retention of such factors as location, design, setting, materials, workmanship, feeling, and association. Cultural sites that have been affected by ground-disturbing activities, such as agricultural activities and off-road vehicle use (both of which occur within the Project site), often lack integrity because they have been directly damaged or removed from their original location, among other changes.

Typically, a prehistoric archaeological site in California is recommended eligible for listing in the CRHR based on its potential to yield information important in prehistory or history (Criterion 4). Important information includes chronological markers such as projectile point styles or obsidian artifacts that can be subjected to dating methods or undisturbed deposits that retain their stratigraphic integrity. Sites such as these have the ability to address research questions.

California Historical Landmarks

CHLs are buildings, structures, sites, or places that have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value and that have been determined to have statewide historical significance by meeting at least one of the criteria listed below. The resource also must have written consent of the property owner; be recommended by the SHRC; and be officially designated by the Director of California State Parks. The specific standards now in use were first applied in the designation of CHL No. 770. CHLs numbered 770 and above are automatically listed in the CRHR.

To be eligible for designation as a CHL, a resource must meet at least one of the following criteria:

- It is the first, last, only, or most significant of its type in the state or within a large geographic region (northern, central, or southern California);
- It is associated with an individual or group having a profound influence on the history of California; or,
- It is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer, or master builder.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC §5024.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHL) numbered 770 and higher, are automatically

included in the CRHR. Other properties recognized under the California Points of Historical Interest (PHI) program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the SHRC determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

- **Criterion 1:** It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- **Criterion 2:** It is associated with the lives of persons important in our past.
- **Criterion 3:** It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- **Criterion 4:** It has yielded, or may be likely to yield, information important in history or prehistory.

Under PRC Section 5024.1 and 14 CCR Section 4852(c), a cultural resource must retain integrity to be considered eligible for the CRHR. Specifically, it must retain sufficient character or appearance to be recognizable as a historical resource and convey reasons of significance. Integrity is evaluated with regard to retention of such factors as location, design, setting, materials, workmanship, feeling, and association. Cultural sites that have been affected by ground-disturbing activities, such as agricultural activities and off-road vehicle use (both of which occur within the warehouse site), often lack integrity because they have been directly damaged or removed from their original location, among other changes.

Typically, a prehistoric archaeological site in California is recommended eligible for listing in the CRHR based on its potential to yield information important in prehistory or history (Criterion 4). Important information includes chronological markers such as projectile point styles or obsidian artifacts that can be subjected to dating methods or undisturbed deposits that retain their stratigraphic integrity. Sites such as these have the ability to address research questions.

California Health and Safety Code, Sections 7050 and 7052

Health and Safety Code, Section 7050.5, declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

California Penal Code, Section 622.5

California Penal Code, Section 622.5, provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

Local

City of Fontana General Plan Update 2015-2035

Community and Neighborhoods Element

The Community and Neighborhoods Element⁴ is focused on attributes of the City that contribute to the protection of cultural historic resources that link Fontana to its past.

Goal The integrity and character of historic structures, cultural resources sites and overall historic character of the city of Fontana is maintained and enhanced.

Policies

- Coordinate City programs and policies to support preservation goals.
- Support and promote community-based historic preservation initiatives.
- Designate local historic landmarks.
- Provide appropriate tools to review changes that may detract from historic integrity and character.

Goal Residents' and visitors' experiences of Fontana are enhanced by a sense of the city's history.

Policies

- Enhance public awareness of Fontana's unique historical and cultural legacy and the economic benefits of historic preservation in Fontana.
- Support creation of the Fontana Historical Museum.

Goal Cultural and archaeological resources are protected and preserved.

Policy

- Collaborate with state agencies to protect cultural and archaeological resources.

City of Fontana Municipal Code

Fontana Municipal Code (MC) Article XIII, *Preservation of Historic Resources*⁵ establishes a mechanism by which the City can implement the goals and policies of the general plan, which recognize the presence of archeological sites and buildings that have historic importance for the City. This portion of the code recognizes that the City Council finds and declares that historic, archeological, and cultural resources symbolize the City and its people, reveal how the City's character was shaped, and instill pride in the community. The creation and functions of the planning commission and the identification, preservation, and protection of historic, archeological and cultural resources within the City and that the use of these resources shall be governed by the provisions of the article. The subsections of this article related to the naming, protection, and preservation of resources include the following: Section 5-354 Violations; penalties; Section 5-355 Historical Resources designation criteria; Section 5-356 Historical resources

⁴ City of Fontana. (2018). City of Fontana General Plan – Community and Neighborhoods Element. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26743/Chapter-4---Community-and-Neighborhoods>. (Accessed March 2023).

⁵ City of Fontana. 2022. *Fontana, California – Code of Ordinances, Article XIII. Preservation of Historic Resources*. https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeld=CO_CH5BUBURE_ARTXIIIIPRHIRE (accessed March 2023).

designation procedures; and Section 5-357 Certificate of appropriateness. The article also includes Section 5-360 Design criteria and development standards pertaining to historical resources; Section 5-361 standards for work, Section 5-362 maintenance; as well as Section 5-363 Preservation easements. Of note is Section 5-365 Designated Local historic resources which names 22 local historic resources. None of these sites are within the Project site.

4.4.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

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

4.4.5 Impacts and Mitigation Measures

Impact 4.4-1 *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*

Level of Significance: Significant and Unavoidable

Construction and Operations

Impacts to historical resources occur largely due to the physical modification of land and structures within the City. The Project does not include physical alterations to the City. Instead, the Project proposes the rescinding of an approved specific plan to be replaced with one which allows for the development of mixed-use, residential, and commercial developments. The proposed Project would also include a zone change to increase allowable residential density along with the adoption of a new specific plan to clarify regulations for existing development as well as for all additional development.

Future development facilitated by the Project would be required to maintain and enhance the integrity of the historical structures on the Project site as stated in the Fontana GP Community and Neighborhoods Element Goals. Future development on the Project site would also be required under CEQA Guidelines to be evaluated at the time a specific development project is proposed. Any future development on the Project site with potential historic resources would require future site-specific evaluation prior to any alteration, demolition, relocation, or new development to determine any potential impacts, prior to approval of required permits. This site-specific analysis would be used to determine, prior to approval of future development permits, if the proposed development has to the potential to impact a significant historical resource, or whether the existing development or property is eligible for listing on the CRHR or local listing.

Generally, structures 50 years of age or older have the potential to be historic resources, based on NRHP guidelines. Structures must have retained their original integrity and context to be considered a historic resource. To ensure the Project would not result in the alteration or destruction of a historic structure, object, or site, **Mitigation Measures (MM) CUL-1** and **MM CUL-2** are required, which specify the mitigation framework for historic buildings on the Project site. However, given that future development is unknown at this time, even with implementation of mitigation, the impact would be significant and unavoidable.

Mitigation Measures

MM CUL-1 Before project activities can be permitted within areas of the Project site that contain historic-period resources, they require formal recordation on Department of Parks and Recreation (DPR) 523 forms and evaluation for the CRHR eligibility to determine if any are significant under CEQA. Evaluations must be completed under the oversight of a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Architectural History.

MM CUL-2 Vacant parcels on the Project site require intensive-level pedestrian cultural resources field surveys under the oversight of a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Archaeology. This inventory would determine the presence and significance of prehistoric and historic period archeological resources.

MM CUL-3 In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **MM TCR-1**, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide tribal input with regards to significance and treatment.

MM CUL-4 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within **MM TCR-1**. The archaeologist shall monitor the remainder of the project and implement the Monitoring and Treatment Plan accordingly.

Impact 4.4-2 *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Construction and Operations

The Project would not directly involve additional development within the Project site. Instead, the Project would facilitate future mixed-use strategies within the SP. Despite there being no direct modifications to the Project site, future development facilitated by the Project retains the potential to impact undiscovered subsurface archaeological resources directly or indirectly through ground-disturbing activities such as grading or excavation. Undeveloped sites often have a higher potential for the presence of unknown archaeological resources as the likelihood of encountering archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Areas that have been previously excavated are generally considered to have a low potential for archaeological resources. Although, much of the Project site has a low potential for archaeological resources since the majority of the WVSP has been developed, Focus Area 1 through Focus Area 4 may have still contain the potential for archaeological resources. Mitigation measure **MM CUL-2** would require intensive-level pedestrian cultural resources inventory on vacant parcels prior to any future development. Therefore, with mitigation implemented, impacts would be less than significant.

Mitigation Measures

MM CUL-2 Vacant parcels on the Project site will require intensive-level pedestrian cultural resources inventory under the oversight of a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Archaeology. This inventory would determine the presence and significance of prehistoric and historic period archeological resources.

Impact 4.4-3 *Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?*

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Construction and Operations

The Project site is located in an area mainly developed with commercial and residential uses and is not located near a formal cemetery. Additionally, the Project site is comprised of four focus areas within the WVSP (See **Figure 3-5: Walnut Village Specific Plan Sub-Districts**). Although most of the WVSP has been developed, human remains may still be discovered during future development. However, those remains would require proper treatment in accordance with applicable laws, including California HSC Section 7050.5 and 7052, and PRC Sections 5097.98 and 5097.99. HSC Section 7050.5 and 7052 describe the general provisions for treatment of human remains. Specifically, HSC Section 7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during excavation of a site. HSC Section 7050.5 also requires that all activities cease immediately, and a qualified archaeologist and Native American monitor be contacted immediately. As required by state law, the procedures set forth in PRC Section 5087.98 would be implemented, including evaluation by the County Coroner and notification of the NAHC. The NAHC would then designate the Most Likely Descendant (MLD) of the unearthed human remains.

It is unlikely that any human remains would be encountered given that the Project site is already disturbed. However, previously undiscovered human remains could be encountered on the Project site

during future construction activities. If human remains are found during construction for future projects, excavation would be halted in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with the established regulatory framework and the application of **MM-CUL-5**, the Project's impacts concerning potential to disturb human remains, would be reduced to a less than significant impact.

Mitigation Measures

MM CUL-5 If human remains or funerary objects are encountered during the undertaking, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project. If the remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

4.4.6 Cumulative Impacts

As previously stated, the Project does not directly propose development but would include residential, commercial, and mixed-use strategies and up zoning within the existing WVSP. The anticipated site-specific impacts of future development facilitated by the Project, would increase the potential for housing development in an already urbanized area and could result in impacts to cultural resources. Potential cultural impacts are site-specific and would require site-specific evaluation on a case-by-case basis prior to approval of permits at the project level when future development is proposed in accordance with the Project. Each cumulative project would require separate discretionary approval and evaluation under CEQA, which would address potential cultural resource impacts and identify necessary mitigation measures, where appropriate. Consequently, the Project would not result in significant unavoidable environmental impacts to cultural resources. Therefore, with the implementation of mitigation measures and compliance with applicable regulations, the Project's contribution to a cumulatively considerable impact on cultural resources would be less than significant.

4.4.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning cultural resources have been identified.

4.4.8 References

BCR Consulting. 2023. *Cultural Resources Assessment*.

California Historic Building Code (Sections 18950 to 18962 of Division 13, Part 2.7 of California Health and Safety Code).

City of Fontana. (2018). City of Fontana General Plan – Community and Neighborhoods Element.
<https://www.fontana.org/DocumentCenter/View/26743/Chapter-4--Community-and-Neighborhoods>. (Accessed March 2023).

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4.5 ENERGY

4.5.1 Introduction

The section identifies existing conditions in the Project area concerning energy use and evaluates the Project's potential to result in impacts due to wasteful, inefficient, or unnecessary consumption of energy resources or conflict with an energy plan. Mitigation to avoid/reduce impacts is identified, as needed.

4.5.2 Environmental Setting

Electricity

Electricity as a utility is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy capacity, or electrical power, is generally measured in watts (W) while energy use is measured in watt-hours (Wh). For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on for 1 hour would be 100 Wh. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 Wh or 1 kilowatt-hour (kWh). On a utility scale, a generator's capacity is typically rated in megawatts (MW), which is one million watts, while energy use is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is one billion watt-hours.

Southern California Edison (SCE) is the electricity provider to the City. SCE provides electricity to approximately 15 million people, 180 incorporated cities, 15 counties, 5,000 large businesses, and 280,000 small businesses throughout its 50,000-square-mile service area.¹ SCE produces and purchases their energy from a mix of conventional and renewable generating sources. **Table 4.5-1: Energy Resources Used to Generate Electricity for SCE** shows the SCE electric power mix in 2021 compared to the statewide 2021 power mix. According to the California Energy Commission (CEC), the 2021 total electricity demand for the SCE service area was 81,128 gigawatt hours (GWh),² while electricity use attributed to the County was approximately 16,181 GWh from residential and non-residential sectors.

¹ SCE. (2022). *By the Numbers: Who We Serve*. Retrieved from SEC Website: <https://www.sce.com/about-us/who-we-are> (accessed September 6, 2022).

² California Energy Commission. (2020). *Electricity Consumption by Southern California Edison*. Available at: <https://ecdms.energy.ca.gov/elecbyutil.aspx> (accessed July 2023).

Table 4.5-1: Energy Resources Used to Generate Electricity for SCE (2021)

Energy Resources	2021 SCE Power Mix	2021 CA Power Mix
Eligible Renewable:	31.4%:	33.6 %:
Biomass and Biowaste	0.1%	2.3 %
Geothermal	5.7 %	4.9 %
Eligible Hydroelectric	0.5 %	1.0 %
Solar	14.9 %	14.2 %
Wind	10.2 %	11.4 %
Coal	0.0 %	3.0 %
Large Hydroelectric	2.3 %	9.2 %
Natural Gas	22.3 %	37.9 %
Nuclear	9.2 %	9.3%
Other	0.2 %	0.2 %
Unspecified Sources of Power ¹	34.6 %	6.8 %
Total	100%	100%

¹ Electricity from transactions that are not traceable to specific generation sources.
Source: SCE. (2023). *2021 Power Content Label, Southern California Edison*. Retrieved from SCE Website: <https://www.sce.com/sites/default/files/custom-files/Web%20files/2021%20Power%20Content%20Label.pdf>. (Accessed August 2023).

Natural Gas

The Southern California Gas Company (SoCalGas), the service provider for Project area, services approximately 21 million people in a 20,000-square-mile service territory. SoCalGas has four storage fields; Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey, as well as a combined storage capacity of approximately 134 billion cubic feet. According to the CEC, natural gas demand in the County area was 561 million therms in 2021.³

SoCalGas projects that total natural gas demand to decline at an annual rate of 1 percent from 2020-2035.⁴ The decline in demand is due to modest economic growth, California Public Utilities Commission mandated energy efficiency standards and programs, and SB 350 goals. Other factors that contribute to the downward trend are tighter standards created by revised Title 24 Codes and Standards, renewable electricity goals, a decline in core commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure (AMI).

Energy Use

Energy use is quantified using the British Thermal Unit (BTU). Total energy use in California was 7,359 trillion BTU in 2021⁵ (the most recent year for which this specific data is available), which equates to an average of approximately 189 million BTU per capita. California’s total energy use is approximately 7.1 percent transportation, 5.2 percent industrial, 8.0 percent commercial, and 7.1 percent residential

³ California Energy Commission. (2023). *Gas Consumption by Southern California Gas*. Available at: <http://ecdms.energy.ca.gov/gasbycounty.aspx> (accessed August 2023).

⁴ California Gas and Electric Utilities. 2023. *2023 California Gas Report*. Retrieved from: https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf (accessed August 2023).

⁵ US Energy Information Administration. 2022. *California Energy Consumption Estimates*. <https://www.eia.gov/state/print.php?sid=CA> (accessed September 6, 2022).

compared to the United States. Electricity and natural gas in California are generally used by stationary sources such as residences, commercial sites, and industrial facilities, whereas petroleum use is generally accounted for by transportation-related energy use.

4.5.3 Regulatory Setting

The following is a description of State and local environmental laws and policies that are relevant to energy conservation. See also **Section 4.2: Air Quality**, **Section 4.7: Greenhouse Gas Emissions**, and **Section 4.15: Transportation**, for other policies related to energy use. See Chapter 4.15, Utilities and Service Systems for policies related to water, electricity, and natural gas consumption.

Federal

National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

Energy Policy Act of 2005

On August 8, 2005, President George W. Bush signed the National Energy Policy Act of 2005 (Public Law 109-58) into law. This comprehensive energy legislation contains several electricity-related provisions that aim to:

- Help ensure that consumers receive electricity over a dependable, modern infrastructure;
- Remove outdated obstacles to investment in electricity transmission lines;
- Make electric reliability standards mandatory instead of optional; and
- Give Federal officials the authority to site new power lines in Department of Energy-designated national corridors in certain limited circumstances.

The Renewable Fuel Standard (RFS) program was created under the Energy Policy Act of 2005 and established the first renewable fuel volume mandate in the United States. The program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders. As required under Energy Policy Act, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act (EISA; Public Law 110-140) was signed into law by President George W. Bush on December 19, 2007. The Act's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on greenhouse gas (GHG) capture and storage.

Under the EISA, the RFS program (RFS2) was expanded in several key ways:

- Expanded the RFS program to include diesel, in addition to gasoline;
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- Established new categories of renewable fuel and set separate volume requirements for each; and
- Required U.S. Environmental Protection Agency (U.S. EPA) to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

RFS2 lays the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, for reducing imported petroleum, and encouraging the development and expansion of our nation's renewable fuels sector.

The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

State

Assembly Bill 32 and Senate Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006." AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05) and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Reductions in overall energy consumption have been implemented to reduce emissions. See **Section 4.7: Greenhouse Gas** for a further discussion of AB 32.

In September 2016, the Governor signed into legislation SB 32, which builds on AB 32 and requires the state to cut GHG emissions to 40 percent below 1990 levels by 2030. With SB 32, the Legislature also passed AB 197, which provides additional direction for updating the Scoping Plan to meet the 2030 GHG reduction target codified in SB 32. CARB has published a draft update to the Scoping Plan and has received public comments on this draft but has not released the final version.

Additional energy efficiency measures beyond the current regulations are needed to meet these goals as well as the AB 32 greenhouse gas (GHG) reduction goal of reducing statewide GHG emissions to 1990 levels by 2020 and the SB 32 goal of 40 percent below 1990 levels by 2030 (see **Section 4.7: Greenhouse Gas**, for a discussion of AB 32 and SB 32). Part of the effort in meeting California's long-term reduction goals include reducing petroleum use in cars and trucks by 50 percent, increasing from one-third to more than one-half of California's electricity derived from renewable sources, doubling the efficiency savings achieved at existing buildings and making heating fuels cleaner; reducing the release of methane, black

carbon, and other short-lived climate pollutants, and managing farm and rangelands, forests, and wetlands so they can store carbon.⁶

California Building Energy Efficiency Standards: Title 24, Part 6 (California Energy Code)

Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6), commonly referred to as “Title 24”, California’s energy efficiency standards for residential and non-residential buildings, was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California’s energy consumption, and provide energy efficiency standards for residential and non-residential buildings. The 2022 Building Energy Efficiency Standards, which took effect on January 1, 2023, promote photovoltaic (PV) systems in newly constructed buildings, electric ready requirements in new homes, and new electric heat pump requirements for buildings. The California Building Energy Efficiency Standards (CBEES) updates focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements that will enable both demand reductions during critical peak periods and future solar electric and thermal system installations.

The Title 24, Part 6 was created as part of the California Building Standards Code by the California Building Standards Commission in 1978 to establish statewide building energy efficiency standards to reduce California’s energy use. These standards include provisions applicable to all buildings, residential and non-residential, which describe requirements for documentation and certificates that the building meets the standards. These provisions include mandatory requirements for efficiency and design of the following types of systems, equipment, and appliances:

- Air Conditioning Systems
- Heat Pumps
- Water Chillers
- Gas- and Oil-Fired Boilers
- Cooling Equipment
- Water Heaters and Equipment
- Pool and Spa Heaters and Equipment
- Gas-fired Equipment, Including Furnaces and Stoves/Ovens
- Windows and Exterior Doors
- Joints and Other Building Structure Openings (Envelope)
- Insulation and Cool Roofs
- Lighting Control Devices
- Solar PV Systems

⁶ California Energy Commission (CEC), 2016. *Final 2022 Integrated Energy Policy Report Update*. Retrieved at: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update> (Accessed July 2023).

The standards include additional mandatory requirements for space conditioning (cooling and heating), water heating, indoor and outdoor lighting systems, as well as equipment in non-residential, high-rise residential, and hotel or motel buildings. Mandatory requirements for low-rise residential buildings cover indoor and outdoor lighting, fireplaces, space cooling and heating equipment (including ducts and fans), and insulation of the structure, foundation, and water piping. The standards require solar PV systems for new homes. In addition to the mandatory requirements, the standards call for further energy efficiency that can be provided through a choice between performance and prescriptive compliance approaches. Separate sections apply to low-rise residential and to non-residential, high-rise residential, and hotel or motel buildings. In buildings designed for mixed use (e.g., commercial and residential), each section must meet the standards applicable to that type of occupancy.

The performance approach set forth under these standards provides for the calculation of an energy budget for each building and allows flexibility in building systems and features to meet the budget. The energy budget addresses space-conditioning (cooling and heating), lighting, and water heating. Compliance with the budget is determined using a CEC-approved computer software energy model. The alternative prescriptive standards require demonstrating compliance with specific minimum efficiency for components of the building such as building envelope insulation R-values, fenestration (areas, U-factor and solar heat gain coefficients of windows and doors) and heating and cooling, and water heating and lighting system design requirements. These requirements vary depending on the building's location in the State's 16 climate zones.

The California Building Energy Efficiency Standards (CBEES) are updated on an approximately three-year cycle as technology and methods have evolved. As a result of new law under AB 970, passed in the fall of 2000 in response to the State's electricity crisis, an emergency update of the standards went into effect in June 2001. The CEC then initiated an immediate follow-up proceeding to consider and adopt updated standards that could not be completed during the emergency proceeding. The CBEES updates focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements that will enable both demand reductions during critical peak periods and future solar electric and thermal system installations.

California Green Building Standards, Title 24, Part 11 (CALGreen Code)

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2022 and went into effect January 1, 2023.⁷

⁷ California Building Standards Commission. (2022). *California Green Building Standards*. Retrieved at: www.bsc.ca.gov/Home/CALGreen.aspx (accessed September 6, 2022).

2008 California Energy Action Plan Update

The 2008 Energy Action Plan (EAP) Update provides a status update to the 2005 EAP II, which is the State of California's principal energy planning and policy document. The 2008 EAP continues the goals of the original EAP and describes a coordinated implementation plan for State energy policies, and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. First-priority actions to address California's increasing energy demands are energy efficiency, demand response (i.e., reduction of customer energy usage during peak periods in order to address system reliability and support the best use of energy infrastructure), and the use of renewable sources of power. If these actions are unable to satisfy the increasing energy and capacity needs, the plan supports clean and efficient fossil-fired generation.

Appliance Efficiency Regulations – Title 20

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, California Code of Regulations §§1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006, and have been amended periodically. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

Senate Bill 1078 and 107; Executive Order S-14-08, S-21-09, and SB 2X

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expands the State's Renewable Portfolio Standard to 33 percent renewable power by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the CARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In April 2011, Governor Brown signed SB 2X, which legislated the prior Executive Order S-14-08 renewable standard.

Executive Order B-30-15, Senate Bill 350, and Senate Bill 100

In April 2015, the Governor issued Executive Order B-30-15, which established a GHG reduction target of 40 percent below 1990 levels by 2030. SB 350 (Chapter 547, Statutes of 2015) advanced these goals through two measures. First, the law increases the renewable power goal from 33 percent renewables by 2020 to 50 percent by 2030. Second, the law requires the CEC to establish annual targets to double energy efficiency in buildings by 2030. The law also requires the California Public Utilities Commission (CPUC) to direct electric utilities to establish annual efficiency targets and implement demand-reduction measures to achieve this goal. In 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Appendix F to CEQA Guidelines

Public Resources Code §21100(b)(3) and CEQA Guidelines §15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary use of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the California State Legislature adopted AB 1575, which created the CEC. The CEC's statutory mission is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct State responses to energy emergencies, and promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code §21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary use of energy caused by a project. In addition, CEQA Guidelines §15126.4 was adopted in 1998 which requires that an EIR describe feasible mitigation measures which would minimize the inefficient and unnecessary use of energy. Thereafter, the State Resources Agency created CEQA Guidelines Appendix F.

Pursuant to Appendix F, an EIR must include a "discussion of the potential energy impacts of proposed projects...⁸." However, because lead agencies have not consistently included such analysis in their EIRs, California's Natural Resources Agency amended Appendix F to the CEQA Guidelines in 2009 "to ensure that lead agencies comply with the substantive directive in §21100(b)(3)." CEQA Guidelines Appendix F lists environmental impacts and mitigation measures that an EIR may include. What is required is a "discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." Potential impacts that may be discussed include:

- The Project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project including construction, operation, maintenance, or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the Project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the Project on peak and base period demands for electricity and other forms of energy.
- The degree to which the Project complies with existing energy standards.
- The effects of the Project on energy resources.
- The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

State CEQA Guidelines Appendix F assists EIR preparers in determining whether a Project will result in the inefficient, wasteful, and unnecessary use of energy. The discussion below analyzes the Project's effect on energy resources.

⁸ California Natural Resources Agency. (2019). *California Environmental Quality Act, Appendix F Energy Conservation*.

Local

City of Fontana General Plan 2015-2035

The City of Fontana's 2018 General Plan *Sustainability and Resilience Element*⁹ (Sustainability and Resilience Element) contains goals, and policies that are designed to help the City improve its resource efficiency and planning for climate change. These goals and policies help the City pursue sustainability and resilience by making resource-efficient choices to conserve water, energy, materials, improve air quality, and adaptability to changing conditions. The following goals and policies would be applicable to the Project:

Sustainability and Resilience Element

Goal 5 **Green building techniques are used in new development and retrofits.**

Policy

- Promote green building through guidelines, awards and nonfinancial incentives.

Goal 6 **Fontana is an Inland Empire leader in energy-efficient development and retrofits.**

Policies

- Promote energy-efficient development in Fontana.
- Meet state energy-efficiency goals for new construction.

4.5.4 Impact Thresholds and Significance Criteria

The following significance criteria for Energy were derived from the Environmental Checklist in State CEQA Guidelines Appendix G. An impact would be considered significant and would require mitigation if it would:

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

4.5.5 Impacts and Mitigation Measures

Impact 4.5-1 *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Level of Significance: Less than Significant Impact

Construction

Construction-related energy consumption associated with future developments facilitated by the Walnut Village SP Project would be subject to approval of permits prior to construction. Energy use during future

⁹ City of Fontana. (2018). *City of Fontana General Plan – Sustainability and Resilience Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience> (accessed August 2022).

construction would primarily occur in association with fuel use by vehicles and other equipment to conduct construction activities. Energy use would also occur from the burning of fuel by vehicles used by workers commuting to and from the future construction sites. Although the exact details of the future developments that could be constructed are presently unknown, there are no known conditions within the sub-districts that would require nonstandard equipment or construction practices that would be less energy-efficient than at comparable construction sites in the region or the state.

Future construction activities associated with future development would also be required to monitor air quality emissions using applicable regulatory guidance such as the South Coast AQMD CEQA Guidelines. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced as a result of monitoring and the efficient use of equipment and materials, this results in reduced energy consumption. There are no aspects of the Walnut Village SP Project that would foreseeably result in the inefficient, wasteful, or unnecessary consumption of energy during construction activities of future developments. Therefore, impacts to energy resources associated with the future developments' construction activities would be less than significant, and no mitigation is required.

Transportation Energy Use

All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. Operational-related energy consumption associated with future residential or non-residential development would include building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. Trips by individuals traveling to and from future development facilitated by the Walnut Village SP Project is anticipated to occur by walking, biking or through the use of passenger vehicles or public transit.

When evaluating a long-range planning project such as the Walnut Village SP Project, it is speculative and not feasible to forecast the travel methods and gasoline use of future development. Rather, the more appropriate measure of estimating transportation-related energy use is to consider the distance traveled by vehicles associated with a proposed project. Therefore, this analysis is centered on the overall VMT associated with future development facilitated by the Walnut Village SP Project, which would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements.

Therefore, Walnut Village SP Project implementation would not result in a substantial increase in transportation-related energy uses, such that it would result in a wasteful, inefficient, or unnecessary consumption of energy resources. Impacts concerning operations-related energy usage associated with future developments facilitated by the Walnut Village SP Project would not substantially affect existing energy or fuel supplies or resources. Impacts would be less than significant, and no mitigation is required.

Electricity and Natural Gas Usage

As future development facilitated by the Walnut Village SP Project occurs, future occupants of new buildings would use electricity and potentially natural gas to run various appliances and equipment, including water heaters, air conditioning and heating systems, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air

conditioning needs, and natural gas use is highest when the weather is colder because of high heating demand.

California's Energy Efficiency Standards for Residential Buildings create uniform building codes to reduce the state's energy consumption and provide energy efficiency standards for residential buildings. These standards are incorporated within the California Building Code and would be expected to substantially reduce the growth in electricity and natural gas use. For example, requirements for energy-efficient lighting, heating and cooling systems and green building materials are expected to save additional electricity and natural gas. These savings are cumulative, doubling as years go by.

Any future housing development facilitated by the Walnut Village SP Project would be required to adhere to all federal, state, and local requirements for energy efficiency, including the latest Title 24 standards. Considering these requirements, the Walnut Village SP Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Therefore, impacts would be less than significant, and no mitigation is required.

Impact 4.5-2 Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?

Level of Significance: Less than Significant Impact

All future projects would be subject to the City's development review process, as detailed in Chapter 5 of the Specific Plan, and would be required to demonstrate compliance with the CALGreen Code (CCR Title 24, Part 11) and the California Energy Code (CCR Title 24, Part 6), which includes provisions related to insulation and design aimed at minimizing energy consumption. All future projects would also be required to demonstrate consistency with General Plan policies and Municipal Code requirements, including those intended to reduce energy consumption. Therefore, future development facilitated by the Walnut Village SP Project would be consistent with applicable federal, state, and local laws, policies, and regulations related to renewable energy and energy efficiency, and no mitigation would be required.

Mitigation Measures

No mitigation is necessary.

4.5.6 Cumulative Impacts

Construction and operations associated with implementation of the Project would result in the use of energy, but not in a wasteful manner. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, state, and local requirements for energy efficiency.

The Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use.

Potential land use impacts are site-specific and require evaluation on a case-by-case basis. As noted above, the Project would not result in significant impacts to state or local plans for renewable energy or energy efficiency. Therefore, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact. Therefore, potential impacts are considered less than cumulatively considerable.

4.5.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning energy have been identified.

4.5.8 References

California Building Standards Commission. (2022). California Green Building Standards. Retrieved at: www.bsc.ca.gov/Home/CALGreen.aspx

California Energy Commission. (2020). Electricity Consumption by Southern California Edison. Retrieved at: <https://ecdms.energy.ca.gov/elecbyutil.aspx>.

California Energy Commission (CEC), 2016. Final 2022 Integrated Energy Policy Report Update. Retrieved at: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update>.

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California Gas and Electric Utilities. 2020. 2020 California Gas Report. Retrieved from: https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_UTILITY_Biennial_Comprehensive_Filing.pdf.

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4.6 GEOLOGY AND SOILS

4.6.1 Introduction

This section of the Draft Program Environmental Impact Report (DPEIR) will identify potential environmental impacts concerning geological and soil resources, paleontological resources, or unique geologic features in the City of Fontana (City) associated with the development of the Updated Walnut Specific Plan Project (Project). The data collected provides information on existing conditions within the Project region. The analysis is based on information provided in the following geological resources studies:

- Fontana Forward General Plan Update 2015-2035.
- Fontana Forward General Plan Update 2015-2035. 2018. Draft EIR.
- BCR Consulting LLC (2023). *Cultural Resources Assessment (CRA) for the Walnut Village Specific Plan Project, Fontana, San Bernardino County, California (Appendix D)*.

4.6.2 Environmental Setting

Existing Conditions

The Project is located in the city of Fontana within the southwest portion of the County of San Bernardino. The Project site is bounded by State Route (SR) 210 to the north, Baseline Avenue to the south, Mango Avenue to the east, and Sierra Avenue to the west. The Project encompasses approximately 53 acres and is made up of 63 parcels in the northwest, southeast, and southwest portions of the Walnut Village Specific Plan (SP). The Project’s associated parcels are listed in **Table 4.6-1: Assessor Parcel Numbers** below.

Table 4.6-1: Assessor Parcel Numbers

024012117	024012121	024012123	024013207
024013208	024013209	024013210	024013211
024013212	024013213	024013214	024013215
024013216	024013217	024013218	024013219
024013220	024013221	024013222	024013223
024013224	024013225	024013226	024013227
024013228	024013229	024013231	024013232
024013233	024013234	024013235	024014101
024014103	024014104	024014105	024014106
024014107	024014108	024014115	024014118
024014119	024014120	024014121	021014122
024014123	024014124	024014125	024014127
024014129	024014130	024014131	024014132
024014133	024014134	024014135	024014137
024014138	024016129	024016133	024016135
024016136	024016137	024016138	
Source: Walnut Village Specific Plan			

Near-and Sub-Surface Conditions

Artificial Fill, Alluvium, Groundwater

Soils in the Project area are characteristic of the Southern California interior alluvial basins, consisting of alluvial deposits and flood plain soils.¹ Fontana is underlain by relatively young (Holocene and late Pleistocene) alluvial deposits of the Lytle Creek alluvial fan.² The deposits consist primarily of unconsolidated, gray, cobbly and bouldery alluvium.³ In the southern reaches of the City, the deposits are relatively fine-grained (pebbly and cobbly) and become coarser grained (cobbly and bouldery) to the north.⁴ Additionally, the groundwater basin underlying the City contains a substantial amount of gravel and broken conglomerate in its framework, making it unlikely that, as a result of the accumulated overdraft, the aquifer would compact causing the overlying ground to subside.

Geologic Conditions

Regional Geological Setting

The City generally lies within the northern and northwestern portion of the Peninsular Ranges Geomorphic Province of Southern California, which is characterized by northwest-southeast trending faults, folds, and mountain ranges.⁵ Much of Fontana is underlain by terrace deposits, which are unconsolidated sediments (i.e., loose soil materials, such as sand, silt, etc.) left by streams on shore benches cut by the ocean.⁶ These deposits were laid in a shallow marine to near-shore terrestrial environment in the Pleistocene timeframe.⁷ The source of the sediments was erosion of the rocky highlands of San Bernardino, Santa Ana, and other mountain belts.

Local Geological Setting

Faulting and Seismicity

The faulting and seismicity of southern California is dominated by the San Andreas Fault zone. The zone separates two of the major tectonic plates that comprise the earth's crust. The Pacific Plate lies west of the fault zone. This plate is moving in a northwesterly direction relative to the North American Plate, which lies east of the fault zone. This relative movement between the two plates is the driving force of fault ruptures in western California.

There are numerous faults in southern California that are categorized as active, potentially active, and inactive. A fault is classified as active by the state if it has either moved during the Holocene epoch (during the last 11,000 years) or is included in an Alquist-Priolo Earthquake Fault zone (as established by the California Geological Survey [CGS]). A fault is classified as potentially active if it has experienced

¹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Section 5.5 Geology, Soils, and Seismicity. Pg. 206-207. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed July 2023).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Section 5.5 Geology, Soils, and Seismicity. Pg. 203. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed July 2023).

⁶ Ibid.

⁷ Ibid.

movement within the Quaternary period (during the last 1.6 million years). Faults that have not moved in the last 1.6 million years are generally considered inactive. According to the San Bernardino County Countywide Plan, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone.⁸ Based on the distance to known active faults in the region, the risk of surface rupture at the site resulting from faulting is considered low. **Table 4.6-2: Major Fault Zones Near Fontana** depict the major fault zones in the general City area.

Table 4.6-2: Major Fault Zones Near Fontana

Fault Zone	M _w Magnitude
San Jacinto	7.2
Chino	
Whittier-Elsinore	6.8-7.1
San Andreas (southern)	7.8
Cucamonga	

Source: City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Section 5.5 Geology, Soils, and Seismicity. Pg. 205. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (Accessed July 2023)

Ground Shaking

Ground shaking is a general term referring to all aspects of motion of the earth’s surface resulting from an earthquake and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter of the earthquake, and local geologic conditions. The magnitude of an earthquake is assessed using seismographs, which measure the energy released from an earthquake. Earthquake intensity is subjective and varies with distance from the epicenter and local geologic conditions. Intensity increases closer to the epicenter. Areas underlain by thick saturated, unconsolidated soils experience greater shaking motion than areas underlain by firm bedrock.⁹

Additionally, ground shaking occurs when energy released during a fault rupture travels through subsurface rock, sediment, and soil materials, resulting in motion experience at the ground surface. Ground shaking intensity varies with the magnitude of the earthquake, the distance from the earthquake epicenter, and the type(s) of geologic substrate the seismic waves move through. Depending on the level of ground motion and the stiffness of the soil, the ground shaking can amplify or de-amplify. Ground shaking is normally the major cause of damage in earthquakes, and the amount of damage generally correlates to the magnitude of the earthquake, and proximity to the event’s epicenter. The severity of an earthquake is generally expressed in two ways-magnitude and intensity. The energy released, as measured on the Moment Magnitude (MW) scale, represents the magnitude of an earthquake. The intensity of an earthquake is measured by the Modified Mercalli Intensity (MMI) scale, which emphasizes the seismic response at a subject site and measures ground shaking severity according to damage done to structures, changes in the earth surface, and personal accounts.

⁸ County of San Bernardino. 2020. *Countywide Plan; Map HZ-1 Earthquake Fault Zones*. <https://www.arcgis.com/apps/webappviewer/index.html?id=d88e2db7ee5649478d70e95c56b0d62d> (accessed July 2023).

⁹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 61. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed April 2023).

Secondary Seismic Hazards

Ground shaking is the leading cause of injury and damage from an earthquake and can result in secondary seismic hazards generally associated with severe ground shaking during an earthquake include ground rupture, lurching, liquefaction, landslides and rockfall, lateral spreading, settlement, tsunamis, building failure, and broken gas or other utility lines, that can lead to fire and other collateral damage.

Surface Fault Rupture

Rupture of the ground surface during an earthquake generally is limited to the narrow strip of land immediately adjacent to/above the fault on which the earthquake is occurring. Surface fault rupture may occur suddenly during an earthquake or slowly in the form of fault creep and almost always follows pre-existing faults. The faults are zones of weakness that cause the separation.

Lurching

Lurching is a phenomenon in which loose to poorly consolidated deposits move laterally as a response to strong ground shaking during an earthquake. Lurching is typically associated with soil deposits on or adjacent to steep slopes.

Landslides and Rockfall

Shaking during an earthquake can lead to seismically induced landslides, especially in areas that have previously experienced landslides or slumps, in areas of steep slopes, or in saturated hillsides. The City of Fontana is generally flat and not at risk from the threat of landslides. Potential areas where seismically induced landslides could occur are in the foothill portions of the basin. The nearest moderate to high landslide susceptibility zone near the Project site is the Jurupa Mountains located approximately 0.6-mile to the south.¹⁰ The Project site is not identified as being prone to landslides.

Liquefaction

Liquefaction of free-running type soils, such as sand and gravel, can be caused by strong ground shaking motion due to earthquakes. Liquefaction is characterized by a loss of shear strength in the affected soil layers, causing the soil to behave like a syrupy liquid. When insufficient confining pressure is present, liquefaction may be manifested at the ground surface by settlement or sand volcanoes. For the potential effects of liquefaction to be demonstrated at the ground surface, the soils generally have to be granular, loose to medium dense, saturated relatively near the ground surface and must be subjected to a sufficient magnitude and duration of ground shaking. Ground accelerations generated from a seismic event can produce settlements in sands or granular earth materials both above and below the water table, posing a potential hazard to land uses on the surface. The Project site is located in a low generalized liquefaction susceptibility area.¹¹

¹⁰ County of San Bernardino. 2010. San Bernardino County Land Use Plan General Plan Geologic Hazard Overlays. San Bernardino, CA: County of San Bernardino. http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf (accessed July 2023).

¹¹ Ibid.

Lateral Spreading

Lateral spreading is the lateral movement of saturated soil deposits and is caused by intense ground shaking. Damage or rupture of pipelines during a seismic event could result in underground and surface release of water, which could result in lateral spreading.

Settlement

Soil settlement is the condition where soils deform in a vertical direction when a vertical load is placed on top of it. Developments related to the Project would need to conduct a site-specific geotechnical investigation, to determine the potential for soil settlement in a given area to ensure that all necessary and appropriate engineering features are incorporated to reduce potential geologic hazards.

Paleontological Setting

Paleontological resources are protected under California Environmental Quality Act (CEQA) as a cultural resource. The City of Fontana is situated on surface exposures of Quaternary younger alluvial fan deposits (Holocene to late Pleistocene period) that are scored by more recent wash deposits.¹² There are major marble quarries located within the Jurupa Mountains.¹³ Younger fan deposits do not have the potential to contain significant paleontological resources, but Fontana 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 I-15 and I-210 and also in the southwestern areas of the City.¹⁴ Subsurface Pleistocene deposits overlain with more recent alluvial deposits are also known to be present.¹⁵ The potential for paleontological resources is considered to be high within these Pleistocene older deposits.¹⁶ Paleontological resources, including the remains of a saber-tooth cat, have been recovered in the southwest area and many fossils that include Pleistocene mega-faunal (mammoth, camels, horses) have been recovered from the Jurupa Basin area near the intersection of Jurupa Avenue and Mulberry Avenue within the City.

The geologic units underlying the Project area are mapped primarily as Holocene aged alluvial deposits of gravel and sand. Holocene alluvial units are considered to be of high preservation value, but material found is unlikely to be fossil material due to the relatively modern associated dates of the deposits. However, if development requires any substantial depth of disturbance, the likelihood of reaching Pleistocene alluvial sediments would increase. The Western Science Center does not have localities within the project area or within a 1 mile radius, although this may be due in part to project's distance from the museum and should be taken as indicative of paleontological sensitivity.

¹² City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Section 5.4 Cultural Resources. Pg. 188. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed July 2023).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

4.6.3 Regulatory Setting

Federal

Occupational Safety and Health Administration Regulations

Excavation and trenching are among the most hazardous construction activities. OSHA's Excavation and Trenching standard, Title 29 of the Code of Federal Regulations, Part 1926.650, covers requirements for excavation and trenching operations. OSHA requires that all excavations in which employees could potentially be exposed to cave-ins be protected by sloping or benching the sides of the excavation, supporting the sides of the excavation, or placing a shield between the side of the excavation and the work area.

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. Disruptions of natural soil functions and function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) requirements, through the National Pollution Discharge Elimination System (NPDES) permitting process, provide guidance for protection of geologic and soil resources.

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) established the National Earthquake Hazards Reduction Program (Program) which is coordinated through the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation, and the National Institute of Standards and Technology. The purpose of the Program is to establish measures for earthquake hazards reduction and promote the adoption of earthquake hazards reduction measures by federal, state, and local governments; national standards and model code organizations; architects and engineers; building owners; and others with a role in planning and constructing buildings, structures, and lifelines through (1) grants, contracts, cooperative agreements, and technical assistance; (2) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and (3) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction. The Program is intended to improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

U.S. Geological Survey Landslide Hazard Program

The USGS Landslide Hazard Program provides information on landslide hazards including information on current landslides, landslide reporting, real-time monitoring of landslide areas, mapping of landslides through the National Landslide Hazards Map, local landslide information, landslide education, and research.

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act (PRPA) is part of the Omnibus Public Land Management Act of 2009 (Public Law 111-011 Subtitle D). The PRPA directs the Secretary of the Interior or the Secretary of Agriculture to manage and protect paleontological resources on federal land, and develop plans for inventorying, monitoring, and deriving the scientific and educational use of such resources. It prohibits the removal of paleontological resources from federal land without a permit issued under the PRPA, establishes penalties for violation of the PRPA and establishes a program to increase public awareness about such resources. As of May 18, 2015, the U.S. Department of Agriculture has implemented a new rule that “provides for the preservation, management, and protection of paleontological resources on National Forest System (NFS) lands and ensures that these resources are available for current and future generations to enjoy as part of America’s national heritage. The rule addresses the management, collection, and curation of paleontological resources from NFS lands including management using scientific principles and expertise, collecting of resources with and without a permit, curation in an approved repository, maintaining confidentiality of specific locality data, and authorizing penalties for illegal collecting, sale, damaging, or otherwise altering or defacing paleontological resources”.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that public agencies and private interests identify the potential environmental consequences of their Projects on any object or site of significance to the scientific annals of California (Division I, California Public Resources Code [PRC] Section 5020.1 [b]). Appendix G in Section 15023 provides an Environmental Checklist of questions (PRC Section 15023, Appendix G, Section VII, Part f) that includes the following: “Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?”

CEQA does not define “a unique paleontological resource or site.” However, the SVP has provided guidance specifically designed to support state and Federal environmental review. The SVP broadly defines significant paleontological resources as follows:

“Fossils and fossiliferous deposits consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years).”

Significant paleontological resources are determined to be fossils or assemblages of fossils that are unique, unusual, rare, diagnostically important, or are common but have the potential to provide valuable scientific information for evaluating evolutionary patterns and processes, or which could improve our understanding of paleochronology, paleoecology, paleophylogeography, or depositional histories. New or unique specimens can provide new insights into evolutionary history; however, additional specimens of even well-represented lineages can be equally important for studying evolutionary pattern and process,

evolutionary rates, and paleophylogeography. Even unidentifiable material can provide useful data for dating geologic units if radiometric dating is possible. As such, common fossils (especially vertebrates) may be scientifically important, and therefore considered significant.

Alquist-Priolo Earthquake Fault Zoning Act

The California Alquist-Priolo Earthquake Fault Zoning Act was signed into state law in 1972, and amended, with its primary purpose being to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. The California Alquist-Priolo Earthquake Fault Zoning Act was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. California Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to delineate regulatory zones known as “earthquake fault zones” along faults that are “sufficiently active” and “well defined” and to issue and distribute appropriate maps to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Pursuant to the California Alquist-Priolo Earthquake Fault Zoning Act and as stipulated in Section 3603(a) of the California Code of Regulations (CCR), structures for human occupancy are not permitted to be placed across the trace of an active fault. The California Alquist-Priolo Earthquake Fault Zoning Act also prohibits structures for human occupancy within 50 feet of the trace of an active fault, unless proven by an appropriate geotechnical investigation and report that the development site is not underlain by active branches of the active fault, as stipulated in Section 3603(a) of the CCR. Furthermore, the act requires that cities and counties withhold development permits for sites within an earthquake fault zone until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting, as stipulated in Section 3603(d) of the CCR.

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was adopted by the State in 1990 for the purpose of protecting the public from the effects of non-surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, seismically induced landslides, or other ground failure caused by earthquakes. The goal of the act is to minimize loss of life and property by identifying and mitigating seismic hazards. The CGS prepares and provides local governments with seismic hazard zones maps that identify areas susceptible to amplified shaking, liquefaction, earthquake-induced landslides, and other ground failures.

California Public Resources Code

The California Public Resources Code (PRC), Chapter 1.7, Sections 5097.5 and 30244, include additional State-level requirements for the assessment and management of paleontological resources. These statutes require reasonable mitigation of adverse impacts to paleontological resources resulting from development on state lands, define the removal of paleontological “sites” or “features” from state lands as a misdemeanor, and prohibit the removal of any paleontological “site” or “feature” from state land without permission of the jurisdictional agency. These protections apply only to State land.

2022 California Building Code

The California Code of Regulations (CCR) Title 24, also known as the California Building Standards Code (CBSC), includes regulations for how buildings are designed and constructed, and are intended to ensure the maximum structural integrity and safety of private and public buildings. The CBSC, which applies to all applications for building permits, consists of 12 parts that contain CBSC administrative regulations for all State agencies that implement or enforce building standards. Local agencies must ensure the development complies with the CBSC standards. Cities and counties can adopt additional standards beyond the CBSC including CBSC Part 2, named the California Building Code (CBC).

Natural Hazards Disclosure Act

The Natural Hazards Disclosure Act (California Civil Code Section 1103 et seq.), which became effective June 1, 1998, requires sellers (and their real estate agents) to disclose to prospective buyers when real estate property being sold is in an earthquake fault zone, seismic hazard zone, flood hazard zone, dam inundation area, or special fire hazard area. Disclosure can be achieved in one of two ways: 1) the Natural Hazards Disclosure Statement; or 2) the Local Option Real Estate Disclosure Statement as provided in Section 1102.6 of the California Civil Code. When houses built before 1960 are sold, the seller must also give the buyer an earthquake hazards disclosure report and a copy of “The Homeowner’s Guide to Earthquake Safety” to inform the buyer of potential hazards and ways to address them. However, it is important to note that the Natural Hazards Disclosure Act does not invalidate a property sale based on a failure to comply with the above requirements. Therefore, prospective homebuyers should ensure that real estate disclosure requirements are adhered to during the purchase process.

State Earthquake Protection Law

The State Earthquake Protection Law (California Health and Safety Code [HSC] 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC requires a site-specific geotechnical study to address seismic issues and identifies seismic factors that must be considered in structural design. Because the proposed Project area is not located within an Alquist–Priolo Earthquake Fault Zone, no special provisions would be required for project development related to fault rupture.

Local

City of Fontana General Plan Update 2015-2035

Noise and Safety Element

The City of Fontana’s 2018 General Plan Noise and Safety Element¹⁷ (Noise and Safety Element) ensures that development accounts for physical constraints and the natural hazards of the land. The area around the City is seismically active since it is situated on the boundary between two tectonic plates. Earthquakes can cause serious structural damage to buildings, overlying aqueducts, transportation facilities, and utilities and can lead to loss of life. In addition, earthquakes can cause collateral emergencies including

¹⁷ City of Fontana. (2018). *City of Fontana General Plan – Noise and Safety Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed August 2022).

dam and levee failures, fires, and landslides. Seismic shaking is by far the single greatest cause of damage from an earthquake in City followed by liquefaction.

Protecting Fontana from the threat of geological hazards is achieved through the identification of hazards, mitigation of structures at risk, enforcement of building codes and development standards, and public education and emergency preparedness.

Goal 4 Seismic injury and loss of life, property damage, and other impacts caused by seismic shaking, fault rupture, ground failure, earthquake-induced landslides, and other earthquake-induced ground deformation are minimized in Fontana.

Policies:

- The City shall monitor development or redevelopment in areas where faults have been mapped through the city.
- 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.
- The City shall continue to ensure to the fullest extent possible that, in the event of a major disaster, essential structures and facilities remain safe and functional, as required by current law. Essential facilities include hospitals, police stations, fire stations, emergency operation centers, communication centers, generators and substations, and reservoirs.

Goal 5 Risk to life or limb and property damage resulting from geologic hazards are minimized in Fontana.

Policy

- The City shall continue to participate in regional programs designed to protect the groundwater resources and to protect the area from the hazard of regional ground subsidence through careful management of the regional groundwater basin that underlies the area.

City of Fontana Local Hazard Mitigation Plan, 2017

The City of Fontana Local Hazard Mitigation Plan (LHMP) The purpose of the Hazard Mitigation Plan (LHMP) is to demonstrate the plan for reducing and/or eliminating risk in City of Fontana. The LHMP process encourages communities to develop goals and projects that will reduce risk and build a more disaster resilient community by analyzing potential hazards. The LHMP notes that Earthquakes are a significant concern to the City. Within the LHMP, policies and goals mitigate potential hazards, and the strategy is intended to reduce associated vulnerabilities. Related to the mitigation planning for seismic events the efforts are on-going. The plan does include mitigation actions related to reducing potential effects from earthquakes. These measures include evaluation and seismic review of projects and performance of structural reviews, reinforcement of existing buildings, providing automatic shutoffs,

reducing development in landslide-prone areas, and increasing public awareness of vegetation management, erosion control, and preventing slope failure.¹⁸

4.6.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- 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;
- Result in substantial soil erosion or the loss of topsoil;
- 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;
- 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;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.6.5 Impacts and Mitigation Measures

Impact 4.6-1 ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

Level of Significance: Less than Significant Impact

¹⁸ City of Fontana, 2017 – Local Hazard Mitigation Plan (LHMP). Available: <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed: April 13, 2020).

According to the San Bernardino County Countywide Plan, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone.¹⁹ The Project site is located close to several active faults where seismic activities have been observed in the past. However, future development of habitable structures within the Project site would have to comply with seismic safety provisions and the latest CBC approved at the time of individual development project applications are received by the City. Therefore, the impacts associated with the surface rupture of a known fault would be less than significant, and no mitigation would be required.

