

Cherry Commerce Center Project

Draft Subsequent Environmental Impact Report

State Clearinghouse No. 2023030788

Prepared for:

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Appendix G: Greenhouse Gas Emissions Assessment

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Appendix I: Preliminary Hydrology Report and Preliminary Water Quality Management Plan

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1.0

Executive Summary

1.0 EXECUTIVE SUMMARY

1.1 Introduction

The Environmental Impact Report (EIR) 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 State CEQA Guidelines Section 15168 (Title 14 of the California Code of Regulations [CCR]), this Draft EIR (State Clearinghouse No. 2023070065) has been prepared for the Cherry Commerce Center Project (Project). In accordance with CEQA Guidelines Section 15123, this section of the Draft EIR provides a brief description of the Project; identifies significant effects and proposed mitigation measures or alternatives that would reduce or avoid those effects; and describes areas of controversy and issues to be resolved.

CEQA requires that projects subject to approval by a State of California (State) public agency, and that are not otherwise exempt or excluded, undergo an environmental review process to identify and evaluate potential impacts. CEQA Guidelines Section 15050 states that environmental review shall be conducted by the Lead Agency, defined in CEQA Guidelines Section 15367 as the public agency with principal responsibility for approving a project. The Project is subject to approval actions by the City of Fontana (City), which will, therefore, act as the Lead Agency.

This Draft EIR serves as a “Project EIR” as defined in Section 15161 of the CEQA Guidelines related to the construction and operation of the Project site. The Draft EIR considers the environmental impacts of the Project, as well as the additive effects of growth throughout the City and the region. These latter impacts are referred to