Impact 4.6-2 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

ii) Strong seismic ground shaking?

Level of Significance: Less than Significant Impact

The Project does not directly propose the development of additional housing units within the City and does not propose the physical modification of land within the City. Instead, the Project involves updating the existing WVSP with updated development standards and design guidelines. Southern California is considered a seismically active region and the vicinity of the area being evaluated contains a number of known earthquake faults. Developments considered for approval under the Project would be required to comply with seismic safety provisions of the CBC. Adherence to building codes and development that includes site specific geotechnical studies that would be prepared for each specific future project as mandated by the CBC would identify and minimize risks from seismic activity by ensuring the incorporation of recommendations from the site-specific geotechnical investigations into design of plan for those future projects. Furthermore, implementation of the Noise and Safety Element goals and policies from the City's General Plan would ensure geologic hazards are minimized and that the City shall review development or re-development in areas where faults have been mapped through the City, ensure current geologic knowledge is incorporated into the design, planning, and construction stages of a project and that site-specific data are applied to each new development, and ensure to the fullest extent possible that, in the event of a major disaster, essential structures and facilities remain safe and functional, as required by current law. Structures for human occupancy must be designed to meet or exceed the CBC standard for earthquake resistance. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground motion with a specified probability at the site. Therefore, the Project would not cause or exacerbate adverse effects related to seismic shaking and future development of habitable structures within the Project site would be conducted in accordance with the CBC Seismic Design Parameters, which would reduce impacts from seismic ground shaking to a less than significant level.

¹⁹ County of San Bernardino. 2020. *Countywide Plan; Map HZ-1 Earthquake Fault Zones*.
<https://www.arcgis.com/apps/webappviewer/index.html?id=d88e2db7ee5649478d70e95c56b0d62d> (accessed July 2023).

Impact 4.6-3 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iii) Seismic-related ground failure, including liquefaction?

Level of Significance: Less than Significant Impact

As previously mentioned, the Project does not directly propose the development of additional housing units within the City and does not propose the physical modification of land within the City. Instead, the Project involves the updating the existing WVSP with updated development standards and design guidelines, and does not propose any specific development at this time. Liquefaction describes a phenomenon in which saturated, cohesionless soils temporarily lose shear strength (liquefy) due to increase pore water pressures induced by strong, cyclic ground motions during an earthquake. The primary factors which influence the potential for liquefaction include groundwater table elevation, soil type and plasticity characteristics, relative density of the soil, initial confining pressure, and intensity and duration of ground shaking. Structures founded on or above potentially liquefiable soils may experience bearing capacity failures due to the temporary loss of foundation support, vertical settlements, and undergo lateral spreading. The cohesionless soils most susceptible to liquefaction are loose, saturated sands, and some silt. As previously mentioned, the Project site is located in a low generalized liquefaction susceptibility area.²⁰ However, by following CBC design parameters and all relevant building codes would reduce any potential issues due to liquefaction and no mitigation measures would be necessary.

Impact 4.6-4 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iv) Landslides?

Level of Significance: Less than Significant Impact

Landslides and other forms of mass wasting, including mud flows, debris flows, soil slips, and rock falls occur as soil or rock moves down slope under the influence of gravity. Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The susceptibility of a geologic unit to landslides is dependent upon various factors, primarily: 1) the presence and orientation of weak structures, such as fractures, faults, and joints; 2) the height and steepness of the pertinent natural or cut slope; 3) the presence and quantity of groundwater; and 4) the occurrence of strong seismic shaking. According to the San Bernardino County Geologic Hazard map, the Project site and the immediate area are not within a zone of generalized landslide susceptibility.²¹ Therefore, the impacts associated with the landslides would be less than significant, and no mitigation would be required.

²⁰ County of San Bernardino. 2010. San Bernardino County Land Use Plan General Plan Geologic Hazard Overlays. San Bernardino, CA: County of San Bernardino. http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf (accessed July 2023).

²¹ San Bernardino County. 1994. Geologic Hazard Overlays – FH29 C Fontana Map. <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed July 2023).

Impact 4.6-5 *Would the Project result in substantial soil erosion or the loss of topsoil?*

Level of Significance: Less than Significant Impact

During construction of individual future projects within the WVSP area, each Project would be required to comply with erosion and siltation control measures. This would include an erosion control plan with measures such as sand-bagging, placement of silt fencing, erosion control blankets, straw wattles, mulching, etc., to reduce runoff from the site and to hold topsoil in place during all grading activities. As mass grading proceeds, finish grading commences and building construction begins, the erosion control measures would be removed or relocated as necessary. Construction contractors would also be required to create a dust control plan in compliance with South Coast Air Quality Management District Rule 403 to further reduce wind erosion. Additionally, the construction on the Project site would be required to comply with NPDES permitting requirements; refer to **Section 4.9: Hydrology and Water Quality** for discussion of the anticipated NPDES permitting process. Additionally, future development on the Project site would implement SWPPP, WQMP, and maintenance of the on-site storm drains and gutters would ensure that these future development's on Project site would not result in the loss of topsoil or sedimentation into local drainage facilities. Therefore, a less than significant impact would occur with operation of the Project.

Impact 4.6-6 *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?*

Level of Significance: Less than Significant Impact

The Project site is not included within an Earthquake Fault Zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act. However, the Project site is in a seismically active area and located near an active fault zone. However, as discussed previously in Impact 4.6-1 future development of habitable structures within the Project site would have to comply with seismic safety provisions. Additionally, as previously mentioned, the Project site is located in a low generalized liquefaction susceptibility area.²² However, by following CBC design parameters and all relevant building codes would reduce any potential issues due to liquefaction. The Project site and the immediate area are not within a zone of generalized landslide susceptibility.²³ In addition, future development of habitable structures within the Project site would comply with CBC requirements to mitigate the possibility of lateral spreading, subsidence, liquefaction, and collapse.

Impact 4.6-7 *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?*

Level of Significance: Less than Significant Impact

²² County of San Bernardino. 2010. San Bernardino County Land Use Plan General Plan Geologic Hazard Overlays. San Bernardino, CA: County of San Bernardino. http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf (accessed July 2023).

²³ San Bernardino County. 1994. Geologic Hazard Overlays – FH29 C Fontana Map. <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed July 2023).

Expansive soils are soils that expand and contract depending on their moisture level. This change can occur seasonally as water levels and precipitation changes throughout the year. These soils normally occur within the first five feet below the surface. Expansive soils can lead to structural damage as their compositions and volume changes dramatically. The City has a mix of unconsolidated, gray, cobbly and bouldery alluvium.²⁴ In the southern reaches of the City, the deposits are relatively fine-grained (pebbly and cobbly) and become coarser grained (cobbly and bouldery) to the north.²⁵ Those materials are classified as low to non-expansive. Future development of habitable structures within the Project site would have to comply conduct additional Geotechnical Studies to ensure that expansive soils will not adversely impact the design, construction, or operation. Therefore, the Project would not be impacted by significant soil expansion and a less than significant impact would occur.

Impact 4.6-8 *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Level of Significance: Less than Significant Impact

The Project does not propose the use of septic tanks or other alternative wastewater disposal systems. The Project site area proposes connecting to the public sewer mains and relying on the Inland Empire Utilities Agency (IEUA) for wastewater services. Water and wastewater systems and their development are further discussed in **Section 4.17: Utilities and Service Systems** of this Draft PEIR. No impact would occur.

Impact 4.6-9 *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Level of Significance: Less than Significant with Mitigation Incorporated

As previously mentioned, the geologic units underlying the Project area are mapped primarily as Holocene aged alluvial deposits of gravel and sand. Holocene alluvial units are considered to be of high preservation value, but material found is unlikely to be fossil material due to the relatively modern associated dates of the deposits. However, if development requires any substantial depth of disturbance, the likelihood of reaching Pleistocene alluvial sediments would increase. The Western Science Center does not have localities within the project area or within a 1 mile radius, although this may be due in part to project's distance from the museum and should be taken as indicative of paleontological sensitivity.

While the presence of any fossil material is unlikely, if excavation activity disturbs deeper sediment dating to the earliest parts of the Holocene or Late Pleistocene periods, the material would be scientifically significant. Excavation activity associated with the development of the project area is unlikely to be paleontologically sensitive, but caution during development should be observed. As such, Mitigation Measure GEO-1 would be implemented and would reduce impacts to a level of less than significant.

²⁴ City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Section 5.5 Geology, Soils, and Seismicity. Pg. 206-207. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report> for-the-General-Plan-Update (accessed July 2023).

²⁵ Ibid.

Mitigation Measures

MM GEO-1

Prior to issuance of grading permits, the Applicant/Developer of individual projects will retain a qualified paleontologist to create and implement a Paleontological Resource Mitigation Program (PRIMP). The project paleontologist would review the grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements, to be documented in the PRIMP. The PRIMP would be submitted to the City for review and approval prior to issuance of a grading permit. Information contained in the PRIMP shall minimally include:

1. Description of the project site and proposed grading operations.
2. Description of the level of monitoring required for earth-moving activities.
3. Identification and qualifications of the paleontological monitor to be employed during earth moving.
4. Identification of personnel with authority to temporarily halt or divert grading to allow recovery of large specimens.
5. Direction for fossil discoveries to be reported to the developer and the City.
6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils to minimize construction delays.
7. Sampling methods for sediments that are likely to contain small fossil remains, if any.
8. Procedures and protocol for collecting and processing of samples and specimens, as necessary.
9. Fossil identification cataloged and curated into the permanent collections of a scientific institution.
10. Identification of the repository to receive fossil material.
11. All pertinent maps and exhibits.
12. Procedures for reporting of findings.
13. Acknowledgment of the developer for content of the PRIMP and acceptance of financial responsibility for monitoring, reporting, and curation.

4.6.6 Cumulative Impacts

As discussed above, the southern California region is prone to seismic activity with a range of geologic and soil conditions which vary widely due to differences in landforms and proximity to fault zones. Therefore, while geotechnical and soil impacts may be associated with cumulative development, the very nature of the impacts is generally site-specific and typically little, if any, cumulative relationship exists between the development of a project and development within a larger cumulative area. Future development projects on the Project Site would be required to comply with applicable state and regional building regulations, including the most recent CBC. Site-specific geologic hazards would be addressed in each project's

geotechnical investigation. Additionally, the County may also require even more rigorous standards depending on an individual's project site's conditions. Further, future developments on the Project site would be required to comply with environmental analysis and review. Therefore, no significant cumulative impact would occur.

4.6.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning geological and soil resources have been identified.

4.6.8 References

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Section 5.4 Cultural Resources. Pg. 188.
<https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed July 2023).
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<http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed July 2023).

4.7 GREENHOUSE GAS

4.7.1 Introduction

This section addresses greenhouse gas (GHG) emissions generated by the construction and operation of the Project inclusive of mandatory and voluntary energy and resource conservation measures that have been incorporated into the proposed Project to reduce GHG emissions and associated impacts. The analysis also addresses the consistency of the Project with applicable regulations, plans, and policies set forth by the State of California and the City to reduce GHGs. The Project's potential contributions to global climate change impacts are identified.

Information and analysis presented in this section are derived from air quality and GHG modeling data, found in Draft PEIR **Appendix B**.

4.7.2 Environmental Setting

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected back toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the

last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remains stored in the atmosphere.¹ **Table 4.7-1: Description of Greenhouse Gases** describes the primary GHGs attributed to global climate change, including their physical properties.

Table 4.7-1: Description of Greenhouse Gases

Greenhouse Gas	Description
Carbon Dioxide (CO ₂)	CO ₂ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO ₂ is variable because it is readily exchanged in the atmosphere. CO ₂ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N ₂ O)	N ₂ O is largely attributable to agricultural practices and soil management. Primary human-related sources of N ₂ O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N ₂ O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. The Global Warming Potential of N ₂ O is 298.
Methane (CH ₄)	CH ₄ , a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH ₄ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH ₄ is about 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF ₆)	SF ₆ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF ₆ is 23,900.
Hydrochlorofluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.

¹ Intergovernmental Panel on Climate Change, *Carbon and Other Biogeochemical Cycles*. In: *Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 2013, <https://www.ipcc.ch/report/ar5/wg1/>.

Greenhouse Gas	Description
Nitrogen Trifluoride (NF ₃)	NF ₃ was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.
<p>Source: Compiled from U.S. EPA, <i>Overview of Greenhouse Gases</i>, April 11, 2018 (https://www.epa.gov/ghgemissions/overview-greenhouse-gases); U.S. EPA, <i>Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016</i>, 2018; Intergovernmental Panel on Climate Change, <i>Climate Change 2007: The Physical Science Basis</i>, 2007; National Research Council, <i>Advancing the Science of Climate Change</i>, 2010; U.S. EPA, <i>Methane and Nitrous Oxide Emission from Natural Sources</i>, April 2010.</p>	

4.7.3 Regulatory Setting

FEDERAL

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding. The U.S. Environmental Protection Agency (U.S. EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (carbon dioxide [CO₂], methane [CH₄], nitrous oxide [N₂O], hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF₆]) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the U.S. EPA's assessment of the scientific evidence that form the basis for the U.S. EPA's regulatory actions.

Federal Vehicle Standards. The main federal regulatory program for automobiles is the Corporate Average Fuel Economy (CAFE) program, which has been in place since 1975. Under previous administrations, CAFE was the primary means of limiting mobile source carbon emissions. Rules finalized

in 2012 put in place binding standards through Model Year 2021 and offered estimated standards through 2024. The federal light-duty vehicle standards were developed in two phases that harmonized with State standards through 2016 (Phase 1) and 2025 (Phase 2) and developed the first ever federal GHG standards for medium-duty and heavy-duty vehicles. At the time, the U.S. EPA estimated the new standards in this rule would reduce CO₂ emissions by approximately 270 MMT and save 530 million barrels of oil over the life of vehicles sold during the 2014 through 2018 model years.

However, in 2018, the U.S. EPA proposed a new, less-stringent set of standards called the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks. The SAFE Vehicles Rule would amend certain existing CAFE and tailpipe CO₂ emissions standards for passenger cars and light trucks and establish new standards, all covering model years 2021 through 2026. In December 2021, the U.S. EPA issued new GHG emissions standards for new passenger cars and light trucks for model years 2023 through 2026. The updated standards will result in avoiding more than three billion tons of GHG emissions through 2050.²

State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO₂ equivalents (CO₂e) in the world and produced 381 million metric tons of CO₂e (MMT CO₂e) in 2021.³ In the State, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

² U.S. Environmental Protection Agency. (2021) *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026*. Available at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions>. Accessed January 2024.

³ California Air Resources Board, *Current California GHG Emissions Inventory Data, 2000-2021 GHG inventory (2023 Edition)*, <https://ww2.arb.ca.gov/ghg-inventory-data>, accessed January 2024.

CARB Scoping Plan

CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual").⁴ The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and the State's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program.⁵ Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California's freight transport system is essential to supporting the State's economic development in coming decades while reducing pollution.
- CARB's Mobile Source Strategy demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation

⁴ CARB defines business-as-usual (BAU) in its Scoping Plan as emissions levels that would occur if California continued to grow and add new GHG emissions but did not adopt any measures to reduce emissions. Projections for each emission-generating sector were compiled and used to estimate emissions for 2020 based on 2002–2004 emissions intensities. Under CARB's definition of BAU, new growth is assumed to have the same carbon intensities as was typical from 2002 through 2004.

⁵ The Climate Action Team, led by the secretary of the California Environmental Protection Agency, is a group of State agency secretaries and heads of agencies, boards, and departments. Team members work to coordinate statewide efforts to implement global warming emissions reduction programs and the State's Climate Adaptation Strategy.

emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing zero-emission vehicle (ZEV) buses and trucks.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 MMTCO₂e to 545 MMTCO₂e. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated State-led GHG emissions reduction measures already in place. When this lower forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32.

In 2016, the Legislature passed Senate Bill (SB) 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017 CARB adopted a second update to the Scoping Plan. The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and, support the Clean Power Plan and other Federal actions.

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high global warming potential (GWP); providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines Section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and

trucks), which constitutes California’s single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State’s Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.⁶ CARB specifically states that Appendix D does not address other land uses (e.g., industrial).⁷ However, CARB plans to explore new approaches for other land use types in the future.⁸

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

SB 375 (The Sustainable Communities and Climate Protection Act of 2008)

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the GHG reduction goals established by AB 32. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

AB 1493 (Pavley Regulations and Fuel Efficiency Standards)

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. Implementation of the regulation was delayed by lawsuits filed by automakers and by the U.S. EPA's denial of an implementation waiver. The U.S. EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO₂e emissions and 75 percent fewer smog-forming emissions.

⁶ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 21, November 2022.

⁷ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 4, November 2022.

⁸ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 21, November 2022.

SB 1368 (Emission Performance Standards)

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law 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. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO₂ per megawatt-hour.

SB 1078 and SBX1-2 (Renewable Electricity Standards)

SB 1078 requires California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the State's load-serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SBX1-2, which codified the 33 percent by 2020 goal.

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

Signed into law on October 7, 2015, SB 350 implements the goals of Executive Order B-30-15. The objectives of SB 350 are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 25 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

AB 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

SB 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the tone for the State and guide the actions of state agencies.

Executive Order S-3-05

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07

Issued on January 18, 2007, Executive Order S 01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08

Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly-owned electricity retailers.

Executive Order S-21-09

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's RPS to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO₂e (MMTCO₂e). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of

these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6), was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The CEC adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

Title 24 California Green Building Standards Code

The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code went into effect January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards have improved upon the 2019 standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

Regional

South Coast Air Quality Management District Thresholds

The South Coast Air Quality Management District (SCAQMD) formed a GHG California Environmental Quality Act (CEQA) Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. As of the last Working Group meeting (Meeting 15) held in September 2010, the SCAQMD is proposing to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency.

With the tiered approach, the Project is compared with the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. For all industrial projects, the SCAQMD is proposing a screening threshold of 10,000 million tons of CO₂e

(MTCO₂e) per year. Under Option 1, separate screening thresholds are proposed for residential projects (3,500 MT CO₂e per year), commercial projects (1,400 MT CO₂e per year), and mixed-use projects (3,000 MT CO₂e per year). Under Option 2, a single numerical screening threshold of 3,000 MT CO₂e per year would be used for all non-industrial projects. SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, SCAQMD initially outlined that a project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, a project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO₂e per service population per year. Tier 5 would exclude projects that implement off-site mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

Local

Fontana General Plan 2015-2035

The City of Fontana's General Plan outlines the concerns of the community and the means of addressing those concerns. Chapter 9, *Community Mobility and Circulation*⁹ focuses on connecting neighborhoods and city destinations by expanding transportation choices in Fontana. Chapter 10, *Infrastructure and Green Systems*¹⁰ focuses on Fontana's public infrastructure system and facilities. Chapter 12, *Sustainability and Resilience*¹¹ focuses on resource efficiency and planning for climate change. General Plan policies that relate to greenhouse gas impacts include the following:

Chapter 9, Community Mobility and Circulation

Goal 7 **The City of Fontana participates in shaping regional transportation policies to reduce traffic congestion and greenhouse gas emissions.**

Policy 7-3 Participate in the efforts of the Southern California Association of Governments (SCAG) to coordinate transportation planning and services that support greenhouse gas reduction.

Chapter 10, Infrastructure and Green Systems

Goal 7 **Fontana is an energy efficient community.**

Policy 7-1 Promote renewable energy and distributed energy systems in new development and retrofits of existing development to work towards the highest levels of low-carbon energy-efficiency.

⁹ City of Fontana. (2023). *City of Fontana General Plan – Community Mobility and Circulation Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26748/Chapter-9---Community-Mobility-and-Circulation>. (accessed January 3, 2024).

¹⁰ City of Fontana. (2018). *City of Fontana General Plan – Infrastructure and Green Systems*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>. (accessed January 3, 2024).

¹¹ City of Fontana. (2018). *City of Fontana General Plan – Sustainability and Resilience*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience>. (accessed January 3, 2024).

Goal 8 All residences, businesses, and institutions have a dependable, environmentally safe means to dispose of solid waste.

Policy 8-2 Continue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost.

Chapter 12, Sustainability and Resilience

Goal 3 Renewable sources of energy, including solar and wind, and other energy conservation strategies are available to city households and businesses.

Policy 3-1 Promote renewable energy programs for government, Fontana businesses, and Fontana residences.

Goal 4 Fontana meets the greenhouse gas reduction goals for 2030 and subsequent goals set by the state.

Policy 4-1 Continue to collaborate with San Bernardino County Transportation Authority, infrastructure agencies, and utilities on greenhouse gas reduction studies and goals.

Goal 5 Green building techniques are used in new development and retrofits.

Policy 5-1 Promote green building through guidelines, awards and nonfinancial incentives.

4.7.4 Impact Thresholds and Significance Criteria

Addressing GHG emissions generation impacts requires an agency to determine what constitutes a significant impact. The amendments to the CEQA Guidelines specifically allow lead agencies to determine thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine whether a project’s GHG emissions will have a “significant” impact on the environment. The guidelines direct that agencies are to use “careful judgment” and “make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate” the project’s GHG emissions.¹²

Based upon the criteria derived from Appendix G of the CEQA Guidelines, a project normally would have a significant effect on the environment if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The California Governor’s Office of Planning and Research (OPR) Technical Advisory, CEQA and Climate Change: Addressing Climate Change through CEQA Review (2008) states that “public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact”. Furthermore, the

¹² 14 California Code of Regulations, Section 15064.4a

Technical Advisory indicates that “in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a ‘significant impact,’ individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.”

The City of Fontana has not adopted project-specific significance thresholds for GHG emissions. To determine the proposed project’s potential to generate GHG emissions that would have a significant impact on the environment, the proposed project’s GHG emissions were estimated and then compared to the SCAQMD’s threshold of 3,000 MTCO₂e per year (refer to **Section 4.7.3: Regulatory Setting, Regional South Coast Air Quality Management District Thresholds Tier 3, Option 2**).

4.7.5 Methodology and Assumptions

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of CO₂/year to nearly 49 GtCO₂/year. As such, the geographic extent of climate change and GHG emissions cumulative impact discussion is worldwide.

The Project’s construction and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.1, 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. 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 in **Appendix B**.

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

A life-cycle analysis (LCA), which assesses economy-wide GHG emissions from construction (i.e., the processes in manufacturing and transporting all raw materials used in the project development and infrastructure) and operation, was not conducted for the Project due to the lack of scientific consensus on LCA methodology. A LCA depends on emission factors or econometric factors that are not well

established for all processes as of the date the NOP for this EIR was published. Additionally, SCAQMD recommends analyzing a project's direct and indirect GHG emissions generated within California in-lieu of an LCA because a project's life-cycle effects could extend beyond California and these effects might not be well understood or well documented and/or infeasible to mitigate.

Construction

CalEEMod calculates construction emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. Construction GHG emissions were forecasted based on the construction schedule and emissions factors generated by CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles.

For the purposes of analyzing construction emissions, the construction activities for the four areas; Gateway North Sub-District, Gateway Residential 4 Sub-District, Gateway South Sub-District, and Gateway East Sub-District, were modeled as separate phases (Phase 1, Phase 2, Phase 3, and Phase 4). Although construction of the Project is assumed to occur over a period of 20 to 30 years, for a worst-case scenario, the default construction schedule generated by CalEEMod was used to model construction emissions:¹³

- Phase 1: Commence in 2024 with a 14-month duration.
- Phase 2: Commence in 2025 with a 14-month duration.
- Phase 3: Commence in 2026 with a 32-month duration.
- Phase 4: Commence in 2029 with a 14-month duration.

Operations

The Project's operational GHG emissions would be generated by vehicular traffic, off-road equipment, area sources (e.g., landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, solid waste, air conditioning, and refrigeration. These emissions categories are discussed below.

- **Area Sources.** Area source emissions occur from hearths, architectural coatings, landscaping equipment, and consumer products. Hearths, landscaping equipment, and consumer products (i.e., personal care products, home, lawn, and garden products, disinfectants, sanitizers, polishes, cosmetics, and floor finishes) would be part of the emissions from area sources. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions.

¹³ As the Project development is speculative, a conservative worst-case construction timeline has been modeled for analysis purposes. This involves modeling emissions at the earliest feasible date. Emissions in future years (i.e., due to a later construction start date or operational opening year) would be lower due to phased-in emissions standards, inspection and maintenance requirements, and fleet turnover). Project construction that occurs at a later date than what was modeled impacts would result in lower emissions than those analyzed due to the use of more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to state regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. As a result, Project-related construction emissions would be lower than the impacts disclosed herein. For emissions modeling purposes, conservatively analyzing the emissions using an earlier construction start date provides for a worst-case analysis and full disclosure of potential air quality impacts, as required by CEQA.

- **Energy Consumption.** Energy consumption consists of emissions from project consumption of electricity and natural gas. Primary uses of electricity and natural gas by the Project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Energy emissions are calculated based on consumption rates and emissions factors in CalEEMod.
- **Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose. Solid waste emissions are calculated based on generation rates and emissions factors in CalEEMod.
- **Water and Wastewater.** Project GHG emissions would be generated from energy consumption associated with water and wastewater conveyance and treatment. No changes were made to the default water usage consumption rates or emissions factors.
- **Refrigerants.** Project refrigerants includes fugitive GHG emissions associated with building air conditioning and refrigeration equipment. Different types of refrigeration equipment are used by different types of land uses. For example, an office may use various types of air conditioning equipment, while a supermarket may use both air conditioning equipment and refrigeration equipment. CalEEMod automatically generates a default air conditioning and refrigeration equipment inventory for each project land use subtype based on industry data from the U.S. EPA.¹⁴
- **Mobile Sources.** Project-generated vehicle emissions are conservatively based on trip generation rates for Project land uses and are incorporated into CalEEMod as recommended by the SCAQMD. The following Project trip generation utilized in this report is based on the following Institute of Transportation Engineers (ITE) land use categories:
 - ITE Land Use 220: Multifamily Residential (Low-Rise) 2,885 average daily trips
 - ITE Land Use 221: Multifamily Residential (Mid-Rise) 8,989 average daily trips

The Project would generate 11,874 daily trips, or 4,334,010 trips per year. Trip lengths use CalEEMod default residential trip lengths for projects located in San Bernardino County. Based on these estimates the Project is anticipated to generate 36,086,074 VMT per year.

4.7.6 Impacts and Mitigation Measures

Impact 4.7-1 *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Level of Significance: Significant and Unavoidable Impact

Construction-Related Greenhouse Gas Emissions

Project construction activities would generate direct CO₂, N₂O, and CH₄ emissions from construction equipment, transport of materials, and construction workers commuting to and from the Project site. Total GHG emissions generated during all construction phases were combined and are presented in **Table 4.7-2: Construction-Related Greenhouse Gas Emissions.**

¹⁴ U.S. Environmental Protection Agency, *Accounting Tool to Support Federal Reporting of Hydrofluorocarbon Emissions: Supporting Documentation*, October 2016.

Table 4.7-2: Construction-Related Greenhouse Gas Emissions

Category	MTCO ₂ e
Phase 1: Gateway North Construction	
Phase 1 Construction Emissions	600.95
Phase 1: 30-Year Amortized Construction Emissions	20.03
Phase 2: Gateway Residential 4 Construction	
Phase 2 Construction Emissions	456.27
Phase 2: 30-Year Amortized Construction Emissions	15.21
Phase 3: Gateway South Construction	
Phase 3 Construction Emissions	6,502.20
Phase 3: 30-Year Amortized Construction Emissions	216.74
Phase 4: Gateway East Construction	
Phase 4 Construction Emissions	566.51
Phase 4: 30-Year Amortized Construction Emissions	18.88
Project Buildout Total Construction Emissions	8,125.93
Project Buildout Total Amortized Emissions	270.86
Source: CalEEMod version 2022.1.1.16. Refer to Appendix B for model outputs.	

As shown in **Table 4.7-2**, Phase 1 of the Project would result in the generation of approximately 600.95 MTCO₂e over the course of construction; Phase 2 would generate approximately 456.27 MTCO₂e over the course of construction; Phase 3 would generate approximately 6,502.20 MTCO₂e over the course of construction; and Phase 4 would generate approximately 566.51 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period and then added to the operational emissions¹⁵. The amortized Project Phase 1, Phase 2, Phase 3, and Phase 4 construction emissions would be 20.03 MTCO₂e, 15.21 MTCO₂e, 216.74 MTCO₂e, and 18.88 MTCO₂e per year respectively. Total construction emissions and total amortized emissions for Project Buildout would be 8,125.93 MTCO₂e and 270.86 MTCO₂e per year respectively. Once construction is complete, the generation of these GHG emissions would cease.

Operational Greenhouse Gas Emissions

Operational emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, and the emissions associated with solid waste generated from the Project.

¹⁵ The standard 30-year amortization period is based on the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

Existing regulations applicable to the Project would help to reduce GHG emissions. Prior to issuance of a building permit, the City of Fontana would review and verify that the Project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The Project would also be required to adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, and energy efficiency.

GHG emissions associated with Phase 1, Phase 2, Phase 3, Phase 4, and Project Buildout (combination of All phases) are summarized in **Table 4.7-3: Operational Greenhouse Gas Emissions**. As Shown in **Table 4.7-3**, the Project’s total unmitigated emissions per year would be approximately 2,027.49 MTCO₂e for Phase 1, 545.82 MTCO₂e for Phase 2, 13,552.45 MTCO₂e for Phase 3, 1,711.79 MTCO₂e for Phase 4, and 16,764.07 MTCO₂e for Project Buildout.

Table 4.7-3: Operational Greenhouse Gas Emissions

Emissions Source	MTCO ₂ e per Year	
	Unmitigated	Mitigated
Phase 1: Gateway North (2025)		
Construction Amortized Over 30 Years	20.03	20.03
Mobile Sources	1,538.30	1,538.30
Area Sources ^{1,2}	59.03	0.00
Energy ²	342.69	156.02
Water and Wastewater	21.02	16.97
Solid Waste	46.169	11.54
Refrigerants	0.25	0.25
TOTAL	2,027.49	1,743.11
Phase 2: Gateway Residential 4 (2026)		
Construction Amortized Over 30 Years	15.21	15.21
Mobile Sources ¹	399.40	399.40
Area Sources ²	15.63	0.00
Energy ³	97.47	48.29
Water and Wastewater	5.83	4.77
Solid Waste	12.21	3.05
Refrigerants	0.07	0.07
TOTAL	545.82	470.79
Phase 3: Gateway South (2029)		
Construction Amortized Over 30 Years	216.74	216.74
Mobile Sources ¹	9,471.90	9,471.90
Area Sources ²	584.44	0.00
Energy ³	2,615.00	1,363.10
Water and Wastewater	205.04	165.09
Solid Waste	457.08	114.27
Refrigerants	2.25	2.25
TOTAL	13,552.45	11,333.35
Phase 4: Gateway East (2030)		
Construction Amortized Over 30 Years	18.88	18.88
Mobile Sources ¹	1,320.80	1,320.80

Emissions Source	MTCO _{2e} per Year	
	Unmitigated	Mitigated
Area Sources ²	51.66	0.00
Energy ³	263.58	102.34
Water and Wastewater	16.27	13.17
Solid Waste	40.38	10.10
Refrigerants	0.22	0.22
TOTAL	1,711.79	1,465.51
Project Buildout (2030)		
Construction Amortized Over 30 Years	270.86	270.86
Mobile Sources	12,277.00	12,277.00
Area Sources ¹	530.78	0.00
Energy ^{1,2}	2,908.70	1,284.00
Water and Wastewater ³	218.03	174.75
Solid Waste ⁴	555.91	138.98
Refrigerants	2.79	2.79
BUILDOUT TOTAL	16,764.07	14,148.40
1. Mitigation Measure AQ-2, requires installation of all-electric appliances for residential uses. Mitigation Measure AQ-4 requires all landscape equipment to be electric. 2. Mitigation Measure GHG-1 requires buildings to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent. Mitigation Measure GHG-2 requires the Project to install energy efficient appliances. Mitigation Measure GHG-3 requires the installation of photovoltaic solar panels to offset energy emissions. 3. Mitigation Measure GHG-4 requires the Project to install low-flow water fixtures 4. Mitigation Measure GHG-5 requires the Project to implement recycling program to divert waste from landfills.		
Source: CalEEMod version 2022.1.1.16. Refer to Appendix B for model outputs.		

The majority of the unmitigated GHG emissions (73 percent at Project Buildout) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards, and the Project has no control over these standards.

The Project includes numerous mitigation measures that would reduce emissions. **MM AQ-2** and **MM AQ-4** have been identified in the Project’s Air Quality Assessment to reduce operational emissions and would also reduce GHG emissions. **MM AQ-2** requires the installation of all-electric appliances in residential uses and **MM AQ-4** requires all landscaping equipment used on-site shall be 100 percent electrically powered.

Additionally, the Project would further reduce GHG emissions through implementation of **MM GHG-1** through **MM GHG-5**. **MM GHG-1** requires buildings to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent; **MM GHG-2** requires the Project to install energy efficient appliances; **MM GHG-3** requires the installation of photovoltaic solar panels to offset energy emissions; **MM GHG-4** requires the Project to install low-flow water fixtures; and **MM GHG-5** requires the Project to implement recycling program to divert waste from landfills.

Table 4.7-3 shows that implementation of these mitigation measures would reduce GHG emissions to 1,743.11 MTCO_{2e} for Phase 1; to 470.79 MTCO_{2e} for Phase 2; to 11,333.35 MTCO_{2e} for Phase 3; to 1,465.51 MTCO_{2e} for Phase 4; and to 14,148.40 MTCO_{2e} for Project Buildout. The majority of the Project’s

GHG emissions are generated by mobile emissions. Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City of Fontana to address emissions resulting from mobile sources and/or emissions generated by cars and trucks outside of the City's limits. As with all land use projects, the Project's mobile and transportation related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT).

CARB is directly responsible for regulating mobile and transportation source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislation and regulatory schemes, including the State's Low Carbon Fuel Standard (Executive Order S-01-07) (LCFS), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of the "carbon intensity" of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their "life cycle emissions" which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period.

In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California's 2030 GHG emission reduction target enacted through SB 32. CARB is also implementing additional transportation sector regulations such as Advanced Clean Cars II, Advanced Clean Trucks, and Advanced Clean Fleets. This ensures that the transportation sector is meeting its obligations to achieve California's GHG reduction targets. The Project would be required to comply with these regulations through vehicle manufacturer compliance. The State is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions by controlling for VMT. Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark.

Conclusion

The Walnut Village SP Project would conservatively generate 14,148.40 MTCO₂e annually with the incorporation of **MM AQ-2**, **MM AQ-4**, and **MM GHG-1** through **MM GHG-5**. As shown in **Table 4.7-3**, with mitigation at Project Buildout, 87 percent of GHG emissions are from mobile sources. Although the Project has no control over mobile emissions, State regulations will continue to push vehicles to be cleaner and more fuel efficient (CARB's Advanced Clean Cars II Rule will require all new cars, trucks, and SUVs sold in 2035 and beyond to be zero emissions) which will significantly reduce GHG emissions for the Project. However, the worst-case scenario analyzed in this EIR shows that the Project would exceed the 3,000 MTCO₂e threshold even with all feasible mitigation and could result in a significant impact to the environment. Therefore, Project impacts would be considered significant and unavoidable.

Mitigation Measures

- MM GHG-1** Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation to the City of Fontana demonstrating that the Project shall be designed to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent in effect at the time of building permit application.
- MM GHG-2** All major in-unit appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, water heaters, and for space heating) provided/installed by the developer shall be Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Fontana shall verify implementation of this requirement. Installation of Energy Star–certified or equivalent appliances shall be verified by the Planning and Building Department during plan check.
- MM GHG-3** The Project shall be required to install solar photovoltaic (PV) panels or another source of renewable electricity generation on-site, based on the maximum roof area available for solar (i.e., solar-ready zone). The solar-ready zone shall comply with Section 110.10 of the 2022 California Energy Code and shall comply with access, pathway, ventilation, and spacing requirements, and exclude skylight area.
- The final PV generation facility size requires approval by Southern California Edison (SCE). SCE’s Rule 21 governs operating and metering requirements for any facility connected to SCE’s distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption.
- The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. The schedule of photovoltaic system locations may be updated as needed.
- MM GHG-4** The Project shall require all fixtures provided/installed by the developer to be low-flow or high-efficiency fixtures that exceed state standards. These fixtures include: toilets, showerheads, bathroom faucets, kitchen faucets, dishwashers, and clothes washers. Prior to the issuance of the certificate of occupancy, the City of Fontana shall verify implementation of this requirement. Installation of water efficient fixtures shall be verified by the Planning and Building Department during plan check.
- MM GHG-5** The Walnut Village SP Project shall implement a recycling program to divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of occupancy, a recyclables collection and load area shall be constructed in compliance with the City standards for Recyclable Collection and Loading Areas.

Impact 4.7-2 *Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Level of Significance: Less than Significant Impact with Mitigation

CARB's Climate Change Scoping Plan

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high global warming potential; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines Section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission (ZE) transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place. Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include:

- Implementing SB 100 (achieve 100 percent clean electricity by 2045);
- Achieving 100 percent zero-emission vehicle sales in 2035 through Advanced Clean Cars II; and
- Implementing the Advanced Clean Fleets regulation to deploy zero-emission vehicle (ZEV) buses and trucks.

Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new commercial/retail developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in 2021 approximately 38 percent of

the total electricity net generation in California was derived from natural gas combustion. Therefore, energy saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

The Project would be required to comply with applicable regulatory requirements promulgated through the 2022 Scoping Plan and would not conflict with any applicable actions. As such, the Project would be consistent with the 2022 Scoping Plan.

Scoping Plan Appendix D, Local Actions

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions without an approved Climate Action Plan the tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.¹⁶ CARB specifically states that Appendix D does not address other land uses (e.g., industrial).¹⁷ However, CARB plans to explore new approaches for other land use types in the future.¹⁸

CARB Scoping Plan Appendix D lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the applicability and performance of the actions may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures, that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the lead agency.

The proposed Project includes numerous mitigation measures for construction and operation that would reduce GHG emissions. For example, **MM AQ-2** requires the installation of all-electric appliances in residential uses and **MM AQ-4** requires all landscaping equipment used on-site to be 100 percent electrically powered. In addition, **MM GHG-1** requires buildings to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent; **MM GHG-2** requires the Project to install energy efficient appliances; **MM GHG-3** requires the installation of photovoltaic solar panels to offset energy emissions; **MM GHG-4** requires the Project to install low-flow water fixtures; and **MM GHG-5** requires the Project to implement recycling program to divert waste from landfills.

Appendix D notes that residential and mixed-use projects that meet the following three priority areas are "clearly" consistent with the State's goals and projects that have these key project attributes should accommodate growth in a manner consistent with State GHG reduction and equity prioritization goals. Appendix D also notes that lead agencies may determine, with adequate additional supporting evidence,

¹⁶ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 21, November 2022.

¹⁷ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 4, November 2022.

¹⁸ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 21, November 2022.

that projects incorporating some, but not all, of the key project attributes, are consistent with the State's climate goals.¹⁹

- **Transportation Electrification.** Table 3 in the 2022 Scoping Plan, Appendix D, notes that to be clearly consistent with the State's goals, projects should provide EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard in the CALGreen code.
- The Project is consistent with this attribute as the 2022 California Green Building Code requires 40 percent of the total parking spaces to be equipped with low power Level 2 EV charging receptacles and 10 percent of the total parking spaces to be equipped with Level 2 EV chargers (section 4.106.4.2.2 Multifamily dwellings, hotels and motels).²⁰
- **VMT Reduction.** The Scoping Plan notes that to be consistent with the VMT reduction attribute, projects should be located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer); do not result in the loss or conversion of natural and working lands; and consist of transit-supportive densities (minimum of 20 residential dwelling units per acre).

The proposed Project is an infill project surrounded by existing urban uses, does not result in the loss of natural and working lands (i.e., it would redevelop an existing shopping center), and has a density of approximately 45 dwelling units per acre (2,408 dwelling units on a 53-acre site) (i.e., far greater than the minimum 20 dwelling units per acre to be considered a transit-supportive density).

- **Building Decarbonization.** Building decarbonization involves maximizing energy efficiency and eliminating using fossil fuel energy.

MM GHG-1 requires buildings to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent; **MM GHG-2** requires the Project to install energy efficient appliances; **MM GHG-3** requires the installation of photovoltaic solar panels to offset energy emissions; **MM GHG-4** requires the Project to install low-flow water fixtures; and **MM GHG-5** requires the Project to implement recycling program to divert waste from landfills.

SCAG's Connect SoCal

Under SB 375, the SCAG Connect SoCal sets forth transportation and land use strategies to achieve GHG reduction targets set by CARB. Consistent with SCAG's Connect SoCal integration of transportation and land use strategies, the Project would accommodate projected increases in travel demand by implementing smart land use strategies that include redeveloping the underutilized site. The Project is consistent with the Connect SoCal strategy of focusing new growth around transit because the Project areas are served by Omnitrans Bus routes, including the 10, 67, and 82. The Connect SoCal promotes reducing the reliance of vehicle trips by providing more housing and job opportunities within 0.5 mile of

¹⁹ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 23, November 2022.

²⁰ California Building Standards Code, *2022 California Green Building Standards Code, Title 24, Part 11 (CALGREEN) with July 2024 Supplement*. https://codes.iccsafe.org/content/CAGBC2022P3/chapter-4-residential-mandatory-measures#CAGBC2022P3_Ch04_SubCh4.1.

high-quality transit stations. All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements, including compliance with the most current CALGreen code.

Conclusion

The Walnut Village SP Project would be consistent with the 2022 CARB Scoping Plan and SCAG's RTP/SCS and would be required to comply with all existing regulations, including applicable measures from the General Plan and Municipal Code. Compliance with these plans would directly reduce Walnut Village SP Project GHG emissions. Vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards.

In addition, the Walnut Village SP Project is required to implement **MM GHG-1** through **MM GHG-5** to reduce GHG emissions. **MM GHG-1** requires buildings to meet or exceed CALGreen Tier 2 standards or exceed Title 24 Building Envelope Energy Efficiency Standards by 15 percent; **MM GHG-2** requires the Project to install energy efficient appliances; **MM GHG-3** requires the installation of photovoltaic solar panels to offset energy emissions; **MM GHG-4** requires the Project to install low-flow water fixtures; and **MM GHG-5** requires the Project to implement recycling program to divert waste from landfills. In conclusion, the Projects mitigation measures and consistency with the 2022 Scoping Plan will ensure that GHG emissions do not have a significant impact on the environment or conflict with the applicable plans that are discussed above. Therefore, impacts would be less than significant with mitigation incorporated.

4.7.7 Cumulative Impacts

Climate change is a global issue. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about 1 day), GHGs have much longer atmospheric lifetimes of 1 year to several thousand years that allow them to be dispersed around the globe.

Impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects would also be subject to all applicable regulatory requirements, which would further reduce GHG emissions. Although individual development projects have the potential to exceed individual project level thresholds, all future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements, including those related to GHG emission reduction. As the extent of GHG emissions from individual development projects facilitated by the Walnut Village SP Project cannot be quantified at this time, GHG emissions would be cumulatively considerable at the programmatic level.

However, although individual development projects under the Specific Plan may exceed applicable GHG thresholds, as discussed above, the overall planned development within the Specific Plan would not conflict with the 2022 CARB Scoping Plan, SCAG's Connect SoCal RTP/SCS Plan, or the City's General Plan.

Future development would re-capture and re-use underutilized land area in the City. Therefore, the Project would not conflict with GHG reduction plans and cumulative impacts in this regard would not be cumulatively considerable.

4.7.8 Significant Unavoidable Impacts

The Project would result in a significant and unavoidable impact by generating emissions that could have a significant impact on the environment. As shown in, Project emissions would exceed the SCAQMD screening threshold of 3,000 MTCO_{2e} per year despite implementation of **MM AQ-2**, **MM AQ-4**, and **MM GHG-1** through **MM GHG-5**. As a result, Project related GHG emission could result in a significant and unavoidable impact.

4.7.9 References

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4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

This section of the Draft PEIR identifies potential impacts concerning hazards and hazardous materials that could result from implementation of the Updated Walnut Village Specific Plan Project (Project). As discussed in **Section 3.0: Project Description**, the Project would update the existing Walnut Village Specific Plan (SP) to allow for the future development of additional residential, commercial, and mixed uses.

The current conditions (site conditions at the time of Notice of Preparation [NOP] distribution [April 25, 2023]) were used as the baseline against which to compare potential impacts associated with Project implementation. The information presented in this analysis herein is derived on the following documentation:

- Fontana Forward General Plan Update 2015-2035.
- Fontana Forward General Plan Update 2015-2035. 2018. Draft EIR.

4.8.2 Environmental Setting

Hazardous materials generally refer to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses, businesses, hospitals, and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

Historical Site Usage

The WVSP area is bounded by State Route (SR) 210 to the north, Baseline Avenue to the south, Palmetto Avenue to the east, and Sierra Avenue to the west. The WVSP is largely developed. However, Project focus areas exist in varied states of development. Specifically, Gateway North Sub-District is vacant and undeveloped, Gateway Residential 4 Sub-District is developed with single family homes, Gateway South Sub-District is largely undeveloped with dispersed residential and commercial structures, and Gateway East Sub-District is largely underdeveloped with few single-family residences.

Based historical photography of the WVSP area, residential uses were developed within Gateway Residential 4 Sub-District and Gateway South Sub-District were partially developed with single family residential uses by 1994.¹ Historical photography also showed intermittent single-family development in Gateway East Sub-District by October 1995.² Based on a review of historical photography of the WVSP, Gateway North Sub-District has remained vacant since May 1994.³

¹ Google Earth. 2023. Imagery Date: 5/30/1994. Location 34° 7'46.64"N 117°26'5.72"W.

² Ibid Imagery Date 5/31/1994

³ Ibid. Imagery Date: 5/30/1994

Site Characteristics and Current Use

The Project includes approximately 53 acres of the existing 342-acre Walnut Village Specific Plan. Current development within the Project area includes residential uses, sparse commercial development, and vacant undeveloped land. The Project proposes four Sub-Districts which include South Highland Avenue & Sierra Avenue (Gateway North Sub-District), Sierra Avenue Corridor (Gateway Residential 4 Sub-District), Sierra Avenue & Baseline Avenue (Gateway South Sub-District), and Baseline Avenue & Palmetto Avenue (Gateway East Sub-District). In the northern part of the Project area, Gateway North Sub-District is currently undeveloped vacant land. Gateway Residential 4 Sub-District consists of single-family residences. In the lower southwest area of the Project, Gateway South Sub-District has some single-family residential development and some commercial establishments. Gateway East Sub-District, located in the lower southeast corner of the Project area consists of some single-family residences surrounded by mostly undeveloped vacant land.

A search of the California Department of Toxic Substances Control (DTSC) EnviroStor database of cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination was conducted for the Project site. No hazardous cleanup, permitted, or leaking underground storage tank (LUST) sites are identified within the entire WVSP area. The nearest hazardous site to the Project is a school cleanup site approximately 450 feet northeast of Gateway North Sub-District.⁴

4.8.3 Regulatory Setting

Hazardous materials and wastes are identified and defined by federal and state regulations for the purpose of protecting public health and the environment. Hazardous materials contain certain chemical, physical, or infectious properties that cause them to be considered hazardous. Hazardous wastes are defined in the Code of Federal Regulations Title 40, Volume 25, Parts 260–265 and in the California Code of Regulations (CCR), Title 22 Div. 4.5, Chapter 11, Article 1, Section 66261. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances.

Federal

Federal Toxic Substances Control Act of 1976

The Federal Toxic Substances Control Act of 1976 tasked the U.S. Environmental Protection Agency (EPA) with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. The Federal Toxic Substances Control Act addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

⁴ Department of Toxic Substances Control (DTSC). 2023. EnviroStor. Retrieved from: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=fontana> (Accessed August 8, 2023)

Resource Conservation and Recovery Act of 1976

The objectives of the Resource Conservation and Recovery Act are to protect human health and the environment from the potential hazards of waste disposal to conserve energy and natural resources, to reduce the amount of waste generated, and to ensure that wastes are managed in an environmentally sound manner. The Resource Conservation and Recovery Act (RCRA) of 1976, which was an amendment of the Solid Waste Disposal Act in 1965, addresses solid and hazardous waste management activities. RCRA affirmed and extended the “cradle-to-grave” system of regulating hazardous wastes. “Cradle-to-grave” refers to the responsibility of the generator of the hazardous waste to manage the transportation, treatment, storage, and disposal of hazardous materials. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Amendments to RCRA in 1984. The Hazardous and Solid Waste Amendments of 1984 also added Subtitle I, which regulates underground storage tanks.

Emergency Planning and Community Right-to-Know Act

The Federal Emergency Planning and Community Right-To-Know Act (EPCRA) was enacted to inform communities and residents of chemical hazards in their area. Businesses are required to report the locations and quantities of chemicals stored on-site to both state and local agencies. EPCRA requires the U.S. EPA to maintain and publish a digital database list of toxic chemical releases and other waste management activities reported by certain industry groups and Federal facilities. This database, known as the Toxic Release Inventory, gives the community more power to hold companies accountable for their chemical management.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S. Code [USC] 5101 et seq.). The DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing).

In California, Section 31303 of the California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and the California Department of Transportation (Caltrans).

Toxic Substances Control Act

The Toxic Substances Control Act of 1976 (TSCA) provides the U.S. EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. TSCA addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon, and Lead-Based Paint (LBP). Title IV of the TSCA directs the U.S. EPA to regulate LBP hazards.

TSCA Sections 402 and 404 requires that those engaged in lead abatements, risk assessments and inspections in homes or child-occupied facilities (such as daycare centers and kindergartens) built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety. TSCA Section 403, sets standards for dangerous levels of lead in paint, household dust, and residential soil.

Clean Water Act/Spill Prevention, Control, and Countermeasure Rule

The Clean Water Act (CWA) (33 USC Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the national Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine RWQCBs. The Project is within the jurisdiction of the Santa Ana RWQCB.

Section 402 of the CWA authorizes the State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the “General Construction Permit.” Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that would prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation; and
- Perform inspections of all BMPs.

NPDES regulations are administered by the RWQCB. Projects that disturb one or more acres are required to obtain NPDES coverage under the Construction General Permits.

As part of the CWA, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112), which is often referred to as the Spill Prevention, Control, and Countermeasure (SPCC) rule because the regulations describe the requirements for facilities to prepare, amend, and implement Spill Prevention and Countermeasures (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons; the total above ground oil storage capacity exceeds 1,320 gallons; or the underground oil storage capacity exceeds 42,000 gallons; and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the U.S.

Occupational Safety and Health Administration

Congress passed 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. To establish standards for workplace health and safety, OSHA also created the National

Institute for Occupational Safety and Health as the research institution for OSHA. The Administration is a division of the U.S. Department of Labor that oversees the Administration of OSHA and enforces standards in all states. OSHA standards are listed in Title 29 CFR Part 1910.

OSHA's Hazardous Waste Operations and Emergency Response Standard apply to five groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances (including hazardous waste) and who are engaged in clean-up operations; corrective actions; voluntary clean-up operations; operations involving hazardous wastes at treatment, storage, and disposal facilities; and emergency response operations.

Requirements for Phase I Environmental Site Assessments

Phase I Environmental Site Assessments are required for land purchasers to qualify for the Innocent Landowner Defense under CERCLA, to minimize environmental liability under other laws such as RCRA, and as a lender prerequisite to extend a loan for purchase of land.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also establishes the National Priorities List, which is a list of contaminated sites warranting further investigation by the EPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986, to help further manage contaminated sites.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA "umbrella" to create a cabinet-level voice for the protection of human health and the environment and to ensure the coordinated deployment of state resources. CalEPA and the State Water Resources Control Board (SWRCB) establish rules governing the use of hazardous materials and the management of hazardous waste.

Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act

- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

California Fire Code

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Chapter 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

As required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List, which is a planning document used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The DTSC is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. The EnviroStor database identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste.⁵

State agencies with involvement and/or jurisdiction over public health hazards and hazardous materials management and regulations include the:

⁵ DTSC. 2019. *EnviroStor*. Available at <https://www.envirostor.dtsc.ca.gov/public/search?basic=True>, (accessed April 2023).

- **California Environmental Protection Agency:** The boards, departments, and offices that make up the California Environmental Protection Agency (CalEPA) include CARB, the Department of Pesticide Regulation, the Department of Resources Recycling and Recovery, the DTSC, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board. These boards, departments and offices were placed within the CalEPA “umbrella” to create a cabinet-level voice for the protection of human health and the environment (such as clean air, clean water, clean soil, safe pesticides, and waste recycling and reduction) to assure the coordinated deployment of state resources.
- **Department of Toxic Substances Control (DTSC):** The mission of the DTSC is to protect California’s people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. As part of its mission, the DTSC maintains its Enforcement and Emergency Response Division (EERD) to administer the technical implementation of the State Unified Program. The Unified Program is a consolidation of six environmental programs at the local level. Those agencies at the local level with responsibility for the program are known as Certified Unified Program Agencies (CUPA). The DTSC also has the responsibility of overseeing and regulating hazardous materials, generators, transporters, and facilities that may use, generate, store, transport, or recycle, hazardous materials.
- **State Water Resources Control Board:** Brownfields are underutilized properties where reuse is hindered by the actual or suspected presence of pollution or contamination. The State Water Resources Control Board’s (SWRCB) Brownfield Program goals are to:
 - Expedite and facilitate site cleanups and closures for brownfield sites to support reuse of those sites;
 - Preserve open space and greenfields;
 - Protect groundwater and surface water resources, safeguard public health, and promote environmental justice; and
 - Streamline site assessment, clean up, monitoring, and closure requirements and procedures within the various SWRCB site cleanup programs.

Site clean-up responsibilities for brownfields primarily reside within four main SWRCB programs: The Underground Storage Tank Program; Site Cleanup Program; Department of Defense Program; and the Land Disposal Program. These SWRCB cleanup programs are charged with ensuring sites are remediated to protect California’s surface and groundwater and return them to beneficial uses.

- Regional Water Quality Control Board
- Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA): Cal/OSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. California OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 337–340). The regulations specify requirements for employee

training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

- Construction Safety Orders 1529 (pertaining to asbestos), and 1532.1 (pertaining to lead) from Title 8 of the CCR
- Office of Emergency Services (Office of Emergency Services–California Accidental Release Prevention Implementation)
- California Department of Fish and Wildlife
- California Air Resources Board (CARB)
- California Department of Transportation (Caltrans)
- State Office of Environmental Health Hazard Assessment (Proposition 65 implementation)
- California Integrated Waste Management Board
- California Highway Patrol (for the enforcement for hazardous materials transportation regulations. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations.)
- South Coast Air Quality Management District Rules and Regulations (pertaining to asbestos abatement, including Rule 1403)

Hazardous chemical and biohazardous materials management laws in California include the following statutes:

- Hazardous Materials Management Act – requires that businesses handling or storing certain amounts of hazardous materials prepare a hazardous materials business plan, which includes an inventory of hazardous materials stored on site (above specified quantities), an emergency response plan, and an employee training program.
- Hazardous Waste Control Act (California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq.) – authorizes the DTSC and local certified unified program agencies to regulate facilities that generate or treat hazardous waste.
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) – requires the governor to publish and update, at least annually, a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm, and to inform citizens about exposures to such chemicals.
- Hazardous Waste Management Planning and Facility Siting, also known as the Tanner Act (Assembly Bill (AB) 2948, 1986) – requires counties to prepare, for California DTSC approval, hazardous waste management plans, and prescribes specific public participation activities, which must be carried out during the local land use permit process for siting new or expanding off-site commercial treatment, storage, and disposal facilities.
- Hazardous Materials Storage and Emergency Response (AB 2185) – requires the immediate reporting to local fire departments and Offices of Emergency Services of any release or threatened release of a hazardous material, regardless of the amount handled by the business.

- California Medical Waste Management Act (California Health and Safety Code, Sections 117600–118360) – establishes procedures for the proper handling, storage, treatment, and transportation of medical waste.
- Land Disposal Restrictions (CCR, Chapter 18, Title 22) – set up by Congress in 1984 for the EPA, ensures that toxic constituents present in hazardous waste are properly treated before hazardous waste is land disposed.

Department of Toxic Substances Control

The mission of the DTSC is to protect California’s people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. As part of its mission, the DTSC maintains its Enforcement and Emergency Response Division (EERD) to administer the technical implementation of the State Unified Program. The Unified Program is a consolidation of six environmental programs at the local level. Those agencies at the local level with responsibility for the program are known as Certified Unified Program Agencies (CUPA). The DTSC also has the responsibility of overseeing and regulating hazardous materials, generators, transporters, and facilities that may use, generate, store, transport, or recycle, hazardous materials.

Government Code Section 65962.5

Pursuant to Government Code 65962.5, environmental regulatory database lists were reviewed to identify and locate properties with known hazardous substance contamination within the proposed 1-mile radius Project area (California Government Code, Section 65960 et seq.). Four state agencies are required to provide lists of facilities that have contributed, harbor, or are responsible for environmental contamination within their jurisdiction. The four state agencies that are required to provide these lists to the Secretary for Environmental Protection include the DTSC, the State Department for Health Services, the State Water Resources Control Board, and the California Integrated Waste Management Board. The Secretary for Environmental Protection then takes each of the four-respective agency lists and forms one list, referred to as the Hazardous Waste and Substances Site List – Site Cleanup (Cortese List), which is made available to every city and/or county in California (DTSC 2007).

California Health and Safety Code Section 25501

California law defines a hazardous material as any material that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a present or potential hazard to human health and safety or to the environment if released in the workplace or the environment (California Health and Safety Code Section 25501).

California Hazardous Waste Control Law

The California Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5) is administered by the CalEPA to regulate the management of hazardous wastes. While the Hazardous Waste Control Law is generally more stringent than the Resource Conservation and Recovery Act, until the EPA approves the California hazardous waste control program (which is charged with regulating the generation, treatment, storage, and disposal of hazardous waste), both the state and federal laws apply

in California. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies wastes that cannot be disposed of in landfills.

California Accidental Release Prevention Program

Similar to the Federal Risk Management Program, the California Accidental Release Prevention Program includes state requirements as well as a list of regulated substances and thresholds. The regulations of the program are contained in CCR Title 19, Division 2, Chapter 4.5. The intent of California Accidental Release Prevention Program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to ensure compliance with community right-to-know laws.

California Health and Safety Code

The handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95 of the California Health and Safety Code. Under Sections 25500–25543.3, facilities handling hazardous materials are required to prepare a hazardous materials business plan (HMBP). HMBPs contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for HMBPs.

In addition, in the event that a facility stores a quantity of specific acutely hazardous materials above the thresholds set forth by California code, facilities are also required to prepare a risk management plan and California Accidental Release Plan. The risk management plan and California Accidental Release Plan provide information on the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts (California Health and Safety Code, Chapter 6.95).

Hazardous Materials Release Response Plans and Inventory Act of 1985

The California HSC, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County DEHS. The Environmental Health Division verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of hazardous materials, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of hazardous material.

Local

South Coast Air Quality Management District

The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. The agency's primary responsibility is ensuring that state and federal ambient air quality standards are attained and maintained in the South Coast Air Basin. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The following is a list of applicable SCAQMD rules that are required of construction activities associated with the Project:

- **Rule 1166 (Volatile Organic Compound [VOC] Emissions from Decontamination of Soil)** – This rule requires that any person conducting excavation for USTs or transferring piping which currently stores, or previously stored VOCs shall operate under an approved mitigation plan, conduct consistent VOC monitoring, and provide notice to an Executive officer at least 24 hours prior to excavation activities. If VOC-contaminated soil is encountered, remediation tasks outlined in this rule are to be implemented by the person handling the VOC-encountered soil. This includes the segregation of contaminated soils, the use of vapor suppressants, consistent visual inspections, and proper storage and handling methods.
- **Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities)** – This rule provides guidelines intended to limit and prevent the exposure of asbestos to the outside air. Requirements within this rule include the completion of facility surveys, proper notification of SCAQMD, an established schedule of removal, accepted removal actions, storage and handling procedures, climate considerations, and additional regulations based on disposal facility and site characteristics. This rule also includes requirements for material handling training for those that would be in contact with contaminated soils and proper testing protocols.
- **Rule 1466 (Control of Particulate Emissions from Soils with Toxic Air Contaminants)** – This rule requires that any person performing earth-moving activities conduct consistent monitoring of PM10 particles, or particles which are generally 10 micrometers or smaller. This rule includes the installation of PM10 monitors, the use of a data acquisition system (DAS), and coordination with an Executive Officer. This rule was expanded in January 2022 to include additional measures for the reduction of fugitive dust.

San Bernardino County Public Health Agencies

The County of San Bernardino, Department of Public Health, Division of Environmental Health Services has regulatory control over hazardous and solid waste, land use, wastewater.

Additionally, the Department of Public Works manages solid waste, transportation, and storm water. This department also manages all construction and demolition activities.

The Hazardous Materials Division of the San Bernardino County Fire Department is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency or "CUPA" for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level. The CUPA is charged with the responsibility of conducting compliance inspections for over 7000 regulated facilities in San Bernardino County. The San Bernardino County Fire Department manages six hazardous material and hazardous waste programs. This includes hazardous waste management and above/underground storage tanks. The CUPA program is designed to consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout San Bernardino County.⁶

San Bernardino County Emergency Operations Plan

The City of Fontana adheres to the county-wide San Bernardino Emergency Operations Plan (EOP), which provides a comprehensive, single source of guidance and procedures for the County to prepare for and respond to significant or catastrophic natural, environmental or conflict-related risks that produce situations requiring coordinated response. The EOP describes the operations of the county's Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response activities. The county's Emergency Operations Center centralizes the collection and dissemination of information about the emergency and makes a policy-level decision about response priorities and the allocation of resources. As part of the City's Emergency Management Program, the County's Emergency Services Manager is responsible for ensuring the readiness of the EOC.⁷

City of Fontana Local Hazard Mitigation Plan

The City's FEMA-approved Local Hazard Mitigation Plan (LHMP) provides natural hazard profiles which describe each hazard that is considered to pose a risk to the City; a risk assessment which measures the potential impact to life, property and economic impacts resulting from the identified hazards; a vulnerability assessment which includes an inventory of the numbers and types of buildings and their tabulated values that are subject to the identified hazards; and mitigation goals, objectives and actions relative to each hazard.

The City developed the LHMP in coordination with an internal/external planning team including representatives from city departments, external stakeholders/agencies, and the general public. As required by the Department of Homeland Security's Federal Emergency Management Agency

⁶ San Bernardino County Fire Department. (2019). *About CUPA (Certified Unified Program Agency)*. <https://sbcfire.org/hazmatcupa/>. (accessed April 2023).

⁷ County of San Bernardino. (2013). *Emergency Operations Plan Part I - Basic Plan*. San Bernardino, CA.

(DHS-FEMA), all LHMPs must be updated, adopted, and approved every five years in order to validate and incorporate new information into the plan and identify progress that has been made since the last approval of the plan. The City's current 2017 LHMP is an update to its' previously-adopted 2012 LHMP.

Fontana Forward General Plan Update 2015-2035

The General Plan was recently updated in November 2018 and covers a broad range of topics on all aspects of community life. The City's General Plan is the guiding document that provides residents, elected officials, business owners, and other stakeholders with direction on how to meet the needs of a growing city and provides a greater quality of life for its current and future residents. The Fontana GP contains the following chapters: Community and Neighborhood; Housing; Building a Healthier Fontana; Conservation, Open Space, Parks and Trails; Public and Community Services; Community Mobility and Circulation; Infrastructure and Green Systems; Noise and Safety; Sustainability and Resilience; Economy, Education and Workforce Development; and Land Use, Zoning, and Urban Design. Each element within the GP contains goals and policies that guide development and may be applied to this Project.

Noise and Safety Element

Goal 4 Seismic injury and loss of life, property damage, and other impacts caused by seismic shaking, fault rupture, ground failure, earthquake-induced landslides, and other earthquake-induced ground deformation are minimized in Fontana.

Policy

- The City shall continue to ensure to the fullest extent possible that, in the event of a major disaster, essential structures and facilities remain safe and functional, as required by current law. Essential facilities include hospitals, police stations, fire stations, emergency operation centers, communication centers, generators and substations, and reservoirs.

Goal 7 Threats to public and private property from urban and wildland fire hazards are reduced in Fontana.

Policy

- The City shall continue to require residential, commercial, and industrial structures to implement fire hazard-reducing designs and features.
- The City shall continue to ensure to the extent possible that fire services, such as fire equipment, infrastructure, and response times, are adequate for all sections of the city.
- The City shall monitor development or redevelopment in areas where fire zones have been mapped through the city.

Goal 8 The potential for hazardous contamination is reduced in the City of Fontana.

Policy

- The City shall strive to reduce the potential for residents, workers, and visitors to Fontana from being exposed to hazardous materials and wastes.

Goal 9 The City maintains regulations, plans, protocols and emergency training to reduce hazards and risks, and meet State and Federal requirements for emergency assistance.

- The City shall keep hazard mitigation and emergency services programs up to date.

Infrastructure and Green Systems Element

Goal 8 All residences, businesses, and institutions have a dependable, environmentally safe means to dispose of solid waste.

Policy

- Continue to use best practices for environmentally safe collection, transport and disposal of hazardous wastes.
- Continue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost.

4.8.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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;
- 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;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

4.8.5 Impacts and Mitigation Measures

Impact 4.8-1 Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Level of Significance: Less than Significant Impact

Construction

The Project proposes a revision to the existing WVSP to allow for the future development of mixed use, residential, commercial, and neighborhood commercial developments. Future development facilitated by the Project would involve the transport, use, and disposal of hazardous materials on and off-site during construction. Demolition and construction activities associated with future housing development facilitated by the Project could require transport of hazardous materials (e.g., Asbestos-Containing Materials (ACM), lead-based paint, and/or contaminated soils). This transport would be limited in duration. Compliance with handling measures is required by the City, during construction and operational phases of future development projects. These measures, such as the Hazardous Materials Transportation Act include standards and regulations regarding the storage, handling, and use of hazardous materials.

The routine transport, use, and disposal of hazardous materials can result in hazards to people and the environment, due to the potential for accidental release. Such hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and hazardous material storage and distribution facilities. The Project would not allow for those types of land uses.

Operations

Operations related to future development within the Project area could involve the use, storage, transport, and disposal of hazardous materials, however, the specific substances and quantities are presently unknown. Any commercial operational impacts from hazards and hazardous materials would be subject to compliance of existing regulations governed by several agencies including the U.S. EPA, U.S. Department of transportation, California Division of Occupational Safety and Health, and the San Bernardino County Fire Protection District. Adherence to these laws and regulations would ensure that the Project would minimize the potential for safety impacts. Increased residential development would also generate an increase in hazardous waste such as paint, chemicals, oil, anti-freeze, pesticides, cleaners, etc. However, it is required that the waste be disposed of at City's Household and Hazardous Waste Facility, in accordance with State and local regulations. Additionally, the Project area is not on the Cortese List.⁸ Therefore, the Projects would result in a less than significant impact.

Mitigation Measures

No mitigation is required.

Impact 4.8-2 ***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?***

Level of Significance: Less Than Significant Impact with Mitigation Applied

⁸ DTSC. 2019. *EnviroStor*. Available at <https://www.envirostor.dtsc.ca.gov/public/search?basic=True>, (accessed April 2023).

Construction and Operations

As previously discussed in the Impact 4.8-1, the use of hazardous materials during construction and operation of future commercial and residential developments is anticipated to generate less than significant effects to the environment. However, the demolition of existing structures and grading/removal of concrete, paving, and landscaping could potentially release hazardous materials not previously identified on the Project site. Additionally, future commercial development within the Project area would include the storage of hazardous materials, such as gas stations or repair shops. As stated above in the Impact 4.8-1, future development has the potential to increase generation of household hazardous waste. However, under applicable federal, state, county, and local laws and regulations relating to hazardous materials the Project would ensure that all potentially hazardous materials are used and handled appropriately. To further limit the potential for public exposure to hazardous materials, **Mitigation Measure (MM) HAZ-1, MM HAZ-2, and MM HAZ-3** are proposed to ensure that construction activities adequately address any potential hazards associated with hazardous materials found at each site. Therefore, impacts are anticipated to be less than significant with mitigation applied.

Mitigation Measures

- MM HAZ-1** If a proposed use at the Project has a threshold quantity of a regulated substance greater than as specified by the applicable health and safety code, the user shall prepare and implement a Hazardous Materials Risk Management Plan for facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code § 25532(g) in excess of threshold quantities. This plan shall be reviewed and approved by the San Bernardino County Department of Environmental Health through the Certified Unified Program Agencies (CUPA) process prior to implementation as required by the California Accidental Release Prevention (CalARP) Program.
- MM HAZ-2** If potentially contaminated soil is identified during site disturbance activities for the Project, as evidenced by discoloration, odor, detection by instruments, or other signs, a qualified environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and provide a written report to the Master Developer, Site Developer, or Lead Agency, as applicable, stating the recommended course of action. Depending on the nature and extent of contamination, the qualified environmental professional shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the qualified environmental professional, substantial remediation may be required, the Master Developer, Site Developer, or Lead Agency, as applicable, shall contact representatives of the San Bernardino County Fire Department and/or DTSC for guidance and oversight and shall comply with all performance standards and requirements of the respective agency for proper removal and disposal of contaminated materials.
- MM HAZ-3** Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive

Asbestos-Containing Material survey to identify the locations and quantities of ACM in above-ground structures. The Master Developer or Site Developer, as applicable, shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. The consultant's report shall include requirements for abatement, containment, and disposal of ACM, if encountered, in accordance with SCAQMD's Rule 1403.

Impact 4.8-3 *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?*

Level of Significance: Less Than Significant Impact with Mitigation Applied

Construction and Operations

The nearest school to the Project site is Redwood Elementary School approximately 0.47 miles away. This would fall outside of the 0.25 miles requirement of this threshold. However, although construction of the Project would involve the occasional transport, use, and disposal of hazardous materials on-site and off-site such as fuels, paints, mechanical fluids, and solvents, these materials would not be present in such a quantity or used in such a manner that would pose a significant hazard to nearby schools. Furthermore, compliance with federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances, such as the California Accidental Release Prevention Program, along with implementation of **MM HAZ-1** through **MM HAZ-3**, would ensure Project buildout would not create a significant hazard to nearby schools due to the transport of any hazardous materials on local roadways. Therefore, impacts associated with the accidental release of hazardous materials near schools are anticipated to be less than significant with mitigation applied.

Mitigation Measures

Mitigation measures **HAZ-1** through **HAZ-3** would be applied.

Impact 4.8-4 *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Level of Significance: No Impact

Construction and Operations

The Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5 (Cortese List).⁹ Additionally, as stated in 4.8-2, Environmental Setting, the Project does not contain hazardous waste facilities or sites with known contamination according to the DTSC EnviroStor database of cleanup, permitting, enforcement and investigation efforts. Further, no hazardous cleanup, permitted, or LUST sites are identified within the entire WVSP area. The nearest hazardous site

⁹ California, State of, Department of Toxic Substances Control, DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List). <https://dtsc.ca.gov/dtscs-cortese-list/> (accessed: August 2020).

to the Project is a school cleanup site approximately 450 feet northeast of Gateway North Sub-District.¹⁰ Since the Project is not listed on the Cortese List and does not contain known hazardous waste facilities or sites, no impact is anticipated.

Mitigation Measures

No mitigation is required.

Impact 4.8-5 ***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?***

Level of Significance: No Impact

Construction and Operations

The LA/Ontario International Airport is located approximately 10 miles southwest of the Project site and is not within the LA/Ontario Airport Influence Area (AIA). Additionally, the Project is outside of the LA/Ontario International Airport Safety Zones, Noise Impact Zones, Airspace Protection Zones, and Overflight Notification Zones (Maps 2-2 through 2-5 of the ONT Airport Land Use Compatibility Plan). Thus, no impact is anticipated to occur.

Mitigation Measures

No mitigation is required.

Impact 4.8-6 ***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Level of Significance: Less than Significant Impact

Construction and Operations

The City adopted its Local Hazard Mitigation Plan (LHMP) in August 2018.¹¹ The LHMP identifies potential hazards that may occur within the city, such as risks associated with earthquakes, wildfires, terrorism, climate change, etc. Mitigation is also provided in the LHMP in order to minimize those identified risks. Project development would be congruent with the uses proposed for the Project. Furthermore, given the scope and location of the future housing and commercial development facilitated by the Project, the Project is not anticipated to impair implementation of, or physically conflict with, the City's and/or County of Riverside's Department of Environmental Health (designated as the County's CUPA) specific hazard mitigation goals, objectives, and related potential actions within the City. As a result, future housing development facilitated by the Project would not conflict with any state, county, or local plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans. The Project

¹⁰ Department of Toxic Substances Control (DTSC). 2023. EnviroStor. Retrieved from: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=fontana> (Accessed August 8, 2023)

¹¹ City of Fontana Local Hazard Mitigation Plan. 2018. Retrieved from: <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed March 2023).

would not conflict with adopted emergency response or evacuation plans and would therefore generate a less than significant impact.

Mitigation Measures

No mitigation is required.

Impact 4.8-7 ***Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

Level of Significance: Less than Significant Impact

Wildfire impacts are further discussed in **Section 7.0: Effects Found Not to Be Significant** of this EIR. According to CAL FIRE's Fire and Resource Assessment Program Fire Hazard Safety Zone (FHSZ) Viewer, the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the development site is located approximately 13 miles southeast. The Project site is located within a Local Responsibility Area (LRA) for the County of San Bernardino. However, the Project is located outside of any delineated FHSZ. In addition, the Project site does not contain lands classified as a very high fire hazard severity zone (VHFHSZ). The closest VHFHSZs are located approximately one mile to the north of the Project site. Due to its proximity outside of known FHSZs, impacts are anticipated to be less than significant.

Mitigation Measures

No mitigation is required.

4.8.6 Cumulative Impacts

Through compliance with cumulative development allowed in the City by existing development regulations, the anticipated site-specific impacts of future development facilitated by the Project would increase the potential for housing and commercial development in an already urbanized area and could result in impacts due to the presence of hazards and hazardous materials. Additionally, through compliance of the City's goals, policies, and regulations regarding hazards and hazardous materials, as well as proposed mitigation measures, impacts would be reduced to less than significant levels. Potential hazardous impacts are site-specific and would require further site-specific evaluation on a case-by-case basis prior to approval of permits at the project level when future development is proposed in accordance with the Project. Each cumulative project would require separate discretionary approval and evaluation under CEQA, which would address potential hazards and hazardous materials impacts and identify necessary mitigation measures, where appropriate.

Consequently, the Project would not result in significant unavoidable environmental impacts from hazardous materials. The Project would also not obstruct a state or local plan, ordinance, or standards aimed at avoiding or minimizing impacts from hazards. Therefore, with the implementation of mitigation and compliance with applicable regulations, the Project's contribution to a cumulatively considerable impact on cultural resources would be less than significant.

4.8.7 Significant Unavoidable Impacts

No significant unavoidable impacts concerning hazards and hazardous materials have been identified.

4.8.8 References

City of Fontana. 2018. *General Plan Update 2015-2035 DEIR*. Available at

<https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.

City of Fontana. (2018). City of Fontana General Plan – Infrastructure and Green Systems Element.

Retrieved at: <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>.

City of Fontana. (2018). City of Fontana General Plan – Noise and Safety Element. Retrieved at:

<https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety>.

City of Rialto. (2010). *Rialto General Plan December 2010*. Retrieved at:

<https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan> (accessed July 2023).

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DTSC. 2019. *EnviroStor*. Available at <https://www.envirostor.dtsc.ca.gov/public/search?basic=True>.

San Bernardino County Fire Department. (2019). *About CUPA (Certified Unified Program Agency)*.

<https://sbcfire.org/hazmatcupa/>.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Introduction

This section of the Draft Program Environmental Impact Report (DPEIR) will identify potential significant impacts to hydrologic and water quality conditions that may occur from implementation of the Updated Walnut Specific Plan Project (Project). The analysis includes a description of the current hydrological conditions of the Project site and any pertinent federal, state, or local regulations and policies intended for the management of hydrological resources. If the Project is determined to pose a potentially significant impact to the environment, appropriate mitigation measures would be included to reduce the significance of each impact.

The information and analysis rely on the following:

- Fontana Forward General Plan Update 2015-2035.
- Fontana Forward General Plan Update 2015-2035. 2018. Draft EIR.

4.9.2 Environmental Setting

Regional Hydrology and Drainage

The Project site is located in the Santa Ana River Watershed basin within the Santa Ana Region. The Santa Ana Region is the smallest of the nine Regional Water Quality Control Boards (RWQCBs) regions in the State of California (state), covering approximately 2,800 square miles of land roughly between Los Angeles and San Diego.¹ Regional boundaries for each RWQCB are based on watersheds and water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed.² The region covers portions of Los Angeles, San Bernardino, Riverside, and Orange counties.

The Santa Ana River Watershed basin is divided into smaller specific watersheds throughout the region, which is generally arid and therefore has little natural perennial surface water.³ Because of the aridity, water is stored in a variety of downstream water storage reservoirs including Lake Perris, Lake Mathews, and Big Bear Lake, as well as in some flood control areas including the Prado Dam area and Seven Oaks Dam area. The Santa Ana River Watershed basin is managed in part by the Santa Ana Watershed Project Authority (SAWPA). The SAWPA consists of five member agencies including Eastern Municipal Water District (EMWD), Inland Empire Utilities Agency (IEUA), Orange County Water District (OCWD), San Bernardino Valley Municipal Water District (SBMWD), and Western Municipal Water District (WMWD).⁴

¹ Santa Ana Regional Water Quality Control Board. 1995. *The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin*. https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html (Accessed July 2023).

² California Water Boards. 2019. *About the California Water Boards*. https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/boardoverview.pdf (Accessed July 2023).

³ Santa Ana Regional Water Quality Control Board. 1995. *The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin*. https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html (Accessed July 2023).

⁴ Santa Ana Watershed Project Authority. 2023. *About SAWPA*. <https://sawpa.org/about-us/> (Accessed July 2023).

Surface Water Hydrology

The climate of the Santa Ana River Watershed is considered Mediterranean with hot, dry summers, and cooler, wetter winters. Rainfall is sporadic and amounts vary widely with location, average annual rainfall in the region is about fifteen inches, most of it occurring between November and March.⁵ Other areas of the Inland Empire are still dedicated to agriculture and ranching which would allow precipitation and stormwater runoffs to percolate into the soil. However, much of the surface water is lost to evaporation and evapotranspiration. Some major bodies of water in the watershed include Irvine Lake, Lake Mathews, Lake Perris, Diamond Valley Lake, Lake Skinner, and Big Bear Lake. Each of these lakes are water supply reservoirs constructed by county or state water agencies, and with the exception of Big Bear Lake, much of the water is imported from other parts of California due to the arid local climate.

The Project site is located within the East Etiwanda Creek-Santa Ana River Watershed (HUC12 180702030804).⁶ This is a smaller drainage basin that covers approximately 138,519 acres (approximately 216.4 square miles).⁷ All inputs into this basin are directed toward the Santa Ana River and flow towards the southwest to the Aliso Creek-Santa Ana River Watershed, ultimately discharging into the Pacific Ocean.⁸

Groundwater Hydrology

The Project site is partially located in groundwater management zone three for the Chino Groundwater Basin.⁹ According to the groundwater elevation contours from the Chino Basin Watermaster in 2022, ground water levels are approximately 750 to 775 to above mean sea level (amsl). Groundwater is recharged through direct infiltration or precipitation on the subbasin floor, by infiltration of surface flow, and by underflow of groundwater from adjacent basins. Additionally, the City recognizes that recharge from additional sources is becoming increasingly important to ensure the availability of local groundwater supplies.¹⁰ Agencies including the IEUA sponsor the Chino Basin Recycled Water Groundwater Recharge program, a network of pipelines that directs stormwater runoff, imported water from the State Water Project, and IEUA recycled water to sixteen recharge sites so it can percolate into the ground.¹¹

⁵ Santa Ana Regional Water Quality Control Board. 1995. *The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin*. https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html (Accessed July 2023).

⁶ California Waterboards. 2022. *HUC Watersheds*. <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (Accessed July 2023)

⁷ Ibid.

⁸ Ibid.

⁹ Chino Basin Watermaster. 2023. 2022 State of the Basin Report. https://www.cbwm.org/docs/engdocs/State_of_the_Basin_Reports/SOB%202022/2022%20State%20of%20the%20Basin%20Report.pdf (accessed July 2023)

¹⁰ City of Fontana. 2018. Fontana Forward General Plan – Infrastructure and Green Systems Element. <https://www.fontanaca.gov/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018> (Accessed July 2023).

¹¹ Ibid.

Existing Site Drainage

The Project area is comprised of approximately 53 acres of the total 342 acres of the Walnut Village Specific Plan (SP). The overall site drains to the south and west.¹² Existing storm channels are located along Sierra Ave., Walnut Village Pkwy., and Mango Ave.¹³

Flood Hazard, Tsunami, or Seiche Zone

The Project site is partially located in FEMA Flood Zone 06071C7920H and 06071C8656H and are in an area of minimal flood hazard.¹⁴ Land designated as Zone X are the areas of minimal flood hazard, outside of the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2 percent-annual-chance flood.¹⁵ The site is not listed by the County of San Bernardino as being in any mapped dam inundation hazard zone.¹⁶ A seiche is a wave or sloshing of a body of water that is at least partially impounded caused by strong wind or seismic shaking. The site is not downstream of large bodies of water or tanks which potentially could cause flooding and inundate the Project site. The risk of seiche damage following a seismic event at the site is considered low.

Water Quality

Groundwater Quality

The Project site is within the IEUA region. Groundwater quality in the lower Chino Basin area have been impacted by historical agricultural uses and now has high levels of nitrates and total dissolved solids.¹⁷ The three most common contaminants that exceed a primary maximum contaminant level (MCL) in the Chino Basin at active municipal wells are nitrate, 1,2,3-trichloropropane, and perchlorate.¹⁸ Groundwater in the basin is typically treated or blended with higher quality imported water prior to consumption.¹⁹

Surface Water Quality

Section 303(d) of the federal Clean Water Act (CWA) requires states to identify the waters of the state that do not meet the designated beneficial uses and to develop total maximum daily loads (TMDLs) for such waters, with oversight by the U.S. Environmental Protection Agency (U.S. EPA). These waterbodies are commonly referred to as impaired. A TMDL is a quantifiable assessment of potential water quality issues, contributing sources, and load reductions or control actions needed to restore or protect bodies

¹² City of Fontana Open GIS Data. 2022. Storm Drain Pipes. <https://data-fontanaca.opendata.arcgis.com/datasets/FontanaCA::fontana-storm-water-infrastructure/explore?layer=2&location=34.148107%2C-117.450717%2C15.46> (accessed July 2023).

¹³ Ibid.

¹⁴ FEMA. ND. FEMA Flood Map Service Center. Map Number 06071C7920H, and Map Number 06071C8656H. <https://msc.fema.gov/portal/home> (Accessed July 2023).

¹⁵ FEMA. 2020. Flood Zones. <https://www.fema.gov/glossary/flood-zones> (Accessed May 2022).

¹⁶ San Bernardino County. 2023. Hazard Maps. http://www.sbcounty.gov/Uploads/lus/HazMaps/FH28B_20100309.pdf (Accessed July 2023).

¹⁷ West Yost. (2023). *2022 State of the Basin Report*. https://www.cbwm.org/docs/engdocs/State_of_the_Basin_Reports/SOB%202022/2022%20State%20of%20the%20Basin%20Report.pdf (Accessed July 2023).

¹⁸ Ibid.

¹⁹ Ibid.

of water. Parts of the Santa Ana River are included on the 303(d) list. The closest segment to the Project site is Lytle Creek and it is 303(d)-listed for unknown nonpoint source pathogens.²⁰

4.9.3 Regulatory Setting

Federal

Clean Water Act

The proposed Project, is subject to federal permit requirements under the Federal Clean Water Act (CWA). The primary goals of the CWA are to maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The United States Environmental Protection Agency (EPA) has delegated the administrative responsibility for portions of the CWA to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

Under the NPDES permit program, the EPA establishes regulations for discharging stormwater by municipal and industrial facilities and construction activities. Section 402 of the CWA prohibits the discharge of pollutants into "Waters of the United States" from any point source unless the discharge is in compliance with an NPDES Permit.

The Anti-degradation Policy under EPA's Water Quality Standards Regulations (48 F.R. 51400, 40 CFR 131.12, November 8, 1983), requires states and tribes to establish a three-tiered anti-degradation program to prevent a decrease in water quality standards.

- Tier 1—Maintains and protects existing uses and water quality conditions that support such uses. Tier 1 is applicable to all surface waters.
- Tier 2—Maintains and protects "high quality" waters where existing conditions are better than necessary to support "fishable/swimmable" waters. Water quality can be lowered in such waters but not to the point at which it would interfere with existing or designed uses.
- Tier 3—Maintains and protects water quality in outstanding national resource waters (ONRWs). Water quality cannot be lowered in such waters except for certain temporary changes.

Anti-degradation was explicitly incorporated into the federal CWA through 1987 amendments, codified in §303(d)(4)(B), requiring satisfaction of anti-degradation requirements before making certain changes in NPDES permits.

²⁰ California State Water Resources Control Board. 2021. Impaired Water Bodies. https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml?wbid=CAR8012100019990211140353 (Accessed July 2023).

Section 303(d) of the CWA requires the SWRCB to list impaired water bodies that are too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop Total Maximum Daily Loads for these waters.

Section 404 of the CWA is administered and enforced by the U.S. Army Corps of Engineers (USACE). Section 404 establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands and coastal areas below the mean high tide. USACE administers the day-to-day program, and reviews and considers individual permit decisions and jurisdictional determinations. USACE also develops policy and guidance and enforces Section 404 provisions.

Federal Emergency Management Agency – National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) is tasked with responding to, planning for, recovering from, and mitigating against disasters. Among other things, FEMA is responsible for coordinating the federal response to floods. The Federal Insurance and Mitigation Administration within FEMA is responsible for administering the National Flood Insurance Program (NFIP) and other programs that provide assistance for mitigating damage from natural hazards. Established in 1968 with the passage of the National Flood Insurance Act, the NFIP is a federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the federal government. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods.

California Toxics Rule

The California Toxics Rule is a federal regulation issued by the EPA with water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses in California. Criteria are applicable to the receiving water body and therefore must be calculated based on the receiving waters' probable hardness values for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This, in turn, reduces these metals' bioavailability and resulting potential toxicity.

Because of the intermittent nature of stormwater runoff, especially in Southern California, the acute criteria are considered to be more applicable to stormwater conditions than the chronic criteria and therefore are used in assessing impacts. The acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects; the chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (four days) without deleterious effects.

National Pollutant Discharge Elimination System

Under the NPDES program (under Section 402 of the CWA), all facilities that discharge pollutants from any point source into waters of the United States must have a NPDES permit. The term "pollutant" broadly

applies to any type of industrial, commercial, residential, municipal, and agricultural waste discharged into water. Point sources can be publicly owned treatment works (POTWs), industrial facilities, and urban runoff. The NPDES program addresses certain agricultural activities, but the majority are considered nonpoint sources and are exempt from NPDES regulation. Direct sources discharge directly to receiving waters, and indirect sources discharge to POTWs, which in turn discharge to receiving waters. Under the national program, NPDES permits are issued only for direct point-source discharges. NPDES issues two basic permit types: individual and general.

All construction sites one acre or more in size, must file for and obtain an NPDES permit. Another measure, the Phase I Final Rule, requires an operator (such as a city) of a regulated MS4 to develop, implement, and enforce a program to reduce pollutants in post-construction runoff. The San Bernardino County Public Works Department enforces conditions of the MS4 NPDES permit on development and redevelopment projects in the County's jurisdiction.

State

California Toxics Rule

The California Toxics Rule is a federal regulation issued by the EPA with water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses in California. Criteria are applicable to the receiving water body and therefore must be calculated based on the receiving waters' probable hardness values for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This, in turn, reduces these metals' bioavailability and resulting potential toxicity.

Because of the intermittent nature of stormwater runoff, especially in southern California, the acute criteria are more applicable to stormwater conditions than the chronic criteria and therefore are used in assessing impacts. The acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects; the chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (four days) without deleterious effects.

California Porter-Cologne Water Quality Control Act (Porter-Cologne Act)

The Porter-Cologne Act (California Water Code §13000 et seq) is the principal law governing water quality regulation in California. It established a comprehensive program to protect water quality and the beneficial uses of water. 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 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 RWQCB's (based on hydrogeologic barriers which prevent the movement of viable pathogens from a contaminant source to a public supply well) and the SWRB, 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 Board 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 hydrology regions. The State Water Board and Regional Water Boards have numerous nonpoint source pollution (NPS) (broad and disconnected sources of pollution) -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 SWRCB and the RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. Section 401 of the Clean Water Act gives the State Water Board the authority to review any proposed federally permitted or federally licensed activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with State water quality standards. If the State Water Board imposes a condition on its certification, those conditions must be included in the federal permit or license. Except for dredge and fill activities, injection wells, and solid waste disposal sites, waste discharge requirements may not "specify the design, location, type of construction, or particular manner in which compliance may be had..." (Porter-Cologne Act §13360). Thus, waste discharge requirements ordinarily specify the allowable discharge concentration or load or the resulting condition of the receiving water, rather than the manner by which those results are to be achieved. However, the Regional Water Boards may impose discharge prohibitions and other limitations on the volume, characteristics, area, or timing of discharges and can set discharge limits such that the only practical way to comply is to use management practices. Regional Water Boards can also waive waste discharge requirements for a specific discharge or category of discharges on the condition that management measures identified in a water quality management plan approved by the State Water Board or Regional Water Boards are followed.

The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. A number of statewide water quality control plans have been adopted by the State Water Board. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. Statewide and regional water quality control plans include enforceable prohibitions

against certain types of discharges, including those that may pertain to nonpoint sources. Portions of water quality control plans, the water quality objectives and beneficial use designations, are subject to review by EPA. When approved, they become water quality standards under the CWA. On a statewide basis, according to the California State Water Board, the water basin for the area is under jurisdiction of the Santa Ana watershed.

The Porter-Cologne Act establishes a comprehensive program for the protection of beneficial uses of the waters of the state. California Water Code Section 13050(f) describes the beneficial uses of surface and ground waters that may be designated by the state or regional board for protection as follows: “Beneficial uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.” Water bodies with substantial evidence which indicates that the waterbody supports rare, threatened, or endangered species are identified as RARE. Twenty-three beneficial uses are now defined statewide; of these 23, 20 beneficial uses are recognized in the Santa Ana Basin (Santa Ana RWQCB 2016). Section 303(d) specifically requires the state to develop a list of impaired water bodies and subsequent numeric total maximum daily loads (TMDLs) for whichever constituents impair a particular water body. These constituents include inorganic and organic chemical compounds, metals, sediment, and biological agents. The EPA approved a revised list of impaired waters pursuant to Section 303(d) in July 2003.

Construction General Permit

Pursuant to the CWA, in 2009, the SWRCB issued a statewide general NPDES Permit for stormwater discharges from construction sites (NPDES No. CAS000002). Under this permit, discharges of stormwater from construction sites with a disturbed area of one or more acres must obtain individual NPDES permits or be covered by the General Permit—i.e., by filing a Notice of Intent with the SWRCB and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list best management practices (BMPs) implemented on the construction site to protect/retain stormwater runoff, and must contain a visual monitoring program, a sampling, analysis, and monitoring requirement for "non-visible" pollutants, and a monitoring plan if the site discharges directly to a water body listed on the state’s 303(d) list of impaired waters.

MS4 Permit

The Santa Ana RWQCB issued a MS4 Permit for part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The principal permittee of the MS4 Permit is the San Bernardino County Flood Control District. Priority projects—generally, redevelopment projects that add or replace 5,000 or more square feet of impervious surfaces, and new development projects that create 10,000 or more square feet of impervious surfaces—must implement low impact development (LID) BMPs to the maximum extent practicable.

The MS4 Permit requires individual priority projects to prepare and implement a WQMP that may include source control BMPs, mitigation measures, and treatment control BMPs.

State Water Resources Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. The City of Fontana lies within the jurisdiction of the Santa Ana RWQCB (SARWQCB).

The NPDES permit is broken up into two Phases: I and II. Phase I requires medium and large cities, or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. Phase II requires regulated small Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. Concerning the proposed Project, the NPDES permit is divided into two parts: construction and post-construction. The construction permitting is administered by the SWRCB, while the post-construction permitting is administered by the RWQCB. Development projects typically result in the disturbance of soil that requires compliance with the NPDES General Permit, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2012-0006-DWQ, NPDES Number CAS000002) (General Construction Permit). This Statewide General Construction Permit regulates discharges from construction sites that disturb one or more acres of soil.

The SWRCB has issued and periodically renews a statewide General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (GCASP) and a statewide General Industrial Activities Stormwater Permit (GIASP) for projects that do not require an individual permit for these activities. The GCASP was adopted in 2009 and further revised in 2012 (Order No. 2012-0006-DWQ). The most recent GIASP (Order No. 2014-0057-DWQ) was adopted in April 2014 and requires dischargers to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, and conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP and submit an annual report.

By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least one acre of total land area must comply with the provisions of this NPDES Permit and develop and implement an effective SWPPP. The SWPPP is required to contain a site map, which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. The SWPPP is required to list Best Management Practices (BMPs) the discharger would use to protect stormwater runoff (such as stormwater treatment systems) and the placement of those BMPs. Additionally, the SWPPP must contain the following elements: a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Construction General Permit Section A describes the elements that must be contained in an SWPPP. A project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by the NPDES General Permit and prepare the SWPPP before beginning construction. SWPPP implementation starts with the commencement of construction and continues through project completion. Upon project completion, the applicant must submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

The Municipal Stormwater Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a Stormwater Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA §402(p). The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

For construction activities that would result in the disturbance of one acre or more, permittees must develop, implement, and enforce a program to reduce pollutant runoff in stormwater. This includes: (1) a program to prevent illicit stormwater discharges; (2) structural and non-structural BMPs to reduce pollutants in runoff from construction sites; and (3) preventing discharges from causing or contributing to violations of water quality standards. Permittees are required to review construction site plans to determine potential water quality impacts and ensure proposed controls are adequate. These include preparation and submission of an Erosion and Sediment Control Plan (ESCP) with elements of an SWPPP, prior to issuance of building or grading permits. The 2012 MS4 permit requires that the ESCP be developed by a Qualified SWPPP Developer. Permittees are required to develop a list of BMPs for a range of construction activities.

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 (SWRCB, 2017). 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.²¹

Sustainable Groundwater Management Act (SGMA)

The California Department of Water Resources' (DWR's) 2014 Sustainable Groundwater Management Act (SGMA) 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 (DWR, 2019). The DWR categorizes the priority of groundwater basins (DWR, 2018). The DWR categorizes the priority of groundwater basins (DWR, 2018). GSPs are detailed road maps for

²¹ California Water Boards, Watershed Management Initiative (WMI). Retrieved from: https://www.waterboards.ca.gov/water_issues/programs/watershed/ (accessed April 2023).

how groundwater basins will reach long term sustainability. Section 10720.8(a) of the SGMA exempts adjudicated basins from the SGMA's requirement to prepare a GSP.²²

Regional

San Bernardino County Municipal Stormwater Management Plan (MSMP)

San Bernardino County Municipal Stormwater Management Plan (MSMP) was designed to satisfy NPDES permit conditions for creating and implementing an Urban Runoff Management Program (URMP) to reduce pollutant discharges to the MEP for protection of receiving waterbody water quality and support of designated beneficial uses. The MSMP contains guidance on both structural and nonstructural BMPs for meeting these goals.

The MSMP identifies activities required to implement the following six minimum control measures required under the Municipal Permit: public outreach; public involvement; illicit discharge detection and elimination; construction site runoff; new development and redevelopment; and municipal operations. Some typical types of outreach may include a stormwater hotline, website, storm drain stenciling, and other programs. Public meetings and presentations, volunteer water quality monitoring groups, and community cleanup days are some of the elements of the public involvement component.

One Water One Watershed

The One Water One Watershed (OWOW) program is the result of an integrated planning process convened for the management of the Santa Ana River Watershed. The OWOW program integrates water resources management with various disciplines such as land use planning, flood control, and natural resource management.²³ The OWOW plan is now in its third iteration, which was adopted in 2018.

The OWOW plan process complies with the standards of the State of California's Integrated Regional Water Management Program while supporting synergies in planning how to address water challenges across the Santa Ana River Watershed. The OWOW Plan Update 2018 describes the next generation of integrated regional watershed planning, solving problems on a regional scale, and giving all water interests a voice in the planning process. The plan provides a blueprint for management of the watershed, which includes the following goals:

- Is sustainable, droughtproof, and salt balanced by 2040
- Avoids and removes interruptions to natural hydrology, protecting water resources for all
- Uses water efficiently, supporting economic and environmental vitality
- Is adapted to acute and chronic climate risk and reduces carbon emissions
- Works to diminish environmental injustices
- Encourages a watershed ethic at the institutional and personal level

²² United States Geologic Survey, 2014. Sustainable Groundwater Management. Retrieved from: <https://ca.water.usgs.gov/sustainable-groundwater-management/> (accessed April 2023).

²³ Santa Ana Watershed Project Authority, One Water One Watershed Plan Updated 2018. <https://www.sawpa.org/wp-content/uploads/2018/11/OWOW-Plan-Update-2018-PRD.pdf> (accessed April 2023).

Local

City of Fontana Local Hazard Mitigation Plan (LHMP)

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 30, 2018 (Fontana, 2018). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City. 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.

City of Fontana Water Quality Management Plan (WQMP)

The City of Fontana Water Quality Management Plan (WQMP) was written in response to requirements set forth in the 1972 CWA which established requirements for MS4 permitting under the NPDES. The MS4 Permit regulates discharges from all MS4 facilities within the Santa Ana River watershed in San Bernardino County, which includes the project area. The area-wide MS4 program requires the completion of a Water Quality Management Plan (WQMP) to minimize the potential adverse effects that development projects can have on receiving waters. To simplify the process the City prepared a WQMP handbook to streamline the process. The Handbook notes that all significant development projects such as redevelopment projects that would add or replace 5,000 or more sf of impervious surfaces and new developments that include more than 10,000 sf or more of new impervious surfaces would require a WQMP. The WQMP includes similar to other permitting vehicles and includes, identification of drainage areas, impervious surfaces, anticipated flows, existing impaired waters, best management practices (BMPs) to reduce runoff and polluted runoff, low impact development (LID) strategies to retain water on-site before being discharged, etc.²⁴

Fontana General Plan 2015-2035

Infrastructure and Green Systems Element

The Infrastructure and Green Systems Element²⁵ of the Fontana GP includes the goals and policies that will be applied to the Project related to hydrology and water quality. This element represents the City's plan to effectively and safely use and conserve water.

Goal 1 Fontana collaborates with public and private agencies for an integrated and sustainable water resource management program.

²⁴ City of Fontana 2016. *Water Quality Management Plan Handbook*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/37482/WQMP-Handbook> (accessed April 2023).

²⁵ City of Fontana. (2018). *City of Fontana General Plan – Infrastructure and Green Systems Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed April 2023).

Policy

- 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.

Goal 2 **Fontana promotes use of non-potable water for uses where drinking water is not needed.**

Policy

- Encourage use of processed water from the IEUA systems using recycled water for all non-drinking water purposes.
- Promote laundry-to-landscape greywater systems for single-family housing units.

Goal **The City continues to have an effective water conservation program.**

Policy

- Support landscaping in public and private spaces with drought-resistant plants.
- Continue successful city water conservation programs and partnerships.

Goal 4 **The City of Fontana consistently seeks reasonable rates from the city's drinking water providers.**

Policy

- Support City negotiations to keep drinking water rates reasonable for residents and other users.

Goal 5 **Fontana collaborates closely with the Inland Empire Utility Agency to promote innovative and resource-efficient systems and reduce sewer fees.**

Policy

- Support and participate in IEUA programs that help Fontana be more resource-efficient.
- Support incorporation of greywater systems in new developments.

Goal 6 **Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards.**

Policy

- Continue to implement the Water Quality Management Plan for stormwater management that incorporates low-impact and green infrastructure standards.
- Promote natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater.

San Bernardino County Municipal Stormwater Management Plan (MSMP)

The purpose of the MSMP was to satisfy NPDES permit conditions for creating and implementing an Urban Runoff Management Program (URMP) to reduce pollutant discharges to the maximum extent practicable

(MEP) for protection of receiving waterbody water quality and support of designated beneficial uses. The MSMP contains guidance on both structural and nonstructural BMPs for meeting these goals.

The MSMP identifies activities required to implement the following six minimum control measures required under the Municipal Permit: public outreach; public involvement; illicit discharge detection and elimination; construction site runoff; new development and redevelopment; and municipal operations. Some typical types of outreach may include a stormwater hotline, website, storm drain stenciling, and other programs. Public meetings and presentations, volunteer water quality monitoring groups, and community cleanup days are some of the elements of the public involvement component.

Fontana Municipal Code

Section 30-485, Infrastructure

Section 30-485 of the City's Municipal Code states that all applicants shall provide storm drain and other flood control and drainage facilities consistent with the San Bernardino County Flood Control District's comprehensive drainage plan and City of Fontana Master Plan for Drainage.

Section 23-511, Prohibited Discharges

Section 23-511 of the City's Municipal Code states that all discharges to the City's storm drain system are prohibited, and only discharges pursuant to the NPDES permit are permitted. Discharges shall specifically comply with the requirements outlined in the respective general permits. This includes depositing any pollutant or trash in the streets or sidewalk as it has the potential to enter the storm drain, along with failure to implement BMP's when directed so by the environmental manager.

Section 23-513, Illicit Connections to the Storm Drain System

Section 23-513 of the City's Municipal Code states that no person shall use or maintain any illicit connection to the storm drain system. This prohibition applies retroactively regardless of whether the connection to the storm drain system was permissible under the law or practices applicable at the time of the connection.

Section 12.1-12-25, Flood Damage Prevention

The City's Municipal Code Section 12 regarding flood control states the City's focus on minimizing public and private losses due to flood condition in specific areas by provisions outlined throughout the section. The City has several flood hazard areas which are subject to periodic inundation which can adversely affect public health and safety. The City outlines several provisions that are outlined in the entirety of Section 12:

- 1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- 2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

- 4) Control filling, grading, dredging, and other development which may increase flood damage; and
- 5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

4.9.4 Impact Thresholds and Significant Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- 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 a 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
 - impede or redirect flood flows;
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.5 Impacts and Mitigation Measures

Impact 4.9-1 *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Level of Significance: Less than Significant Impact

The Project does not propose any physical developments or alterations to the existing Walnut Village Specific Plan area. Instead, the Project proposes a comprehensive update to the development standards and design guidelines to the existing Walnut Village Specific Plan.

The Project site is surrounded by developed property. Future construction on the Project site would implement construction controls to minimize potential water quality impacts through compliance with NPDES permit requirements and with County Code Title 3, Division 5, Chapter 1, Pollutant Discharge Elimination System Regulations. In accordance with the NPDES Permitting program requirements, the future site developer would prepare and implement a site-specific SWPP that meets the requirements of

the NPDES General Construction Permit and specifies BMPs to be used during construction, as the future project disturbs more than one acre of soil. With implementation of BMPs, subject to review and approval by the Santa Ana RWQCB, future projects on the Project site would reduce or eliminate the discharge of pollutants in stormwater runoff from the construction site to the maximum extent practicable. Therefore, the water quality of nearby surface waters and groundwater would be maintained via compliance with NPDES permit requirements. Additionally, the San Bernardino County Stormwater Program Technical Guidance Document requires the preparation and implementation of a WQMP, subject to review and approval by the County, to manage stormwater runoff post construction activities and to implement site design and source control CMPs to help ensure stormwater runoff and impervious areas are minimized. With implementation of the WQMP, compliance with the NPDES permit requirements, and implementation of BMPs, future project construction on the Project site would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Mandatory compliance with the SWPPP and City requirements would ensure that the future projects construction on the Project site would not violate any water quality standards or waste discharge requirements. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

Impact 4.9-2 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?

Level of Significance: Less than Significant Impact

The Walnut Village Specific Plan buildout could impact groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Santa Ana River Watershed, including the Santa Ana Groundwater Basin, are managed by an adjudication and subject to the terms of the 1969 Stipulated Agreement managed by the Santa Ana River Watermaster. The Santa Ana River Watershed includes programs for the long-term management of area groundwater basins. The primary means of ensuring long-term groundwater level maintenance includes careful monitoring to ensure groundwater levels are managed within a safe basin operating range and implementation of water conservation programs. The Specific Plan Update supports water conservation through use of natural and drought-tolerant vegetation and through water recycling. Additionally, water conservation programs of the City's General Plan are designed to ensure groundwater resources are recharged both through natural and assisted means. Water conservation helps to maintain groundwater levels by reducing the need to extract from them. As a result, the potential for impacts to groundwater levels within the region is less than significant.

Impact 4.9-3 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?

i) Result in substantial erosion or siltation on- or off-site?

Level of Significance: Less than Significant Impact

Although future construction on the Project site would alter the subject property's interior drainage patterns, the changes would not result in substantial erosion or siltation on- or off-site. Future projects would be required to follow the State Water Resources Control Board's erosion control standards and each project 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 acre of total land area. Because the Project site is greater than one acre, this requirement would apply to development on the Project site. Additionally, because all the Project areas are located within the Santa Ana RWQCB's jurisdiction, all would be required to conform with the Santa Ana River Basin Water Quality Control Program. Compliance involves the preparation and implementation of a SWPPP for construction-related activities. More specifically, BMPs would be required to be implemented in accordance with the SWPPP that would be required prior to initiation of any construction activities. These measures would help ensure that during construction waterborne pollution from erosion and siltation is reduced, prevented, or minimized. Other measures may include ways to treat runoff prior to discharge. BMPs may include but not be limited to, sandbag barriers, silt fences, soil stabilizers, reseeding, straw mats, and other ground covers. Additionally, future projects will be required to comply with Section 30-885 of the City's Municipal Code to ensure the adequacy of the downstream drainage systems to address increased run-off caused by the developments. Conformance with these requirements and measures would ensure that erosion during construction is reduced to less than significant.

Impact 4.9-4 ***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?***

ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Level of Significance: Less than Significant Impact

Future development on the Project site would generally mimic the waterflow paths of the existing site condition. The rate and amount of surface runoff versus infiltration on a given site is determined by multiple factors, including the amount and intensity of precipitation; amount of other imported water that enters a watershed; surface and subsurface soil layers vegetative cover, existing soils moisture content, slope, and others. In addition, the rate of surface runoff is largely determined by topography and the intensity of rainfall over a given period of time.

Additionally, according to the FEMA Flood Insurance Rate Map (FIRM), the Project site is located within FEMA Flood Zone X (unshaded), an area of minimal flood risk. Future development on the Project site would conduct Drainage studies to ensure that on-site flows generated by future construction would be conveyed to storm drain systems. Additionally, future development on the Project site would incorporate design measures to capture and control stormwater. These measures may include, but would not necessarily be limited to, underground storm drainpipes, catch basins, LIDs, and other structural BMPs to capture on-site stormwater runoff, and temporarily capture and hold stormwater before conveying the runoff off-site. Additionally, future projects will be required to comply with Sec 30-885 of the City's Municipal Code to ensure the adequacy of the downstream drainage systems to address increased run-

off caused by the developments. Thus, with these measures in place, the Project will not substantially alter the existing drainage pattern of the site in a manner which would result in a substantial increase in the rate or amount of surface run-off in a manner which would result in flooding on- or off site. Impacts would be less than significant.

Impact 4.9-5 *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?*

iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

Level of Significance: Less than Significant Impact

As previously discussed, future development on the Project site must comply with the requirements of the NPDES Permit. Additionally, as mandated by the RWQCB and through implementation of the WQMP, future projects on the Project site would incorporate design features that would include stormwater drainage systems that would be engineered, designed, and installed to satisfy all water quality requirements. Additionally, future projects will be required to comply with Sec 30-885 of the City's Municipal Code to ensure the adequacy of the downstream drainage systems to address increased run-off caused by the developments. To ensure that the new storm water drainage improvements are planned and designed to satisfy these requirements as well as all other applicable standards and requirements, would be verified by the City and incorporated as conditions of approval to all future projects prior to the issuance of any construction permit. Compliance with these requirements would ensure impacts are less than significant and mitigation would not be required.

Impact 4.9-6 *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?*

iv) Impede or redirect flood flows?

Level of Significance: Less than Significant Impact

According to the FEMA Flood Insurance Rate Map (FIRM), the Project site is located within FEMA Flood Zone X (unshaded), an area of minimal flood risk; see **Section 4.9.2: Environmental Setting** for detailed information. Additionally, future developments on the Project site that would add or replace 5,000 or more sf of impervious surfaces and new developments that include more than 10,000 sf or more of new impervious surfaces would require a WQMP. The WQMP includes identification of drainage areas, impervious surfaces, anticipated flows, existing impaired waters, best management practices (BMPs) to reduce runoff and polluted runoff, low impact development (LID) strategies to retain water on-site before being discharged, etc.²⁶ Therefore, the Project would result in a less than significant impact and no mitigation is required.

²⁶ City of Fontana 2016. Water Quality Management Plan Handbook. Retrieved at: <https://www.fontana.org/DocumentCenter/View/37482/WQMP-Handbook> (accessed April 2023).

Impact 4.9-7 *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Level of Significance: Less than Significant

The Pacific Ocean is located approximately 50 miles from the Project site. Considering this distance, there is no potential for the site to be impacted by a tsunami. As previously discussed, the Project site is located on land designated as Zone X (unshaded), the areas of minimal flood hazard, outside of the SFHA and higher than the elevation of the 0.2 percent-annual-chance flood. Additionally, the Project site is not downstream of large bodies of water or tanks which potentially could cause flooding and inundate the Project site. The risk of seiche damage following a seismic event at the Project site is low. Therefore, the Project would result in a less than significant impact and no mitigation is required.

Impact 4.9-8: *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Level of Significance: Less than Significant

The Project site is located within the Santa Ana River Watershed basin. Future development on the Project site 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. Future developers would be required to show conformance prior to any approval. 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 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. Therefore, the Project would not obstruct or prevent implementation of the management plan for the Chino Groundwater Basin. As such, the Project, would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.9.6 Cumulative Impacts

Cumulative impacts to hydrology and water quality could occur as new development, redevelopment, and existing uses are ongoing within the watershed. This includes the Project site and other past, present, and future projects. New development on the Project site, would result in some increases in impervious surfaces, and thus could generate increased runoff from the affected project sites. Depending on the site of projects, they would be required to prepare and implement SWPPP with BMPs to control erosions and stormwater runoff in accordance with all required water quality permits and the Water Quality Control Plan. This would include conformance with the Santa Ana RWQCB's Santa Ana River Basin WWMP. As needed projects would implement BMPs, including LID BMPs to minimize runoff, erosion, and storm water pollution. As part of these requirements, projects would be required to implement and maintain source controls, and treatment measures to minimize polluted discharge and prevent increases in runoff flows that could substantially decrease water quality. Conformance to these measures would minimize runoff

from those sites and reduce contamination of runoff with pollutants. Therefore, related projects are not expected to cause substantial increases in storm water pollution. With compliance with State and local mandates, cumulative impacts would be less than significant, and project impacts would not be cumulatively considerable.

4.9.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning hydrology and water quality have been identified.

4.9.8 References

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4.10 LAND USE

4.10.1 Introduction

This section of the Draft Program Environmental Impact Report (PEIR) will identify potential land use impacts associated with the implementation of the Updated Walnut Specific Plan Project (Project) within the City of Fontana (City). The Project has been evaluated for its consistency with the City's Fontana Forward General Plan Update 2015-2035 (Fontana GP) and the Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Potential land use impacts of the Project analyzed in this section of the Draft EIR include those that could result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans. Where applicable, mitigation measures are proposed to ensure the application of actions which would minimize or remove land use impacts that are identified as significant. As discussed in **Section 3.0: Project Description**, the Project would encompass 53 acres of land within the Walnut Village Specific Plan area. The Project area will be divided into 4 sub-districts which will be zoned for residential and commercial development.

4.10.2 Environmental Setting

Existing and Surrounding Land Uses

The Project is located in the northeastern portion of the City of Fontana (City), within the Valley Region of San Bernardino County (County). The Project consists of four sub-districts within the existing Walnut Village Specific Plan (WVSP). The WVSP area is bounded by Highland Avenue to the north, Baseline Avenue to the South, Palmetto Avenue to the east, and Sierra Avenue to the west. Regional access to WVSP is provided via Interstate 210 (I-210) via Sierra Avenue. The existing WVSP is comprised of approximately 342 acres planned for the development of residential, commercial, quasi-public, and recreation uses. The four sub-districts included in the Project encompasses approximately 53 acres of the existing WVSP area. Build-out for the WVSP included 1,644 dwelling units, 39 acres of commercial land, and 2.5 acres of commercial and mixed-uses. Existing developments located within the Project area and the general WVSP include residences, vacant land, and sparse commercial development. **Table 3-1: Walnut Village Specific Plan Land Use Summary** in **Section 3.0: Project Description** summarizes the existing uses present and adjacent to the Project site.

General Plan and Zoning Designations

Current zoning designations for the Project area is Walnut S.P. Current land use designations for the Project area are Residential Planned Community (R-PC), Community Commercial (C-C), and Medium Density Residential (R-M).^{1, 2} **Table 4.10-1: Existing Land Use Category and Zoning District** identifies the existing land use and zoning designations for the Project and surrounding developments.

¹ City of Fontana. n. a. *Zoning Viewer*. Available at <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92>. (accessed July 2023).

Table 4.10-1: Existing Land Use Category and Zoning Districts

Location	Land Use Designation	Zoning
Current Land Use Designations		
Northwest and Middle of Specific Plan	Community Commercial (C-C)	Walnut Village SP
Western Boundary of Specific Plan	Medium Density Residential (R-M); Residential Planned Community (R-PC)	Walnut Village SP
Majority of Specific Plan Area	Residential Planned Community (R-PC)	Walnut Village SP
Surrounding Uses		
North	Regional Mixed Use (RMU)	Regional Mixed Use (R-MU)
South	General Commercial (C-G), Medium Density Residential (R-M), and Single Family Residential (R-SF)	General Commercial (C-2), Medium Density (R-2), and Single Family (R-1)
East	City of Rialto	City of Rialto
West	General Commercial (C-G) and Medium Density Residential (R-M)	Promenade Specific Plan; General Commercial
Source: City of Fontana. City of Fontana Zoning Viewer. Available at: https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92 (Accessed August 2023).		

Walnut Village Specific Plan

The original WVSP was approved by the City in 1985. After which, 10 amendments were approved, with the 10th and final amendment approved on March 21, 2020. As stated above, the existing WVSP is comprised of approximately 342 acres planned for the development of residential, commercial, quasi-public, and recreation uses. The WVSP is currently delineated by 23 Planning Areas (PAs). The four Project sub-districts occupy PAs 1, 7, 11, 12, and 13. **Table 4.10-2: Walnut Village Specific Plan Planning Areas** summarizes the usage type intended for each WVSP PA containing the Project sub-districts as well as the intended Floor Area Ratios.

Table 4.10-2: Walnut Village Specific Plan Planning Areas

Specific Plan Sub-District	Use	Density	FAR
Gateway North - (GN)	Mixed Use, Residential	Up to 39 du/ac	Up to 0.5 FAR
Gateway Residential 4 - (GR4)	Residential	Up to 12 du/ac	N/A
Gateway South - (GS)	Mixed Use, Commercial, Residential	39.1 to 50 du/ac	0.5-1.0 FAR
Gateway East - (GE)	Mixed Use, Neighborhood Commercial, Residential	Up to 39 du/ac	Up to 0.5 FAR

4.10.3 Regulatory Setting

State

Housing Crisis Act of 2019 - Senate Bill 330 (SB 330)

On October 19, 2019 Governor Newsom signed into the Housing Crisis Act of 2018 Senate Bill (330). In part, SB 330 was meant to reduce the time needed to obtain building permits and disallowing local governments from reducing the densities of areas designated for residential development. As it

² Ibid.

specifically pertains to the proposed Project and the proposed zone change, with a few exceptions, SB 330 bill prohibits a jurisdiction from changing the current zoning and land use designations in the general plan that would reduce the density of the use. For example, a jurisdiction cannot downzone a site from residential to another type of use or make changes, such as decreasing structure height limits or increasing setbacks, that would lessen the number of units that could be built on a given site. In addition, SB 330 forbids the jurisdictions from limiting land use approvals and placing moratoriums on housing development.

California Planning and Zoning Law

The legal framework under which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000–66499.58. Under State 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 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; and mitigation measures.

California Environmental Quality Act

CEQA establishes that a significant effect on the environment involves an adverse change to the physical environment. Pursuant to the State *CEQA Guidelines*, a project’s impact related to land use planning is evaluated in terms of physically dividing an established community, compatibility with existing land uses and consistency with local plans and other local land use controls (i.e., general plans, zoning codes, specific plans, etc.) such that if conflicts do exist, would the conflict result in a significant environmental impact. This is discussed in additional detail in the methodology and impacts section below.

Regional

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a Joint Powers Authority 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 and under state law as a Regional Transportation Planning Agency and a Council of Governments. Generally, SCAG develops long-range regional transportation plans including sustainable communities’ strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations, and a portion of the South Coast Air Quality management plans. SCAG also developed the Regional Comprehensive Plan, the Regional Housing Needs Assessment (RHNA), and the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS or Connect SoCal).

SCAG Regional Comprehensive Plan

SCAG’s 2008 Regional Comprehensive Plan (RCP) is a major advisory plan prepared by SCAG that addresses important regional issues such as land use and housing, open space and biological habitats,

water, energy, air quality, solid waste, transportation, security and emergency preparedness, economy, and education. The RCP serves as an advisory document to local agencies in the southern California region for their information and voluntary use for preparing local plans and handling local issues of regional significance. The RCP presents a vision of how southern California can balance resource conservation, economic vitality, and quality of life. The RCP identifies voluntary best practices to approach growth and infrastructure challenges in an integrated and comprehensive way. It also includes goals and outcomes to measure our progress toward a more sustainable region.

SCAG 2020-2045 Regional Transportation Plan/Sustainable Cities Strategy

The SCAG 2020 – 2045 RTP/SCS, is a long-term planning document intended to guide the growth of the region that includes Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial counties. The 2020-2045 RTP/SCS allows public agencies who implement transportation projects to do so in a coordinated manner and assists the region in achieving California’s greenhouse gas emission reduction goals and federal Clean Air Act requirements. The plan also strives to achieve broader regional objectives, such as the preservation of natural lands, improvement of public health, increased roadway safety, support for the region’s vital goods movement industries, and more efficient use of resources.

SCAG Regional Housing Needs Assessment

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. It serves as a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region’s MPO, SCAG cooperates with the South Coast Air Quality Management District, the California Department of Transportation, and other agencies in preparing regional planning documents. The socioeconomic estimates and projections are used for federal and state-mandated long-range planning efforts such as the RTP/SCS, the Air Quality Management Plan, the Federal Transportation Improvement Program, and the Regional Housing Needs Assessment (RHNA).

The RHNA is an assessment process performed periodically as part of Housing Element and General Plan updates at the local level. The RHNA quantifies the need for housing by income group within each jurisdiction during specific c planning periods. The RHNA is used in land use planning, to prioritize local resource allocation and to help decide how to address existing and future housing needs. The RHNA allows communities to anticipate growth, so that collectively the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

Local

City of Fontana General Plan Update 2015-2035

The General Plan was recently updated in November 2018 and covers a broad range of topics on all aspects of community life. The City’s General Plan is the guiding document that provides residents, elected officials, business owners, and other stakeholders with direction on how to meet the needs of a growing city and provides a greater quality of life for its current and future residents. The Fontana GP contains the following chapters: Community and Neighborhood; Housing; Building a Healthier Fontana; Conservation, Open Space, Parks and Trails; Public and Community Services; Community Mobility and Circulation; Infrastructure and Green Systems; Noise and Safety; Sustainability and Resilience; Economy, Education and Workforce Development; and Land Use, Zoning, and Urban Design. Each element within the GP contains goals and policies that guide development and may be applied to this Project.

Community and Neighborhoods Element

Goal 4: Traditional and master-planned neighborhoods of predominantly single-family houses continue to thrive and attract family households.

Policies

- Connect master-planned neighborhoods to each other and city destinations with safe, comfortable, and convenient pedestrian and bicycle routes.

Goal 5: New housing developments promote walkable neighborhoods with mixed-use amenities and connections to city destinations.

Policy

- Support regulations that promote creation of compact and walkable urban village-style design in new developments.

Goal 7 A diverse stock of quality housing serves Fontana residents across the range of incomes, household types, and age groups.

Policy

- 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

Building a Healthier Fontana Element

Goal 2: Fontana has healthy and safe development patterns.

Policy

- Support the planning, regulatory, and funding initiatives needed to provide a healthy, safe city with safe streets, safe public spaces, highly accessible parks, highly accessible healthy food, and a clean environment.

Goal 5: Fontana is a city in which all residents' basic needs are met.

Policies

- 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.

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.

Policies

- Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2016- 2040 Regional Transportation Plan and Sustainable Communities Strategy.

Goal 3: Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the city.

Policies

- Promote concentrated development patterns in coordination with transit planning to maximize service efficiency and ridership.

Goal 5 Fontana's commercial and mixed-use areas include a multi-functional street network that ensures a safe, comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.

Policies

- Encourage mixed use and commercial developments that support walking, bicycling, and public transit use while balancing the needs of motorized traffic to serve such developments.

Noise and Safety Element

Goal 1: The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035

Policies

- New sensitive land uses shall be prohibited in incompatible areas.

Goal 3: City of Fontana residents are protected from the negative effects of "spillover" noise.

Policy

- 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.

Land Use, Zoning, and Urban Design Element

Goal 1 The Strategic Policy Map and the Future Land Use Map guide land-use decision making.

Policy

- Review citywide land use strategies when considering changes to the land use map.

Goal 2 Fontana development patterns support a high quality of life and economic prosperity.

Policies

- Preserve and enhance stable residential neighborhoods.
- Locate multi-family development in mixed-use centers, preferably where there is nearby access to retail, services, and public transportation.
- Promote interconnected neighborhoods with appropriate transitions between lower intensity and higher intensity land uses.

Goal 3 Downtown is a dynamic center of activity, with new housing options, walkable environments, and a mixture of uses attracting residents and visitors.

Policy

- Encourage infill on vacant and underutilized parcels.

Goal 4 Compact, walkable, mixed-use centers are located at key locations along corridors to be served by public transit in the future and at intersections where neighborhood retail and diverse housing options can succeed.

Policy

- Promote a land use pattern that provides connections among land uses and a mixture of land uses.

Goal 5 High-quality job-producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.

Policy

- Avoid locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses.

Goal 7 Public and private development meets high design standards.

Policy

- Support high-quality development in design standards and in land use decisions.

City of Fontana Zoning and Development Code Section 30 Zoning District Regulations

The City's zoning and development code is found in the City of Fontana Municipal Code (Fontana Municipal Code) Chapter 30, Zoning and Development Code (Development Code), which carries out the City's General Plan policies by regulating development and land uses within Fontana. The

Development Code establishes official land use zoning regulations and design guidelines and are designed to:

- Encourage the most appropriate use of land and ensure compatibility between uses;
- Provide open space for light, air, and the preservation of resources;
- Facilitate the timely provision of adequate infrastructure and community facilities;
- Promote excellent architectural design; and
- Promote health, safety, and general welfare of the citizens and visitors of Fontana.

4.10.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Physically divide an established community or
- 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.

Methodology and Assumptions

This analysis reviews the Project's consistency with regional and local plans, policies, and regulations for the purposes of avoiding or mitigating an environmental effect. Specifically, the Project was analyzed with respect to the applicable regional planning guidelines and strategies of SCAG's 2020-2045 RTP/SCS and the City's General Plan and the Southwest Industrial Park (SWIP) Specific Plan. This analysis also analyzes whether the Project would physically divide an established community.

Approach to Analysis

This analysis of impacts on land use and planning components examines the Project's consistency with existing land use designations and developments, as well as the Project's compliance with established land use policies and plans of the SWIP. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in land use conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that the Project would or would not result in "substantial" adverse effects on land use and planning standards considers the available policies and regulations established by regional and local agencies and evaluates the Project's overall consistency with applicable goals and policies.

4.10.5 Impacts and Mitigation Measures

Impact 4.10-1 *Would the Project physically divide an established community?*

Level of Significance: Less than Significant

Construction and Operations

The Project proposes an amendment to the existing WVSP to allow for a maximum of 2,408 residential units and 1,582,953 square feet of new non-residential uses. The four sub-districts within the WVSP area are comprised of areas of the WVSP that have not been developed or are currently underutilized. These areas include vacant parcels on the corner of South Highland Avenue and Sierra Avenue (Gateway North), a small strip of four underutilized parcels along the Sierra Avenue Corridor (Gateway Residential 4), a large group of vacant and underutilized parcels on the corner of Sierra Avenue and Baseline Avenue (Gateway South), and another smaller group of vacant and underutilized parcels on the corner of Baseline and Palmetto Avenue (Gateway East). **Table 4.10-3: Development Plan Land Use Summary** summarizes the development standards proposed for each Project sub-district.

Table 4.10-3: Development Plan Land Use Summary

Specific Plan Sub-District	Acres	Primary Uses	Density	Maximum Intensity (FAR)
Gateway North - (GN)	6.03 acres	Mixed Use, Residential	Up to 39 du/ac	Up to 0.5 FAR
Gateway Residential 4 - (GR4)	4.15 acres	Residential	Up to 12 du/ac	N/A
Gateway South - (GS)	37.10 acres	Mixed Use, Commercial, Residential	39.1 to 50 du/ac	0.5-1.0 FAR
Gateway East - (GE)	5.28 acres	Mixed Use, Neighborhood Commercial, Residential	Up to 39 du/ac	Up to 0.5 FAR

Projects that are typically considered to have the potential to divide an established community include the construction of new freeways, highways, roads, or other uses that physically separate an existing or established neighborhood. As described in **Section 4.10.2: Environmental Setting**, the Project area consists of mostly residential development with some sparse commercial development as well as some undeveloped land. The existing zoning and land use designations within the WVSP area are designed to incorporate additional residential and commercial development such that it does not divide the established community. Neighboring land uses surrounding the Project area include both commercial and residential uses, however they are separated by 4 major roadways and the Foothill Freeway (Interstate 210).

Development within the Project area would not include improvements that would substantially alter existing roadways and transportation corridors in a manner that would cause the removal or separated of existing adjacent communities from important resources and neighboring units. Therefore, the Project would not divide a community and a less than significant impact is anticipated.

Mitigation Measures

No mitigation is required.

Impact 4.10-2 *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?*

Level of Significance: Less than Significant

Construction and Operations

CEQA requires that an EIR consider whether a Project may conflict with any applicable land use plan, policy, or regulation (including, but not limited to the general plan, specific plan, or zoning ordinance) that was adopted for the purpose of avoiding or mitigating an environmental effect. This environmental determination differs from the larger policy determination of whether a Project is consistent with a jurisdiction’s general plan. The broader general plan consistency determination considers all evidence in the record concerning the project characteristics, its desirability, as well as economic, social, and other non-environmental effects. Regarding plan or policy consistency, a project is evaluated in terms of whether the proposed site plan, design features, and/or development at a particular location would substantially impede implementation of an adopted plan or policy. The project would be required to comply with any applicable state, regional, and local land use plans, policies, and regulations. Projects should be consistent with applicable policies to promote the efficient, sustainable growth projected in the long-term planning documents. In addition, specific plans must be consistent with the adopted general plan. (Gov. Code, Section 65454).

At a regional level, the Project would comply with the goals and policies presented in SCAG’s 2020-2045 RTP/SCS. Locally, the Project would comply with the City’s General Plan document. The mere fact that a Project may be inconsistent in some manner with specific policies in a general plan or zoning ordinance does not, per se, amount the significant environmental effect. In the context of land use and planning, significant impacts occur when conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project results in an adverse physical environmental impact. This consistency analysis provides a general overview of whether the Project results in an adverse physical environment impact. This intent of the City’s General Plan goals and policies as well as other planning documents applicable to the Project. It is within the City’s purview to decide if the Project is consistent with applicable City goals or policies. The Project’s consistency with these applicable goals and policies is described below in **Table 4.10-4: Consistency with the SCAG 202-2045 RTP/SCS** and **Table 4.10-5: Consistency with the Fontana General Plan**.

Table 4.10-4: Consistency with the SCAG 2020-2045 RTP/SCS

Goal	Consistency
Goal 1: Encourage regional economic prosperity and global competitiveness	Consistent: The Project would include the designation of land use areas which allow for the development of commercial uses that would further advance the City’s and, subsequently, the region’s economic base.
Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods	Consistent: By siting community commercial uses near residential uses, the Project would allow for the creation of more complete neighborhoods that encourage the use of pedestrian or alternative transportation which increase safety and reduce traffic.

Goal	Consistency
Goal 3: Enhance the preservation, security, and resilience of the regional transportation system	Not Applicable: This is not a transportation improvement project and is therefore not applicable.
Goal 4: Increase person and goods movement and travel choices within the transportation system	Consistent: The Project includes mixed-use residential and commercial designated sub-districts which would support pedestrian travel and alternative modes of transportation due to residential proximity to commercial uses.
Goal 5: Reduce greenhouse gas emissions and improve air quality	Consistent: The Project would include allowances for residential and commercial land uses. The siting of these uses would encourage lower vehicular usage and a similarly lower rate of greenhouse gas emission.
Goal 6: Support healthy and equitable communities	Consistent: The Project would not conflict with the surrounding community’s ability to access healthy food or parks. In addition, the Project would encourage mixed use development and retail uses which could benefit the community.
Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network	Consistent: Mixed use and multifamily developments allow for a smaller footprint of land use per resident, further reducing environmental effects which could impact the climate. The Project’s inclusion of mixed-use residential uses would encourage a scale of living which reduces individual environmental and climate effects
Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel	Consistent: The Project does not include transportation improvements. However, the siting of commercial uses adjacent to, or nearby residential uses reduces necessary vehicular travel and results in more efficient roadways.
Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options	Consistent: The Project contains land uses for medium- to high-density residential development that will provide diverse residential opportunities in applicable sub-districts.
Goal 10: Promote conservation of natural and agricultural lands and restoration of habitats.	Consistent: This the Project is not located on agricultural or habitat lands. The Project site has not been categorized for open space or agricultural uses.
Source: Southern California Association of Governments. 2020. <i>Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy</i> . Page 9. Los Angeles, CA: Southern California Association of Governments. Retrieved from: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf . (accessed August 2023).	

Table 4.10-5: Consistency with the Fontana General Plan

Policy	Consistency
Community Neighborhoods Element	
Goal 4: Traditional and master-planned neighborhoods of predominantly single-family houses continue to thrive and attract family households.	
Policy 4.1: Connect master-planned neighborhoods to each other and city destinations with safe, comfortable, and convenient pedestrian and bicycle routes.	Consistent: The Project proposes the designation of land within the largely residential WVSP for future development of residential and commercial uses. This would provide commercial uses near residential structures and create convenient access to retail uses.
Goal 5: New housing developments promote walkable neighborhoods with mixed-use amenities and connections to city destinations.	
Policy 5.1: Support regulations that promote creation of compact and walkable	Consistent: The Project would be consistent with the SCAG Connect SoCal 2020 RTP/SCS which promotes the creation of

Policy	Consistency
urban village-style design in new developments.	complete communities and a general improvement of alternate and efficient transportation modes.
Goal 7: A diverse stock of quality housing serves Fontana residents across the range of incomes, household types, and age groups.	
Policy 7.1: 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	Consistent: The Project would allow for the future development of medium- to high- density housing units as well as mixed use residential units which can accommodate various household types.
<i>Building a Healthier Fontana</i>	
Goal 2: The average lifespan in Fontana is consistently within the top ten of all southern California cities.	
Policy 1.3: Support the planning, regulatory, and funding initiatives needed to provide a healthy, safe city with safe streets, safe public spaces, highly accessible parks, highly accessible healthy food, and a clean environment.	Consistent: The Project consists of an update to the existing WVSP designed to accommodate the changing City and the needs of its residents. Additionally, the Project would enable the development of community commercial in proximity to residential uses which would encourage the use of pedestrian modes of travel and provide direct access to commercial and retail goods.
Goal 5: Fontana is a city in which all residents’ basic needs are met.	
Policy 5.1: 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.	Consistent: The Project would allow for the future development of medium- to high- density housing units as well as mixed use residential units which can accommodate various household types.
<i>Community Mobility and Circulation Element</i>	
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 1.1: Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy.	Consistent: The Project would be consistent with the SCAG Connect SoCal 2020 RTP/SCS which promotes the creation of complete communities and a general improvement of alternate and efficient transportation modes.
Goal 3: Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the city.	
Policy 2.1: Promote concentrated development patterns in coordination with transit planning to maximize service efficiency and ridership.	Consistent: All four sub-districts of the Project would be located in direct proximity of a bus stop. While the Project does not include roadway or transit improvements, the placement of higher density residential uses encourages the decreased use of passenger vehicles in favor of mass transit.
Goal 5: Fontana’s commercial and mixed-use areas include a multi-functional street network that ensures a safe, comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.	
Policy 5.1: Encourage mixed use and commercial developments that support walking, bicycling, and public transit use while balancing the needs of motorized	Consistent: The Project promotes the creation of complete communities and a general improvement of alternate and efficient transportation modes. Additionally, the Project’s placement of higher density residential use areas near mass transit resources

Policy	Consistency
traffic to serve such developments.	encourages the decreased use of passenger vehicles in favor of mass transit.
Chapter 11, Noise and Safety	
Goal 1: The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035	
Policy 1.1: New sensitive land uses shall be prohibited in incompatible areas.	Consistent: The Project enables the development of residential uses which would be classified as sensitive uses. However, the Project has cited these uses in the largely residential WVSP. The WVSP does not have sensitive or residential use restrictions.
Goal 3: City of Fontana residents are protected from the negative effects of “spillover” noise	
Policy 3.1: 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 does not propose industrial use areas. Furthermore, commercial use areas proposed by the Project would allow for the development of community commercial uses which would not generate excess noise in neighborhood settings. As well, future developments facilitated by the Project would be required to comply with local regulations, including City noise ordinances.
Chapter 15, Land Use Zoning, and Urban Design Element	
Goal 1: The Strategic Policy Map and the Future Land Use Map guide land-use decision making.	
Policy 1.1: Review citywide land use strategies when considering changes to the land use map	Consistent: This PEIR reviews the Project’s consistency with land applicable land use policies. Additionally, the PEIR includes applicable local regulations, including goals and policies of the Fontana GP, in each environmental topic area as a portion of the regulatory framework.
Goal 2: Fontana development patterns support a high quality of life and economic prosperity.	
Policy 2.1: Preserve and enhance stable residential neighborhoods.	Consistent: The Project would allow for the future development of medium- to high- density housing units as well as mixed use residential units which can accommodate various household types. Additionally, The Project promotes the creation of complete communities and a general improvement of alternate and efficient transportation modes.
Policy 2.2: Locate multi-family development in mixed-use centers, preferably where there is nearby access to retail, services, and public transportation.	Consistent: The Project would allow for the future development of medium and higher density residential uses as well as mixed uses with attached commercial uses. These land uses would be in proximity of potential commercial uses. Further, each Project sub-district is adjacent to a mass transit bus stop.
Policy 2.3: Promote interconnected neighborhoods with appropriate transitions between lower intensity and higher intensity land uses.	Consistent: The Project would allow for the development of higher density residential uses in the outer perimeter of the WVSP, distancing those uses from the centralized, single-family developments within the WVSP. As well, the commercial uses would be in proximity to existing commercial/nonresidential uses within the City.
Goal 3: Downtown is a dynamic center of activity, with new housing options, walkable environments, and a mixture of uses attracting residents and visitors.	
Policy 3.1: Encourage infill on vacant and underutilized parcels.	Consistent: The Project consists of largely vacant undeveloped areas of the WVSP. Future development would provide infill for these vacant lots.
Goal 4: Compact, walkable, mixed-use centers are located at key locations along corridors to be served by public transit in the future and at intersections where neighborhood retail and diverse housing options can succeed.	

Policy	Consistency
Policy 4.1: Promote a land use pattern that provides connections among land uses and a mixture of land uses.	Consistent: The Project would allow for the future development of medium- and higher density residential uses as well as mixed uses with attached commercial uses.
Goal 5: High-quality job producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.	
Policy 5.1: Avoid locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses.	Consistent: The Project does not propose residential uses in areas which would be surrounded by non-residential uses.
Goal 7: Public and private development meets high design standards.	
Policy 7.1: Support high-quality development in design standards and in land use decisions.	Consistent: Future developments facilitated by the Project will be consistent with all applicable building codes and design standards.
<p>Source: City of Fontana. 2018. <i>Fontana Forward General Plan Update 2015-2035</i>. https://www.fontana.org/DocumentCenter/View/28271/Complete-Document---Approved-General-Plan-Documents-11-13-2018. (accessed August 2023).</p>	

As shown in **Table 4.10-5: Consistency with the Fontana General Plan** the Project would be generally consistent with the City’s General Plan goals and policies. It should be noted that a Project need not satisfy all guidance contained in the General Plan and CEQA does not require a Project to be consistent with all guidance but instead requires a discussion of inconsistencies. The Project is generally consistent and in harmony with the City General Plan, Land Use Category and is located in largely vacant portions of the WVSP that allows commercial and residential uses. Additionally, consistent with the City’s General Plan, the Project’s EIR includes mitigation measures related to specific environmental resource areas to reduce or eliminate potential effects of the Project. The City’s Development Code is not in and of itself intended to reduce impacts to the environment. The intent of the Development Code is to prescribe zones in which certain land uses are permitted, and to define allowable Project elements and designs within those zones. Nonetheless, conformance with the Development Code typically signifies that a Project would not result in environmental impacts beyond those which are already planned for or disclosed in an environmental document.

The Project would not conflict with any specific objectives, policies, or actions in the General Plan’s Community and Neighborhoods; Building a Healthier Fontana; Community Mobility and Circulation; Noise and Safety; and Land Use, Zoning, and Urban Development elements that were adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not result in a change in, or conflict with a land use or zoning district that would result in potentially significant impacts. Additionally, the Project would be consistent with the goals of the SCAG Connect SoCal 2020 RTP/SCS. Therefore, impacts associated with any existing plan, policy, or regulation would be less than significant.

Mitigation Measures

No mitigation is required.

4.10.6 Cumulative Impacts

Cumulative impacts with respect to land use and planning analysis are considered for cumulative development in the surrounding area. In event that Project development would exacerbate or otherwise

significantly influence nearby projects, mitigation would be required. The geographic context for the land use and planning cumulative impact analysis includes the jurisdiction of local and regional agencies including the City of Fontana, San Bernardino County and SCAG.

Land use impacts would not be cumulatively considerable if the Project, in conjunction with other past, present, and reasonably foreseeable future projects, would be designed or otherwise conditioned to maintain consistency with adopted land use plans and ordinances or be amended with the appropriate mitigation and conditions of approval. Implementation of the Project would neither physically divide an established community nor inhibit future development within the City in accordance with the City General Plan goals and policies. Given the Project's consistency, as well as the requirement for other future projects to be generally consistent with the land use policy framework, overall cumulative land use consistency impacts would be less than significant.

4.10.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.10.8 References

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4.11 NOISE

4.11.1 Introduction

This section of the Draft Program Environmental Impact Report (PEIR) will identify potential noise and vibration impacts associated with the development of the Updated Walnut Specific Plan Project (Project) within the City of Fontana (City). Specifically, the analysis describes the existing noise environment near the Project site; the regulatory framework that guided the analysis pursuant to federal, state, and local regulations; forecasts of future noise and vibration levels at surrounding land uses; and the potential for significant noise impacts.

4.11.2 Environmental Setting

Noise Concepts

Noise is generally defined as loud, unexpected, or unwanted sound typically associated with human activity. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. The definition of noise as unwanted sound implies that it has an adverse effect on people and their environment. Sound is composed of various frequencies; however, the human ear does not respond to all frequencies, being less sensitive to very low and high frequencies than to medium frequencies that correspond with human speech.

There are three conceptual components to noise: a noise source, a receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Noise sources can be classified in two forms: point sources, such as individual pieces of stationary or mobile equipment (pumps, heavy construction equipment), and line sources, such as a roadway with a large number of pass-by sources (motor vehicles).

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (μPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness.

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the noise's effect on people is largely dependent on the noise's total acoustical energy content, as well as the time when the noise occurs. The equivalent noise level (L_{eq}) represents the equivalent continuous sound pressure level over the measurement period, while the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 PM to

7:00 AM Most commonly, environmental sounds are described in terms of an average level (Leq) that has the same acoustical energy as the summation of all the time-varying events.

Sound-level meters adjust for the weight the human ear gives to certain frequencies, applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called "A weighting" and is commonly used in measurements of community environmental noise. The A weighted sound level (dBA) is determined to be the most appropriate unit of measure for community noise. The following noise descriptors are used in this evaluation:

- dB: The decibel (dB) scale is used to quantify sound intensity, with 0 dB corresponding roughly to the threshold of human hearing, and 120 to 140 dB corresponding to the threshold of pain.
- dBA: A-weighted decibels (dBA) are measured using a filter that de-emphasizes the frequencies below 1,000 hertz (Hz) and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies.
- L_{eq} : The energy-equivalent sound level (Leq) provides a single numerical value for noise measured over a specified period of time. The Leq is the noise exposure level for the given time period.
- L_{max} : The instantaneous maximum noise level (Lmax) measured during the measurement period.
- Ldn: The day-night average sound level (Ldn) is the average of the A-weighted sound levels occurring during a 24-hour period and accounts for the greater sensitivity of most people to noise at night. Ldn "penalizes" noise occurring between 10:00 PM and 7:00 AM by adding 10 dBA to nighttime noise levels.
- CNEL: Similar to Ldn the community noise equivalent level (CNEL) treats each evening noise event as though it were three, which adds a 4.77-dB "penalty" for noise events occurring between 7:00 PM and 10:00 PM. Nighttime events are multiplied by ten, which adds a 10-dB penalty to noise events occurring between 10:00 PM and 7:00 AM.

Vibration Concepts

Vibration tolerance typically depends on the structure types affected. Structural response to vibration is typically evaluated in terms of peak particle velocity (PPV). PPV is often used since it is related to the stresses experienced by the buildings. Various general standards are contained in the International Standards Organization's standards 3945, 4866, and 7626-1. Limits set by these standards indicate a low probability of structural damage occurring to common structures at a PPV of 2 inches per second (IPS). Older residential structures have a limit of 0.3 IPS to 0.5 IPS.¹ The Federal Transit Administration (FTA) identifies a vibration damage threshold criterion of 0.20 IPS for non-engineered timber and masonry buildings (i.e., fragile buildings) and 0.12 IPS for buildings extremely susceptible to vibration (i.e., fragile historic buildings).²

The FTA has identified the following three categories of vibration-sensitive uses:

¹ Caltrans, *Transportation and Construction Vibration Guidance Manual*, 2020.

² Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

- Category 1 – High Sensitivity Uses: Buildings where ambient vibration well below levels associated with human annoyance is essential for equipment or operations within the building. Typically uses covered in Category 1 include vibration-sensitive research and manufacturing facilities, hospitals, and university research operations.
- Category 2 – Residential Uses: Buildings where people sleep. Typical uses covered in Category 2 include residential, hotels, and hospitals.
- Category 3 – Institutional Uses: Buildings that do not have vibration-sensitive equipment, but still have the potential for activity interference. Typical uses covered in Category 3 include schools, churches, other institutions, and quiet offices.

Sensitive Receptor Locations

Some land uses are considered more sensitive to noise than others, due to the types of activities of the land use requiring quiet. Noise-sensitive zones are those areas having residential or semi-residential/commercial land uses, provided that conspicuous signs are displayed near the institution or facility. Existing noise-sensitive uses generally include the following:

- Gateway North Sub-District, located along Sierra Avenue and S. Highland Avenue: Single-family residences located adjacent to the Project site, south and east of the Project boundary. Houses are a minimum of 10 feet from the Sub-District area and separated by a block wall.
- Gateway Residential 4 Sub-District, located along Sierra Avenue between Walnut Street and Fern Street: Single-family residences located adjacent to the Project site, north, south, east, and west of the Project boundary. Houses are a minimum of 10 feet from the Sub-District area and separated by a block wall.
- Gateway South Sub-District, located between Sierra Avenue, Baseline Avenue, Mango Avenue, and Micallef Street: Single-family residences located on the opposite side of the surrounding roadways, approximately 50 feet from the Sub-District area boundary.
- Gateway East Sub-District, located along Baseline Avenue and Palmetto Avenue: Single-family residences located adjacent to the Project site, north and west of the Project boundary. Houses are a minimum of 10 feet from the Sub-District area and separated by a block wall. Single-family residences also located to the south along the opposite side of Baseline Avenue, approximately 90 feet away.

Ambient Noise Levels

The most common source of noise in the Project vicinity is from vehicular traffic. To characterize ambient sound levels at and near the four Project areas; Gateway North Sub-District, Gateway Residential 4 Sub-District, Gateway South Sub-District, and Gateway East Sub-District, eight 10-minute sound level measurements were conducted on Wednesday, January 10, 2024. Short-Term Noise Measurement 1 (ST-1) was taken on Sierra Avenue, in front of the Sunrise Senior Citizen Villa parking lot to capture noise levels at sensitive receptors west of Gateway Residential 4 Sub-District and Gateway South Sub-District. ST-2 was taken on Baseline Avenue to capture noise levels at sensitive receptors south of Gateway South Sub-District and Gateway East Sub-District. ST-3 was taken at the Melon Avenue cul-de-sac to capture noise levels at sensitive receptors adjacent to the Gateway East Sub-District. ST-4 was taken at Mango

Avenue to capture noise levels at sensitive receptors located east of the Gateway South Sub-District. ST-5 was taken at the corner of Micallef Street and Newport Avenue to capture noise levels at sensitive receptors north of the Gateway South Sub-District. ST-6 was taken at the Fern Street cul-de-sac to capture noise levels of sensitive receptors adjacent to the Gateway Residential 4 Sub-District. ST-7 was taken at the Wheeler Court cul-de-sac to capture noise levels at sensitive receptors located south of the Gateway North Sub-District. ST-8 was taken at the northwest corner of Acacia Court and Prospect Avenue to capture noise levels at sensitive receptors located east of Gateway North Sub-District. **Table 4.11-1: Sound Level Monitoring Results** summarizes the results of the noise measurements and **Figure 4.11-1: Noise Measurement Locations and Sensitive Receptors** identifies the location of each noise measurement.

Table 4.11-1: Sound Level Monitoring Results

Site	Location	Measurement Period	Duration	L _{eq} (dBA)
Short-Term Noise Measurements				
ST-1	Sierra Avenue, in front of Scenario Citizen Villa	10:32 AM – 10:42 AM	10 Minutes	64.7
ST-2	Baseline Avenue	10:52 AM – 11:02 AM	10 Minutes	68.2
ST-3	Cul-de-sac on Melon Avenue	11:09 AM – 11:19 AM	10 Minutes	54.7
ST-4	Mango Avenue	11:25 AM – 11:35 AM	10 Minutes	69.0
ST-5	Northeast corner of Micallef Street and Newport Avenue	11:41 AM – 11:51 AM	10 Minutes	56.1
ST-6	Cul-de-sac on Fern Street	11:56 AM – 12:06 PM	10 Minutes	49.6
ST-7	Cul-de-sac on Wheeler Court	12:56 PM – 1.06 PM	10 Minutes	49.8
ST-8	Northwest corner of Prospect Avenue and Acacia Court	1:13 PM – 1:23 PM	10 Minutes	48.4
Source: Noise measurements taken by Kimley-Horn, November 1, 2023. See Appendix F for noise measurement results.				

Buildings surrounding the Project areas are primarily residential, however there are retail uses to the north of Gateway North Sub-District and industrial/warehouse uses to the east of Gateway East Sub-District. The predominant existing noise source in these areas is vehicle traffic noise from State Route 210 (SR-210), Sierra Avenue, Mango Avenue, Baseline Avenue and truck traffic and loading dock noise from the warehouses east of Gateway East Sub-District. Secondary noise sources include general residential- and commercial-related activities, such as landscaping and refuse service activities.

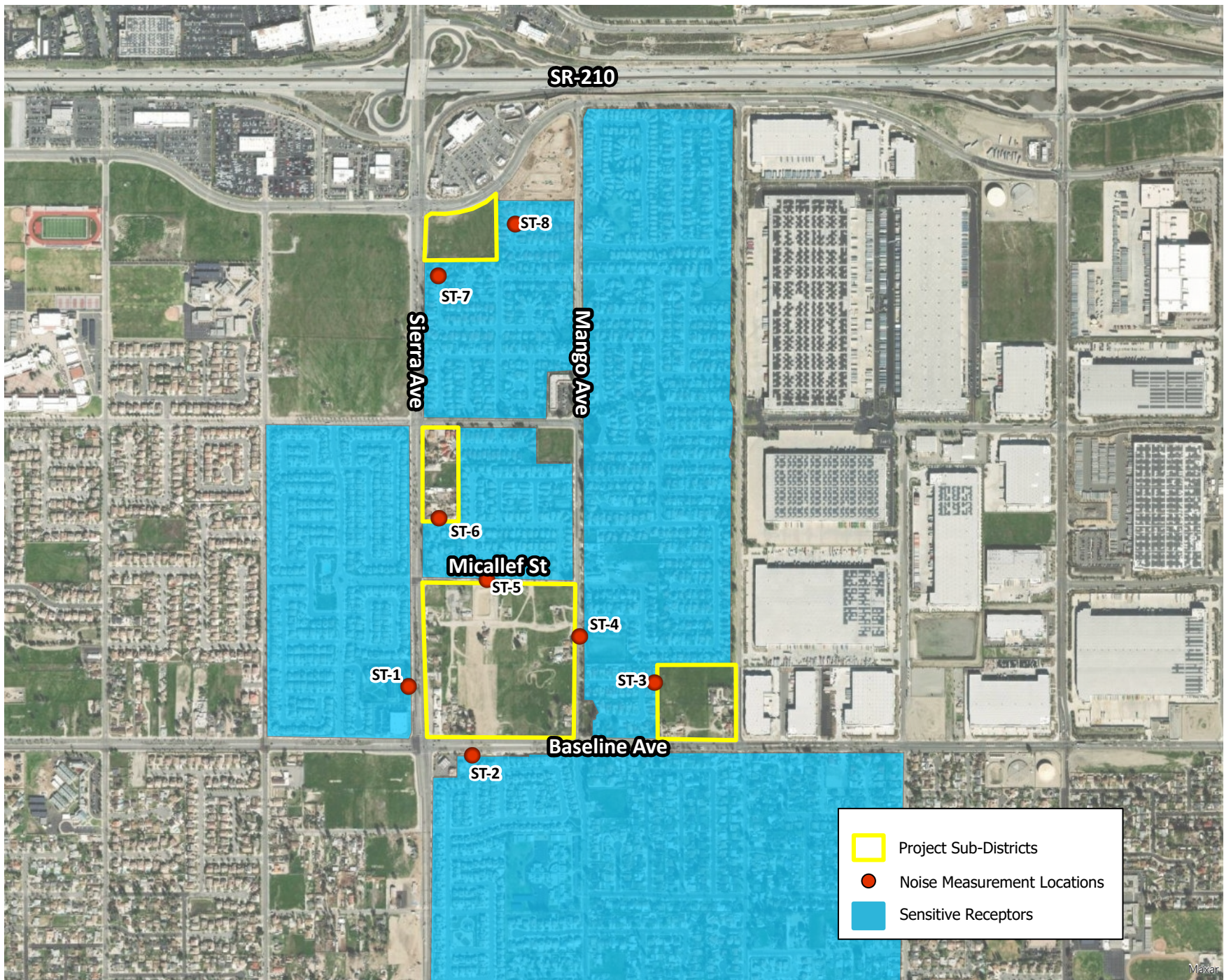


Figure 4.11-1: Noise Measurement Locations
Walnut Village Specific Plan Project, City of Fontana

4.11.3 Regulatory Setting

Federal

Federal Transit Administration Noise and Vibration Guidance

The Federal Transit Administration (FTA) has published the Transit Noise and Vibration Impact Assessment Report to provide guidance on procedures for assessing impacts at different stages of transit Project development. The report covers both construction and operational noise impacts and describes a range of measures for controlling excessive noise and vibration. The report establishes a threshold of 80 dBA (8-hour L_{eq}) for residential uses and 85 dBA (8-hour L_{eq}) for non-residential uses to evaluate construction noise impacts.³ In general, the primary concern regarding vibration relates to potential damage from construction. The guidance document establishes criteria for evaluating the potential for damage for various structural categories from vibration.

State

California Government Code

California Government Code §65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 Community Noise Equivalent Level (CNEL) and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility 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 located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

California General Plan Guidelines

The California General Plan Guidelines, published by the Governor’s Office of Planning and Research, provides guidance for the acceptability of specific land use types within areas of specific noise exposure.

³ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, Table 7-2, Page 179, September 2018.

Table 4.11-2: Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community’s sensitivity to noise, and the community’s assessment of the relative importance of noise pollution. OPR guidelines are advisory in nature. Local jurisdictions, including the City of Fontana, have the responsibility to set specific noise standards based on local conditions.

Table 4.11-2: Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50 – 60	55 - 70	70-75	75-85
Residential – Multiple-Family	50 – 65	60 - 70	70 – 75	70 - 85
Transient Lodging – Motel, Hotels	50 – 65	60 - 70	70 – 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 70	60 - 70	70 – 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 - 70	NA	65 - 85
Sports Arenas, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 – 70	NA	67.5 – 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 – 70	NA	70 – 80	80 - 85
Office Buildings, Business Commercial and Professional	50 – 70	67.5 - 77.5	75 – 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 – 75	70 - 80	75 – 85	NA
NA: Not Applicable; Ldn: average day/night sound level; CNEL: Community Noise Equivalent Level				
Notes: <u>Normally Acceptable</u> – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. <u>Conditionally Acceptable</u> – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice. <u>Normally Unacceptable</u> – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. <u>Clearly Unacceptable</u> – New construction or development should generally not be undertaken.				
Source: Office of Planning and Research, California, <i>General Plan Guidelines</i> , October 2003.				

Local

City of Fontana General Plan Update 2015-2035

Adopted on November 13, 2018, the Fontana Forward General Plan Update 2015-2035 (Fontana General Plan) identifies noise standards that are used as guidelines to evaluate transportation noise level impacts. These standards are also used to assess the long-term traffic noise impacts on specific land uses. According to the Fontana General Plan, land uses such as residences have acceptable exterior noise levels of up to 65 dBA CNEL. Based on the guidelines in the Fontana General Plan, an exterior noise level of 65 dBA CNEL is generally considered the maximum exterior noise level for sensitive receptors.

Land uses near these significant noise-producers can incorporate buffers and noise control techniques including setbacks, landscaping, building transitions, site design, and building construction techniques to reduce the impact of excessive noise. Selection of the appropriate noise control technique would vary depending on the level of noise that needs to be reduced as well as the location and intended land use. The City has adopted the Noise and Safety Element⁴ as a part of the updated Fontana General Plan. This Element specifies the maximum allowable unmitigated exterior noise levels for new developments impacted by transportation noise sources. Additionally, the Noise and Safety Element identifies transportation noise policies designed to protect, create, and maintain an environment free of harmful noise that could impact the health and welfare of sensitive receptors. The following Fontana General Plan goals, policies, and actions for addressing noise are applicable to the Project:

Noise and Safety Element

Goal 8: *The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035.*

Policy 8.2: Noise-tolerant land uses shall be guided into areas irrevocably committed to land uses that are noise-producing, such as transportation corridors.

Policy 8.4: Noise spillover or encroachment from commercial, industrial and educational land uses shall be minimized into adjoining residential neighborhoods or noise-sensitive uses.

Goal 10: *Fontana's residents are protected from the negative effects of "spillover" noise.*

Policy 10.1: 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.

City of Fontana Municipal Code

Standards established under the City of Fontana Municipal Code (Municipal Code) are used to analyze noise impacts originating from the Project. Operational noise impacts are typically governed by Fontana Municipal Code Sections 18-61 through 18-67. However, the City currently relies on delineated general industrial areas. According to the General Plan Noise and Safety section, these areas are buffered from residential uses through land use zoning that places either light industrial or commercial uses between the major manufacturers involved in heavy industrial uses and local residents. This separation of land uses meaning noise intrusion on conforming land uses is not a problem at this time.

Guidelines for non-transportation and stationary noise source impacts from operations at private properties are found in the Zoning and Development Code in Chapter 30 of the Fontana Municipal Code. Applicable guidelines indicate that no person shall create or cause any sound exceeding the City's stated noise performance standards measured at the property line of any residentially zoned property. Per

⁴ City of Fontana. (2018). *City of Fontana General Plan – Noise and Safety Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018>. (accessed April 2023).

Fontana Municipal Code Section 30-543(a), the performance standards for exterior noise is 65 dBA and the interior noise standard is 45 dBA.

The City has also set restrictions to control noise impacts from construction activities. Section 18-63(b)(7) states that construction noise that annoys or disturbs a person 50 feet from the property edge is prohibited other than between the hours of 7:00 AM and 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays, except in the case of urgent necessity or otherwise approved by the City of Fontana. Although the Fontana Municipal Code limits the hours of construction, it does not provide specific noise level performance standards for construction.

4.11.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- 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;
- Generation of excessive groundborne vibration or groundborne noise levels; or
- 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 thresholds presented above are qualitative and do not provide specific guidance regarding impact determination. No site-specific surveys or technical studies were conducted for this analysis. Future buildout of the Sub-District area is evaluated based on information contained in this EIR at a programmatic level.

Methodology and Assumptions

This analysis considers the State CEQA Guidelines, Appendix G thresholds, as described above, in determining whether the Walnut Village Specific Plan Project, including future development facilitated by the Walnut Village Specific Plan Project in the Sub-District areas, would result in a substantial temporary or permanent increase in noise or vibration, or if the Walnut Village Specific Plan Project area is within the vicinity of a private airport or airport land use plan. The evaluation was based on a review of regulations and determining their applicability to the Walnut Village Specific Plan Project.

4.11.5 Impacts and Mitigation Measures

Impact 4.11-1 *Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Level of Significance: Significant and Unavoidable

Construction Noise

Future development facilitated by the Walnut Village Specific Plan Project would result in construction noise generated from development activities. In general, construction would typically involve the following construction sequences: (1) site preparation and/or demolition; (2) grading and utilities construction; (3) building construction; (4) paving; and (5) architectural coatings. Such activities would require:

- Dozers and concrete/industrial saws during demolition;
- Dozers and tractors during site preparation;
- Excavators, graders, dozers, scrapers, and tractors during grading;
- Cranes, forklifts, generators, tractors, and welders during building construction;
- Pavers, rollers, and paving equipment during paving; and
- Air compressors during architectural coating.

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

As shown in **Table 4.11-2: Construction Equipment Noise Emission Levels**, typical construction equipment generates maximum noise levels at 50 feet from the noise source range between 80 dBA for backhoes and loading trucks, to 85-90 dBA for graders and excavators. Based on the close proximity of some residential uses to the Sub-District area boundaries (a minimum of 10 feet), construction noise levels would exceed the Project's significance threshold of 80 dBA at the nearest sensitive receptor location, without mitigation (refer to **Figure 4.11-1: Noise Measurement Locations and Sensitive Receptors** to see the location of residences surrounding each Sub-District).

Operating cycles for these types of construction equipment used may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). In general, construction noise can vary substantially from day to day, depending on the level of activity and the specific type of equipment in operation. Additionally, construction activities associated with future development facilitated by the Walnut Village Specific Plan Project is anticipated to occur in incremental phases over time based on market demand, economic, and planning considerations. As a result, construction-related noise would not be concentrated in any one particular area over the entire buildout of the Focus Area.

Table 4.11-2: Construction Equipment Noise Emission Levels

Type of Equipment	Acoustical Use Factor	Lmax at 50 feet (dBA)
Crane	16	81
Dozer	40	82
Excavator	40	81
Generator	50	81
Grader	40	81
Other Equipment (greater than five horsepower)	50	85
Paver	50	77
Pile Driver (impact)	20	101
Pile Driver (sonic)	20	96
Roller	20	80
Tractor	40	84
Truck	40	80
Welder	40	73

Source: Federal Highway Administration, Roadway Construction Noise Model (FHWA-HEP-05-054), 2006.

The noise levels calculated in **Table 4.11-3: Unmitigated Construction Noise Levels** show estimated exterior construction noise at the sensitive receptor nearest to each Project area. Construction noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor. Construction equipment would operate throughout the project site and the associated noise levels would not occur at a fixed location for extended periods of time.

Sensitive receptors nearest to Gateway North Sub-District are located east of the site, a minimum of 10 feet away and separated by a block wall. Sensitive receptors nearest Gateway Residential 4 Sub-District are located east of the site, a minimum of 10 feet away and also separated by a block wall. Sensitive receptors nearest to Gateway South Sub-District are located north of the site, approximately 50 feet away on the opposite side of Micallef Street. Sensitive receptors nearest Gateway East Sub-District are located west of the site, a minimum of 10 feet away and separated by a block wall.

Table 4.11-3: Unmitigated Construction Noise Levels

Construction Activities	Modeled Exterior Construction Noise Level at Nearest Receptor (dBA L _{eq})	Noise Threshold (dBA L _{eq})	Exceed Threshold?	Ambient Noise Level (dBA L _{eq})	Construction + Ambient Combined Noise Level (dBA L _{eq})	Exceed Threshold?
Gateway North Sub-District ¹						
Site Preparation	89.0	80	Yes	49.8	89.0	Yes
Grading	89.6		Yes		89.6	Yes
Construction	89.0		Yes		89.0	Yes
Paving	82.0		Yes		82.0	Yes
Architectural Coating	79.7		No		79.7	No
Gateway Residential 4 Sub-District ¹						
Demolition	89.8	80	Yes	49.6	89.8	Yes

Construction Activities	Modeled Exterior Construction Noise Level at Nearest Receptor (dBA L _{eq})	Noise Threshold (dBA L _{eq})	Exceed Threshold?	Ambient Noise Level (dBA L _{eq})	Construction + Ambient Combined Noise Level (dBA L _{eq})	Exceed Threshold?
Site Preparation	89.0		Yes		89.0	Yes
Grading	89.6		Yes		89.6	Yes
Construction	89.1		Yes		89.1	Yes
Paving	83.0		Yes		83.0	Yes
Architectural Coating	79.7		No		79.7	No
Gateway South Sub-District						
Demolition	83.9	80	Yes	56.1	83.9	Yes
Site Preparation	82.1		Yes		82.1	Yes
Grading	83.4		Yes		83.4	Yes
Construction	83.1		Yes		83.1	Yes
Paving	76.1		No		76.1	No
Architectural Coating	73.7		No		73.8	No
Gateway East Sub-District ¹						
Demolition	89.8	80	Yes	54.7	89.8	Yes
Site Preparation	88.0		Yes		88.0	Yes
Grading	89.5		Yes		89.5	Yes
Construction	86.0		Yes		86.0	Yes
Paving	83.0		Yes		83.0	Yes
Architectural Coating	79.7		No		79.7	No
Notes:						
¹ Nearest sensitive receptor are shielded by an existing block wall, reducing noise levels by approximately 8 dBA						
Source: Appendix F.						

The City’s Municipal Code does not establish quantitative construction noise standards. Instead, the Municipal Code establishes limited hours of construction activities. Municipal Code Section 18-63 states that construction activities may only take place between the hours of 7:00 AM and 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays, except in the case of urgent necessity or as otherwise approved by the City of Fontana. However, this analysis conservatively uses the FTA’s threshold of 80 dBA (8-hour L_{eq}) for residential uses and 85 dBA (8-hour L_{eq}) for non-residential uses to evaluate construction noise impacts.⁵

As indicated in **Table 4.11-3**, the Project’s estimated construction noise levels would exceed the FTA’s significance threshold of 80 dBA at all noise-sensitive receptor locations. To reduce the Project’s construction-related noise levels, implementation of Mitigation Measure (MM) **MM NOI-1**, which requires power construction equipment to be properly maintained and equipped with noise shielding and muffling devices, **MM NOI-2**, which requires that an impermeable sound barrier be constructed prior to any demolition/construction activities and remain for the duration of construction, and **MM NOI-3**, which requires compliance with a list of measures to respond to and track complaints related to construction

⁵ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-2, Page 179, September 2018.

noise. **Table 4.11-4: Mitigated Construction Noise Levels** provides the estimated construction noise levels at the nearest off-site noise-sensitive receptors with **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** incorporated.

As indicated in **Table 4.11-4**, despite implementing MM NOI-1 and MM NOI-2, construction noise levels would continue to exceed the FTA’s 80 dB threshold for all Sub-Districts except the Gateway South Sub-District. It is noted that construction equipment would move around on-site and not all equipment would operate at the closest point to sensitive receptors to the center of the construction activity area. Therefore, the analysis assumed simultaneous operation of the two loudest pieces of equipment were positioned closest to sensitive receptors and placed the remaining equipment at an average distance. The construction area would encompass a large area and would not concentrate all equipment at the construction area boundary. The nature of construction is such that all equipment is not (1) used simultaneously and (2) not used at the exact same location (because equipment serves different purpose) and equipment is spread across the construction area. This analysis assumes that the noisiest equipment would operate concurrently at the construction boundary closest to the nearest sensitive receptor reflects a conservative analysis. However, after limiting construction equipment noise at the source with the best available noise control technology and shielding residences with soundwalls, there are no additional feasible mitigation measures that could reduce construction noise below the FTA’s 80 dB threshold.

As previously noted, all future projects would be subject to the City’s development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. According to Municipal Code Section 18-63(b)(7), erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 AM and 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays are prohibited. Given that construction-related noise levels would exceed the FTA’s specified thresholds, it is conservatively concluded that the Project’s construction-related noise levels would result in a significant unavoidable impact.

Table 4.11-4: Mitigated Construction Noise Levels

Construction Activities	Modeled Exterior Construction Noise Level at Nearest Receptor (dBA L _{eq})	Noise Threshold (dBA L _{eq})	Exceed Threshold?	Ambient Noise Level (dBA L _{eq})	Construction + Ambient Combined Noise Level (dBA L _{eq})	Exceed Threshold?
Gateway North Sub-District ¹						
Site Preparation	85.0	80	Yes	49.8	85.0	Yes
Grading	85.6		Yes		85.6	Yes
Construction	85.0		Yes		85.0	Yes
Paving	78		No		78	No
Architectural Coating	75.7		No		75.7	No
Gateway Residential 4 Sub-District ¹						
Demolition	85.8	80	Yes	49.6	85.8	Yes
Site Preparation	85.0		Yes		85.0	Yes
Grading	85.6		Yes		85.6	Yes
Construction	85.1		Yes		85.1	Yes

Construction Activities	Modeled Exterior Construction Noise Level at Nearest Receptor (dBA L _{eq})	Noise Threshold (dBA L _{eq})	Exceed Threshold?	Ambient Noise Level (dBA L _{eq})	Construction + Ambient Combined Noise Level (dBA L _{eq})	Exceed Threshold?
Paving	79.0		No		79.0	No
Architectural Coating	75.7		No		75.7	No
Gateway South Sub-District ²						
Demolition	71.9	80	No	56.1	72.0	No
Site Preparation	70.1		No		70.3	No
Grading	71.4		No		71.5	No
Construction	71.1		No		71.2	No
Paving	64.1		No		64.7	No
Architectural Coating	61.7		No		62.8	No
Gateway East Sub-District ¹						
Demolition	85.8	80	Yes	54.7	85.8	Yes
Site Preparation	84.0		Yes		84.0	Yes
Grading	85.5		Yes		85.5	Yes
Construction	82.0		Yes		82.0	Yes
Paving	79.0		Yes		79.0	No
Architectural Coating	75.7		No		75.7	No
Notes:						
¹ Sensitive receptors shielded by an existing block wall only received an additional 4 dBA of noise reduction from mitigation. This estimate is conservative, and likely underestimates the full benefit of the MM NOI-1 and MM NOI-2 .						
² Implementation of MM NOI-1 and MM NOI-2 would achieve an approximately 12-dBA reduction in construction noise.						
Source: Appendix F.						

Operations Noise

Future development facilitated by the Walnut Village Specific Plan Project would result in additional housing, people, pets, and automobiles in the community. Noise is also likely to occur from stationary operation-related sources, such as heating, ventilation, and air conditioning (HVAC) units, water heaters, generators, lawn maintenance equipment, and swimming pool pumps. As noted, all future projects would be subject to the City’s development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements.

Some stationary noise sources, such as mechanical HVAC units located on the ground or on rooftops of the future structures, would have the potential to generate high noise levels. However, specific information on the HVAC units (locations, sizes, manufactures, models) associated with future residential and commercial development facilitated by the Walnut Village Specific Plan Project is not known. Noise levels generated by HVAC units vary, but typically range from approximately 50 to 65 dBA at a distance of 50 feet. Noise emitted from a single point source, such as an HVAC unit, decreases by about 6 dBA for each doubling of distance. Depending on a particular development site, stationary equipment such as generators and HVAC systems with exterior fans or condensers mounted on the ground or roofs could emit noise levels that exceed the City stationary noise source standard for residential uses of 55 dBA Leq during daytime hours and 45 dBA L_{eq} for nighttime hours. **MM NOI-4** requires that all stationary

equipment that exceeds the noise source standard for residential uses to be placed within an acoustical enclosure to reduce noise levels to the appropriate level.

Noise is also likely to occur from line sources, such as motor vehicle traffic. Future development facilitated by the Walnut Village Specific Plan Project would result in increased traffic volumes on local city roadways, thereby increasing cumulative noise levels. Given the City's largely developed nature, implementation of a new development would not be expected to significantly increase traffic volume on local roadways. Additional average daily trips (ADT) from future development facilitated by the Walnut Village Specific Plan Project would need to more than double current ADT for there to be a discernable difference in noise levels (i.e., more than 3 dBA increase). Sierra Avenue and Baseline Avenue have an ADT of 38,955 and 14,259 respectively after incorporating a 47 percent growth rate by 2040 as identified in the General Plan EIR.⁶ This traffic volume would have to double for there to be a discernable noise difference. Assuming all 11,874 vehicle trips generated by the Project traveled on Sierra Avenue and Baseline Avenue, these additional trips are not enough to double the ADT on these roadways. All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. This may include project-specific CEQA evaluation and preparation of technical analyses, including noise and traffic studies. Therefore, it is not anticipated that there would be a discernable noise difference that would be noticed by current or future residents.

Conclusion

Due to the close proximity of existing residential properties to proposed Sub-District construction locations, construction noise would remain significant and unavoidable. Compliance with **MM NOI-1** and **MM NOI-2** would minimize construction noise associated with future development through the use of site-specific noise reduction features. Specifically, **MM NOI-1** requires the use of the best available noise control techniques, as well as alternatives to pneumatic power tools and **MM NOI-2** requires the installation of a temporary noise barrier prior to construction. **MM NOI-3** requires compliance with a list of measures to respond to and track complaints related to construction noise. However, construction noise levels at the nearest sensitive receptors would remain above the FTA's construction noise threshold of 80 dBA for residential use, as a result, a significant and unavoidable impact would occur.

Mitigation Measures

- MM NOI-1** Demolition, grading, and building plan shall include measures to reduce construction-related noise impacts. The construction contractor shall implement the following noise reduction measures:
- Construction shall be limited to 7:00 AM to 6:00 PM on weekdays, 8:00 AM to 5:00 PM on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of

⁶ City of Fontana, *Fontana Forward General Plan Update 2015-2035 EIR*, Table 5.13-4 2040 Growth Projections.

intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible.

- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction). Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.

MM NOI-2

A temporary and impermeable sound barrier shall be constructed along all Project boundaries facing residential properties prior to construction and shall remain during construction. The temporary sound barrier shall be a minimum of 8.0-feet high and shall have a minimum Sound Transmission Class rating of STC-25, such as, acoustical barrier blanket (with STC-25 rating) or 3/4" thick exterior grade plywood. The sound barrier must be designed to meet a minimum 10 dBA attenuation.

MM NOI-3

Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

- A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and
- A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

MM NOI-4

As part of the Site Development Review Permit process for future development projects, the Applicant shall demonstrate that stationary noise sources do not exceed the City's stationary noise source standard of 55 dBA L_{eq} during daytime hours and 45 dBA L_{eq} for nighttime hours for residential uses. Stationary noise sources that exceed the City's standards shall be placed in an acoustical enclosure to reduce noise level to the required level.

Impact 4.11-2 *Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?*

Level of Significance: Less than Significant with Mitigation

Construction activities in the Sub-District areas have the potential to generate low levels of groundborne vibration from the operation of heavy equipment (i.e., dozer, excavator, grader, loader, scraper, and paver, etc.) that propagate through the ground and diminish in intensity with distance from the source. No high-impact activities, such as pile driving or blasting, would be used during Project construction. Adjacent single-family residential uses located approximately 10 feet from Sub-District area boundaries are the nearest off-site buildings that could be exposed to vibration levels generated from Project construction. However, construction equipment is unlikely to operate along the Sub-District area boundary, especially with existing block walls, therefore this analysis assumes construction equipment will maintain a distance of 25 feet from the nearest structure. Groundborne vibrations from construction activities very rarely reach the levels that can damage structures, but they may be perceived in buildings very close to a construction site.

The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second PPV) appears to be conservative even for sustained pile driving. Pile driving levels often exceed 0.2 inch/second PPV at distances of 50 feet, and 0.5 inch/second PPV at 25 feet without any apparent damage to buildings.

Additionally, the Caltrans' *Transportation and Construction Vibration Guidance Manual* (April 2020) provides a vibration damage potential threshold criteria for continuous sources of vibration of 0.12 inch/second PPV for Class IV buildings typically historic and very sensitive to vibration, 0.2 inch/second PPV for Class III buildings typically with wooden ceilings and walls in masonry, 0.3 inch/second PPV for Class II buildings typically built with foundation, floors, and walls in concrete or masonry, and 0.5 inch/second PPV for Class I buildings typically built from reinforced steel or reinforced concrete.

The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 25 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Construction activities associated with future development have the potential to generate low levels of groundborne vibration. **Table 4.11-5: Typical Vibration Levels for Construction Equipment**, identifies various vibration velocity levels for various construction equipment types.

Table 4.11-5: Typical Vibration Levels for Construction Equipment

Type Of Equipment	Approximate Peak Particle Velocity At 25 Feet	Approximate Peak Particle Velocity At 55 Feet
Large bulldozer	0.089	0.027
Loaded trucks	0.076	0.023
Small bulldozer	0.003	0.001
Auger/drill rigs	0.089	0.027
Jackhammer	0.035	0.011
Pile driver	0.644	0.197

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018.
 Notes: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018. Table 7-4. Calculated using the following formula:
 $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$
 Where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from FTA Transit Noise and Vibration Impact Assessment Manual, Table 7-4.
 D = the distance from the equipment to the receiver

Similar to noise, groundborne vibration would attenuate with distance. The groundborne vibration generated during construction activities would primarily impact vibration-sensitive land uses (i.e., nonengineered timber and masonry buildings) located adjacent to or near the construction activity. The force of vibrations reaching an adjacent structure would depend upon several variables, including the activity generating the vibrations, the distance between the source and the existing structure, and the type of soil or pavement found between the two. Based upon the vibration velocity levels provided in **Table 4.11-5**, vibration velocities from typical heavy construction equipment operations that could be used during construction activities range from 0.003 to 0.644 inch/second PPV at 25 feet from the activity. Thus, vibration velocities from typical pile driving at 25 feet from the activity source would exceed the 0.2 the inch/second PPV threshold. However, **Table 4.11-5** shows that vibration levels from pile driving would be below the 0.2 inch/second PPV threshold at 55 feet.

To lessen potential vibration-related impacts to adjacent sensitive uses, **MM NOI-5** limits heavy-duty construction equipment to within 25 feet of residential receptors and pile driving to within 65 feet of residential receptors. **MM NOI-6** requires contractors to notify affected residential property owners when large bulldozers, loaded trucks, and vibratory compactor/rollers will be operated within 50 feet of an occupied residence.

During operations, Project uses would not be anticipated to generate excessive groundborne vibration or groundborne noise. Future development facilitated by the Walnut Village Specific Plan Project would not involve industrial or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and noted that “heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic.” Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study found that “vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and moving at freeway speeds, and poor roadway conditions.

Since heavy trucks traveling on freeways do not generate vibration levels that exceed the 0.2 inch/second PPV threshold it can be inferred that Walnut Village Specific Plan Project related vehicles moving at relatively low speeds (not at freeway speeds) over smooth surfaces (not under poor roadway conditions) would not result in excessive groundborne vibrations. Operational activities associated with future development would not expose persons or structures to excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant, and no additional mitigation is required for operational uses.

Mitigation Measures

MM NOI-5 Use of high impact, heavy-duty equipment shall be limited to the extent feasible within 25 feet of residential receptors and piledriving shall be prohibited within 65 feet of residential receptors. Where feasible, equipment or alternative techniques that would generate vibration velocities not exceeding 0.04 in/sec PPV at 25 feet shall be utilized. These requirements shall be incorporated in contract specifications and included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

MM NOI-6 Prior to large bulldozers, loaded trucks, and vibratory compactor/rollers being operated in Sub-District areas within 50 feet of an occupied residence, the Project Contractor(s) shall notify the affected residential property owners in writing of upcoming construction including the anticipated start and end dates and hours of operation. This restriction does not apply to trucks on a public right-of-way. These requirements shall be incorporated in contract specifications and included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

Impact 4.11-3 *For or 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?*

Level of Significance: No Impact

The Walnut Village Specific Plan Project area is not located within the vicinity of a private airstrip or an airport land use plan. Therefore, there would be no impact.

4.11.6 Cumulative Impacts

Construction Noise. Construction activities within the project planning area as a result of the Walnut Village Specific Plan Project and cumulative projects may overlap, resulting in construction noise in the area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. The combination of the Walnut Village Specific Plan Project together with related present and reasonably foreseeable future projects, could involve actions with the potential to result in noise impacts. However, given that the Project's construction noise levels exceed FTA's 80 dBA threshold for residential uses, the Project's construction related noise levels would result in a significant and unavoidable impact.

Noise from construction of cumulative projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction sites, as construction noise would be attenuated by distance and intervening buildings, typical in an urban setting. No future construction projects have been identified within 500 feet of the Walnut Village Specific Plan Project, as a result, no cumulative construction-related noise impacts would occur.

Operational Noise. As discussed previously, new uses within the Focus Areas as a result of the Specific Plan could generate stationary noise levels exceeding City standards. Cumulative projects in the surrounding area could also create stationary noise source impacts. However, stationary noise sources in the Specific Plan area and cumulative projects would be required to prepare an acoustical analysis and mitigation measures to reduce noise levels to comply with the City's standards. In addition, future development within the Sub-District areas and cumulative development projects would be required to comply with city, state and federal guidelines regarding noise abatement and insulation standards. This would ensure that noise levels in the project planning area and surrounding areas are maintained within acceptable standards that prevent excessive disturbance, annoyance, or disruption. Additionally, future development would be subject to the development review process, which could include conditions of approval to minimize the exposure of residents to excessive noise to the furthest extent possible. Therefore, following compliance with federal, state, and local standards, the Project would result in less than significant stationary noise source impacts, and would not have a cumulatively considerable impact.

Future development facilitated by the Project and generated by cumulative projects would result in increased traffic volumes on local roadways, thereby increasing cumulative noise levels. Given the City's and surrounding communities' largely developed nature, implementation of a new development would not be expected to significantly increase traffic volume on local roadways.

Future development projects would adhere to noise regulations and comply with the development review process, which may require additional project-specific evaluation and preparation of technical studies including noise and traffic studies. Therefore, Project impacts would not be cumulatively considerable, and a less than significant impact would occur.

Vibration. As noted previously, construction vibration impacts associated with Project implementation would be reduced to a less than significant level with implementation of **MM NOI-5** and **MM NOI-6**. In addition, long-term operational groundborne vibration impacts would be less than significant, as the land uses identified in the Walnut Village Specific Plan Project would not generate excessive groundborne vibration. Therefore, vibration impacts of the proposed project would not be cumulatively considerable, and a less than significant impact would occur.

4.11.7 Significant Unavoidable Impacts

The Project would result in a significant and unavoidable impact related to construction noise. Despite implementation of construction noise mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3**, construction noise levels would exceed the FTA's construction noise threshold of 80 dBA for residential uses, resulting in a significant and unavoidable impact.

4.11.8 References

- Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual*. <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*. <https://www.fontanaca.gov/DocumentCenter/View/28271/Complete-Document---Approved-General-Plan-Documents-11-13-2018>.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035, Environmental Impact Report*. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.
- City of Fontana. 2023. *City of Fontana Municipal Code*. https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO.
- Federal Transit Administration (FTA). 2018. *Transit Noise and Vibration Impact Assessment Manual*. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

4.12 POPULATION AND HOUSING

4.12.1 Introduction

The section of the Draft Program Environmental Impact Report (PEIR) identifies existing conditions in the Updated Walnut Village Specific Plan Project (Project) area and evaluates the Project’s potential to induce substantial unplanned population growth or displace people or housing in a manner which would necessitate the development of additional housing elsewhere. Mitigation to avoid/reduce impacts is identified, as needed. To provide regional context, this section analyzes the Project’s estimated population, housing, and employment effects relative to the County of San Bernardino County) and the City of Fontana (City).

4.12.2 Environmental Setting

Population

County of San Bernardino

The California Department of Finance (DOF) has produced population estimates for cities and counties within the State of California (State). The DOF population estimates are derived by multiplying the number of occupied housing units by persons per household. The 2023 persons per household estimates are based on 2020 Census benchmark data, which is the most recent data available. According to the DOF, the County of San Bernardino (County) total population in 2023 was estimated to be 2,182,056 persons.¹ Group quarters, included within the table, are places in which people live or stay with others like senior housing facilities and college dorm living areas. Group quarters are usually owned or managed by an entity, which houses the residents and provides other services such as medical care and custodial assistance. **Table 4.12-1: San Bernardino County Existing Population** summarizes the County’s population in 2010, 2020, and 2022.

Table 4.12-1: San Bernardino County Existing Population

Unit	Existing			Change from 2010 to 2023	
	2010 ¹	2020 ²	2023 ²	Numeric	Percentage
Total Population	2,035,210	2,181,654	2,182,056	146,846	7.2%
Household Population	1,995,156	2,142,788	2,144,993	149,837	7.5%
Group Quarters	40,054	38,866	37,063	-2,991	-7.5%
Persons per Household	3.26	3.21	3.15	-0.11	-3.4%

Source:

(1) California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2010-2020, with 2010 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/>

(2) California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>

As shown in **Table 4.12-1**, the County’s total population and household populations have increased by approximately 7.2 percent, and 7.5 percent, respectively in the last 13 years while group quarter populations have decreased by approximately 7.5 percent. As with the individual and household

¹ California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>

population changes, the County’s average household size has decreased by approximately 3.4 percent over 13 years.

Future population growth demographic data is provided by the Southern California Association of Governments (SCAG) in their 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal. The Connect SoCal provides the goals and policies which guide growth within the region including growth projections for the region’s cities and counties towards year 2045. The County is a member agency within SCAG along with Imperial, Los Angeles, Orange, Riverside, and Ventura counties as well as incorporated cities and communities within them. **Table 4.12-2: San Bernardino County Projected Population**, summarizes both the DOF’s existing population estimates as of 2023, and the SCAG projections for the County for the years 2030, 2035, and 2045.

Table 4.12-2: San Bernardino County Projected Population

Unit	Existing	Projected			Change 2022 to 2045	
	2022	2030	2035	2045	Numeric	Percentage
Total Population	2,182,056	2,474,000	2,595,000	2,815,000	632,944	29.0%

Sources: California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
 SCAG. 2020. *Current Context Demographics and Growth Forecast Technical Report*. Page 29. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf

Population within the County is estimated to growth towards year 2045 by approximately 29 percent when compared to the estimated population of the County in 2023. This is approximately four times greater than the rate of total population growth experienced by the County from 2010 to 2023.

City of Fontana

According to the DOF, the City of Fontana (City) total population in 2023 was estimated to be 213,851 persons.² **Table 4.12-3: City of Fontana Existing Population** summarizes the City’s total and household population in 2010, 2020, and 2023, including the population change percentage from 2010 to 2023.

Table 4.12-3: City of Fontana Existing Population

Unit	Existing			Change from 2010 to 2022	
	2010 ¹	2020 ²	2023 ²	Numeric	Percentage
Total Population	196,069	208,734	213,851	17,782	9.1%
Household Population	195,625	208,276	213,393	17,768	9.1%
Group Quarters	444	458	458	14	3.2%
Persons per Household	3.98	3.82	3.74	-0.24	-6.0%

Source:
 (1) California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2010-2020, with 2010 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/>
 (2) California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>

As shown in **Table 4.12-3**, the City’s total population and household populations have changed by approximately 9.1 each in the last 13 years. Group quarter populations have also increased by

² Ibid.

approximately 3.2 percent in the last 13 years. The City’s average household size has remained largely consistent, only decreasing by approximately 6 percent over 12 years.

The Connect SoCal also provided forecasted population growth for the City towards year 2045. **Table 4.12 4: City of Fontana Projected Population**, below summarizes both the DOF’s existing population estimates as of 2022, and the SCAG projections for the City in year 2045.

Table 4.12-4: City of Fontana Projected Population

Unit	Existing	Projected	Change 2022 to 2045	
	2023	2045	Numeric	Percentage
Total Population	213,851	286,700	72,849	34.1%

Sources: California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
 SCAG. (2020). *Current Context Demographics and Growth Forecast Technical Report*. Page 39. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf

Population within the City is estimated to grow by approximately 34.1 percent by the year 2045 when compared to the estimated population of the City in 2023. This is approximately four times the rate of total population growth experienced by the City from 2010 to 2023.

Households and Housing

County of San Bernardino

Housing estimates are calculated using the existing housing units in a city or jurisdiction as the baseline housing stock and adding any new residential construction projects and land annexations while subtracting any residential unit demolitions. This updated value then defines the city or jurisdiction’s estimated housing units. As shown in **Table 4.12-5: Existing Housing Characteristics - San Bernardino County**, the County in 2023, contains 681,556 households with an average household size of 3.15 persons in 2023. These households occupy various residence types throughout the County. **Table 4.12-5** summarizes the housing types within the County and their estimated occupancies as of 2022.

Table 4.12-5: Existing Housing Characteristics - San Bernardino County

Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Total Units	Total Occupied Units	Vacancy Rate	Household Size
531,323	27,825	46,726	98,880	42,257	747,011	681,556	8.8%	3.19

Source: California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>

As shown in **Table 4.12-5: Existing Housing Characteristics - San Bernardino County**, 681,556 housing units out of the 747,011 total housing units are occupied, leaving 65,455 housing units unoccupied. Therefore, the County’s current vacancy rate equates to approximately 8.8 percent.

The County’s average household size of 3.15 persons was applied to the total occupied units which led to the estimation of 2,144,993 persons living within households. The remaining 37,063 persons of the

estimated total population are classified as occupying group quarters. Residents of group quarters are often unrelated.³ Group quarter information is reported by federal, state, and local agencies.

According to the Connect SoCal, the County’s household population is expected to increase to 875,000 by year 2045. The following **Table 4.12-6: Existing and Projected Households – San Bernardino County**, summarizes the existing 2022 households and projected households determined by the Connect SoCal for years 2030, 2035, and 2045. As shown in **Table 4.12-6** below, the County’s households are expected increase by 18.1 percent by the year 2045.

Table 4.12-6: Existing and Projected Households – San Bernardino County

Unit	Existing	Projected			Change 2022 to 2045	
	2023	2030	2035	2045	Numeric	Percentage
Total Households	681,556	751,000	793,000	875,000	193,444	28.4%

Sources: California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
SCAG. (2020). *Current Context Demographics and Growth Forecast Technical Report*. Page 29. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf

City of Fontana

As shown in **Table 4.12-7: Existing Housing Characteristics – City of Fontana**, the City’s housing characteristics in 2020 contains 675,032 households with an average household size of 3.19 persons in 2022. These households occupy various residence types throughout the County. **Table 4.12-7** summarizes the housing types within the County and their estimated occupancies as of 2022.

Table 4.12-7: Existing Housing Characteristics – City of Fontana

Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Total Units	Total Occupied Units	Vacancy Rate	Persons per Household
46,355	1,406	2,179	6,844	1,486	58,270	57,023	2.1%	3.74

Source: California DOF. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
SCAG. (2020). *Current Context Demographics and Growth Forecast Technical Report*. Page 39. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf

As shown in **Table 4.12-7**, 56,041 housing units out of the 57,483 total housing units are occupied, leaving 1,442 housing units unoccupied. Therefore, the City’s 2022 vacancy rate equates to 2.5 percent, which is approximately four times lower than the County’s 2022 vacancy rate of 8.9. The City’s average household size of 3.79 persons was applied to the total occupied units which led to the estimation of 212,351 persons living within households. The remaining 458 persons of the estimated total population are classified as occupying group quarters.

According to the Connect SoCal, the City’s household size is expected to increase to 875,000 by year 2045. The following **Table 4.12-8: Existing and Projected Households – City of Fontana**, summarizes the existing

³ USCB. 2021. *2020 Census Group Quarters Information*. Available at: <https://www.census.gov/newsroom/blogs/random-samplings/2021/03/2020-census-group-quarters.html> (accessed August 1, 2023).

2022 households and projected households determined by the Connect SoCal for year 2045. As shown in **Table 4.12-8** below, the City’s households are expected increase by 35.3 percent by the year 2045.

Table 4.12-8: Existing Housing Characteristics – City of Fontana

Unit	Existing	Projected	Change 2022 to 2045	
	2023	2045	Numeric	Percentage
Total Households	57,483	77,800	20,317	35.3%

Sources: California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>
SCAG. 2020. *Current Context Demographics and Growth Forecast Technical Report*. Page 29. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf

Employment

County of San Bernardino

The United States Census Bureau (USCB) has provided the employment estimates for the County through the 2021 America Community Survey 5-Year Estimates Data Profile. The County was estimated to contain a total civilian labor force population of 1,010,279 people. The USCB has provided the employment estimates for the County through the 2021 America Community Survey 5-Year Estimates Data Profile. Of this, 934,832 were employed.⁴ The County employment data provided by the America Community Survey is summarized in **Table 4.12-9: San Bernardino County Employment by Industry (2021)** below.

Table 4.12-9: San Bernardino County Employment by Industry (2021)

Industry	Amount	Percent of Workforce
Agriculture, forestry, fishing and hunting, and mining	5,876	0.63%
Construction	74,785	7.99%
Manufacturing	74,574	7.98%
Wholesale trade	30,933	3.31%
Retail trade	117,311	12.55%
Transportation and warehousing, and utilities	102,706	10.99%
Information	11,772	1.26%
Finance and insurance, and real estate and rental and leasing	42,698	4.57%
Professional, scientific, and management, and administrative and waste management services	87,669	9.38%
Educational services, and health care and social assistance	204,151	21.84%
Arts, entertainment, and recreation, and accommodation and food services	84,341	9.02%
Other services, except public administration	47,834	5.12%
Public administration	50,182	5.37%
Total	934,832	100%

Source: United States Census Bureau. 2022. 2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over. <https://data.census.gov/table?t=Employment&g=0500000US06071&tid=ACSS5Y2020.S2405>. (accessed August 1, 2023).

Education services, health care, and social assistance occupations make up the largest percentage of County’s 934,832-person workforce (21.8 percent). The lowest percentage of the County’s workforce has occupations within the agriculture industry (0.63 percent). In 2021, the County’s employment totaled

⁴ USCB. 2022. *2020 America Community Survey 5-Year Estimates Data Profiles*. Selected Employment Characteristics. <https://data.census.gov/cedsci/table?t=Employment&g=0500000US06071&tid=ACSDP5Y2020.DP03>. (accessed August 1, 2023).

934,832 jobs. When compared to the 2023 total housing units of 747,011 units (see **Table 4.12-5**), this leads to a jobs-to-housing ratio of 1.3:1.⁵ This means that, assuming the same levels of employment from 2021, there were 1.3 jobs for every housing unit in the County in 2023. A jobs-to-housing ratio greater than one implies there are more jobs in comparison to available housing in the County to accommodate the workforce, which would necessitate additional housing.

According to the 2020-2045 RTP/SCS, the County is projected to experience an increase in employment of 149,486 by 2045 for a total of 1,064,000 jobs.⁶ The County is also projected to experience an increase to 875,000 housing units. This would create a jobs-to-housing ratio of approximately 1.3:1, the same as in 2023.⁷ The County experienced a 7.5 percent unemployment rate in 2021.⁸ Although an unemployment rate exists in the County, additional housing creation in the County would support a better balance of jobs-to-housing ratio.

City of Fontana

The USCB has provided the employment estimates for the City through the 2021 America Community Survey 5-Year Estimates Data Profile. The City was estimated to contain a total civilian labor force population of 103,178 people. Of this, 96,716 were employed.⁹ The City employment data provided by the America Community Survey is summarized in **Table 4.12-10: City of Fontana Employment by Industry (2021)** below.

Table 4.12-10: City of Fontana Employment by Industry (2021)

Industry	Amount	Percent of Workforce
Agriculture, forestry, fishing and hunting, and mining	278	0.29%
Construction	8,788	9.09%
Manufacturing	8,535	8.82%
Wholesale trade	2,984	3.09%
Retail trade	11,154	11.53%
Transportation and warehousing, and utilities	15,197	15.71%
Information	1,248	1.29%
Finance and insurance, and real estate and rental and leasing	3,744	3.87%
Professional, scientific, and management, and administrative and waste management services	7,636	7.90%
Educational services, and health care and social assistance	19,490	20.15%
Arts, entertainment, and recreation, and accommodation and food services	7,456	7.71%
Other services, except public administration	5,155	5.33%
Public administration	5,051	5.22%
Total	96,716	100%
Source: United States Census Bureau. 2022. <i>2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over.</i> https://data.census.gov/table?t=Employment&g=1600000US0624680&tid=ACSDP5Y2021.DP03 . (accessed August 1, 2023).		

⁵ California DOF. 2021. *E-5 City/County Population and Housing Estimates*. Sacramento, CA: Department of Finance (accessed August 2022).

⁶ SCAG. 2020. *Current Context Demographics and Growth Forecast*. Page 29. Los Angeles, CA: SCAG (accessed August 2022).

⁷ Ibid.

⁸ USCB. 2023. *2021 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics*. <https://data.census.gov/table?t=Employment&g=0500000US06071&d=ACS+5-Year+Estimates+Subject+Tables&tid=ACSST5Y2021.S2301> (accessed February 2023).

⁹ USCB. 2023. *2021 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics*. <https://data.census.gov/table?t=Employment&g=1600000US0624680&tid=ACSDP5Y2021.DP03> (accessed February 2023).

Education services, health care, and social assistance occupations make up the largest percentage of City's 96,716-person workforce (20.1 percent). The lowest percentage of the City's workforce has occupations within the agriculture industry (0.29 percent). In 2021, the City's employment totaled 96,716 jobs. When compared to the 2023 total housing units of 58,270 units (see **Table 4.12-7**), this leads to a jobs-to-housing ratio of 1.7:1.¹⁰ This means that in 2023, there were 1.7 jobs for every housing unit in the City, assuming a similar employment rate. A jobs-to-housing ratio greater than one implies there an imbalance in favor of employees and a discrepancy of employment in an area to accommodate the workforce.

According to the 2020-2045 RTP/SCS, the City is projected to decrease to 75,100 employed by 2045 which represents a significant 27.4 percent decrease of employment between 2022 and 2045.¹¹ The City experienced a 6.2 percent unemployment rate in 2021.¹² Although there are suitable housing units in the City, additional job creation in the City would support a better balance of jobs-to-housing ratio.

4.12.3 Regulatory Setting

Federal

No federal laws, regulations, or executive orders concerning population and housing apply to this Project. Certain federal regulations that are applicable to the proposed Project, such as for Air Quality and Biological Resources, are discussed in the respective Chapters of the EIR.

State

Housing Crisis Act of 2019 - Senate Bill 330 (SB 330)

On October 19, 2019 Governor Newsom signed into the Housing Crisis Act of 2018 Senate Bill (330). In part, SB 330 was meant to reduce the time needed to obtain building permits and disallowing local governments from reducing the densities of areas designated for residential development. As it specifically pertains to the proposed Project and the proposed zone change, with a few exceptions, SB 330 bill prohibits a jurisdiction from changing the current zoning and land use designations in the general plan that would reduce the density of the use. For example, a jurisdiction cannot downzone a site from residential to another type of use or make changes, such as decreasing structure height limits or increasing setbacks, that would lessen the number of units that could be built on a given site. In addition, SB 330 forbids the jurisdictions from limiting land use approvals and placing moratoriums on housing development.¹³

California Planning and Zoning Law

The legal framework under which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000–66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan.

¹⁰ California DOF. 2021. *E-5 City/County Population and Housing Estimates*. Sacramento, CA: Department of Finance (accessed August 2022).

¹¹ SCAG. 2020. *Current Context Demographics and Growth Forecast*. Page 39. Los Angeles, CA: SCAG (accessed August 2022).

¹² USCB. 2022. *2020 America Community Survey 5-Year Estimates Data Profiles*. Selected Employment Characteristics. Retrieved from: <https://data.census.gov/cedsci/table?t=Employment&g=1600000US0624680> (accessed August 2022).

¹³ Holland & Knight, 2019. California Legislature Passes Housing Crisis Act of 2019 and Rent Control, Among Others. Available: <https://www.jdsupra.com/legalnews/california-legislature-passes-housing-78188/> (accessed August 2022).

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 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; and mitigation measures.

California Environmental Quality Act

CEQA establishes that a significant effect on the environment involves an adverse change to the physical environment. Pursuant to the State CEQA Guidelines, a project's impact related to land use planning is evaluated in terms of physically dividing an established community, compatibility with existing land uses and consistency with local plans and other local land use controls (i.e., general plans, zoning codes, specific plans, etc.) such that if conflicts do exist, would the conflict result in a significant environmental impact. This is discussed in additional detail in the methodology and impacts section below.

Regional

SCAG and Regional Housing Needs Assessment

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. It serves as a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region's MPO, SCAG cooperates with the South Coast Air Quality Management District, the California Department of Transportation, and other agencies in preparing regional planning documents. The socioeconomic estimates and projections are used for federal and state-mandated long-range planning efforts such as the RTP/SCS, the Air Quality Management Plan, the Federal Transportation Improvement Program, and the Regional Housing Needs Assessment (RHNA).

The RHNA is an assessment process performed periodically as part of Housing Element and General Plan updates at the local level. The RHNA quantifies the need for housing by income group within each jurisdiction during specific planning periods. The RHNA is used in land use planning, to prioritize local resource allocation and to help decide how to address existing and future housing needs. The RHNA allows communities to anticipate growth, so that collectively the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

Southern California Association of Governments Connect SoCal

On September 3, 2020, SCAG adopted the 2020-2045 RTP/SCS or Connect SoCal, which places a greater emphasis than ever on sustainability and integrated planning. The Connect SoCal vision encompasses a long-range visioning plan that balances future mobility and housing needs with economic, environmental,

and public health goals. The Connect SoCal includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the state and the federal government, is updated by SCAG every four years as demographic, economic, and policy circumstances change. The Connect SoCal is a living, evolving blueprint for the region’s future.

Local

City of Fontana General Plan Update 2015-2035

The General Plan was recently updated in November 2018 and covers a broad range of topics in 16 chapters, including goals, policies, and actions on all aspects of community life-affecting future physical development. The City’s General Plan is the guiding document that provides residents, elected officials, business owners, and other stakeholders with direction on how to meet the needs of a growing city and provides a greater quality of life for its current and future residents. The GP contains the following chapters: Community and Neighborhood; Housing; Building a Healthier Fontana; Conservation, Open Space, Parks and Trails; Public and Community Services; Community Mobility and Circulation; Infrastructure and Green Systems; Noise and Safety; Sustainability and Resilience; Economy, Education and Workforce Development; and Land Use, Zoning, and Urban Design.

Economy, Education, and Workplace Development Element

The City of Fontana Economy, Education, and Workplace Development Element¹⁴ sets forth the goals and policies over the next 20 years for the physical development of Fontana as it relates to the economy and other development elements. This element represents the guide for decision-makers on enhancing prosperity and economic well-being within the City.

Goal 1 Promote a diversified economy that builds on existing business sectors and develops, attracts and retains future job-creating sectors.

Policies

- Support resources for the City’s economic development department to develop and implement strategies to attract and grow businesses that provide tax revenue and opportunities for diversified and high-paying jobs for Fontana residents.
- Support initiatives for entrepreneurship in potential growth sectors.
- Leverage the resources of organizations such as the San Bernardino County Economic Development Agency and the Workforce Investment Board to help Fontana businesses promote in-city jobs and help residents find local job opportunities.

Goal 3 Plan Fontana as a “complete community” with a balance of diverse neighborhoods, amenities, services, and infrastructure that supports a qualified workforce and attracts business.

¹⁴ City of Fontana. (2018). *City of Fontana General Plan – Economy, Education, and Workplace Development Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26752/Chapter-13---Economy-Education-adn-Workplace-Development> (accessed August 2022).

- Seek partners with other governmental agencies to provide planning and funding resources to build infrastructure necessary to support new development.

Goal 4 **Revitalize Fontana’s downtown and Sierra Avenue corridor to provide an attractive area for new businesses to locate and create a lively center of government, education, medical care, arts, culture and entertainment, restaurants and new housing.**

Policy

- Promote initiatives to attract housing in the downtown vicinity for households of all types as a way to support new retail, restaurant, and entertainment options in downtown.

4.12.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning population and housing. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on population and housing if it would:

- Include 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); and/or
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Methodology

The Project’s demographics were examined in the context of existing and projected population for the County and consistency with relevant planning documents is considered. Information on population, housing, and employment for the Project area is available from several sources including the Connect SoCal and population and housing data from the DOF and America Community Survey.

Approach to Analysis

This analysis examines the Project’s potential impacts on population and housing based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that the Project would or would not result in “significant” adverse effects on population and housing considers the established population and housing plans for the County and reviews any deviation from these plans in the analysis of the Project.

4.12.5 Project Impacts and Mitigation

Impact 4.14-1 *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)?*

Level of Significance: Less than Significant

Construction and Operations

Most of the residential land use designations within the WVSP is Residential Planned Community (R-PC) with an allocated density between 3.0-6.4 du/ac. Additionally, a small portion of land was designated for Medium Density Residential (R-M) with an allocated density between 5.1-12 du/ac.¹⁵ Mixed use commercial development is also included within the Project area. As part of the existing WVSP, the current commercial land use designations include Community Commercial (C-C) with an allocated Floor Area Ratio (FAR) between 0.1-1.0.¹⁶ The Project proposes an increased intensity for commercial development and an increase to residential densities from previously allocated densities and intensities as outlined in the original WVSP. **Table 4.12-11: Comparison of Existing and Proposed Development Plan** below provides a comparison between estimates made for the original WVSP and the estimates included in the proposed Project.

Table 4.12-11: Comparison of Existing and Proposed Development Plan

Sub-District	Original/Proposed	Max Density	Max FAR	Max Units	Max Sqft
Gateway North	Original	–	1.0 FAR	–	1,084,644 sqft
	Proposed	39 du/ac	0.5 FAR	200 units	111,570 sqft
Gateway Residential 4	Original ¹	12 du/ac	–	62 units	–
	Proposed	15 du/ac	–	53 units	–
Gateway South	Original	4.0 du/ac	–	162 units	–
	Proposed	39 du/ac	1.0 FAR	1,980 units	1,373,620 sqft
Gateway East	Original	4.5 du/ac	–	45 units	–
	Proposed	39 du/ac	0.5 FAR	175 units	97,763 sqft
Total Original				269 units	1,084,644 sqft
Total Proposed				2,408 units	1,582,953 sqft
Net Change				2,139 units	498,309 sqft

As shown in **Table 4.12-7**, the Project would allow for the development of an additional 2,139 housing units within the City. Utilizing the City’s 3.74-person average household size for 2023, this would equate to approximately 8,000 additional residents. This would generate an approximately three percent growth of the City’s current population, lower than the SCAG-projected 9.1 percent growth through 2045.

Anticipated population growth in the City has been accommodated as part of the City’s General Plan and Housing Element Update. This Project would be completed as a result of the City’s adopted Housing Element Update, which contained goals intended to grow housing stock within the City in order to meet the City’s RHNA allocation. Although future development facilitated by this Project may include

¹⁵ City of Fontana. 2022. *General Plan Land Use Map*. Available at: <https://www.fontanaca.gov/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=>. (Accessed July 2023).

¹⁶ Ibid.

infrastructure improvements which may induce population growth, future development facilitated by the Project would be subject to all applicable City and State policies and requirements and would need to conduct adequate environmental review as well as comply with adopted programs and policies.

Commercial development facilitated by the Project would allow for up to 498,309 sqft of community commercial uses. While the Project would allow for this scale of development, individual future developments would be required to undergo environmental review, including analyses regarding impacts to population. Future development of the commercial areas of the Project site would generate employment needs which could be facilitated by the residential uses proposed within the Project. The 8,000 residents generated by the Project would be able to fill employment positions generated by the community commercial uses facilitated by the Project. As the Project is being developed due to the programs provided in the City's Housing Element Update and would not generate a substantially increased population, impacts due to population growth would be less than significant and no mitigation would be required.

Mitigation Measures

No mitigation is required.

Impact 4.14-2 ***Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

Level of Significance: No Impact

Construction and Operations

Existing development in WVSP contains a mix of both residential and commercial development. The Project does not propose additional land use designations, but instead proposes an increase in density and intensity standards associated with residential and commercial uses (see **Table 4.12-7**). The Project's four sub-districts incorporate development of underutilized and vacant land. An increase in density standards for residential development would not displace existing people or housing, but rather accommodate additional growth and no impact would occur.

Mitigation Measures

No mitigation is required.

4.12.6 Cumulative Impacts

Projects considered for cumulative impacts on population and housing would be those in a geographic proximity to the proposed Project. Although increased densities for planned residential development within the Project area would induce local population growth, additional growth has been accommodated as part of the City's General Plan and Housing Element Update and has been analyzed in this PEIR to have a less than significant impact. Additionally, the PEIR concluded that no impacts would occur regarding population displacement. The Project is aligned with population and housing objectives outlined in SCAG's RTP/SCS and the City's General Plan Housing Element as it would increase job opportunities and provide

diverse housing types within vacant and underutilized land. Therefore, Project implementation would not contribute to an existing cumulative impact, resulting in a less than significant impact.

4.12.7 Significant Unavoidable Impacts

No significant unavoidable impacts have been identified.

4.12.8 References

California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, with 2020 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>.

California DOF. (2022). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2010-2020, with 2010 Benchmark*. Sacramento, CA: Department of Finance. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/>.

SCAG. 2020. *Current Context Demographics and Growth Forecast Technical Report*. Page 29. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf.

SCAG. (2020). *Current Context Demographics and Growth Forecast Technical Report*. Page 39. Los Angeles, CA: SCAG. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf.

United States Census Bureau. 2022. 2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over. <https://data.census.gov/table?t=Employment&g=1600000US0624680&tid=ACSDP5Y2021.DP03>.

United States Census Bureau. 2022. 2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over. <https://data.census.gov/table?t=Employment&g=0500000US06071&tid=ACSST5Y2020.S2405>.

4.13 PUBLIC SERVICES

4.13.1 Introduction

The section identifies existing conditions in the Project area and evaluates the Project’s potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Mitigation to avoid/reduce impacts is identified, as needed. Public services are those entities that serve the City of Fontana’s (City) residents, businesses, and community members. Public services information was acquired through review of various readily available data in public records, including local planning documents. Refer to **Section 4.14: Recreation**, for potential impacts concerning parks and recreation. For purposes of this analysis, the term “public services” includes fire protection, police protection, emergency medical services, public schools, and libraries. Information used to prepare this section includes resources from:

- City of Fontana. (2018). City of Fontana General Plan – Public and Community Services

4.13.2 Environmental Setting

Fire Protection

The Project would receive fire protection services from the Fontana Fire Protection District (FFPD). These services include emergency, prevention and administrative services that are provided through a contract with the San Bernardino County Fire Protection District (SBCFPD). The City also has automatic and mutual aid agreements with the City of Rancho Cucamonga Fire Protection District. The SBCFPD provides a wide range of services including but not limited to community safety training, fire code enforcement, hazardous materials management, alert and warning systems, firefighting, and emergency medical services. The SBCFPD service boundary includes the entirety of the County and separates it into six divisions. The City, including the County’s areas within the City’s Sphere of Influence (SOI), are located in Division 1 of the SBCFPD’s service boundary.¹ The closest SBCFD station to the Project site, is County Fire Station 78 located at 7110 Citrus Ave, Fontana CA, 92336, approximately 1.6 miles to the west; and County Fire Station 71 located at 16980 Arrow Blvd, Fontana, CA, 92335, approximately 2.0 miles to the south.

Police Protection

The Fontana Police Department (FPD) provides police services for the Project site. There is FPD station located at 17005 Upland Avenue, Fontana, CA 92335, approximately 1.8 miles south of the Project site. The FPD also has a close working relationship with the surrounding agencies of Rialto Police, Rancho Cucamonga Police, Riverside, and San Bernardino Sheriff.² There is a San Bernardino County Sheriff’s Department station located at 17780 Arrow Blvd., Fontana, CA 92335, approximately 2.8 miles southeast of the Project site.

¹ SBCFPD. (2019). San Bernardino County Fire FY 18-19 Annual Report. Retrieved from: <https://www.sbcounty.gov/uploads/SBCFire/documents/About/2018-19AnnualReport.pdf> (accessed July 2018).

² Fontana Forward General Plan Update 2015-2035. DEIR Page 5.12-1. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed April 2023).

The FPD provides administrative and field services, special operations, and professional support services. The FPD is recognized at the state and national levels for award-winning community oriented policing programs and consists of 188 sworn officers providing law enforcement services 24 hours a day, 365 days a year.³ The patrol unit act as the point of contact for the general public and is the largest unit within the department. The patrol units' responsibilities include apprehending criminals, enforcing all laws, investigating crimes, and working towards the prevention of crime. The City of Fontana is broken into four areas for patrol. Gateway North includes all areas north of Interstate (I) -210; Gateway Residential 4 includes the area from I-210 south to Foothill Boulevard; Gateway South includes the area between Foothill Boulevard and I-10; and Gateway East includes all areas south of I-10.⁴ The Project site is located in Gateway Residential 4.

Schools

The Project site lies within the Fontana Unified School District (FUSD).⁵ The nearest schools to the Project site are Mango Elementary School located at 7450 Mango, Fontana, CA 92336, approximately 0.6 mile to the south; Wayne Ruble Middle School located at 6762 Juniper Ave, Fontana, CA 92336, approximately 0.9 mile to the north; A.B. Miller High School, located at 6821 Oleander, Fontana, CA 92336, approximately 1.1-miles northwest to the Project site.

Parks

Parks and recreation areas within the City are managed by City of Fontana Facilities & Parks Department. The City of Fontana maintains over 40 parks, sports facilities, and community centers.⁶ The nearest parks to the Project site are Almeria Park located at 7250 Almeria Ave, Fontana, CA 92336, approximately 2.1-miles west of the Project site; Koehler Park located at 15352 Walnut St, Fontana, CA 92336, approximately 2.4-miles north west of the Project site; and Cambria Park located at 17140 Cambria Avenue, Fontana, CA 92336, approximately 1 mile north east of the Project site.

Other Public Facilities

Other Public Facilities generally refers to libraries and government buildings that serve the population within the jurisdiction. The Fontana Lewis Library & Technology Center is located at 8437 Sierra Avenue, Fontana, CA 92335, located approximately 2.1 miles south of the Project site.

4.13.3 Regulatory Setting

Federal

Federal Emergency Management Act

In March 2003, the Federal Emergency Management Act (FEMA) became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also

³ City of Fontana. Police Department. Retrieved from: <https://www.fontana.org/112/Police-Department>. (Accessed July 2023)

⁴ City of Fontana. Police Department. Patrol Unit. Retrieved from: <https://www.fontana.org/206/Patrol-Unit>. (Accessed July 2023)

⁵ Fontana Unified School District. Retrieved at: <https://www.fusd.net/Page/577>. (Accessed April 2023)

⁶ City of Fontana. Facilities & Parks. Retrieved from: <https://www.fontanaca.gov/156/Facilities-Parks> (Accessed July 2023)

initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

Fire Prevention and Control Act of 1974

The Federal Fire Prevention and Control Act of 1974 was created to reduce the nation's losses caused by fire through better fire prevention and control, supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments. In addition, the act established the U.S. Fire Administration and the Fire Research Center within the Department of Commerce. The Fire Prevention and Control Act established an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration's (OSHA) mission is to "assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance." The agency is also charged with enforcing a variety of whistleblower statutes and regulations.

Emergency Action Plan

All businesses are required under OSHA standards to prepare an emergency action plan (EAP) kept in the workplace that provides procedures to be followed by all employees for reporting a fire or other emergency and emergency evacuation, including type of evacuation and exit route assignments. Employers are required to have and maintain an employee alarm system, provide training, and review the EAP with each employee covered by the plan.

Fire Prevention Plan

Businesses are required under OSHA standards to prepare a fire prevention plan that, at a minimum, must include procedures to control accumulations of flammable and combustible waste materials, and for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials. Furthermore, the fire prevention plan must contain the names and/or job titles of employees responsible for maintaining equipment to prevent or control sources of ignition or fires, and for the control of fuel source hazards.

Disaster Mitigation Act of 2000

This Act (42 United States Code [USC] Section 5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC Section 5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities.

Some of the major provisions of this Act include:

- i. Funding pre-disaster mitigation activities;

- ii. Developing experimental multi-hazard maps to better understand risk;
- iii. Establishing state and local government infrastructure mitigation planning requirements;
- iv. Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v. Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in Section 322 of this Act establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation [AIM]) to be included in county government plans. Counties that fail to develop an infrastructure mitigation plan may have their federal share of damage assistance reduced from 75 percent to 25 percent if the facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 (42 USC Section 12181) prohibits discrimination on the basis of disability in public accommodation and state and local government services. Under the ADA, the Architectural and Transportation Barriers Compliance Board issues guidelines to ensure that facilities, public sidewalks, and street crossings are accessible to individuals with disabilities. Public play areas, meeting rooms, park restrooms, and other buildings and park structures must comply with ADA requirements.

International Fire Code

The International Fire Code (IFC) regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC includes general and specialized technical fire and life safety regulations addressing fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other topics. The IFC is issued by the International Code Council, an international organization of building officials.

Federal Emergency Management Act

In March 2003, the Federal Emergency Management Act (FEMA) became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

State

California Penal Code

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct,

and training for peace officers. Under state law, all sworn municipal and county officers are state peace officers.

California Code of Regulations Title 24 (California Building Standards Code)

California Code of Regulations (CCR) Title 24, also known as the California Building Standards Code (CBSC), includes regulations for how buildings are designed and constructed, and are intended to ensure the maximum structural integrity and safety of private and public buildings. The CBSC, which applies to all applications for building permits, consists of 12 parts that contain CBSC administrative regulations for all State agencies that implement or enforce building standards. Local agencies must ensure the development complies with the CBSC standards. Cities and counties can adopt additional standards beyond the CBSC including CBSC Part 2, named the California Building Code (CBC).

California Code of Regulations Title 24 Part 2 - California Building Code

The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards 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 and certain equipment.

CBC Chapter 7A, (CBC, Title 24, Part 2) primarily focuses on preventing ember penetration into homes, a leading cause of structure loss from wildfires. Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and urbanized areas adjacent to wilderness. Developments situated in Very High Fire Hazard Severity Zones (VHFHSZ) require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities.

California Code of Regulations Title 24 Part 9 – California Fire Code

The California Fire Code (CFC) contains regulations consistent with nationally recognized accepted practices for safeguarding, to a reasonable degree, life, and property from various hazards, including fire and explosion, among others. The CFC also contains provisions to assist emergency response personnel. The CFC is pre-assembled with the International Fire Code with necessary California amendments. The CFC contains fire safety-related building standards that are referenced in other parts of CCR Title 24. The CFC is updated once every three years; the 2022 CFC took effect on January 1, 2023. The CFC sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. The CFC provides minimum standards to increase the ability of a building or structure to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in fire losses through the use of performance and prescriptive requirements.

Title 8, California Code of Regulations Sections 1270 and 6773

In accordance with CCR, Title 8 Section 1270 “Fire Prevention” and Section 6773 “Fire Protection and Fire Equipment,” the California Occupational Safety and Health Administration (Cal-OSHA) has established

minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

Mitigation Fee Act

The California Mitigation Fee Act (California Government Code [CGC] Section 66000 et seq.) mandates procedures for administration of impact fee programs, including collection and accounting, reporting, and refunds. A development impact fee is a monetary exaction other than a tax or special assessment that is charged by a local governmental agency to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code Section 13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2022 CBSC and related updated codes.

Assembly Bill 2926, California Government Code Section 65995, California Education Code Section 17620, and SB 50

California has traditionally been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill (AB) 2926 in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees were also referenced in the 1987 Leroy Greene Lease-Purchase Act and the Leroy F. Greene School Facilities Act of 1998, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction and create a new state program requiring the board to provide funding per pupil.

Government Code Section 65995 authorizes school districts to collect impact fees from developers of new residential and commercial/industrial building space. Senate Bill (SB) 50 amended CGC Section 65995 in 1998. Under the provisions of SB 50, schools can collect fees to offset costs associated with increasing school capacity resulting from development.

California Education Code Section 17620, et seq., allows school district governing boards to collect impact fees from developers of new industrial, commercial, and residential construction.

The provisions of SB 50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate and reinstate the school facility fee cap for legislative actions (e.g., general plan amendments, specific plan adoption, zoning plan amendments). Accordingly, these provisions limit the scope of impact review in an EIR, the mitigation that can be imposed, and the findings a Lead Agency must make in justifying its approval of a Project (CGC Sections 65995-65996). According to CGC Section 65996, the provisions of Chapter 4.9, including development fees

authorized by SB 50, are deemed to be “full and complete school facilities mitigation....” These provisions remain in place as long as subsequent state bonds are approved and available.

California State Assembly Bill 97 (AB 97)

Approved in July 2013, AB 97 revises existing regulations related to financing for public schools, by requiring State funding for county superintendents and charter schools that previously received a general-purpose entitlement. The bill authorizes local educational agencies to spend, for any local educational purpose, the funds previously required to be spent for specified categorical education programs, including, among others, programs for teacher training and class size reduction.

Mutual Aid Agreements

The Emergency Management Mutual Aid (EMMA) system is a collaborative effort between city and county emergency managers in the Office of Emergency Services (OES) in the coastal, southern, and inland regions of the state. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of EMMA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the Mutual Aid Agreements, local and state emergency managers have responded in support of each other under a variety of plans and procedures.

California Governor’s Office of Emergency Management Agency

In 2009, the State of California passed legislation creating the California Governor’s Office of Emergency Management Agency (Cal-EMA) and authorizing it to prepare a Standardized Emergency Management System (SEMS) program (Title 19 CCR Section 2400 et seq.), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Cal-EMA serves as the lead state agency for emergency management in the state. Cal-EMA coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system. In California, the SEMS provides the mechanism by which local government requests assistance. Cal-EMA serves as the lead agency for mobilizing the state’s resources and obtaining federal resources; it also maintains oversight of the state’s mutual aid system.

The Quimby Act

The Quimby Act (California Government Code, Section 66477) was established by the California legislature in 1965 to develop new or rehabilitate existing neighborhood or community park or recreation facilities. This legislation was enacted in response to the need to provide parks and recreation facilities for California’s growing communities. The Quimby Act gives the legislative body of a city or county the authority, by ordinance, to require the dedication of land or payment of in-lieu fees, or a combination of

both, for park and recreational purposes as a condition of approval of a tract map or parcel map. The Quimby Act is implemented through City Ordinance and is discussed further below.

Local

City of Fontana General Plan Update 2015-2035

Public and Community Services

This Element⁷ of the Fontana Forward Plan focuses on three important aspects of municipal service provision: public safety, public facilities, and the many services provided by the Community Services department. Fontana residents are generally very satisfied with the public services and facilities provided by the City. Continuing this high level of service provision while making improvements is the theme of this element of the plan.

Goal 1 Fontana’s crime rate continues to be below state and county rates.

Policy

- Continue the Police Department’s successful community policing programs.
- Provide appropriate security for new amenities, such as trails and parks.
- Support Police Department needs for staff and technology to keep up with population growth and contemporary policing methods.
- Promote and enhance use of anti-crime design strategies and programs.

Goal 2 Fontana’s Fire Department meets or exceeds state and national benchmarks for protection and responsiveness.

Policy

- Continue the City’s successful partnership with the San Bernardino County Fire Department.

Goal 3 The City of Fontana has modern, well-maintained public facilities that meet the needs of residents of all ages, business community, and government.

Policy

- Support development of a City facilities master plan and use an asset management system for all City property.
- Support initiatives to reduce energy costs in public facilities.
- Develop an “Aging in Fontana” plan to prepare to serve an increasing number of senior citizens.

Goal 5 New community centers, parks, and facilities are located in the context of multimodal networks for maximum accessibility.

⁷ City of Fontana. (2018). *City of Fontana General Plan – Public and Community Services*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26747/Chapter-8---Public-and-Community-Services> (Accessed July 2023).

Policy

- Locate community facilities to take maximum advantage of access by walking, biking, and bus, as well as cars.

Noise and Safety

The Noise and Safety Element⁸ 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. Goals and policies of the Noise and Safety Element protect residents and areas from wildland and urban fire, and other natural and manmade disasters. Additionally, the Noise and Safety Element provides policy direction that supports laws and regulations related to safety hazards as well as policies that support the guiding principles established for the Fontana GP.

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.

Policy

- 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.

Fontana Municipal Code Chapter 11, Section 11.2

Any new development or improvement of real property within the limits of the City shall be subject to the imposition of fees for capital improvements necessary to provide fire protection services. Pursuant to article VI of Chapter 21 of the Fontana Municipal Code (Fontana MC), the City may allow partial or complete satisfaction of the fee required by this section through execution of an agreement requiring construction of public improvements and/or dedication of property. The fee required under this section shall be due as provided for in Article V of Chapter 21 of the Fontana MC.

City of Fontana Local Hazard Mitigation Plan

The Local Hazard Mitigation Plan (LHMP) must be updated every five years to remain in compliance with regulations and Federal mitigation grant conditions. The LHMP presents updated information regarding hazards being faced by the City of Fontana. The LHMP reduces and/or eliminates loss of life and property. Hazard mitigation is distinguished from other disaster management functions by measures that make Fontana development and the natural environment safer and more disaster resilient. Mitigation generally involves alteration of physical environments, significantly reducing risks and vulnerability to hazards by altering the built environment so that life and property losses can be avoided or reduced. Mitigation also makes it easier and less expensive to respond to and recover from disasters. Additionally, the LHMP allows the City of Fontana to be eligible for federal disaster mitigation funds/grants (Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and Flood Management Assistance) aimed to reduce and/or eliminate risk.

⁸ City of Fontana. (2018). *City of Fontana General Plan – Noise and Safety*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed July 2023).

San Bernardino County Fire Fees

The Project is required to comply with the provisions of the County of San Bernardino Fire Protection District Ordinance (Ordinance No. FPD 20-01), which requires a fee payment for any developments requiring permitting that the County applies to the funding of fire protection facilities.⁹

School Services Developer School Fees

In order to help finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the FUSD may establish, levy, and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation, pursuant to Sections 17620 et seq. of the Education Code and Sections 65995 et seq. of the Government Code.

4.13.4 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G, Environmental Checklist Form, includes questions pertaining to public services. The issues presented in the Environmental Checklist Form have been utilized as thresholds of significance in this section. Accordingly, the Project would have a significant adverse environmental impact if it:

- Would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 protection
 - Police protection
 - Schools
 - Parks (refer to ***Section 4.14: Recreation***)
 - Other public facilities

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining whether the Project would cause potentially significant impacts concerning public services. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) where compliance would avoid or reduce a potentially significant environmental impact. As

⁹ San Bernardino County. 2019. *Ordinance No. FPD 20-01*. <https://www.sbcounty.gov/uploads/SBCFire/documents/SBCFPD-Fire-Code-Ordinance-20-01.signed.pdf> (accessed February 16, 2023).

applicable, feasible mitigation measures are recommended to avoid or reduce the Project’s potentially significant environmental impacts associated with public services.

Approach to Analysis

This analysis of impacts on public services examines the Project’s temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that the Project would or would not result in “substantial” adverse effects on public services considers the applicable policies and regulations established by local and regional agencies and the degree of deviation from these policies.

4.13.5 Impacts and Mitigation Measures

Impact 4.13-1 *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:*

1) Fire protection?

Level of Significance: Less than Significant Impact

Fire Protection services to the Project site would be provided by the SBCFD. The Project site would be served by the County Fire Station 78 located at 7110 Citrus Ave, Fontana CA, 92336, (approximately 1.6 miles to the west) and County Fire Station 71 located at 16980 Arrow Blvd, Fontana, CA, 92335, (approximately 2.0 miles to the south). The SBCFD strives to have a response time of less than five minutes once a call for service is received. Based on the Project site’s proximity to two existing fire stations, the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required. Potential impacts related to fire protection services are reviewed by the SBCFD on a project-by-project basis. Development within the Walnut Village Specific Plan will be evaluated by the SBCDF as to land uses, fire-protection related needs, the Project-site recommended response distance, and project design features, when evaluating the individual development’s impact to fire protection services. SBCFD design review occurs when specific development building permits are requested. Future projects contemplated by the Project would be required to comply with the County Fire District Standards, CFC and CBC, including project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paced access, and required aisle widths.

In addition, prior to commencement of any construction activities on any specific projects within the Walnut Village Specific Plan area, and pursuant to the San Bernardino County Code of Ordinance § 85.01,

future project design plans related to the Project would be reviewed by all applicable local agencies, including the SBCFD, to ensure compliance with the County's Development Codes and Ordinances, Policy Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the CFC.

Overall, given its location and the County Fire District Standards, CFC and CBC, the Project would receive adequate fire protection services and development contemplated by the Project would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and will not adversely affect service ratios, response times, or other performance objectives. Compliance with applicable local and state regulations will ensure that the Project implementation would result in a less than significant impact to fire protection services.

Additionally, future developments contemplated by the Project must comply with the most current provisions of SBCFD Fee Schedule, which requires a fee payment that the SBCFD applies to the funding of fire protection facilities. Mandatory compliance with the SBCFD Fee Schedule and plan review would be required prior to the issuance of a building permit.

II) Police protection?

Level of Significance: Less than Significant Impact

The development contemplated by the Project would not substantially increase the City or County population. The nearest police stations are a FPD located at 17005 Upland Avenue, Fontana, CA 92335, approximately 1.8 miles south of the Project site, and a San Bernardino County Sheriff's Department station located at 17780 Arrow Blvd., Fontana, CA 92335, approximately 2.8 miles southeast of the Project site. Based on the Project site's proximity to these existing police stations, the Project would be adequately served by police protection services, and no new or expanded unplanned facilities would be required. Future buildout of the Project site could create an incremental increased demand for police protection services due to the increased number of residents within the Specific Plan area. Prior to commencement of construction activities, the future project plans on the Project site would be reviewed by applicable local agencies to ensure compliance with the County's Development Code and Ordinances and Policy Plan, as well as applicable regulations to ensure adequate site signage, lighting, and other crime safety preventative measures to ensure safety standards. As previously discussed, future site developers would be required to pay all required impact fees and fair share costs. Compliance with applicable local regulations would ensure that future construction on the Project site would result in a less than significant impact to police protection services. Because no police protection facilities exist on the Project site, development would not conflict with existing police structures or require modification of police protection facilities. Compliance with applicable local regulations will ensure that the Project implementation would result in a less than significant impact to police protection services.

III) Schools?

Level of Significance: Less than Significant Impact

The Project site is located in a developed area currently served by the FUSD. School funding comes predominantly from federal, state, and local resources such as businesses and personal income taxes, sales tax, and property taxes. Government Code § 65995 requires the developer to pay a fee at the time

of issuance of building permits to the local school district, FUSD.¹⁰ Future developments related to the Project would be required to developer fees based on the type of construction. Under SB 50, payment of required school impact fees is deemed complete and full mitigation for impacts to school facilities. Payment of required fees would ensure impacts to schools are less than significant.

IV) Parks?

Level of Significance: Less than Significant Impact

Multiple parks are located near the Project site, the closest being Cambria Park. The Project is not anticipated to create an adverse physical impact to any parks in the area and it would not require the construction of any new park facility or alteration of any new park facility or alteration of any existing park facility. Lastly, all future development on the Project site would undergo individual CEQA evaluation, which is anticipated to account for any future impacts. Therefore, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, impacts would be less than significant.

V) Other public facilities?

Level of Significance: Less than Significant Impact

Other public facilities generally refer to the libraries and government buildings that serve the population within the jurisdiction. The Project would not require the physical modification of any of the County's public facilities or the construction of new public facilities. The nearest public library within the City's system is the Fontana Lewis Library & Technology Center located at 8437 Sierra Avenue, Fontana, CA 92335, approximately 2.1 miles south of the Project site. The Project would not result in a substantial increase in demand for library services such that a significant deterioration of the existing facilities would occur, or such that new facilities would be required. Even though the Project is not anticipated to increase the level of use to existing libraries or other public facilities, future projects on the Project site would be required to pay its fair share of development impact fees to help offset incremental impacts to libraries by helping fund capital improvement and expenditures. Because the Project would not substantially increase the population, the Project would not cause or contribute to a need to construct new or physically alter other public facilities. Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically alter other public facilities, need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. However, future development on the Project site would undergo individual CEQA evaluation, which is anticipated to account for any future impacts. Because no public facilities exist on the Project site, development would not conflict with existing public structures or require modification of public facilities. Therefore, Project implementation would result in a less than significant impact to other public facilities.

Mitigation Measures

No mitigation is necessary.

¹⁰ Fontana Unified School District. ND. *Developer Fees*. <https://www.fusd.net/Page/639> (accessed July 2023).

4.13.6 Cumulative Impacts

As discussed above, all Project impacts to public services would be less than significant, as the Project is not expected to significantly increase the number of residents in the community or increase demands on public services. Future development on the Project site would also be required to comply with existing laws, ordinances, codes, regulations, and standards, as well as payment of all applicable development impact fees to public services.

Separate, individual projects are subject to environmental and design review by applicable agencies to ensure that the projects would be compliant with all applicable laws, codes, ordinances, and standards and ensure that the addition of these individual projects would not create undue stress on the public service provided. Additionally, through the payment of development impact fees by individual projects, these public services would have capital and funding available to expand services as needed to meet rising demand with the addition of cumulative projects.

4.13.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning public services have been identified.

4.13.8 References

City of Fontana. Police Department. About Us. Retrieved from: <https://www.fontanaca.gov/2509/About-Us> (accessed July 2023).

City of Fontana. Facilities & Parks. Retrieved from: <https://www.fontanaca.gov/156/Facilities-Parks> (accessed July 2023).

City of Fontana. (2018). *City of Fontana General Plan – Noise and Safety*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed July 2023).

City of Fontana. Police Department. Patrol Unit. Retrieved from: <https://www.fontana.org/206/Patrol-Unit> (accessed July 2023).

City of Fontana. (2018). *City of Fontana General Plan – Public and Community Services*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26747/Chapter-8---Public-and-Community-Services> (accessed July 2023).

Fontana Forward General Plan Update 2015-2035. DEIR Page 5.12-1. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed April 2023).

Fontana Unified School District. Retrieved at: <https://www.fusd.net/Page/577> (accessed April 2023).

Fontana Unified School District. ND. *Developer Fees*. <https://www.fusd.net/Page/639> (accessed July 2023).

San Bernardino County. 2022. *San Bernardino County Fire Protection District Fiscal Year 2022/2023 Fee Schedule*. <https://www.sbcounty.gov/uploads/SBCFire/documents/About/2022-23-Fire-Fees.pdf> (accessed July 2023).

SBCFPD. (2019). San Bernardino County Fire FY 18-19 Annual Report. Retrieved from: <https://www.sbcounty.gov/uploads/SBCFire/documents/About/2018-19AnnualReport.pdf> (accessed July 2018).

4.14 RECREATION

4.14.1 Introduction

This section of the Draft Program Environmental Impact Report (DPEIR) will identify and analyze potential impacts from the Updated Walnut Specific Plan Project (Project) to recreational facilities by identifying anticipated demand created by the Project compared to existing and planned recreational facilities and availability. In addition, this section describes the environmental and regulatory setting for recreation, as it pertains to implementation of the Project.

The environmental setting discussion is based largely on review of documents and information including the following:

- Fontana Forward General Plan Update 2015-2035
- Fontana Forward General Plan Update 2015-2035. 2018. Draft EIR
- Aerial Photographs and Field Observations

4.14.2 Environmental Setting

County Regional Parks

San Bernardino County Regional Parks is dedicated to providing County residents and visitors with opportunities to host and participate in innovative and diverse recreational and educational events, while protecting the County's natural, cultural, historical, and land resources.¹ The County Regional Parks Department continues to improve and ensure the availability and integrity of open space activities for all ages and communities. The County Regional Parks Department manages and maintains nine Regional Parks throughout the County totaling approximately 9,200 acres within the Valley Region, Mountain Region, North Desert Region, and East Desert Region.² Each park offers diverse outdoor recreation opportunities in settings that range from metro, mountain and desert scenery. Among the activities that can be found in the County parks are: lakes for fishing, sheltered group picnic facilities accommodating up to 350 people, swim complexes with water slides, zero depth water play parks, and playgrounds. Six of the regional parks offer scenic camping, from tent to large RV's and dry to full hook-ups.³ The closest Regional Park to the Project site is the Glen Helen Regional Park, located approximately seven miles from the Project site.

City of Fontana Parks

The Project site is located in the City of Fontana (City). Multiple parks are located near the Project site, the closest being Cambria Park. The California Protected lands Database, includes all City park and recreation sites that have no more than 50% impervious area, lists 1,196.3 acres of land for park and recreation use, 72% of which is composed of the Martin Tudor Jurupa Hills Regional Park's 861.2 acres.⁴

¹ San Bernardino County Regional Parks. 2022. *About Us*. <https://parks.sbcounty.gov/about-us/> (accessed July 2023).

² Ibid.

³ Ibid.

⁴ City of Fontana. (2018). *City of Fontana General Plan – Public and Community Services*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26747/Chapter-8--Public-and-Community-Services>. (Accessed July 2023).

Additionally, the City counts 25% of the school lands available through joint use agreements with Fontana Unified School District and the Colton Joint Unified School District as usable recreation areas, resulting in an additional 163 acres.⁵ The City has a total of 40 parks and 1,359.3 acres of park and recreation land.⁶

4.14.3 Regulatory Setting

Federal

There are no Federal regulations pertaining to recreation services that would be applicable to the proposed Project.

State

California Desert Conservation Area Plan

In 1980, the California Desert Conservation Area (CDCA) Plan was approved in accordance with the Federal Land Policy and Management Act. The CDCA Plan provides for multiple use management of approximately 25 million acres, of which 10 million acres are managed by the Bureau of Land Management (BLM). The CDCA Plan is based on the concept of sustainable yield and maintenance of environmental quality. Several significant amendments to the CDCA Plan have been made in San Bernardino County, including the BLM Northern and Eastern Colorado Desert Coordinated Management Plan, BLM Northern and Eastern Mojave Desert Management Plan, and the BLM West Mojave Plan. The proposed Desert Renewable Energy Conservation Plan Land Use Plan Amendment was also a major amendment to the CDCA Plan.

Quimby Act

The Quimby Act was established by the California Legislature in 1965 to provide parks for the growing communities in California. The act authorizes cities to adopt ordinances addressing parkland and/or fees for residential subdivisions for the purpose of providing and preserving open space and recreational facilities and improvements. The Quimby Act requires the provision of three acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case the city may adopt a higher standard not to exceed five acres per 1,000 residents. The Quimby Act also specifies acceptable uses and expenditures of such funds.

Mitigation Fee Act (California Government Code (Sections 66000 through 66008))

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency, such as the City of Fontana establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. This Act became enforceable on January 1, 1989 (California Legislative Information, 2019).

⁵ Ibid.

⁶ Ibid.

State of California Open Spaces Standards

State planning law provides a structure for the preservation of open space by requiring every city and county in the state to prepare, adopt, and submit to the Secretary of the Resources Agency a “local open space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction” (California Government Code § 65560). The following open space categories are identified for preservation:

- Open space for public health and safety, including, but not limited to, areas that require special management or regulation due to hazardous or special conditions.
- Open space for the preservation of natural resources, including, but not limited to, natural vegetation, fish and wildlife, and water resources.
- Open space for resource management and production, including, but not limited to, agricultural and mineral resources, forests, rangeland, and areas required for the recharge of groundwater basins.
- Open space for outdoor recreation, including, but not limited to, parks, and recreational facilities, areas that serve as links between major recreation and open space reservations (such as trails, easements, and scenic roadways), and areas of outstanding scenic and cultural value.
- Open space for the protection of Native American sites, including, but not limited to, places, features, and objects of historical, cultural, or sacred significance such as Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property (further defined in California Public Resources Code (PRC) §§ 5097.9 and 5097.993)).

Local

City of Fontana General Plan Update 2015-2035

Conservation, Open Space, Parks and Trails

The Conservation, Open Space, Parks, and Trails Element⁷ of the Fontana Forward Plan focuses on connecting people and places by providing safe and efficient transportation choices, including pedestrian, bicycle, and transit opportunities, along with well-maintained streets, to connect people to city destination. As well as making healthy lifestyles easy and fun by creating policies and physical conditions that promote healthy lifestyles through easy access to physical activity, healthy food, and medical care.⁸ Continuing this high level of service provision while making improvements is the theme of this element of the plan.

Goal 1: Fontana continues to preserve sensitive natural open space in the foothills of the San Gabriel Mountains and Jurupa Hills.

⁷ City of Fontana. (2018). *City of Fontana General Plan – Conservation, Open Space, Parks and Trails*. Retrieved at: <https://www.fontanaca.gov/DocumentCenter/View/26746/Chapter-7---Conservation-Open-Space-Parks-and-Trails> (accessed July 2023).

⁸ Ibid.

Policy

- Consider permanent protection for sensitive foothill lands through potential partnerships with conservation organizations or acquisition and deed restrictions,

Goal 2: Large city parks and open spaces include plantings and natural areas attractive to birds and other wildlife.

Policy

- Inform the public about the natural ecological character of Fontana.
- Use public open space to support wildlife habitat where appropriate.

Goal 3: Fontana has a healthy, drought-resistant urban forest.

Policy

- Support tree conservation and planting that enhances shade and drought resistance
- Expand Fontana’s tree canopy.

Goal 4: The city of Fontana has no-net-loss policy for public parkland.

Policy

- Establish legal requirements for replacement, when any city owned park land listed in the California Protected Lands database is transferred to other uses, with land of equivalent environmental, recreational, or aesthetic value.

4.14.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning recreation. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- 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 or

Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.14.5 Project Impacts and Mitigation

Impact 4.14-1 *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?*

Level of Significance: Less than Significant Impact

The Project proposes the amendment the Walnut Village Specific Plan (SP) to allow for additional development on approximately 53 acres of total 342 acres of the SP which have been identified as developable or capable of redevelopment. Development accommodated through implementation of the

proposed Project would result in additional residential and non-residential uses in the Project Area, which would increase demand for parks and recreational facilities. These new uses would generate residents that are expected to use park and recreational facilities, and this additional use may result in greater demands on parks and recreational facilities in the City of Fontana. The additional demand on existing parks and recreational facilities could increase the need for maintenance and improvements. These improvements could have environmental impacts, although the exact impacts cannot be determined at this time since the potential improvements are currently unknown. As noted above, the City of Fontana has a total of 40 parks and 1,359.3 acres of park and recreation land.⁹ Any future development under the Project would be required to comply with regulations, policies, and standards included in the Fontana General Plan and Municipal Code, and would be subject to CEQA review as appropriate. Therefore, impacts to parks and recreational facilities associated with implementation of the Project would be less than significant.

Impact 4.14-2 *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?*

Level of Significance: Less than Significant Impact

Refer to Impact 4.14-1, above. A less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

4.14.6 Cumulative Impacts

The Project is not anticipated to substantially increase the need for or use of recreational facilities in the County, and it does not require the construction or expansion of recreational facilities that could cause adverse physical effects on the environment. Because the Project would not adversely impact recreational facilities, it would not contribute to an existing cumulative impact, even when combined with past, present, and future projects; thus, the Project's contribution would not be cumulatively considerable.

4.14.7 Significant Unavoidable Impacts

No significant or unavoidable impacts concerning recreation resources have been identified.

4.14.8 References

City of Fontana. (2018). *City of Fontana General Plan – Public and Community Services*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26747/Chapter-8---Public-and-Community-Services> (accessed July 2023).

San Bernardino County Regional Parks. 2022. *About Us*. <https://parks.sbcounty.gov/about-us/> (accessed July 2023).

⁹ Ibid.

4.15 TRANSPORTATION AND TRAFFIC

4.15.1 Introduction

This section of the Draft Program Environmental Impact Report (DPEIR) will identify impacts related to the construction and operation of the Updated Walnut Specific Plan Project (Project) within the city of Fontana (City). This section will include analysis of the existing transportation system, significance criteria for transportation impacts, and the potential impacts resulting from Project implementation. Information presented in this section was obtained from the following technical reports:

- Kimley-Horn and Associates (2023). VMT Screening Memorandum for the Proposed Walnut Village Specific Plan Project in the City of Fontana. (**Appendix E**)

Additional sources include the following:

- City of Fontana General Plan Update 2015-2035
- City of Fontana General Plan Update 2015-2035. 2018. Draft EIR.

4.15.2 Environmental Setting

Existing Transportation Conditions

Existing Street System

The Project site is generally bound by State Route 210 (SR-210) to the north, Baseline Avenue to the south, Palmetto Avenue to the east, and Sierra Avenue to the west. Regional vehicular access to the Project site is currently provided by SR-210. SR-210 is an east-west freeway that provides four travel lanes in each direction and is located directly north of the Project.

The Project site includes four Focus Areas. The Focus Areas are located along the perimeter of the Project boundary. However Walnut Village Parkway and Mango Street, which reside within the Project boundary, can also be used to access Gateway Residential 4 Sub-District and Gateway South Sub-District, respectively. Walnut Village Parkway is an east-west roadway that intersects with Sierra Avenue and ends at the intersection of Mango Avenue. Mango Avenue is a north-south roadway that intersects Baseline Avenue to the south and Highland Avenue to the north. Although the Project site is bound by Palmetto Avenue to the west, no on-site internal circulation is accessible from Palmetto Avenue.

Existing Transit Service

OmniTrans bus lines are currently the only form of public transit in and around the Project site. Three OmniTrans bus lines (10m 67, and 82) run adjacent to the Project boundaries, however there are no lines that run directly through the Project site. These bus lines make stops predominately on Sierra and Baseline Avenue from Monday to Friday. Omnitrans bus lines run adjacent to the Project boundaries along the following streets:

- OmniTrans Line 10 runs east-west along Baseline Avenue and north-south along Sierra Avenue.

- OmniTrans Line 67 runs north-south along Sierra Avenue and west from Walnut Village Parkway to Walnut Street.
- OmniTrans Line 82 runs north-south along Sierra Avenue.

Metrolink is a commuter rail system serving the southern California region including Los Angeles, Orange, San Bernardino, and Ventura counties, as well as Oceanside in San Diego County. The existing Fontana Metrolink station is approximately 2 miles south of the Project site.

Existing Pedestrian and Bicycle Facilities

Mango Avenue and Walnut Village Parkway serve as the main pedestrian routes within the Project site. However, Mango Avenue does not have a complete paved pedestrian walkway all the way through the Project site on the west side of the street. Towards the northern end of Mango Avenue, the paved walkway ends immediately north of the residential development located on the west side of the street. The unpaved walkway continues from this point on, along the undeveloped vacant lot immediately, Mango Avenue meets Highland Avenue at the north end of the street. The unpaved walkway continues along the western border of the vacant lot along Highland Avenue. There are no existing bicycle facilities in or around the Project site.

4.15.3 Regulatory Setting

Federal

Surface Transportation Assistance Act Routes

The Surface Transportation Assistance Act (STAA) of 1982 allows large trucks, referred to as STAA trucks that comply with maximum length and wide requirements, to operate on routes that are part of the National Network. The National Network includes the Interstate System and other designated highways that were a part of the Federal-Aid Primary System on June 1, 1991; states are encouraged, however, to allow access for STAA trucks on all highways.

Americans With Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination toward people with disabilities and guarantees that they have equal opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's revised regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

State

California Department of Transportation

The California Department of Transportation (Caltrans) owns and operates the State highway system, which includes the freeways and State routes within California. In Fontana Caltrans maintains the

freeways (I-15, I-10, I-215) the 210 Freeway. The Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) provides guidance on the evaluation of traffic impacts to State highway facilities. The document outlines when a traffic impact study is needed and what should be included in the scope of the study. The Guide states the following: “Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D” on State highway facilities, however, Caltrans acknowledges that this may not be always feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS.”

State Transportation Improvement Program

The State Transportation Improvement Program (STIP) is a multi-year capital improvement program for transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The programming cycle begins with the release of a proposed fund estimate in July of odd numbered years, followed by California Transportation Commission (CTC) adoption of the fund estimate in August (odd years). The fund estimate serves to identify the amount of new funds available for the programming of transportation projects. Once the fund estimate is adopted, Caltrans and the regional planning agencies prepare transportation improvement plans for submittal to the CTC by December 15th (odd years). Caltrans prepares the Interregional Transportation Improvement Program and regional agencies prepare the Regional Transportation Improvement Plans. Public hearings are held in January (even years) in both northern and southern California. The STIP is adopted by the CTC by April (even years).

Technical Advisory on Evaluating Transportation Impacts in CEQA

The Governor’s Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) in December 2018. The Technical Advisory aids in the transition from LOS to VMT methodology for transportation impact analysis under CEQA. The advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.

Sustainable Communities Strategies: Senate Bill 375 – Land Use Planning

Senate Bill (SB) 375 provides for a new planning process to coordinate land use planning and regional transportation plans (RTP) and funding priorities in order to help California meet the greenhouse gas (GHG) reduction goals established in Assembly Bill (AB) 32. SB 375 requires that RTPs developed by metropolitan planning organizations (MPO) relevant to the Project site (e.g., Southern California Association of Governments [SCAG]) incorporate a “sustainable communities strategy” in their RTPs that will achieve GHG emission reduction targets set by the California Air Resources Board (CARB). SB 375 also includes provisions for streamlined California Environmental Quality Act (CEQA) review for some infill projects, such as Transit-Oriented Developments (TODs).

As an MPO, SCAG is responsible for preparing and utilizing a public participation plan that is developed in consultation with all interested parties and provides reasonable opportunities for interested parties to comment on the content of SCAG’s proposed RTP and the Regional Transportation Improvement Program (TIP). SB 375 requires SCAG to adopt a public participation plan for development of the sustainable communities strategy (SCS) and an alternative planning strategy (APS). Further, as required by SB 375,

SCAG will conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils on the SCS and APS, if any. The purpose of the meetings shall be to present a draft of the SCS to members of the board of supervisors and city council members in that county and to solicit and consider their input and recommendations.

Complete Streets Act

Assembly Bill (AB) 1358, the California Complete Streets Act, became effective January 1, 2011. AB 1358 places the planning, designing, and building of complete streets into the larger planning framework of the General Plan by requiring jurisdictions to amend their circulation elements to plan for multimodal transportation networks.

Regional

San Bernardino County Congestion Management Program

The San Bernardino County Transportation Authority (SBCTA) is San Bernardino's Congestion Management Agency (CMA). SBCTA prepares, monitors and periodically updates the County Congestion Management Program (CMP) to meet federal Congestion Management Process requirement and the County's Measure I Program. The San Bernardino County CMP defines a network of state highways and arterials, LOS standards and related procedures; the process for mitigation of impacts of new development on the transportations system, and technical justification for the approach.

Measure I Strategic Plan

Measure I authorizes a half-cent sales tax in San Bernardino County until March 2040 for use exclusively on transportation improvement and traffic management programs. San Bernardino County voters first approved the measure in 1989 and in 2004 overwhelmingly approved the extension through 2040. Measure I includes language mandating development to pay its fair share for transportation improvements in San Bernardino County. The Measure I Strategic Plan is the official guide for the allocation and administration of the combination of local transportation sales tax, state and Federal transportation revenues, and private fair-share contributions to regional transportation facilities to fund the Measure I 2010–2040 transportation programs. The Strategic Plan identifies funding categories and allocations and planned transportation improvement projects in the County for freeways, major and local arterials, bus and rail transit, and traffic management systems. The City has adopted a development impact fee (DIF) program that is consistent with Measure I requirements.

Regional Transportation Plan/Sustainable Communities Strategy

As the metropolitan planning organization for the region's six counties and 191 cities, the Regional Council of SCAG is mandated by law to develop a long-term regional transportation and sustainability plan every four years. On September 3, 2020, SCAG's Regional Council approved and fully adopted Connect SoCal (2020–2045 RTP/SCS). Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. Connect SoCal identifies 10 goals that fall into four categories:

economy, mobility, environment and healthy/complete communities.¹ The RTP/SCS is discussed further in **Section 4.10: Land Use and Planning**, of this DPEIR.

Local

City of Fontana Active Transportation Plan

The Fontana ATP² as described in the Fontana Forward General Plan, adopted in 2017, is used to implement infrastructure improvements for better connectivity throughout Fontana and to surrounding cities and the region by providing safe and comfortable walking and bicycling linkages. The ATP addresses the City's goal of becoming a community that is healthy, engaged, economically vibrant, family-oriented, and safe. Goals, objectives, and policies from the ATP relevant to the Project are as follows:

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.B Reduce barriers to pedestrian and bicyclist travel.

Policy 1.B.2 Identify gaps in the pedestrian and bicyclist facilities network and needed improvements to and within key activity centers such as employment centers, schools, Fontana Metrolink station, bus stops, and retail areas, and define priorities for eliminating these gaps by making needed improvements.

Objective 1.C Work with transit providers to develop high quality pedestrian and bicycle accessible transit stops and stations.

Policy 1.C.1 Coordinate with Omnitrans to establish appropriate designs for transit stops and station access ways. Bus stops can provide shelter from the weather, real-time arrival information, electronic signage, benches, garbage cans, and route maps. Bus stops can also become spaces to showcase public art.

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.

Policy 3.A.1 Support and encourage local efforts to require the construction of pedestrian and bicycle facilities and amenities such as landscaping, wayfinding and seating areas, as a condition of approval of new development and major redevelopment projects.

¹ SCAG. 2020. Adopted Final Connect SoCal. <https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020> (accessed August 2023).

² City of Fontana. 2018. *Fontana Forward General Plan – Draft Environmental Impact Report*. Pg. 5.13-14. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed March 2023).

City of Fontana Development Impact Fee Program

The City of has adopted a DIF program pursuant to the requirements of Government Code §66000 et seq. The City’s Development Services Department oversees the use of the DIF fees and the DIF is used to fund various projects included in the City’s capital improvement program, which is updated periodically. Generally, DIF eligible intersections are those consisting of two intersecting Hierarchy of Streets Plan roadways. Fee credits and reimbursements will be available as part of the DIF program and are given to projects that are identified as a DIF program facility

City of Fontana General Plan Update 2015-2035

The Community Mobility and Circulation Element³ of the Fontana general Plan is designed to expand transportation choice and to provide further mobility. It is aligned with the SCAG 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy concepts of Neighborhood Mobility Areas and Livable Corridors. This element represents the City’s overall transportation plan to accommodate the movement of people and goods.

Community Development 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.

Policies

- Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways.
- Make safety and multimodal accessibility the top priority of citywide transportation planning.
- Apply the six “E’s” of the Safe Routes to School program to transportation planning and implementation— Encouragement, Education, Engineering, Enforcement, Evaluation, and Equity.
- Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2016- 2040 Regional Transportation Plan and Sustainable Communities Strategy.

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.

- 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.

³ City of Fontana. (2022). *City of Fontana General Plan – Community Development and Circulation Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26748/Chapter-9--Community-Mobility-and-Circulation> (accessed August 2022).

- 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.

Goal 3 Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the city.

- Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops
- Promote concentrated development patterns in coordination with transit planning to maximize service efficiency and ridership.

Goal 4 Fontana’s neighborhood streets maintain a residential character and support a range of transportation options.

- Balance neighborhood traffic circulation needs with the goal of creating walkable and bike friendly neighborhoods.
- Develop and implement Best Practice Street Design standards for new residential street development projects.

Goal 5 Fontana’s commercial and mixed-use areas include a multi-functional street network that ensures a safe, comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.

Policies

- Provide a transportation network that is compatible with the needs of commerce and those who live, work and shop in mixed-use areas.
- Encourage mixed use and commercial developments that support walking, bicycling, and public transit use while balancing the needs of motorized traffic to serve such developments.

Goal 6 The city has attractive and convenient parking facilities for both motorized and nonmotorized vehicles that meet needs that fit the context.

Policies

- Provide the right amount of motor vehicle and bicycle parking in commercial and employment centers to support vibrant economic activity.
- Encourage approaches that reduce the overall number of new parking spaces that must be provided on-site for new development.

Goal 7 The city of Fontana participates in shaping regional transportation policies to reduce traffic congestion and greenhouse gas emissions.

Policies

- Lead and participate in initiatives to manage regional traffic.
- Coordinate with regional agencies and Caltrans to participate in regional efforts to maintain transportation infrastructure in Fontana.

- Participate in the efforts of the Southern California Association of Governments (SCAG) to coordinate transportation planning and services that support greenhouse gas reductions.
- Participate in the efforts by Caltrans to reduce congestion and improve traffic flow on area freeways.

Land Use, Zoning, and Urban Design Element

The Land Use and Zoning Element⁴ sets forth the policy framework over the next 20 years for the physical development of Fontana regarding transportation. This element represents the guide for decision-makers on the pattern and distribution of transportation development.

Goal 1 The Strategic Policy Map and the Future Land Use Map guide land-use decision making.

- Review citywide and use strategies when considering changes to the land use map.
- Keep zoning and other regulations up to date and consistent with the Future Land Use Map.

Goal 2 Fontana development patterns support a high quality of life and economic prosperity.

- Preserve and enhance stable residential neighborhoods
- Locate multi-family development in mixed-use centers, preferably where there is nearby access to retail, services, and public transportation.
- Locate industrial uses where there is easy access to regional transportation routes.
- Promote interconnected neighborhoods with appropriate transitions between lower intensity and higher intensity land uses.
- Preserve land to achieve an interconnected network of environmentally-sensitive areas, parks, multi-use paths, and recreation areas.

Goal 3 Downtown is a dynamic center of activity, with new housing options, walkable environments, and a mixture of uses attracting residents and visitors.

- Promote revitalization and redevelopment of older neighborhoods
- Encourage infill on vacant and underutilized parcels
- Transform downtown into a vibrant and regional destination.

Goal 4 Compact, walkable, mixed-use centers are located at key locations along corridors to be served by public transit in the future and at intersections where neighborhood retail and diverse housing options can succeed.

- Promote land use pattern that provides connections among land uses and a mixture of land uses.

⁴ City of Fontana. (2018). *City of Fontana General Plan – Land Use, Zoning, and Urban Design Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26754/Chapter-15---Land-Use-Zoning-and-Urban-Design> (accessed August 2022).

Goal 5 High-quality job-producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.

Policies:

- Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.
- Maintain but do not expand existing heavy industrial land use areas in proximity to one another and to services for industrial uses.
- Avoid locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses.

Goal 6 The expansion of Fontana’s city limits through annexation has improved the entrance corridors.

- Make strategic annexations to improve City control over the appearance and function of areas in the city limits.

4.15.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria, as the basis for determining the level of impacts related to transportation. In addition, this analysis considers existing regulations, laws, and standards that serve to avoid or reduce potential environmental impacts. Where potentially significant impacts remain, feasible mitigation measures are recommended to avoid or lessen the Project’s potentially significant adverse impacts.

CEQA Guidelines § 15064.2(b), Determining the Significance of Transportation Impacts, provides the following guidance on how WMT from various types of projects can be evaluated:

b) Criteria for Analyzing Transportation Impacts.

1. **Land Use Projects.** VMT exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than

significant transportation impact. Projects that decrease VMT in the project are compared to existing conditions should be considered to have a less than significant transportation impact.

2. **Transportation Projects.** Transportation projects that reduce, or have no impact on, VMT should be presumed to cause less than a significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in § 15152.
3. **Qualitative Analysis.** If existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze a Project's VMT qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.
4. **Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgement based on substantial evidence. Any assumptions used to estimate VMT and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in § 15151 shall apply to the analysis described in this section.

The analysis for VMT for the Project was completed in August 2023 by Kimley-Horn and Associates and is included as **Appendix E** of this DPEIR. The analysis below utilizes the VMT significance criteria to determine the Project's potential impacts related to VMT and if mitigation is needed to reduce impacts to less than significant levels.

4.15.5 Impacts and Mitigation Measures

Impact 4.15-1: *Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Level of Significance: Less than Significant

The Project would be consistent with SB 375 by complying with SCAG's Connect SoCal and SBCTA's CMP. The Project's consistency analysis with SCAG's 2020-2045 RTP/SCS goals is further discussed in **Table 4.10-4: Consistency with the SCAG 2020-2045 RTP/SCS** in **Section 4.10: Land Use and Planning** of this PDEIR. The Project would also be consistent with the City of Fontana Active Transportation Plan goals through establishing new bicycle facilities. While the Project does not propose any additional public transit services, the Project will not hinder the opportunities for new OmniTrans bus lines and stops in the future. Additionally, the Project does not propose any pedestrian facilities improvements, however it should be noted that there are opportunities for pedestrian sidewalk improvements, and they would be implemented as new development occurs.

The Project would also comply with the Complete Streets Act of 2008 by being consistent with the Fontana General Plan. The Complete Streets Act of 2008 requires General Plans to accommodate a balanced, multimodal transportation network that meets the needs of all users of streets, roads, highways in manners that are suitable to applicable rural, suburban, or urban contexts. More specifically the Project's circulation system would be designed and constructed in conformance with relevant goals and policies in the Fontana General Plan Community Mobility and Circulation Element that pertain to the Project's circulation system. For example, the Project would be consistent with the Fontana General Plan Policy 5.1 which encourages mixed use and commercial developments that support walking, bicycling, and public transit use while balancing the needs of motorized traffic to serve such developments. The Project is consistent with this policy because it will encourage both residential and commercial development while also incorporating bicycle lanes in and around the site. For further details, see **Table 4.10-5: Consistency with the Fontana General Plan** in **Section 4.10: Land Use** of this DPEIR.

Additionally, improvements and additions of bicycle facilities would be constructed in accordance with all applicable City development code circulation and transportation regulations and in support of the City transportation-related policies to minimize impacts to traffic and circulation. Therefore, construction-related impacts associated with improvements to bicycle facilities would not conflict with an applicable program plan, ordinance, or policy addressing the circulation system.

Although future development within the Project site could result in an increased demand of public transportation as employment opportunities and the number of residents increase, public transit agencies (OmniTrans) would be responsible for routinely reviewing and adjusting their ridership schedules and service destinations to accommodate public demand. Thus, implementation of the Project would not conflict with local public transit services.

As described above, all improvements to bicycle facilities would be consistent with applicable regional and local policies such that implementation of the Project would not conflict with a program, plan, ordinance, or policy addressing the existing circulation system. Therefore, the Project would have a less than significant impact.

Mitigation Measures

No mitigation measures are required.

Impact 4.15-2: *Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?*

Level of Significance: Less than Significant Impact

Senate Bill 743 (SB 743) was approved by California legislature in September 2013, which initiated a process change to transportation impact analysis completed in support of CEQA documentation. SB 743 eliminates Level of Service (LOS) as a metric for measuring significant transportation impacts under CEQA and establishes Vehicle Miles Traveled (VMT) as the replacement performance metric. As a result, analysis of a project's impact to drivers will shift to the analysis of the impact of driving (VMT) as it relates to achieving State goals of reducing GHG emissions, encouraging infill development, and improving public health through active transportation.

A VMT analysis was conducted for this Project following the City's Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment. According to the City's TIA Guidelines screening thresholds can be used to identify when a proposed project is anticipated to result in less-than-a-significant impact without conducting a more detailed level analysis. Screening thresholds follow the four-step process:

1. Transit Priority Area (TPA) Screening
2. Low VMT Area Screening
3. Low Project Type Screening
4. Project Net Daily Trips Less Than 500 ADT

Land development projects that meet one or more of the above screening thresholds may be presumed to create a less-than-significant impact on transportation and circulation. The VMT screening for the Project is detailed below.

Project VMT⁵

Transit Priority Area (TPA) Screening

According to the City's TIA Guidelines, projects within a half mile from an existing major transit stop or within half of a mile from an existing stop along a high-quality transit corridor can be screened out. Based on the SBCTA VMT Screening Tool and review of transit routes within the Project vicinity, the Project site is not located in a Transit Priority Area (TPA). Thus, the TPA screening criteria is not met for the Project.

Low VMT Area Screening

As described in the City's TIA Guidelines, residential and office projects located within a low VMT-generating area may be presumed to have less-than-a-significant impact such that no contradicting evidence exists. Additionally, other employment related, and mixed-use land use projects may qualify for screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area. A project would be located in a Low VMT Area if its project VMT is 15% below the County Average using Origin-Destination (OD) VMT Per Service Population as the VMT metric.

Based on the City's TIA Guidelines, the SBCTA VMT Screening Tool is used in conjunction with the Low VMT Area Screening to determine if the Project is located within a low VMT-generating area. The SBCTA Screening Tool contains several Traffic Analysis Zones (TAZs). The following TAZs and VMT metrics (based on Year 2023) for each Focus Area are listed below:

- **Gateway North Sub-District**
 - TAZ 53728501
 - TAZ VMT = 28.9 OD VMT Per Service Population

⁵ Kimley-Horn and Associates. 2023. *VMT Screening Memorandum for the Proposed Walnut Village Specific Plan Project in the City of Fontana.*

- **Gateway Residential 4 Sub-District**
 - TAZ 53728052
 - TAZ VMT = 26.5 OD VMT Per Service Population

- **Gateway South Sub-District**
 - TAZ 53728502
 - TAZ VMT = 26.5 OD VMT Per Service Population

- **Gateway East Sub-District**
 - TAZ 53735701
 - TAZ VMT = 25.2 OD VMT Per Service Population

The California Air Pollution Control Officers Association (CAPOCA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity was used to apply a VMT reduction (Measure T-1) metric for increased residential density. As the Project proposes increased residential density, Measure T-1 was applied to each Focus Area within the Project site based on the proposed density increases. It should be noted that the CAPOCA Handbook has a maximum VMT reduction of 30% for Measure T-1. The adjusted VMTs with the applicable reductions for each Focus Area are listed below:

- **Gateway North Sub-District**
 - VMT reduction = capped at 30% (potential for 49.5%)
 - VMT = 20.23 OD VMT Per Service Population

- **Gateway Residential 4 Sub-District**
 - VMT reduction = 5.5%
 - VMT = 25.04 OD VMT Per Service Population

- **Gateway South Sub-District**
 - VMT reduction = capped at 30% (potential for 49.5%)
 - VMT = 18.55 OD VMT Per Service Population

- **Gateway East Sub-District**
 - VMT = reduction capped at 30% (potential for 49.5%)
 - VMT = 25.2 Per Service Population

The County Average OD VMT Per Service Population for Year 2023 is 33.4. Based on the above adjusted VMTs, each of the Focus Areas within the Project site would be located in a Low VMT Area, since each Focus Area is more than 15% below the County Average. Therefore, the overall Project is located in a Low VMT Area (15% below County Average, OD VMT Per Service Population), and the Low VMT Area screening criteria is met.

Low Project Type Screening

The City presumes local-serving retail projects less than 50,000 square feet may have a less-than-a-significant impact such that no contradicting evidence exists. Additionally, local-serving uses can also be presumed to have a less-than-significant impact as their uses are local serving in nature. These local-serving uses include but are not limited to, local parks, local-serving banks, assisted living, and more. For a detailed list of all alternative local-serving uses, see **Appendix E**. Since the Project does not encompass any of the described development, the Low Project Type Screening criteria is not met for the Project.

Project Net Daily Trips Less Than 500 ADT Screening

The City presumes that projects that generate fewer than 500 average daily trips (ADT) would not cause a substantial increase in the total citywide or regional VMT and would therefore have a less-than-a-significant impact on VMT. Trip generation estimates for the four Sub-districts within the Project site are based on trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual and are depicted in **Table 4.15-1: Trip Generation for the Walnut Village Specific Plan Project**. The four sub-districts have the potential for mixed-use commercial, but is intended to generally be ground-floor commercial for the residential uses. The ITE trip rates for residential uses without ground-floor commercial (ITE Land Use 220 and 221) are generally higher than the trip rates for residential uses with ground-floor commercial (ITE Land Use 230 and 231). As a more conservative approach the ITE trip rates for residential uses without ground-floor commercial were assumed for the Focus Areas within the Project site. The following ITE Land Use assumptions for each Focus Area are listed below:

- **Gateway North Sub-District**
 - Multi-Family Housing (Low-Rise): ITE Land Use 220
- **Gateway Residential 4 Sub-District**
 - Multi-Family Housing (Low-Rise): ITE Land Use 220
- **Gateway South Sub-District**
 - Multi-Family Housing (Mid-Rise): ITE Land Use 221
- **Gateway East Sub-District**
 - Multi-Family Housing (Low-Rise): ITE Land Use 220

Based on the information provided in **Table 4.15-1: Trip Generation for the Walnut Village Specific Plan Project**, the Project is expected to generate more than 500 total average daily trips. Therefore, the less than 550 ADT criteria is not met for the Project.

The VMT Screening Assessment determined that the Project met the screening criteria for Low VMT Area.

Table 4.15-1: Trip Generation for the Walnut Village Specific Plan

Land Use	ITE Code	Unit	Trip Generation Rates						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Multifamily Housing (Low-Rise)	220	DU	6.740	0.096	0.304	0.40	0.321	0.189	0.51
Multifamily Housing (Mid-Rise)	221	DU	4.540	0.085	0.285	0.37	0.238	0.152	0.39
Land Use	Quantity	Unit	Trip Generation Rates						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Gateway North Sub-District									
Multifamily Housing (Low-Rise)	200	DU	1,348	19	61	80	64	38	102
Gateway Residential 4 Sub-District									
Multifamily Housing (Low-Rise)	53	DU	357	5	16	21	17	10	27
Gateway South Sub-District									
Multifamily Housing (Mid-Rise)	1,980	DU	8,989	168	564	732	471	301	772
Gateway East Sub-District									
Multifamily Housing (Low-Rise)	175	DU	1,180	17	53	70	56	33	89
Total Project Trips			11,874	209	694	903	608	382	990
Source: Kimley-Horn and Associates. 2023. VMT Screening Memorandum for the Proposed Walnut Village Specific Plan Project in the City of Fontana.									

Since the Project meets at least one of the screening thresholds, implementation of the proposed Project would create less-than-a-significant impact and no further detailed analysis is required. As a result, the Project would have a less than significant impact to transportation and mitigation measures are not necessary.

Impact 4.15-3: *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)?*

Level of Significance: Less than Significant

The Project does not propose pedestrian or roadway improvements. However, there are opportunities for some pedestrian facility improvements within the Project site and would be implemented as new development occurs. The Project does propose the improvements and additions of bicycle facilities within and around the perimeter of the Project site. Planned bicycle facilities shall be implemented consistent with the existing policies of the City’s General Plan Circulation Element and the Fontana Active Transportation Plan, which encourages road diets (where feasible), and short-term and long-term bike racks/lockers/facilities at new residential, commercial, and industrial developments. Planned improvements are conceptual in nature and exact location of facilities can change when considering future development, design, and placements of improvements within the Project site.

The bicycle improvements would be compatible with and enhance the circulation system with the surrounding existing and future land uses. Although the Project does not propose any development plans, any future development within the Project site would have to comply with City requirements and obtain necessary permits that would maintain traffic flow and access. The Project’s proposed circulation improvements would not include any sharp curves, create dangerous intersections, or design hazards.

Furthermore, the Project does not propose incompatible land uses that would result in a potential significant traffic safety hazard. Therefore, potential impacts concerning design hazards would be less than significant.

Mitigation Measures

No mitigation measures are required.

Impact 4.15-4: Would the Project result in inadequate emergency access?

Level of Significance: No impact

The Project does not propose any development or physical adaptations to any of the Focus Areas. Future land use development projects would have to adhere to safety guidelines that does not obstruct emergency access to the site during construction and operations. Prior to any development approval, all plans would be reviews by the City fire department and City engineer to ensure all site access standards and internal emergency access circulation requirements are included in future plans. The Project does propose bicycle improvements, which could result in temporary disruption or slowing of traffic flows. However, all roadways would always remain open to emergency vehicles. Access within the Project site would be provided by Mango Avenue, Walnut Village Parkway, and Highland Avenue and all existing site access from surrounding roadways would not be altered. As such, there would be no impact to existing emergency access to the site and no mitigation measures are required.

Mitigation Measures

No mitigations measures are required.

4.15.6 Cumulative Impacts

Future cumulative development sites would be subject to discretionary permits and require CEQA evaluation for proposed projects. As such, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential transportation impacts and identify any necessary mitigation measures, respectively. The Project does not propose any development plans, with the exception of bicycle improvements, which could result in temporary traffic impacts to the local roadway system. However, the Project is not anticipated to conflict with transportation plans or policies and is consistent with the City's goals and policies as listed in **Section 4.15.3: Regulatory Setting**. Consequently, future development on the cumulative development sites would not result in significant environmental transportation-related impacts, nor would future development on the cumulative sites conflict or obstruct a state or local plan or regulation related to transportation. Additionally, all cumulative development projects would be required to reduce VMT-related impacts and implement appropriate mitigation measures pursuant to CEQA guidelines. Therefore, the Project would not cause a cumulatively considerable transportation impact, and no mitigation measures are required.

4.15.7 Significant Unavoidable Impacts

No significant and unavoidable impacts concerning transportation have been identified.

4.15.8 References

- City of Fontana. 2018. *Fontana Forward General Plan – Draft Environmental Impact Report*. Pg. 5.13-14. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.
- City of Fontana. (2018). *City of Fontana General Plan – Land Use, Zoning, and Urban Design Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26754/Chapter-15---Land-Use-Zoning-and-Urban-Design>.
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- Kimley-Horn and Associates. 2023. *VMT Screening Memorandum for the Proposed Walnut Village Specific Plan Project in the City of Fontana*.
- SCAG. 2020. Adopted Final Connect SoCal. <https://scag.ca.gov/read-plan-adopted-final-connect-social-2020>.

4.16 TRIBAL CULTURAL RESOURCES

4.16.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Tribal Cultural Resources impacts associated with the Updated Walnut Village Specific Plan Project (Project). Historically, the term “cultural resources” encompassed archaeological, historical, paleontological, and tribal cultural resources, including both physical and intangible remains, or traces left by historic or prehistoric peoples. Tribal resources refer to 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. Historic and archaeological resources are discussed in Draft EIR **Section 4.4: Cultural Resources** and paleontological resources are discussed in **Section 4.6: Geology and Soils**. The analysis is based primarily on:

- BCR Consulting LLC (2023). *Cultural Resources Assessment (CRA) for the Walnut Village Specific Plan Project*, Fontana, San Bernardino County, California. (**Appendix D**)

The cultural evaluations were conducted in compliance with California Public Resources Code (PRC) Section 5024.1 to identify prehistoric archaeological and historic resources in the Project area and evaluate potential impacts that could result from implementation of the Project. In accordance with PRC Section 21082.3 and California Government Code (CGC) Section 6254(r), due to the confidential nature of the location of cultural resources, this section does not include maps or location data.

4.16.2 Environmental Setting

Existing Conditions

The Project site lies in the City of Fontana and is comprised of the entire Walnut Village Specific Plan (WVSP). The majority of the specific plan has been developed, and the area surrounding the Project site is developed as well. The Project encompasses approximately 53 acres of the 342-acres of the WVSP, which have been identified as developable or capable of redevelopment. The Project site is bounded by State Route (SR) 210 to the north, Baseline Avenue to the south, Palmetto Avenue to the east, and Sierra Avenue to the west. The elevation of the Project site ranges from approximately 1,414 to 1,532 feet above mean sea level (amsl).¹

Ethnographic Setting²

Although no prehistoric sites have been locally recorded, in general the Specific Plan is situated at an ethnographic nexus peripherally occupied by the Gabrielino and Serrano. Each group consisted of semi-nomadic hunter-gatherers who spoke a variation of the Takic language subfamily.

Gabrielino

The Gabrieleno probably first encountered Europeans when Spanish explorers reached California’s southern coast during the 15th and 16th centuries. The first documented encounter, however, occurred in

¹ BCR Consulting. 2023. *Cultural Resources Assessment*. Page 1.

² BCR Consulting. 2023. *Cultural Resources Assessment*. Page 3.

1769 when Gaspar de Portola's expedition crossed Gabrielino territory. The Gabrielino name has been attributed by association with the Spanish mission of San Gabriel, and refers to a subset of people sharing speech and customs with other Cupan speakers (such as the Juaneño/Luiseño/Ajachemem) from the greater Takic branch of the Uto-Aztecan language family. Gabrielino villages occupied the watersheds of various rivers (locally included the Santa Ana) and intermittent streams. Chiefs were usually descended through the male line and often administered several villages. Gabrielino society was somewhat stratified and is thought to have contained three hierarchically ordered social classes which dictated ownership rights and social status. Plants utilized for food were heavily relied upon and included acorn producing oaks, as well as seed-producing grasses and sage. Animal protein was commonly derived from rabbits and deer in inland regions, while coastal populations supplemented their diets with fish, shellfish, and marine mammals. Dog, coyote, bear, tree squirrel, pigeon, dove, mud hen, eagle, buzzard, raven, lizards, frogs, and turtles were not utilized as food.

Serrano

The generic term "Serrano" was applied to four groups, each with distinct territories: the Kitanemuk, Tataviam, Vanyume, and Serrano. Only one group, in the San Bernardino Mountains and West-Central Mojave Desert, ethnically claims the term Serrano. The Vanyume, an obscure Takic population, was found along the Mojave River at the time of Spanish contact. The Kitanemuk lived to the north and west, while the Tataviam lived to the west. All may have used the western San Bernardino County area seasonally. Serrano villages consisted of small collections of willow-framed domed structures situated near reliable water sources. A lineage leader administered laws and ceremonies from a large ceremonial house centrally located. Local Serrano relied heavily on acorns and piñon nuts for subsistence, although roots, bulbs, shoots, and seeds supplemented these. When available, game animals commonly included deer, mountain sheep, antelope, rabbits, small rodents, and various birds.

Prehistoric Setting³

San Bernardino County

The local prehistoric cultural setting for the region has been organized into many chronological frameworks, although there is no definitive sequence for the region. The difficulties in establishing cultural chronologies for western San Bernardino County are due to its enormous size and the small number of archaeological excavations conducted in the region. Moreover, throughout prehistory many groups have occupied the area and their territories often overlap spatially and chronologically resulting in mixed artifact deposits. Due to the region's dry climate and unpredictable geological processes, these artifacts rarely become integrated in their original place. The region has relied on temporally diagnostic artifacts, such as projectile points, or upon the presence/absence of other temporal indicators, such as groundstone. Such methods are instructive, but can be limited by prehistoric occupants' simultaneous use of different artifact styles, or by artifact re-use or re-sharpening, as well as researchers' mistaken diagnosis, and other factors.

³ BCR Consulting. 2023. *Cultural Resources Assessment*.

Historical Setting⁴

San Bernardino County

Spanish Period (1769 to 1821)

The first European to pass through the area is thought to be a Spaniard called Father Francisco Garces. Having become familiar with the area, Garces acted as a guide to Juan Bautista de Anza, who had been commissioned to lead a group across the desert from a Spanish outpost in Arizona to set up quarters at the Mission San Gabriel in 1771 near what is today Pasadena. Garces was followed by Alta California Governor Pedro Fages, who briefly explored the region in 1772. Searching for San Diego Presidio deserters, Fages had traveled through Riverside to San Bernardino, crossed over the mountains into the Mojave Desert and then journeyed westward to the San Joaquin Valley.

Mexican Period (1821 to 1848)

In the early years of this period Mexico overthrew Spanish rule, and the missions began to decline. By 1833, the Mexican government had passed the Secularization Act, and the missions reorganized as parish churches, lost their land holdings, and released their neophytes.

American Period (1848 to Present)

This period began with the Treaty of Guadalupe Hidalgo. California was accepted into the Union of the United States in 1850, primarily due to the population increase created by the Gold Rush of 1849. In the early years of this period the cattle industry reached its greatest prosperity. Land grants from the Mexican period created large pastoral estates in California, and demand for beef during the Gold Rush led to a cattle boom that lasted from 1849-1855. However, beginning in about 1855, demand for beef began to decline due to imports of sheep from New Mexico, and cattle from the Mississippi and Missouri Valleys. Many California ranchers lost their ranchos through foreclosure when the beef market collapsed. A series of disastrous floods in 1861-1862, followed by a significant drought further diminished the economic impact of local ranching. This decline combined with ubiquitous agricultural and real estate developments of the late 19th century, allowed for diversified economic pursuits that have continued to proliferate to this day.

Methodology

Records Search

At the time of this study, a records search was completed at the South Central Coastal Information Center (SCCIC). The records search included a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from projects completed within one half-mile of the Project site. Additionally, a review was conducted of Historical Resources, and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

⁴ Ibid.

The records search results revealed that 31 cultural resource studies have taken place resulting in the recording of 13 cultural resources within a one half-mile radius of the Specific Plan. The Specific Plan area has been subject to two previous cultural resources studies, but no cultural resources have been previously identified within its boundaries. The records search results are summarized in Table A of the CRA in **Appendix D**. Additionally, aerial photograph research has shown that 21 historic-period residences, one historic-period mortuary, and a historic-period church are located within the Specific Plan Boundaries. See Table B of the CRA in **Appendix D** for additional details on the buildings within the Specific Plan area that are historic in age (45 or more years old) based on aerial photograph review.

Native American Heritage Commission Sacred Lands File Search

Please refer to **Section 4.16: Tribal Cultural Resources** for more information regarding the Native American Heritage Commission (NAHC) results.

Field Survey

A pedestrian field survey of the Project site was conducted on July 3, 2023. During the survey, the archaeologist inspected the ground surface for evidence of exposed native sediments or areas likely to contain or exhibit sensitive cultural resources. Field personnel inspected and photographed buildings that meet the minimum age threshold for the historic period (45 or more years old). Results of the field survey indicate that ground disturbances on the Project site were severe and resulted from a variety of natural and artificial factors, including excavation for paving, and for construction of utility services and modern and historic-period developments. As such, there is a low potential for encountering intact buried archaeological deposits in the Project area. Additionally, 21 historic-period residences, one historic-period mortuary, and a historic-period church were identified within the Specific Plan boundaries.

Native American Consultation

In compliance with PRC Section 21080.3.1(b), formal notification has been provided to California Native American tribal representatives which may have interest in projects within the geographic area traditionally and culturally affiliated with the tribe. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074.

The City sent consultation letters to the tribes listed below. The letters informed the respective tribes of the proposed Project and provided the opportunity for the tribe to consult with the City pursuant to Senate Bill 18 (SB 18) requirements. The City contacted the following tribes via written correspondence on June 5, 2023 in compliance with SB-18:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation, Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council

- Gabrielino-Tongva Tribe
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseno Indians
- Yuhaaviatam of San Manuel Nation
- Santa Rosa Band Cahuilla Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

Correspondence was received from the designated contact/tribal representative for the following tribes:

- Augustine Band of Cahuilla Indians
- Morongo Band of Mission Indians
- Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians)

The Augustine Band of Cahuilla responded that they are unaware of specific cultural resources that may be affected by the proposed Project. Both the Yuhaaviatam of San Manuel Nation and the Morongo Band of Mission Indians requested consultation during the environmental review process.

Correspondence received from each tribe is included in this DPEIR in **Appendix F**.

4.16.3 Regulatory Setting

State

Native American Heritage Commission

PRC Section 5097.91 established the Native American Heritage Commission (NAHC), the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC Section 5097.91 also specifies protocols to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

California Assembly Bill 52

Signed into law in September 2014, California Assembly Bill (AB) 52 created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the California Register of Historical Resources (CRHR), included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing on the CRHR. AB 52 requires that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a

negative declaration, mitigated negative declaration, or EIR. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level.

PRC Sections 5097.91, 5097.98, and 5097.94 and the Native American Heritage Commission

PRC Section 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC Section 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

PRC Section 5097.94 establishes the powers and duties of the NAHC, including, but not limited to:

- a) To identify and catalog places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands. The identification and cataloging of known graves and cemeteries shall be completed on or before January 1, 1984. The commission shall notify landowners on whose property the graves and cemeteries are determined to exist and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property.
- b) To make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans.
- c) To make recommendations to the Legislature relative to procedures that will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

California Health and Safety Code, Sections 7050 and 7052

Health and Safety Code (HSC) Section 7050.5, declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. HSC Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

Local

Fontana General Plan Update 2015-2035

There are no goals or policies from the City's General Plan Update that are pertinent to the Project and tribal cultural resources.

4.16.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- 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.

4.16.5 Impacts and Mitigation Measures

Impact 4.16-1 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Level of Significance: Less than Significant Impact with Mitigation Incorporated

The Project does not directly propose the development of physical residential units within the WVSP. Instead, the Project proposes rescinding the existing WVSP to enable mixed-use, residential, and commercial developments. The Project would also include the up zoning of residential parcels in order to increase residential density within the WVSP. Unknown tribal cultural resources have a higher potential of occurring in previously vacant, undeveloped sites. The majority of the WVSP site is developed while the Project sub-districts remain partially developed. However, the four sub-districts contain undeveloped parcels. Future development facilitated by the Project may still affect previously unidentified Native American tribal cultural resources. Future development in these areas facilitated by the Project would, however, be subject to discretionary approvals and site-specific CEQA evaluation on a project-by-project basis.

Formal letters inciting consultation for the Project pursuant to PRC Section 21080.3.1 and Government Code Section 65352.3 were sent to the following Native American Tribe representatives:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation, Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseno Indians
- Santa Rosa Band Cahuilla Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians
- Yuhaaviatam of San Manuel Nation

SB 18 and AB 52 letters were distributed to these tribes on June 5, 2023. Consultation on the Project was requested by Native American representatives from the Morongo Band of Mission Indians. The Morongo Band of Mission Indians also requested the following documents:

- Currently proposed Project design and Mass Grading Maps,
- A records search conducted at the appropriate California Historical Resources Information System (CHRIS) center with at least a 1.0-mile search radius from the project boundary,
- Cultural studies conducted,
- Shapefiles of the Projects area of effect, and
- The Geotechnical Report.

The Yuhaaviatam of San Manuel Nation did not have any concerns with the project’s implementations, as planned. Additionally, the Yuhaaviatam of San Manuel Nation requested that **Mitigation Measures (MM) CUL-3, MM CUL-4, MM CUL-5 and MM TCR-1 and MM TCR-2** be incorporated into the Project. Along with adequate tribal consultation, future development facilitated by the Project would be subject to discretionary permits and compliance with all Federal, State, and local requirements for protecting tribal cultural resources, including the following mitigation measures. With the Project’s compliance with existing regulations and implementation of mitigation measures, impacts are anticipated to be less than significant.

Mitigation Measures

- MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in **MM CUL-3**, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to the Monitoring and Treatment Plan. The Monitoring and Treatment Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.
- MM TCR-2** Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

4.16.6 Cumulative Impacts

For purposes of tribal cultural resources impact analysis, cumulative impacts are considered for cumulative development according to the related projects (see **Table 4-1: Cumulative Projects List**). As discussed above, while the NAHC determined that there are no known Native American cultural resources within the immediate Project area; the potential exists for undiscovered tribal cultural resources to be adversely impacted during Project construction. With implementation of the specified mitigation measures, construction would not cause a substantial adverse change in the significance of any tribal cultural resources; a less than significant impact would occur.

Additionally, future cumulative development projects could encounter tribal cultural resources. Thus, the potential exists for cumulative development to result in the adverse modification or destruction of tribal cultural resources. Potential tribal cultural resource impacts associated with other individual developments would be specific to each site. As with the Project, all cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential impacts to tribal cultural resources.

All future development with the potential to impact tribal cultural resources would be subject to compliance with the existing federal, state, and local regulatory framework concerning the protection of tribal cultural resources. Furthermore, each future project considered for approval by the City would be required to include mitigation measures to protect resources if they are uncovered during grading activities. Refer to **Section 4.0: Environmental Analysis**, for applicable prior CEQA documents that provide analysis and mitigation for cumulative impacts within the jurisdiction of the affected agency(s).

Additionally, implementation of site-specific mitigation measures would be required to reduce potential project impacts to as-yet-unidentified tribal cultural resources to less than significant levels. As such, cumulative impacts to tribal cultural resources would be mitigated on a project-by-project level, and in

accordance with the established regulatory framework, through the established regulatory review process. Therefore, the combined cumulative impacts to tribal cultural resources associated with the Project's incremental effects and those of the cumulative projects would be less than significant with mitigation incorporated.

4.16.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.16.8 References

BCR Consulting. 2023. *Cultural Resources Assessment*.

California Historic Building Code (Sections 18950 to 18962 of Division 13, Part 2.7 of California Health and Safety Code).

City of Fontana. (2018). City of Fontana General Plan – Community and Neighborhoods Element. <https://www.fontana.org/DocumentCenter/View/26743/Chapter-4--Community-and-Neighborhoods> (accessed March 2023).

City of Fontana. 2022. Fontana, California – Code of Ordinances, Article XIII. Preservation of Historic Resources. https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodid=CO_CH5BUBURE_ARTXIIIPRHIRE (accessed March 2023).

4.17 UTILITIES

4.17.1 Introduction

This section of the Draft Programmatic Environmental Impact Report (PEIR) for the Walnut Village Specific Plan Project (Project) will identify and analyze potential impacts on utilities and service systems within the City of Fontana (City), by identifying anticipated demand and evaluating its relationship to existing and planned utilities and service facilities and availability. For abbreviation purposes, the general term “utilities and service systems” in this Draft PEIR includes the following: water, sewer, stormwater, electricity and natural gas, and solid waste. This section identifies potential impacts that could result from the Project.

This section evaluates the existing utilities and service systems that would be used by the Project and analyzes associated environmental impacts from implementation. Information herein is derived from the following:

- City of Fontana General Plan (GP) Update 2015-2035.
- San Gabriel Valley Water Company - Fontana Water Company Division 2020 Urban Water Management Plan (UWMP), June 2021.
- West Valley Water District and San Bernardino Valley Regional UWMP.

4.17.2 Environmental Setting

Water

Fontana Water Company¹

Water for the Project area would be provided by the Fontana Water Company (FWC). The FWC service area includes the majority of the City and the portions of the cities of Rialto and Rancho Cucamonga. The FWC service area also includes portions of unincorporated San Bernardino County (County). In 2020, the FWC served approximately 236,754 people and the service area is projected to increase to approximately 272,900 by 2045. Projected future water demands have been estimated based on the anticipated growth, as defined by population projections for FWC’s service area. Existing water supplies for FWC include surface water that is diverted from Lytle Creek and treated at the Summit Plant, untreated State Water Project (SWP) surface water purchased from the Inland Empire Utilities Agency (IEUA) and San Bernardino Valley Municipal Water District (SBVMWD), recycled water purchased from IEUA, and groundwater pumped from FWC-owned and operated wells from the underlying Chino Basin, Rialto-Colton/No Man’s Land Basins and Lytle Basin.

In accordance with SB X7-7 which requires that all water suppliers increase their water use efficiency, FWC must meet a per capita water use target of 176 gallons per person per day by 2020 for its water service

¹ Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed July 2023).

area. Through analyzing FWC’s service area population and water use in 2020, FWC met and exceeded its water conservation target with a per capita water use of 149 gallons per person per day.

As part of the 2020 Urban Water Management Plan (UWMP), FWC has determined the actual water supplies as of 2020 and the projected water supply for consecutive five-year periods between 2025 and 2045 as shown in **Table 4.17-1: FWC Actual Water Supplies in 2020 (AF)** and **Table 4.17-2: FWC Projected Water Supply (AF)**. Additionally, FWC provided the anticipated water supplies from a normal year, single dry year, and multiple dry years show in **Table 4.17-3: FWC Normal Year Supply and Demand Comparison**, **Table 4.17-4: FWC Single Dry Year Supply and Demand Comparison**, and **Table 4.17-5: FWC Multiple Dry Years Supply and Demand Comparisons**.

Table 4.17-1: FWC Actual Water Supplies in 2020 (AF)

Water Supply	Location or Basin Name	2020	Water Quality
		Actual Volume	
Purchased or Imported Water	IEUA	10,027	Other Non-Potable Water
Purchased or Imported Water	SBVMWD	0	Other Non-Potable Water
Groundwater (not desalinated)	Chino Basin	11,859	Drinking Water
Groundwater (not desalinated)	Rialto-Colton Basin	2,538	Drinking Water
Groundwater (not desalinated)	Lytle Basin	6,422	Drinking Water
Surface water (not desalinated)	No Man’s Land Basin	2,633	Drinking Water
Groundwater (not desalinated)	Lytle Creek	5,965	Drinking Water
Recycled Water	IEUA	387	Other Non-Potable Water
Total		39,831	-

Source: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 6-11: Water Supplies - Actual*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed July 2023).

Table 4.17-2: FWC Projected Water Supply (AF)

Water Supply	Location or Basin Name	2025	2030	2035	2040	2045
		Volume				
Purchased or Imported Water	IEUA	15,000	15,000	15,000	15,000	15,000
Purchased or Imported Water	SBVMWD	3,200	3,200	3,200	3,200	3,200
Groundwater (not desalinated)	Chino Basin	9,278	9,983	11,128	12,293	3,200
Groundwater (not desalinated)	Rialto Basin (Including No Man’s Land)	5,865	5,976	6,087	6,199	6,310
Groundwater (not desalinated)	Lytle Basin	6,390	6,390	6,390	6,390	6,390
Surface water (not desalinated)	Lytle Creek	4,860	4,860	4,860	4,860	4,860
Recycled Water	IEUA	1,000	1,500	2,000	2,500	3,000
Total		45,593	46,909	48,665	50,442	51,943

Source: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 6-12: Water Supplies - Projected*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed March 2023).

Table 4.17-3: FWC Normal Year Supply and Demand Comparison

	2025	2030	2035	2040	2045(opt)
Supply Total	45,593	46,909	48,665	50,442	51,943
Demand Total	45,593	46,909	48,665	50,442	51,943
Difference	0	0	0	0	0

Note: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 7-4: Normal Year Supply and Demand Comparison*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed March 2023).

Table 4.17-4: FWC Single Dry Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Supply Total	34,006	34,987	36,297	37,623	38,742
Demand Total	34,006	34,987	36,297	37,623	38,742
Difference	0	0	0	0	0

Note: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 7-5: Single Dry Year Supply and Demand Comparison*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed March 2023).

The UWMP also analyzes projected water demand by land use from 2025 to 2045. **Table 4.17-5: Water Demand Projections by Land Use** depicts an expected increase by a consistent percentage from 2025 to 2045. Water supplies are also expected to increase through the year 2045. Water demand projections are estimated using a per capita water use factor that was established from recent (2018-2020) demands, assuming a drought rebound of approximately 10 percent, combined with the SCAG/TAZ projected population for FWC’s service area.

Table 4.17-5: Water Demand Projections by Land Use

Land Use	2025	2030	2035	2040	2045	Number Change 2020 to 2045	% Change 2020 to 2045
Residential	27,661	28,167	28,946	29,738	30,359	7,900	35%
Commercial/Institutional	6,785	6,908	7,099	7,294	7,446	1,937	35%
Industrial	4,010	4,084	4,197	4,312	4,402	1,146	35%
Other (and landscaping)	6,138	6,250	6,423	6,598	6,736	1,752	35%
Total	44,593	45,409	46,665	47,942	48,943	9,548	24%

Source: San Gabriel Water Company Fontana Water Company Division. (2021). *2020 Urban Water Management Plan*. Page 4-4. Retrieved from: <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (Accessed November 1, 2021).

According to the data provided in the UWMP, FWC does not anticipate any shortage due to single or consecutive dry years. Even though localized drought conditions should not affect supply, FWC participates in several ongoing water conservation measures and regional recharge projects to optimize and enhance the use and reliability of regional water resources. If FWC experiences constraints on its surface water and groundwater supplies, these sources could be supplemented by alternative sources such as recycled water, or water conservation measures.

Stormwater Drainage

The San Bernardino Flood Control (Flood District) is responsible for maintaining flood control functions within the County. Primary functions of the district include flood protection, water conservation, and storm drain construction. There are six zones within the Flood District, each with their own distinctive interests, responsibilities, and geographical divisions. The Project is in Zone 2, a 318 square mile area

encompassing the central area of San Bernardino Valley.² The Flood District is responsible for constructing dams, containment basins, channels and storm drains to divert and manage flood flows away from developed areas. The City is responsible for establishing local storm drains that are incorporated into the County's area-wide system. In addition, the City has adopted a Master Drainage Plan.

The City has been designated a permittee by the Santa Ana Regional Water Quality Control Board (RWQCB), in which the City enforces a Municipal Storm Water Management Plan that complies with requirements under the stormwater discharge permit. The plan regulates drainage flows, sanctions inspections, prohibits specific discharges, and implements public education. Through this plan, the City is able to control discharge caused by new development and redevelopment and enforces site-specific and construction site maintenance practices. Additional details outlining stormwater controls and water quality management strategies are included in **Section 4.9: Hydrology and Water Quality**.

Groundwater Recharge

Groundwater recharge depends on numerous factors and occurs largely through snowmelt and rainwaters that are able to enter the aquifer after entering the ground and seeping to lower depths within the ground. Impervious surfaces introduced from development such as roofs, streets, and parking lots, induce runoff and impede infiltration and can keep water from reaching the aquifer. Artificial groundwater recharge is increasingly used where natural sources are insufficient and many projects include designs that incorporate detention basins and timed release of runoff to facilitate infiltration.

FWC receives groundwater supplies from three adjudicated basins, including the Chino Basin, Rialto-Colton Basin, and the Lytle Basin. FWC's current available pumping capacity totals approximately 37,222 gallons per minute (gpm) with individual well production ranging from approximately 189 gpm to 2,955 gpm. Current pumping capacity (as of April 2021) from each basin is as follows³:

- Chino Basin: 23,123 gpm
- Lytle Basin: 4,659 gpm
- Rialto-Colton Basin: 9,440 gpm

Wastewater and Recycled Water

Municipal recycled water is municipal wastewater that has been treated to a specified quality to enable it to be used again for a beneficial purpose. Municipal wastewater treatment services in FWC's service area are provided by the Inland Empire Utilities Agency (IEUA) and the City of Rialto. IEUA is a regional wastewater treatment agency and wholesale distributor of imported water. IEUA is the wastewater authority and recycled water producer in FWC's service area. IEUA serves approximately 875,000 people over 242 square miles in western San Bernardino County. Under the Chino Basin Regional Sewage Service Contract, IEUA provides sewage utility services to the cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Upland, and Rancho Cucamonga.

IEUA operates four Regional Water Recycling Plants (RPs), including RP-1, RP-4, RP-5, and the Carbon Canyon Water Recycling Facility (CCWRF). IEUA's RPs treat wastewater within IEUA's service area and

² San Bernardino County. 2023. *District Zones*. Available at <https://dpw.sbcounty.gov/flood-control/district-zones/>. (accessed July 2023).

³ Fontana Water Company. 2021. *Fontana Water Company, Groundwater*, page 6-5. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

produce disinfected tertiary treated recycled water compliant with the California Division of Drinking Water (DDW) Title 22 regulations. IEUA's RP-4 treats local wastewater generated by the City of Fontana.

IEUA's four RPs have a total combined design treatment capacity of approximately 86 MGD. Currently, all four reclamation facilities treat a total combine average daily flow of about 48 MGD (from 2017 to 2018).⁴ A system of regional trunk and interceptor sewers, owned and operated by IEUA, transport wastewater to the RPs. To avoid overloading at any one facility, wastewater can be diverted from one RP to another. Local sewer systems are owned and operated by local agencies. IEUA's RP-4 is responsible for treating local wastewater generated by the City of Fontana and is located near the intersection of Etiwanda Avenue and 6th Street in the City of Rancho Cucamonga. RP-4 treats an average flow of 10 MGD of wastewater and is operated in conjunction with RP-1 to provide recycled water to users. In 2009, RP-4 was expanded to a capacity of 14 MGD.⁵

Conservation

The Water Conservation Act of 2009 (also known as SB X7-7) required retail water agencies to establish water use targets for 2015 and 2020 that would result in statewide water savings of 20 percent by 2020. In 2020, retail agencies are required to report on their compliance with SB X7-7.

In accordance with SB X7-7, FWC must meet a per capita water use target of 176 gallons per person per day by 2020 for its water service area. Looking at FWC's water service area population and water use in 2020, FWC met and exceeded its water conservation target with a per capita water use of 149 gallons per person per day.

Solid Waste

Solid waste and recycling services are provided to the City through Burrtec Waste Industries, Inc. For waste generated within the City, Burrtec transports the waste to the Mid-Valley Sanitary Landfill in Rialto for disposal.⁶ The landfill has a capacity of 7,500 tons of solid waste per day and a total capacity of 101,300,000 cubic yards.⁷ As of June 30, 2019, the landfill had 61,219,377 cubic yards of capacity available. The facility has a cease operation date of April 1, 2045.⁸ As of October 2017, the landfill accepted an average of 3,475 tons per day leaving a daily capacity of approximately 4,025 tons per day.

Gas and Electricity

The Project would continue to be served by Southern California Gas Company (SoCalGas) through the existing gas lines serving the site⁹ and Southern California Edison (SCE). As shown in the SCE Power Site Search Tool, the Project site is currently served electricity.¹⁰

⁴ Fontana Water Company. 2021. *Fontana Water Company, Wastewater Collection, Treatment, and Disposal, page 6-15.* <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

⁵ Ibid.

⁶ City of Fontana. 2020. *Trash and Recycling Services.* <https://www.fontana.org/541/Trash-and-Recycling-Services> (accessed March 2023).

⁷ CalRecycle. 2022. *SWIS Facility Detail – Mid-Valley Sanitary Landfill (36-AA-0055).* <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed March 2023).

⁸ Ibid.

⁹ SoCalGas. ND. *Gas Transmission Pipeline Interactive Map – San Bernardino.* <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=faeed481312f4e5fb056f739ff169e02> (accessed March 2023).

¹⁰ Southern California Edison. 2022. *Southern California Edison Power Site Search Tool.* <https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888>. (accessed March 2023).

San Bernardino County consumed approximately 16,180 gigawatt hours (GWh) of energy in 2021. Non-residential electric uses accounted for about 64 percent of the total energy consumption, or 10,380 GWh, while residential demand was approximately 36 percent, or 5,800 GWh.¹¹ The total gas consumption in 2021 for the County was approximately 561 million therms. Non-residential gas demand was approximately 54 percent of the total, or 305 million therms. Residential uses accounted for 46 percent, or approximately 256 million therms.¹²

4.17.3 Regulatory Setting

Federal

Safe Drinking Water Act

The EPA administers the Safe Drinking Water Act (SDWA), the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The Department of Health Services (DHS) implements the SDWA and oversees public water system quality statewide. DHS establishes legal drinking water standards for contaminants that could threaten public health.

Clean Water Act

In 1972, the Federal Water Pollution Control Act Amendments were enacted to address water pollution problems. After an additional amendment in 1977, this law was re-named the Clean Water Act (CWA). Thereafter, it established the regulation of discharges of pollutants into waters of the United States by the EPA. Under the Clean Water Act, the EPA can implement pollution control programs and set water quality standards. Additionally, the CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained pursuant to its provisions.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and amended in 2013, the State Water Resources Control Board (SWRCB) has authority over State water rights and water quality policy. This Act divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. Fontana is overseen by the Santa Ana Area RWQCB.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) is the California (State) agency focused on providing and ensuring clean sustainable water for all state residents. This State agency works alongside other federal programs like the Clean Water Act to regulate water sources and uses. The SWRCB regulates water

¹¹ California Energy Commission. 2023. Electricity Consumption by County. Available at <https://ecdms.energy.ca.gov/electbycounty.aspx>. (accessed July 2023).

¹² California Energy Commission. 2023. Gas Consumption by County. Available at <https://ecdms.energy.ca.gov/gasbycounty.aspx> (accessed July 2023).

consumption for irrigation and drinking, as well as water discharges from construction, municipal uses, storm water, and other sources.

Urban Water Management Planning Act

In 1983, the California legislature enacted the Urban Water Management Planning Act (California Water Code, Sections 10610–10656), which requires specified urban water suppliers within the state to prepare an UWMP and update it every 5 years. Specifically, section 10610.04 et seq. as amended, of the California Urban Water Management Planning Act specifies that “Urban Water Suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies. As such, UWMPs serve as an important element in documenting water supply availability and reliability for purposes of compliance with Senate Bills 610 and 221, which link water supply sufficiency to large land-use development Project approvals. Urban water suppliers also must prepare UWMPs, pursuant to the Urban Water Management Planning Act, in order to be eligible for state funding and drought assistance.

On June of 2016, the EMWD Board of Directors adopted the District’s 2015 UWMP. This plan details EMWD’s demand projections and provides information regarding EMWD’s supply. The majority of EMWD’s existing and future planned demand is met through imported water delivered by MWD. EMWD’s 2015 UWMP relies heavily on information and assurances included in the 2010 MWD RUWMP when determining supply reliability. Demand for EMWD included in the 2015 UWMP is calculated across the District and is not project-specific.

Sustainable Groundwater Management Act (2014)

The Sustainable Groundwater Management Act of 2014 (SGMA) consists of three legislative bills, Senate Bill (SB) 1168 (Pavley), AB 1739 (Dickinson), and SB 1319 (Pavley). The legislation provides a framework for long-term sustainable groundwater management across California. Under the roadmap laid out by the legislation, local and regional authorities in medium and high priority groundwater basins will form Groundwater Sustainability Agencies that oversee the preparation and implementation of a local Groundwater Sustainability Plan. Local stakeholders have until 2017 to organize themselves in Groundwater Sustainability Agencies. Groundwater Sustainability Plans will have to be in place and implementation will begin between 2020 and 2022. Groundwater Sustainability Agencies will have until 2040 to achieve groundwater sustainability.

California Senate Bills 610 and 221

SB 610 and SB 221 amended State law to (1) ensure better coordination between local water supply and land use decisions and (2) confirm that there is an adequate water supply for new development. Both statutes require City and County decision-makers to receive detailed information regarding water availability prior to approval of large development projects. SB 610 requires the preparation of a Water Supply Assessment (WSA) for certain types of projects subject to the California Environmental Quality Act (CEQA). Projects that would be required to prepare a WSA include, but are not limited to, residential developments of more than 500 dwelling units and shopping centers or business establishments employing more than 1,000 persons or having more than 500,000 square feet of floor area.

Water Conservation in Landscaping Act of 2006 (AB 1881)

The Water Conservation in Landscaping Act of 2006 (AB 1881) required the State Department of Water Resources to update the State Model Water Efficient Landscape Ordinance (WELO) by 2009. The State's model ordinance was issued on October 8, 2009. Under AB 1881, Cities and Counties are required to adopt a State updated model landscape water conservation ordinance by January 31, 2010, or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO).

2015 Update of the State Model Water Efficient Landscape Ordinance (per Governor's Executive Order B-29-15)

To improve water savings in the landscaping sector, the California Department of Water Resources (DWR), updated the Model Ordinance in 2015 (in accordance with Executive Order B-29-15). The Model Ordinance promotes efficient landscapes in new developments and retrofitted landscapes. The Executive Order calls for revising the Model Ordinance to increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture, and by limiting the portion of landscapes that can be covered in turf. New development projects that include landscape areas of 500 square feet or more are subject to the Ordinance. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review.

Local agencies had until December 1, 2015 to adopt the Ordinance or adopt their own ordinance, which must meet or exceed effectiveness. The Fontana City Council adopted an ordinance on November 10, 2015, amending Municipal Code Article IV of Chapter 28 regarding Landscaping and Water Conservation, to incorporate updates consistent with the Executive Order B-29-15, as well as AB 1881.

Assembly Bill (AB) 1668 and Senate Bill (SB) 606 – May 31, 2018

AB 1668 and SB 606 build on Governor Brown's ongoing efforts to make water conservation a way of life in California and create a new foundation for long-term improvements in water conservation and drought planning. SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022.

The two bills strengthen the state's water resiliency in the face of future droughts with provisions that include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; comprised of indoor residential water use, outdoor residential water use, commercial, industrial and institutional (CII) irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and provide recommendations for drought planning.
- Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

Solid Waste

Integrated Waste Management Act – AB 939

The Integrated Waste Management Act (AB 939) mandates that communities reduce their solid waste. AB 939 required local jurisdictions to divert 25 percent of their solid waste by 1995 and 50 percent by 2000, compared to a baseline of 1990. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

Mandatory Commercial Recycling – AB 341

In 2011, AB 341 was passed that sets a State policy goal of not less than 75 percent of solid waste that is generated to be source reduced, recycled, or composted by the year 2020. CalRecycle was required to submit a report to the legislature by January 1, 2014 outlining the strategy that will be used to achieve this policy goal.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act require areas in development projects to be set aside for collecting and loading recyclable materials. The Act required CalRecycle (formerly the California Integrated Waste Management Board) to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, providing for adequate areas in development projects for the collection and loading of recyclable materials.

Mandatory Commercial Organics Recycling – AB 1826

In October of 2014 Governor Brown signed AB 1826 requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Greenhouse gas (GHG) emissions result from the decomposition of organic wastes in landfills. Mandatory recycling of organic waste is aimed at helping achieve California's aggressive recycling and GHG emission goals. The implementation schedule began in January 2016 and as of January 1, 2019, businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. In addition, future regulations include the following:

- Fall 2020: After receipt of the 2019 annual reports submitted on August 1, 2020, CalRecycle shall conduct its formal review of all jurisdictions.
- Summer/Fall 2021: If CalRecycle determines that the statewide disposal of organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014, the organic recycling requirements on businesses will expand to cover businesses that generate two cubic yards or more of commercial solid waste per week. Additionally, certain exemptions, previously discussed, may no longer be available if this target is not met.

Senate Bill 1383

SB 1383 (2016) requires a 50 percent reduction in disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. Food waste alone accounts for approximately 17 percent to 18 percent of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste throughout the state will help reduce methane emissions from organic waste disposed in California's landfills. Additionally, compost has numerous benefits including water conservation, improved soil health, and carbon sequestration.

Local

Fontana General Plan 2015-2035

Infrastructure and Green Systems Element

The Infrastructure and Green Systems Element¹³ of the Fontana GP includes the goals and policies that will be responsible for water, wastewater, flood control, storm drainage, electricity, and natural gas systems in the City. This General Plan element addresses possible impacts to the utilities' infrastructure with policies intended to maintain and provide adequate service levels with new development projects.

Goal 1 Fontana collaborates with public and private agencies for an integrated and sustainable water resource management program.

Policy

- 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.

Goal 2 Fontana promotes use of non-potable water for uses where drinking water is not needed.

Policy

- Encourage use of processed water from the Inland Empire Utility Agency (IEUA) systems using recycled water for all non-drinking water purposes.
- Promote laundry-to-landscape greywater systems for single-family housing units.

Goal 3 The City continues to have an effective water conservation program.

Policy

- Support landscaping in public and private spaces with drought-resistant plants.
- Continue successful city water conservation programs and partnerships.

¹³ City of Fontana. (2022). *City of Fontana General Plan – Infrastructure and Green Systems Element*. Retrieved at: <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed August 2022).

Goal 4 The City of Fontana consistently seeks reasonable rates from the city’s drinking water providers.

Policy

- Support City negotiations to keep drinking water rates reasonable for residents and other users.

Goal 5 Fontana collaborates closely with the inland Empire Utilities Agency to promote innovative and resource-efficient systems and reduce sewer fees.

Policy

- Support and participate in IEUA programs that help Fontana be more resource-efficient.
- Support incorporation of greywater systems in new developments.

Goal 6 Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards.

Policy

- Continue to implement the water-quality management plan for stormwater management that incorporates low-impact and green infrastructure standards.
- Promote natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater.

Goal 7 Fontana is becoming an energy-efficient community.

Policy

- Promote renewable energy and distributed energy systems in new development and retrofits of existing development to work towards the highest levels of low-carbon energy-efficiency.

Goal 8 All residences, businesses, and institutions have a dependable, environmentally safe means to dispose of solid waste.

Policy

- Continue to use best practices for environmentally safe collection, transport and disposal of hazardous wastes.
- Continue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost.

Goal 8 Up-to-date telecommunications technology is available to all developed areas in the city.

Policy

- Ensure that Fontana remains competitive as a place to live, work, and learn in terms of available telecommunications and other technology.

City of Fontana Municipal Code

Waste Management

The City's Municipal Code Section 24 explains in detail the City's regulations regarding waste management. This includes the guidelines for service and requirements for both the collectors of waste and the owners of the waste-generating properties. This section also details the unlawful acts associated with trash collection, such as prohibited containers and refuse burning.¹⁴

Utilities

The City's Municipal Section 27 is responsible for the City's regulations regarding utilities. This includes underground utility districts and permitted and unlawful acts regarding the use of utilities.¹⁵

4.17.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- 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;
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- Result in a determination by the waste water 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;
- 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; or
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

4.17.5 Impacts and Mitigation Measures

Impact 4.17-1 *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?*

Level of Significance: Less than Significant Impact

Future housing development facilitated by the Project would require discretionary permits as market conditions allow and at the discretion of the individual property owners. As discussed in **Section 4.12: Population and Housing**, the Project would include a series of implementing actions to increase housing

¹⁴ City of Fontana. (2022). *City of Fontana Municipal Code -- Section 24.*

¹⁵ City of Fontana. (2022). *City of Fontana Municipal Code -- Section 27.*

capacity that would induce population growth in the City. Future housing development facilitated by the Project and the resulting population growth of approximately 8,000 persons would incrementally increase the demand for utility and service systems.

Overall, future residential and mixed-use development construction and operation would result in increased water, wastewater treatment, electric power, natural gas, and telecommunications demands, and wastewater and solid waste generation. Any construction and operation effects to utilities and service systems from future development facilitated by the Project would be subject to compliance with all Federal, State, and local requirements for minimizing construction and operational impacts to utilities, including water and wastewater system capacities, solid waste reduction goals, and supplies of electric power, natural gas, and telecommunications. Because the Project does not directly involve physical development of housing units and instead modifies existing policies and regulations, it would not directly result in the relocation or construction of new or expanded utility facilities.

Water Facilities

Water to the Project area would be provided by FWC. As described in **Section 4.17.2: Environmental Setting**, FWC provides water to its service area via groundwater, surface water, and imported water sources. Although FWC currently has a surplus water supply, it has projected additional water resource allocations through the year 2045. FWC's available water supplies will be sufficient enough to meet all water demands of the entire Project through 2045, including during single and multiple dry years.¹⁶

The Project would include residential and commercial development. Future developments within the Project site would be expected to connect to the City's domestic water supply system in adjacent areas and would provide infrastructure/pipelines that are adequately sized to accommodate its demands. Applicants for future development projects would be required to submit proper building and safety documents, as required by the City of Fontana.

Wastewater

The City's Public Works Department – Utilities Division maintains the City's sewer system and the IEUA provides wastewater treatment services through facilities managed by the IEUA. These facilities can treat a total of 86 MGD of wastewater with a current remaining capacity of 38 MGD. The Project site contains an existing extensive network of sewer lines, which provides services to the existing developments. Future developments within the Project site would be expected to connect to the City's domestic wastewater supply system in adjacent areas and would provide infrastructure/pipelines that are adequately sized to accommodate its demands.

Stormwater Infrastructure

All stormwater infrastructure, including on- and off-site improvements, would connect to the City's existing stormwater infrastructure. Thus, future development within the Project area would possibly

¹⁶ Fontana Water Company. 2021. San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed March 2023).

require construction of new stormwater treatment and conveyance facilities, including on-site storm drains and water quality infiltration or biofiltration basins.

Electricity, Natural Gas, and Telecommunications

SCE currently provides electric power in the City through electricity distribution lines both aboveground and buried. Future development projects would be required to connect to the existing SCE lines which would enable additional services to the site. SCGC provides gas services throughout the County, including the Project area. There are existing natural gas lines in the Project area that contribute to surrounding uses. Similar to other dry utilities, telecommunication services would be extended to serve the Project site. This may involve the extension of services for existing providers and the petition for additional services from other providers not currently servicing the area within the Project site. However, the construction of substantial new telecommunication infrastructures would not be required.

The Project site is largely developed and contains adequate capacity to expand dry utility infrastructure to accommodate future potential developments in those undeveloped areas of the Project site. Thus, future developments would not be expected to require the construction or expansion of electric power, natural gas, and telecommunication facilities.

Mitigation Measures

No mitigation is required.

Impact 4.17-2 ***Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?***

Level of Significance: Less Than Significant Impact.

Construction and Operations

The UWMP analyzes projected water demand by land use from 2025 to 2045. **Table 4.17-5: Water Demand Projections by Land Use**, above, depicts an expected increase by a consistent percentage from 2025 to 2045. Water supplies are also expected to increase through the year 2045. Water demand projections are estimated using a per capita water use factor that was established from recent (2018-2020) demands, assuming a drought rebound of approximately 10 percent, combined with the SCAG/TAZ projected population for FWC's service area.

According to the data provided in the UWMP, FWC does not anticipate any shortage due to single or consecutive dry years. Even though localized drought conditions should not affect supply, FWC participates in several ongoing water conservation measures and regional recharge projects to optimize and enhance the use and reliability of regional water resources. If FWC experiences constraints on its surface water and groundwater supplies, these sources could be supplemented by alternative sources such as recycled water, or water conservation measures.

Project implementation would not facilitate development in a manner that would exceed the water supply capacity for FWC in single or multiple dry years. Further, future development facilitated by the Project

would be required to adhere to all Federal, State, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is required.

Impact 4.17-3 ***Would the Project result in a determination by the waste water 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?***

Level of Significance: Less Than Significant Impact

Construction and Operations

The Project would include both residential and commercial development. In 2019, the nonresidential (not including heavy industrial) average wastewater generation was calculated to be 1,500 gallons per acre per day (gpad) while residential wastewater generation was calculated to be 70 gpad. Based on 2019 data for daily wastewater generation, commercial develop would generate 79,500 gpad and residential development would generate 3,710 gpd or a combined total of 83,210 gpad, or 0.083 MGD. As previously mentioned, the City provides wastewater treatment through IEUA's four RPs. These RPs have the capacity to treat 86 MGD of wastewater. Currently, the system has a remaining capacity pf 38 MGD. The Project's combined generation would account for 0.1 percent of the system's treatment capacity, and 2.1 percent of the local RP-4's remaining capacity of 4 MGD. However, as previously stated, in the event that a RP is at or near capacity, wastewater flows can be diverted to other RP's in the service area.

Future development facilitated by the Project would be subject to discretionary permits and required to adhere to all Federal, State, and local requirements related to wastewater treatment during construction and operations, including the City's stormwater and urban runoff policies within the Development Code. Considering these requirements, and the available capacity discussed above, the Project would not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Therefore, impacts to wastewater treatment would be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Impact 4.17-4 ***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?***

Level of Significance: Less Than Significant Impact

Construction and Operations

Solid waste disposal services for the City are provided by Burrtec Waste Industries. Mid-Valley Landfill is currently the primary solid waste depository for the area. As discussed above, the Mid-Valley Landfill has a remaining capacity of 61,219,377 cubic yards with a daily throughput of 7,500 tons per day. The Project encompasses about 53 acres of land, all of which are divided into 4 sub-districts. All but one of the districts has been zoned for commercial and residential uses. Sierra Avenue Corridor is the only district designated for residential uses only. Although the exact commercial and residential developments are not identified, the total potential solid waste generation of the Project area would not exceed the remaining daily capacity of 7,500 tons per day. Additionally, the Project would comply with state and local solid waste standards and reduction goals as discussed in Impact 4.17-5, below. Therefore, the Project would pose a less than significant increase to the landfill's capacity and a less than significant impact would occur.

Mitigation Measures

No mitigation is required.

Impact 4.17-5 ***Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

Level of Significance: Less Than Significant Impact

The Project would comply with all local, State, and Federal regulations regarding solid waste, including those of the City. As previously stated, all solid waste generated during construction and consequent operations would be deposited at the Mid-Valley Landfill, which is operated by the County's Department of Public Works. The Project is anticipated to generate solid waste during and short-term construction as well as during operations of commercial development and residential uses. However, it is not anticipated that the combined solid waste generation would exceed the landfills' remaining capacity.

Additionally, AB 341 requires all businesses in California that generate four cubic yards or more of waste per week to implement one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:

- Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
- Subscribe to a recycling service with their waste hauler in the service area.
- Provide recycling service to their tenants (if commercial or multifamily complex).
- Demonstrate compliance with the requirements of California Code of Regulations Title 14.

Furthermore, the Project would implement the requirements of the City's Integrated Waste Department's Refuse & Recycling Planning Manual on refuse and recycling storage and access for service, as well as addressing the City's recycling goals. The requirements of the MC Chapter 24, Solid Waste and Recycling, would also be implemented to ensure that the Project complies with all applicable state and federal laws, including, but not limited to, the Integrated Waste Management Act of 1989.¹⁷ A construction waste

¹⁷ City of Fontana. *Municipal Code Chapter 24 – Solid Waste and Recycling*.
https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodoid=CO_CH24SOWARE. (accessed March 2023).

management plan would be submitted and implemented in compliance with Section 5.408 of the 2022 CALGreen Code. Therefore, a less than significant impact would occur as the Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Mitigation Measures

No mitigation is required.

4.17.6 Cumulative Impacts

For the purpose of utilities and service systems, cumulative impacts are considered for projects within the County. As previously stated, Project implementation would produce less than a significant impact on existing utilities and service systems with ensure compliance with existing laws, ordinances, regulations, and standards posed by local, state, and federal agencies. Cumulative project impacts are generally localized for each project and occur at different times. Consequently, cumulative impacts from overlapping developments to utilities and service systems would be avoided. Any future projects would also be required to abide by existing laws, ordinances, regulations, and standards, or implement mitigation to avoid significant cumulative impacts. Therefore, there are no significant cumulative impacts anticipated relative to public utility and service systems, and the Project's contribution toward potential future utility and service system impacts in the County is not cumulatively considerable.

4.17.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.17.8 References

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5.0 OTHER CEQA CONSIDERATIONS

This section of the Environmental Impact Report (EIR) provides a discussion of additional CEQA impact considerations, including Significant Irreversible Environmental Changes, Growth-inducing Impacts, and any Mandatory Findings of Significance.

5.1 CEQA Requirements

State CEQA Guidelines §§15126.2(c) and (d), and §15128 discusses requirements for additional analysis of potentially significant environmental impacts due to the implementation of a project. The requirements of CEQA Guidelines §§15126.2(a) and (b) are met in this PEIR. The requirements pursuant to §§15126.2(a) and (b) include a discussion of any identified significant effects resulting from a project including which resources would be affected, and the level of significance they would be affected. Growth inducing impacts are also analyzed to assess the ways that a project could potentially induce growth both in the economy and the population. CEQA Guidelines Appendix G provides impact thresholds for the analysis of mandatory findings of significance for a project. These State CEQA Guidelines would be applied to the Project to consider the potential impacts of future development facilitated by the Project in order to create an extensive analysis of potential effects within the City and surrounding environment.

5.2 Significant and Unavoidable Impacts

CEQA Guidelines § 15162(b) requires an EIR to discuss the significant environmental effects of a proposed project that cannot be avoided if the proposed project is implemented, including those which can be mitigated, but not reduced to a less-than-significant level. These impacts are referred to as “significant and unavoidable impacts” of the project. More information on these impacts and applicable mitigation measures is found in **Section 4.2: Air Quality**, **Section 4.7: Greenhouse Gas Emissions**, and **Section 4.4: Cultural Resources** of this Draft EIR.

5.3 Significant and Irreversible Environmental Changes

CEQA Guidelines § 15126.2(d) requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Generally, the section states that a project would result in significant irreversible environmental changes if the following occurs:

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

Following is a more in-depth discussion of how the Project relates to each factor in the required analysis of irreversible environmental damages.

Would the project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely?

The PEIR evaluates future residential and commercial development facilitated by the Project within the existing Walnut Village Specific Plan.

Any future development facilitated by the Project would be subject to all applicable regulatory framework including the City's discretionary environmental review and approval process as required by State CEQA Guidelines to identify any potential environmental impacts and determine mitigation measures that would best reduce or remove those potential environmental impacts. Future development facilitated by the Project would not be concurrent (based on market conditions) and would consume limited, slowly renewable and non-renewable resources. This consumption is anticipated to occur during each individual development's construction phase and would continue throughout its operational lifetime. Generally, any future development would include (1) building materials; (2) fuel and operational materials/resources; and (3) the transportation of goods and persons to/from individual development sites. Construction would require the temporary commitment of construction supplies that include lumber and other forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels and petroleum-based fuels such as gasoline, diesel, and oil would also be consumed to power construction vehicles and equipment. These construction supplies are considered to be non-renewable, or which may renew so slowly as to be considered non-renewable.

The resources that would be committed during future housing development operations are anticipated to be consumed within the City. These energy resources such as electricity, natural gas, petroleum-based fuels, and water. Fossil fuels and petroleum-based fuels would represent the primary energy source associated with both the short-term construction and long-term operations of each individual future development. Thus, existing supplies of these natural resources would be incrementally reduced. In addition, usage of these resources during future housing development operations would occur in accordance with the latest California Code of Regulations (CCR) Title 24, Part 6 (approved at the time of construction), which sets forth conservation practices that would limit energy consumption. Nonetheless, energy requirements would represent a long-term commitment of essentially non-renewable resources.

Future development facilitated by the Project could include the temporary and/or long-term use or storage of limited amounts of potentially hazardous materials consistent with construction activity and residential uses. These materials during construction would be temporary and would be used, handled, stored, and disposed of in accordance with the manufacturer's instructions and applicable Federal, State, and local regulatory framework. Similarly, these materials used during operations of future development would be used in small quantities and would be used, handled, stored, and disposed of in accordance with the manufacturer's instructions and all applicable regulatory framework. Compliance with all applicable regulations and standards would ensure the protection of significant and irreversible environmental changes from the release of hazardous materials.

Overall, future development facilitated by the Project would result in the irretrievable commitment of non-renewable resources, which would limit the availability of these resources in the foreseeable future for future generations and other uses during the lifespan of individual developments within the City.

However, development of future residential and commercial uses facilitated by the Project would not occur concurrently (based on market conditions) and non-renewable resources would be used on a relatively small scale in a regional context. Although future development facilitated by the Project would result in irreversible environmental changes to the commitment of non-renewable resources, the anticipated changes would not be considered significant.

Would the primary and secondary impacts would generally commit future generations to similar uses?

The Project includes an update to the existing Walnut Village Specific Plan to allow for greater development potential. The Project would guide approval decisions related to future development consistent with the updated Specific Plan. The Project does not directly commit future generations to similar uses since the purpose of the Project is to provide an update to the Walnut Village Specific Plan. Since development needs can change over the course of the planning period, future generations would be able to reassess development needs in the City and make changes accordingly in years to come. Thus, the primary and secondary impacts of this Project would not commit future generations to similar uses.

Would the Project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project?

The Project would help facilitate future residential and commercial development within the existing Walnut Village Specific Plan area.

Accidental exposure of hazardous materials to the public or environment can occur through transportation accidents; unregulated or unsound disposal methods; improper handling of hazardous material or wastes; emergencies such as explosions; and natural caused occurrences such as flooding or wildfires. The severity of these impacts varies by concentration, types of hazards and hazardous materials, proximity to other sensitive receptors, and activity type. Therefore, all future development facilitated by the Project is required to comply with Federal, State and local health and safety requirements designed to minimize potentially significant impacts from the accidental release of hazardous materials or waste. These regulations would apply for development construction and operations phases. Furthermore, the potential hazardous materials associated with residential and commercial uses (e.g., cleaners, paints, solvents, and fertilizers, and herbicides) would not be stored or used in a way that would create a reasonably foreseeable upset or accident.

Would the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy)?

In accordance with Public Resources Code (PRC) §21100(b)(3) and State CEQA Guidelines §15126.4, EIRs are required to analyze, where relevant, the consumption of resources and whether the Project would result in the wasteful, inefficient, and unnecessary consumption of energy. Thus, **Section 4.5: Energy**, of this Draft PEIR evaluated the future potential energy use associated with the development of future residential and commercial uses. The analysis concludes that future development facilitated by the Project would not result in a wasteful or inefficient use of energy resources during construction due to construction practice requirements, which would increase fuel-energy conservation above typical standards.

5.4 Growth Inducing Impacts

CEQA Guidelines § 15126.2(e) requires that EIRs include a discussion of ways in which a proposed project could induce growth. The CEQA Guidelines identify a project as “growth-inducing” if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The Project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

According to State CEQA Guidelines, an EIR is required to “discuss the ways” that a project could be growth-inducing and to “discuss the characteristics of some projects that may encourage . . . activities that could significantly affect the environment.” Should the Project meet any one of the above-listed criteria, it may be considered growth-inducing. The potential growth-inducing impacts of the Project are evaluated against these four criteria in this section. Section 15126.2(e) states that: “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

The following analyzes the Project’s potential growth-inducing impacts for the criteria outlined above, in accordance with State CEQA Guidelines §15126.2(d). Potential growth-inducing effects are examined through analysis of the following questions:

Would the Project directly or indirectly foster economic or population growth, or the construction of additional housing?

Population and Employment

As shown in **Table 4.12-7**, the Project would allow for the development of an additional 2,139 housing units within the City. Utilizing the City’s 3.74-person average household size for 2023, this would equate to approximately 8,000 additional residents. This would generate an approximately three percent growth of the City’s current population, lower than the SCAG-projected 9.1 percent growth through 2045.

Anticipated population growth in the City has been accommodated as part of the City’s General Plan and Housing Element Update. This Project would be completed as a result of the City’s adopted Housing Element Update, which contained goals intended to grow housing stock within the City in order to meet the City’s RHNA allocation. Although future development facilitated by the Project may include infrastructure improvements which may induce population growth, future development facilitated by the

Project would be subject to all applicable City and State policies and requirements and would need to conduct adequate environmental review as well as comply with adopted programs and policies.

Commercial development facilitated by the Project would allow for up to 498,309 sqft of community commercial uses. While the Project would allow for this scale of development, individual future developments would be required to undergo environmental review, including analyses regarding impacts to population. Future development of the commercial areas of the Project site would generate employment needs which could be facilitated by the residential uses proposed within the Project. The 8,000 residents generated by the Project would be able to fill employment positions generated by the community commercial uses facilitated by the Project. As the Project is being developed due to the programs provided in the City's Housing Element Update and would not generate a substantially increased population, impacts due to population growth would be less than significant and no mitigation would be required.

Housing

The Project would not directly result in the development of required housing in the City but would provide the opportunity for expansion of the City's housing stock by 2,139 residential units. As the Project is being developed due to the programs provided in the City's Housing Element Update, the Project would offer future additional opportunities for housing in the City of Fontana.

Would the Project remove obstacles to population growth?

Anticipated population growth in the City has been accommodated as part of the City's General Plan and Housing Element Update. This Project would be completed as a result of the City's adopted Housing Element Update, which contained goals intended to grow housing stock within the City in order to meet the City's RHNA allocation. Although future development facilitated by the Project may include infrastructure improvements which may induce population growth, future development facilitated by the Project would be subject to all applicable City and State policies and requirements and would need to conduct adequate environmental review as well as comply with adopted programs and policies.

Would the Project require the construction of new or expanded facilities that could cause significant environmental effects?

None of the future housing development facilitated by the Project would require additional or expanded public services or utilities/service systems that would have significant environmental effects (refer to **Section 4.13: Public Services**, and **Section 4.17: Utilities and Service Systems**). The City is currently served by essential public services, i.e., fire and police protection, parks and recreational facilities, schools, and solid waste disposal), an extensive network of utility/service systems (i.e., water, wastewater, electricity, and natural gas), and other infrastructure necessary to accommodate/allow the existing conditions and planned growth. According to **Section 4.13: Public Services**, implementation of the Project would increase the demand for public service facilities, but the increase would be planned and not considered significant. According to **Section 4.17: Utilities and Service Systems**, future development would utilize the existing utility service systems/infrastructure present throughout the City and would not require expansion or additional construction of water or wastewater treatment facilities, stormwater infrastructure, or dry

utilities. Although the future development facilitated by the Project would increase demand for public services and utility service systems, the increased demand is planned and would not significantly impair any existing or future levels of services. Therefore, Project implementation would not require the construction of new or expanded facilities that could cause significant environmental effects.

Would the Project encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively?

Refer to **Section 4.1** through **Section 4.17** of this EIR.

6.0 ALTERNATIVES

6.1 Introduction

The California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR) to “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” (CEQA Guidelines § 15126.6(a)). The CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but these effects may be discussed in less detail than the significant effects of the project as proposed (CEQA Guidelines § 15126.6(d)). The EIR is not required to consider every conceivable alternative to a project but is guided by a rule of reason. An EIR is also not required to consider alternatives which are infeasible. CEQA Guidelines § 15126.6(d) states that the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Key provisions of the State CEQA Guidelines on alternatives (CEQA Guidelines § 15126.6(a) through (f)) are summarized below to explain the foundation and legal requirements for the alternative’s analysis in this Draft PEIR.

- “The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any 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” (§ 15126.6(b)).
- “The specific alternative of ‘no project’ shall also be evaluated along with its impact” (§ 15126.6(e)). “The no project analysis shall discuss the existing conditions at the time the Notice of Preparation (NOP) is published or if no NOP is published, at the time the environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives” (§ 15126.6(e)(2)).
- “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project” (§ 15126.6(f)).
- “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 (or the site is already owned by the proponent)” (§ 15126.6(f)(1)).

- For alternative locations, “only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR” (§ 15126.6(f)(2)(A)).
- “An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (§ 15126.6(f)(3)).

6.2 Project Alternatives

Section 15124(b) of the State CEQA Guidelines requires that an EIR include “[a] statement of the objectives sought by the proposed Project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the proposed Project.” The following objectives have been established for the proposed Project:

- **Objective 1:** Establish a high quality of life and economic prosperity.
- **Objective 2:** Encourage a compact, walkable, mixed-use area.
- **Objective 3:** Establish development standards and design guidelines to promote high level of quality development.
- **Objective 4:** Establish a mix of uses that complement the existing development pattern.
- **Objective 5:** Promote more urban densities along key corridors in the Specific Plan.
- **Objective 6:** Preserve and promote community culture and heritage.
- **Objective 7:** Enhance connectivity open spaces and recreational facilities.
- **Objective 8:** Establish a well-balanced community with opportunities for commercial, residential, and open space.
- **Objective 9:** Maintain consistency with existing developments design, purpose, and standards.

6.3 Alternatives to the Project

The lead agency is responsible for selecting this range of project alternatives for examination and must publicly disclose its reasoning for selecting these alternatives. This section describes two alternatives to the Project. These alternatives include the No Project Alternative and the Complete Residential Alternative. The alternatives are discussed in more detail below.

Alternatives were developed based on the following: information provided by the Project Applicant and input received from comments on the NOP. Among the factors that may be taken into account when addressing the feasibility of alternatives, as described in § 15126.6(f)(1) of the CEQA Guidelines, are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site.

As discussed above, one of the main purposes of the range of alternatives is to discuss different projects that are capable of avoiding or substantially lessening significant effects, especially effects that are found

to be significant and unavoidable. In the case of the Project, as discussed throughout **Section 4.0: Environmental Impact Analysis**, there are unavoidable significant impacts associated with air quality and cultural resources.

The CEQA Guidelines do not require an EIR to consider every plausible alternative to a project, but rather must examine in detail only the ones which the lead agency determines could feasibly attain most of the basic project objectives. An EIR also does not need to consider alternatives whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. Feasibility factors include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether project proponents can reasonably acquire, control, or otherwise have access to an alternative site. If the lead agency determines no alternative projects or locations are feasible, it must disclose the reasons for this conclusion in the EIR (CEQA Guidelines § 15126.6). The alternatives that were selected for additional consideration were chosen in accordance with the above-listed CEQA Guidelines, represent a reasonable range of alternatives and will encourage discussion in a manner to foster meaningful public participation and informed decision making.

6.4 Alternatives Rejected as Infeasible

CEQA Guidelines § 15126.6(c) states that an EIR should identify any alternatives that were considered by the lead agency but rejected because the alternative would be infeasible, fail to meet most of the basic project objectives, or unable to avoid significant environmental impacts. Further, an EIR may consider an alternative location for the proposed project but is only required to do so if the significant project effects would be avoided or substantially lessened by moving the project to another site and if the project proponent can reasonably acquire, control, or otherwise have access to the alternative site.

6.5 Analysis of Alternatives to the Proposed Project

The two analyzed alternatives present a reasonable range of alternatives to the Project. The analysis in this section focuses on significant and unavoidable impacts attributable to each Alternative and the ability of each Alternative to meet basic Project objectives.

Alternative 1: No Project Alternative

The No Project Alternative allows decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project by leaving the Project site in its existing condition with the existing development. Under this alternative the Walnut Village Specific Plan would remain as is.

Alternative 2: Complete Residential Alternative

The Complete Residential Alternative would include only the modifications to allowed residential density within the four Project focus areas. This alternative would not include updates to land use standards to allow or expand commercial or mixed use developments.

6.6 Comparison of Alternatives

Pursuant to CEQA Guidelines § 15126.6(d), additional significant effects of the alternatives are discussed in less detail than the significant effects of the Project as proposed. The analyses below describes each alternative, analyzes the impacts of the alternative as compared to the Project, identifies significant impacts of the Project that would be avoided or lessened by the alternative, assesses the alternative's ability to meet most of the Project objectives, and evaluates the comparative merits of the alternative and the Project.

The following sections provide a comparison of the environmental impacts associated with each of the Project alternatives, as well as an evaluation of each Project alternative's ability to meet the Project objectives.

Alternative 1: No Project Alternative

Consistent with CEQA Guidelines § 15126.6(e), the No Project Alternative assumes that the existing land uses and condition of the Project site at the time the NOP was published (May 05, 2023) would continue to exist without the Project and no development would occur. The setting of the Project site at the time the NOP was published is described as part of the existing conditions throughout Section 4 of this PEIR with respect to individual environmental issues and forms the baseline of the impact assessment of the Project. The No Project Alternative assumes that the Project would not be developed, which means the Walnut Village Specific Plan (WVSP) would not be updated to allow for additional development on the four focus areas of the Project site and the existing development standards of the Project site would be maintained.

Alternative 1 Impact Comparison to the Project

An evaluation of the potential environmental impacts of the No Project Alternative compared to the Project is provided below.

Aesthetics

Under the No Project Alternative, the site land use designations (residential, commercial, quasi-public, and recreational) would remain the same within the 24 Planning Areas (PAs). With the No Project Alternative, no visual changes to the site of drivers and pedestrians along Sierra Avenue, Highland Avenue, Palmetto Avenue, Baseline Avenue, and Mango Avenue would occur. It is anticipated that future development on the Project site would have the potential to increase the amount of light and glare present. Therefore, under this Alternative, impacts regarding aesthetics, light, and glare would be reduced when compared to the Project.

Air Quality

Under the Project, air pollutants generated from future developments were unknowable and therefore remained potentially significant and unavoidable. The No Project Alternative could generate less pollutant emissions than the Project, given this alternative would involve less future development overall. The No Project Alternative could reduce, but not avoid, the Project's short-term, long-term, localized

pollutant concentrations, and cumulative impacts to air quality, given this alternative could generate emissions that would exceed impact thresholds. Thus, the No Project Alternative would be considered environmentally similar to the Project concerning air quality.

Biological Resources

No significant and unavoidable impacts were identified to biological resources in relation to the proposed Project. Without mitigation, the Project has the potential to generate significant impacts related to the disturbance of nesting birds as a result of construction-related activities. These effects were reduced to less than significant with the application of mitigation measures. Alternative 1 would not remove the application of construction efforts on the Project site which may disturb birds' nests, however Alternative 1 would not include mitigation proposed to reduce impacts to nesting birds. Therefore, impacts under this alternative would not be reduced to the degree of proposed Project. Therefore, this alternative is inferior to the proposed Project.

Cultural Resources

The potential presence of unknown culturally significant resources was concluded to exist under the Project. However, as the No Project Alternative still allows for development on vacant parcels, these resources may still be encountered during construction activities. However, under this alternative, new mitigation geared towards best practices upon identification of resources would not be implemented. Therefore, impacts under this alternative would be increased compared to the proposed Project. This alternative is inferior to the proposed Project.

Energy

The No Project Alternative could demand less total energy than the Project given this alternative would involve less future development but would still utilize some energy compared to existing conditions. The No Project Alternative could reduce, but not avoid, the Project's energy impacts given that this alternative would allow future development under the existing Walnut Specific Plan land use plan that would involve some energy demand. Although impacts would not be avoided, the impacts under this alternative could be less than the Project; thus, the No Project Alternative would be considered environmentally superior to the Project concerning energy-related impacts.

Geology and Soils

Continuation of the existing uses at the Project site would intermittently expose users to seismic, geologic, and soils hazards, similar to what would occur under the Project. Since the No Project Alternative would continue to implement the existing Walnut Village Specific Plan buildout goals, this Alternative would not avoid the potential for unique paleontological or geologic resources to be impacted from ground disturbing activities. The scale of development would be less than the proposed Project, however, mitigation measures proposed for the Project would not be implemented under this alternative.

Therefore, the No Project Alternative would result in similar geological, soils, and paleontological resources impacts, as compared to the Project.

Greenhouse Gases

The No Project Alternative could generate less total GHG emissions than the Project due to less overall residential and commercial development which could result in less construction and operational GHG emissions. The No Project Alternative could reduce, but not avoid, the Project's impacts concerning GHG emissions, given that this alternative would still facilitate future developments which could generate emissions that could exceed impact thresholds. Thus, the No Project Alternative would be considered environmentally similar to the Project concerning GHG emissions.

Hazards and Hazardous Materials

Under this Alternative, impacts related to hazards and hazardous materials would be reduced since the Project site would not be rezoned to allow for future commercial and mixed-use development on the Project site's four focus areas. The No Project Alternative would result in reduced impacts related to hazards and hazardous materials as compared to the Project, since commercial or mixed-uses which would utilize more hazardous materials would be encouraged. Thus, the No Project Alternative would be considered environmentally superior to the Project concerning hazards and hazardous materials.

Hydrology and Water Quality

The No Project Alternative would not result in short-term impacts to water quality, since no grading, excavation, or construction activities would occur.

The No Project Alternative would not change the existing hydrologic conditions. Project implementation could increase the rate and amount of stormwater runoff, and effects on water quality, by increasing impervious surfaces and land uses from future development on the Project site. The Project's potential long-term hydrology and water quality impacts were concluded to be less than significant and would remain as such with this Alternative.

The Project's impacts concerning groundwater supplies would be less than significant, although Project implementation would increase demands on groundwater resources through future development on the Project site. Under the No Project Alternative, no additional impact would occur to groundwater supplies, as no land uses would be added, and Project impacts concerning groundwater supplies would be avoided.

The No Project Alternative would result in reduced impacts to hydrology and water quality as compared to the Project, as no change would occur to existing conditions.

Land Use and Planning

Under this Alternative, the Project site would remain in its current condition, and as such, the four sub-districts in the Project area would not be rezoned for high density residential and commercial development. Land use and planning impacts under the Project would be less than significant.

This Alternative would result in reduced impacts to land use and planning as compared to the Project.

Noise

The No Project Alternative could result in fewer noise impacts than the Project, particularly from construction activities and residential operations, given this alternative would result in overall less development than the Project. Site-specific development accommodated under the No Project Alternative could involve less, although comparable, noise impacts following compliance with the established regulatory framework and site-specific mitigation measures. Thus, the No Project Alternative would be considered environmentally similar to the Project concerning noise and vibration.

Population and Housing

Under this Alternative, the Project would retain the site in its current condition, and as such, the four sub-districts in the Project area would not be rezoned for high density residential and commercial development. The No Project Alternative would allow for development consistent with the existing Walnut Village Specific Plan. This Alternative would result in reduced impacts to population and housing as compared to the Project.

Public Services

Under the No Project Alternative, rezoning of the Project site to allow for future development would not occur. Although some demand for public services from the existing development on the Project site would occur, this demand would be less under this Alternative. There would be a continued demand for public services including fire protection and emergency medical services, law enforcement, and other general governmental services under this Alternative, but to a lesser degree than what would be demanded after future development on the Project site. Impacts to public services would be less than significant under the Project, and future developers on the Project site would pay applicable fees to ensure an adequate level of services. However, this Alternative would result in reduced impacts to public services as compared to the Project.

Recreation

Under the No Project Alternative, the amendment of the Walnut Village Specific Plan to allow for additional development on approximately 53 acres of total 342 acres of the Walnut Village Specific Plan would not occur. Although some demand for parks and recreational facilities from the existing development plan established for the Project site would occur, this demand would be less under this Alternative. Impacts to recreation would be less than significant under the Project, and future developers would comply with regulations, policies, and standards included in the Fontana General Plan and Municipal Code and would be subject to CEQA review as appropriate. However, this Alternative would result in reduced impacts to recreational services.

Transportation

The No Project Alternative would generate less vehicle miles traveled (VMT) than the Project, given that overall, less development would occur. However, since the Project does not directly propose housing development, it cannot be determined that future housing development facilitated by the Project would cause a less than significant impact per the City's adopted three-step screening criteria or whether future

housing development would result generate a significant level of VMT. If a Project is not screened out in the three steps as identified in **Section 4.15: Transportation**, mitigation would be required to reduce the project-level VMT below the established baseline or cumulative VMT per service population. Thus, the No Project Alternative would be considered neither environmentally superior nor inferior to the Project concerning transportation.

Tribal Cultural Resources

No significant and unavoidable impacts were identified to tribal cultural resources in relation to the proposed Project. The Cultural Resource Assessment conducted for the Project site did not identify any Native American archaeological resources on or within the vicinity of the Project site. Out of an abundance of caution, mitigation geared towards best practices upon identification of resources would be implemented; effectively reducing impacts to less than significant levels. Under Alternative 1, the site would continue to implement the development standards proposed under the existing Walnut Village Specific Plan. Therefore, impacts under this alternative would be similar to the proposed Project. This alternative is superior to the proposed Project.

Utilities and Service Systems

The No Project Alternative would avoid the Project sites future increase in demand for utilities and service systems as the site is developed. This Alternative would eliminate the demand for additional water, wastewater, solid waste disposal, gas, and electricity services. The No Project Alternative would retain the Project site in its current condition. The site is currently served by utilities and requires water, wastewater, electricity and natural gas, and solid waste disposal services. Those utilities would continue to serve the future buildings on site.

The No Project Alternative would result in reduced impacts to utilities and service systems as compared to the Project, since there would be no increase in demand for water, wastewater, electricity, natural gas, and solid waste disposal services relative to existing conditions and no new utilities or facilities would be needed.

Ability to Meet Project Objectives

Alternative 1 would not meet all of the Project objectives identified above. The No Project Alternative Fails to meet the Project objectives such as creating a mixed use, walkable community; create a mixture of uses; promote more urban densities; and establish a balanced community inclusive of commercial development.

Conclusion

The No Project Alternative would not satisfy all of the City's housing goals or Project objectives. Under the No Project Alternative, impacts which were reduced due to the implementation of current mitigation measures would not be reduced and would therefore generate greater impacts than under the Project.

Alternative 2: Complete Residential Alternative

The Complete Residential Alternative would involve all components of the Project with the omission of commercial and mixed-use allowances. Therefore, proposed development standards for the four Sub-Districts would be revised to the following:

- Sub-District 1: Up to 39 du/ac
- Sub-District 2: Up to 12 du/ac
- Sub-District 3: 39.1 to 50 du/ac
- Sub-District4: Up to 39 du/ac

Under this alternative an allowable FAR for nonresidential uses will not be implemented in any of the four Sub-Districts.

Alternative 2 Impact Comparison to the Project

An evaluation of the potential environmental impacts of the Complete Residential Alternative compared to the Project is provided below.

Aesthetics

Aesthetic impacts of the Project were determined to be less than significant. Under Alternative 2, the site's visual character/quality would have the potential to be altered similar to the Project with the only change being the removal of commercial and mixed-use allowances. With Alternative 2, the degree of visual alteration during construction and operations would be slightly less than with the Project since commercial uses would be removed, resulting in reduced development potential.

This Alternative would allow only for residential development within each of the four Sub-Districts. Therefore, due to the removal of commercial uses and their required lighting standards, aesthetic impacts from light and glare would be proportionately lower under this Alternative compared to the Project. As with the Project, this Alternative would result in less than significant light and glare impacts.

Therefore, Alternative 2 would result in reduced aesthetics and light/glare impacts as compared to the Project. This alternative is superior to the proposed Project.

Air Quality

Impacts to air quality under the Project for both construction and operation were stated to potentially exceed applicable South Coast Air Quality Management District (SCAQMD) thresholds emissions and impacts in a manner which may be significant and unavoidable. This was due to the unknown nature of future developments. In order to quantify the level of emissions associated with individual development projects and compare emissions to established project-level SCAQMD thresholds, specific information regarding the size and type of development would be needed. Like concluded for the Project, despite future developments being required to undergo environmental and City review under this Alternative, it remains infeasible to quantify the level of emissions associated with individual development projects and

quantify the exact reduction in emissions that would be provided by typical air quality mitigation measures.

Therefore, the Complete Residential Alternative would necessitate future review of individual projects and impacts would remain similar to the Project. This alternative is equal to the proposed Project.

Biological Resources

Consistent with the Project, implementation of this Alternative would be required to utilize mitigation measures to reduce all potential impacts to less than significant levels. Although this Alternative would reduce the future development facilitated through Project implementation, this Alternative would result in the same potential impacts to special-status species, nesting birds, and use of the site as habitat or foraging habitat. Similar to the Project, direct and indirect impacts on biological resources would be mitigated to less than significant under this Alternative. This alternative is environmentally equivalent to the proposed Project.

Cultural Resources

Under Alternative 2, impacts to archeological and historic resources and the potential to disturb human remains would be similar to those of the Project. Similar to the Project, mitigation measures would continue to be required for development under this Alternative. Mitigation measures pertaining to undiscovered archaeological resource and human remains would still be required to reduce potential impacts to a less than significant level. Therefore, Alternative 2 would be environmentally equivalent to the Project regarding archeological and historic resources, and human remains.

Energy

Energy usage during construction associated with water usage for dust control, diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips would result in less than significant impacts under the Project. Under Alternative 2, there would be a reduction in energy usage as the potential scale of development would be reduced with the removal of commercial and mixed-use allowances. This Alternative could therefore result in reduced impacts compared to the proposed Project due to the lack of commercial and mixed-use land uses. This alternative is environmentally superior to the proposed Project.

Geology and Soils

Alternative 2 would generally cover a similar area for through future improvements as the Project but remove potential future commercial and mixed-uses; thus, similar impacts compared to the Project for soil erosion or loss of topsoil from grading and excavation operations, would occur. Alternative 2 would result in a greater area being designated for landscaping, leading to a reduction in potential impacts to geological conditions. With regard to soil disturbance and erosion, this Alternative would also be required to implement an approved SWPPP and BMPs, similar to the Project, which would ensure impacts remain less than significant. Ultimately, this Alternative would not change the existing geologic conditions under which future developments could be constructed. Out of an abundance of caution, mitigation geared

towards best practices would be implemented; effectively reducing impacts to less than significant levels. This alternative is environmentally similar to the proposed Project.

Greenhouse Gases

Since this Alternative would allow for the construction of only residential units and no commercial uses, incrementally less GHG emissions would occur during construction of this Alternative. Residential uses would continue to generate vehicle trips and corresponding GHG emissions, but this Alternative would generate proportionately less GHG as the development potential would be reduced. This alternative is environmentally superior to the proposed Project.

Hazards and Hazardous Materials

All Project-related impacts concerning hazards and hazardous materials would be reduced to less than significant through conformance with all applicable local, state, and federal regulatory requirements in place for hazardous materials. Alternative 2 would involve comparable impacts involving hazards and hazardous materials, particularly during operations. Unlike with the Project, Alternative 2 would avoid impacts concerning any hazardous materials associated with commercial developments. Thus, Alternative 2 would be considered environmentally superior to the Project concerning hazards and hazardous materials.

Hydrology and Water Quality

All project-related impacts concerning hydrology and water quality would be reduced to less than significant. The Complete Residential Alternative would result in similar construction-related impacts to drainage patterns and water quality given that the site would intensify development under the proposed development standards. The Complete Residential Alternative would involve comparable impacts involving water quality given that similar overall development that would otherwise be constructed in the approved Project sites. Despite this, since the scale of development would be reduced, impacts would be considered environmentally superior to the Project concerning hydrology and water quality.

Land Use and Planning

As described in ***Section 4.10: Land Use and Planning***, the Project includes allowances for housing development on the Project Sub Districts. Under this Alternative, the rescinding of the existing Walnut Village Specific Plan would occur as well as the upzoning of existing parcels. Under the Complete Residential Alternative, the degree of potential land use conflicts associated with future development would not include the introduction of new land uses. Thus, the Other Parcels Considered Alternative would be considered environmentally superior to the Project.

Noise

Future construction noise associated with the Project would result in a less-than-significant impact. The Project's construction-related vibration impacts would also be less than significant. Construction-related short-term noise impacts from stationary and mobile sources and vibration impacts associated with future developments would still occur under Alternative 2, associated with new development. Due to a smaller

development, construction and operational noise are anticipated to be reduced compared to the proposed Project. This alternative is superior to the proposed Project.

Population and Housing

As described in **Section 4.14: Population and Housing**, the Project would facilitate housing development to accommodate future growth within to the City. The Complete Residential Alternative would provide for the creation of additional housing for development and serve as housing for the City's growing population. However, the removal of commercial and mixed-uses from the Project would reduce potential population growth facilitated by this alternative. Thus, the Complete Residential Alternative would be considered neither environmentally superior to the Project population and housing.

Public Services

Project impacts to public services would be less than significant, as the Project is not expected to significantly increase the number of residents in the community or increase demands on public services. Demand for public services including fire protection and emergency medical services, law enforcement, and other general governmental services under this Alternative, would be similar to the Project. However, under this Alternative, applicable fees paid would generate less financially as overall potentially developable square footage would be reduced. As a result of a reduced square footage, property taxes would be less which decreases pay for services. Therefore, this Alternative would be environmentally inferior to the Project regarding public services.

Recreation

The Complete Residential Alternative would generate comparable demand for recreational facilities compared to the Project, given that this alternative would involve similar housing development and equivalent population growth. The removal of mixed-use developments, however, would reduce population growth. Although this reduction would be insubstantial. Therefore, this alternative would generate a reduced demand on recreational resources and would be the environmentally superior alternative.

Transportation

Under this Alternative, operational traffic impacts including VMT, and trip generation would be less than the Project due to the smaller scale of allowed development and corresponding reduction in vehicle trips. Additionally, this Alternative would continue requiring future developments to conform to all design requirements ensuring safe access for emergency responses, fire lanes, and needed radius for turning large vehicles, similar to the Project. Therefore, Alternative 2 would result in reduced transportation impacts as compared to the Project. This alternative is superior to the proposed Project.

Tribal Cultural Resources

The Project would result in less than significant impacts to as-yet undiscovered tribal cultural resources, with mitigation measures incorporated. Under this Alternative, potential impacts to tribal cultural

resources would be similar when compared to the Project. This alternative is environmentally equivalent to the proposed Project.

Utilities and Service Systems

Project impacts to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. Both this Alternative and the Project would result in an increased demand for utilities. Demand for services including natural gas, electricity, water, wastewater treatment, and solid waste disposal would be less than that of the Project as potential commercial and mixed-uses would not be included. Existing utilities would be extended and upgraded as needed during construction of future developments. While the Project and this Alternative would increase the overall demand for services, adequate capacity to serve this Alternative and the Project is anticipated. No additional impacts to listed resources, including electricity, natural gas, sewer, water, and telecommunications infrastructure, would occur. Impacts under this Alternative would be reduced as compared to the Project. This alternative is superior to the proposed Project.

Ability to Meet Project Objectives

Alternative 2 would not meet all of the Project objectives identified above. Similar to the No Project Alternative, the Complete Residential Alternative Fails to meet the Project objectives such as creating a mixed use, walkable community; create a mixture of uses; promote more urban densities; and establish a balanced community inclusive of commercial development.

Conclusion

The No Complete Residential Alternative would not satisfy all of the City's housing goals or Project objectives. Under the Complete Residential Alternative, impacts which were reduced due to the implementation of current mitigation measures would remain, however, the lack of commercial and mixed-use development allowances would lead to insubstantial improvements in environmental impacts associated with future development.

6.7 Environmentally Superior Alternative

An EIR is required to identify the environmentally superior Alternative from among the range of reasonable alternatives that are evaluated. State CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is found to be environmentally superior, "the EIR shall also identify an environmentally superior alternative among the other alternatives." Alternative 2: Complete Residential Alternative would have the least environmental impacts because it would develop less of the Project area, resulting in a general reduction in construction and operation-related impacts associated with future development and would incrementally reduce impacts to resource areas, such as energy, greenhouse gas, hazards and hazardous materials, land use, noise, population and housing, transportation, and utilities and service systems.

The context of an environmentally superior alternative is based on the consideration of several factors including the reduction of environmental impacts to a less-than-significant level, and an alternative's ability to fulfill the Project objectives with minimal impacts to the existing site and surrounding

environment. According to **Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project**, the Complete Residential Alternative would be the Environmentally Superior Alternative because it would incrementally improve potential impacts of the Project. However, while the Complete Residential Alternative is the Environmentally Superior Alternative, it is not capable of meeting the majority of Project objectives; specifically, objectives 1, 2, 4, 5, and 8.

Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project

EIR Section	Alternative		
	Project Impact	Alternative 1: No Project	Alternative 2: Complete Residential
4.1 Aesthetics	Less than Significant	+	=
4.2 Air Quality	Significant and Unavoidable	=	=
4.3 Biological Resources	Less than Significant	-	=
4.4 Cultural Resources	Significant and Unavoidable	-	=
4.5 Energy	Less than Significant	+	+
4.6 Geology and Soils	Less than Significant	=	=
4.7 Greenhouse Gas Emissions	Less than Significant	+	+
4.8 Hazards and Hazardous Materials	Less than Significant	+	+
4.9 Hydrology and Water Quality	Less than Significant	+	+
4.10 Land Use and Planning	Less than Significant	+	+
4.11 Noise	Less than Significant	=	+
4.12 Population and Housing	Less than Significant	+	+
4.13 Public Services	Less than Significant	+	-
4.14 Recreation	Less than Significant	+	=
4.15 Transportation	Less than Significant	=	+
4.16 Tribal Cultural Resources	Less than Significant	=	=
4.17 Utilities and Services Systems	Less than Significant	+	+
Attainment of Project Objectives	Meets all of the Project Objectives	Meets some of the Project Objectives	Meets some of the Project Objective
Notes: A minus (-) sign means the Project Alternative has reduced impacts when compared to the Project/is environmentally superior. A plus (+) sign means the Project Alternative has increased impacts when compared to the Project/is environmentally inferior. An equal sign (=) means the Project Alternative has similar impacts when compared to the Project/is environmentally equivalent.			

7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 Introduction

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines states that “an EIR shall 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.” This section briefly describes effects found to have no impact or a less than significant impact based on the analysis conducted during the Draft Program Environmental Impact Report (PEIR) preparation process.

7.2 Agriculture and Forestry Services

Impact 7.2-1: *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?*

Level of Significance: No impact

Construction and Operations

Based on review of the California DOC Important Farmland maps, neither the Project site nor any adjacent land is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site and adjacent land are designated as Urban and Built-Up Land.¹ The Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to a non-agricultural use, and therefore there is no impact.

Mitigation Measures

No mitigation is necessary.

Impact 7.2-2 *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Level of Significance: No impact

Construction and Operations

The Williamson Act allows local governments to contract with private landowners to maintain agricultural or open space uses in return for financial assistance in the form of lower tax assessments.² According to the California Department of Conservation, no portion of the Project site is zoned or designated for agricultural use. The Project site is zoned as Community Commercial (C-C), Residential Planned Community (R-PC), and Medium Density Residential (R-M).³ Review of the San Bernardino County

¹ California Dept. of Conservation. 2016. *California Important Farmland Finder*. Available at <https://maps.conservation.ca.gov/dlrp/ciff/> (accessed June 2023).

² California Dept. of Conservation. 2019. *Williamson Act Program*. Available at <https://www.conservation.ca.gov/dlrp/wa> (accessed June 2023).

³ City of Fontana. 2022. *General Land Use Map*. Available at <https://www.fontanaca.gov/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed June 2023).

Assessor Parcels Under Open Space Contract Report (June 2022) and Countywide Plan Exhibit NR-5 Agricultural Resources show that the Project site is located on non-enrolled land.^{4,5} The Project would not conflict with existing zoning for agricultural use or a Williamson Act contract resulting in no impact.

Mitigation Measures

No mitigation is necessary.

Impact 7.2-3 *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 Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Level of Significance: No impact

Construction and Operations

According to the City of Fontana Zoning Map, the Project site is zoned as Community Commercial (C-C), Residential Planned Community (R-PC), and Medium Density Residential (R-M). Therefore, no portion of the Project site is zoned forest land, timberland, or timberland zoned for timberland production and the Project would have no impact.

Mitigation Measures

No mitigation is necessary.

Impact 7.2-4 *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

Level of Significance: No impact

Construction and Operations

According to the Land Cover layer in the California Department of Fish and Wildlife's BIO Viewer, most of the Project site is classified as Developed.⁶ Additionally, review of current and historic aerial imagery demonstrates that no forest land exists within the Project site area. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use resulting in no impact.

Mitigation Measures

No mitigation is necessary.

⁴ San Bernardino County Assessor-Recorder-Clerk. 2022. *Parcels Under Open Space Contract Report – 4/17/2023*. Available at <https://www.sbcounty.gov/uploads/arc/arcforms/NPP874-WilliamsonActParcels.pdf> (accessed June 2023).

⁵ County of San Bernardino. 2020. NR-5 – Agricultural Resources. Available at <https://www.arcgis.com/apps/webappviewer/index.html?id=fcb9bc427d2a4c5a981f97547a0e3688> (accessed June 2023).

⁶ CDFW. ND. BIOS, NLCD 2016 Land Cover layer. <https://apps.wildlife.ca.gov/bios/?bookmark=940> (accessed June 2023).

Impact 7.4-5 *Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest to non-forest use?*

Level of Significance: No impact

Construction and Operations

The Project site does not contain areas designated for agriculture, forest land, or timberland. The City does not have land use designations specific to these resources. Therefore, no impacts related to the conversion of farmland or forest land would occur.

Mitigation Measures

No mitigation is necessary.

7.3 Mineral Resources

Impact 7.3-1: *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Level of Significance: No impact

Construction and Operations

The Project site is located on lands designated as MRZ-2 by the County, which designates land that has areas containing known or inferred mineral deposits that may qualify as mineral resources.⁷ The Project site is not designated as land that contains known mineral resources of significance. No part of the Project site is within a boundary that is owned or controlled by an aggregate producer or has previously been used for mineral extraction. The Project site does not currently contain mineral extraction facilities, consist of previously disturbed land, and has not been designated as containing confirmed mineral resources of significance. Therefore, the Project would not result in the loss of availability of known mineral resources which are of value to the region and the residents of the state. There would be no impacts due to Project implementation.

Mitigation Measures

No mitigation is necessary.

Impact 7.3-2 *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?*

Level of Significance: No impact

⁷ San Bernardino County. 2019. Countywide Plan. Draft Environmental Impact Report, Section 5.11, Mineral Resources – Figure 5.11-1 Mineral Resource Zones 2&3 in the Southwest Quadrant of the County. https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-11-MIN.pdf (accessed June 2023).

Construction and Operations

No part of the Project site is within a boundary that is owned or controlled by an aggregate producer or is no longer used for mineral extraction. According to the County, the Project site is not designated as land that contains known mineral resources of significance.⁸ The Project would abide by the County's policy NR-6.1 for lands with mineral significance by ensuring that the Project designates MRZ-2 and MRZ-3 areas for land uses compatible with future mining, such as open space, to the greatest extent feasible. Therefore, the Project would not result in the loss of availability of any locally important mineral resource recovery site and there would be no impacts due to Project implementation.

Mitigation Measures

No mitigation is necessary.

7.4 Wildfire

Impact 7.4-1: *Would the Project Substantially impair an adopted emergency response plan or emergency evacuation plan?*

Level of Significance: No impact

Construction and Operations

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California, the City fire hazards have been ranked within the range of little to no threat.⁹ Furthermore, the City Fire Department's review of all future permits for Project site development would include a review of access for emergency vehicles during construction and operation, in accordance with the California Fire Code. The Project site is within an existing developed area of the City and is surrounded by existing developed roadways. Future construction and operation on the Project site is not expected to create risks of wildfire since the site is located in an urbanized area of the City and is not adjacent to wildland area. Due to multiple points of ingress/egress, and compliance with state, regional, and local codes; and designation of the Project site in a range of little to no fire hazard threat; the Project would not interfere with emergency response and evacuation plans of the County.

Impact 7.4-2: *Would the Project due to slope, prevailing winds, and other factors, exacerbated wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Level of Significance: No impact

Construction and Operations

Refer to Impact 7.4-1, above. The Project site is located in a region with little to no threat of fire hazards. The Project would also not exacerbate wildfire risks or expose Project occupants to pollutant

⁸ San Bernardino County. 2019. Countywide Plan. Draft Environmental Impact Report, Section 5.11, Mineral Resources. Available at https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-11-MIN.pdf (accessed June 2023).

⁹ City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035, Noise and Safety Element. Available at <https://www.fontanaca.gov/DocumentCenter/View/28271/Complete-Document--Approved-General-Plan-Documents-11-13-2018> (accessed July 2023).

concentrations or the uncontrolled spread of a wildfire. Future development on the Project site would require that landscape plans, design standards, and development guidelines would be reviewed by the Fire Department. Due to the presence of surrounding development, presence of area roadways, and lack of steep slopes, it is not likely that future development on the Project site would be affected by wildfire during construction or operations. In addition, all future Project development will be consistent with the California Building Code requiring new buildings to use ignition-resistant construction methods and materials as well as fire suppression systems. Accordingly, there will be no impact.

Impact 7.4-3: *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?*

Level of Significance: No impact

Construction and Operations

As discussed above the Project site is located in a region with little to no threat of fire hazards. The Project site is not located near the wildland interface. The Project site is surrounded by suburban and urban development. Future development on the Project site would adhere to the California Fire Code, the HMP and EOP, and any applicable building codes. The Project does not include installation of utilities or roads within the Project area or require emergency water sources. Future development on the Project site would require additional analysis on a case-by-case basis to determine if there would be impacts related to installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. No elements of the Project would exacerbate the risk of wildfire or generate environmental impacts.

Impact 7.4-4: *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?*

Level of Significance: No impact

Construction and Operations

Refer to Impact 7.4-1, above. The Project site is located in a region with little to no threat of fire hazards. The Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Potential impacts regarding flooding, landslides, and drainage are further discussed in **Section 4.6: Geology and Soils** and **Section 4.9: Hydrology and Water Quality**.

7.5 References

California Dept. of Conservation. 2016. *California Important Farmland Finder*. Available at <https://maps.conservation.ca.gov/dlrp/ciff/>.

California Dept. of Conservation. 2019. *Williamson Act Program*. Available at <https://www.conservation.ca.gov/dlrp/wa>.

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City of Fontana. ND. Zoning and General Plan Land Use Designation Interactive Map – General Plan <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92>.

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8.0 EIR CONSULTATION AND PREPARATION

This section is consistent with the requirements set forth in §21153 of the PRC and §15129 of the CEQA Guidelines, which states: “The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” Refer to **Section 2.3: Notice of Preparation/Early Consultation** for a summary of public notification and consultation.

The NOP and NOP comment letters are provided in **Appendix A: Notice of Preparation & Public Scoping Meeting**. The County provided multiple opportunities for public input, both as part of the CEQA process and as part of Project scoping. In addition to required public notifications under CEQA, the City has engaged in extensive consultation with the Native American tribes, pursuant to AB 52 and SB 18, as discussed further in **Section 4.16: Tribal Cultural Resources**.

8.1 EIR Consultation

Lead Agency

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Contacts: *Patty Nevins, Director of Planning*
DiTanyon Johnson, Principal Planner
Rina Leung, Senior Planner
Cecily Session-Goins, Associate Planner

Interested Parties

As noted above, the City engaged in public and agency consultation through the NOP and public scoping process. The following entities provided comments on the NOP, which have been considered as part of this EIR preparation process. Refer to **Appendix A: Notice of Preparation & Public Scoping Meeting** for all comment letters received during the 30-day scoping period.

8.2 List of Preparers

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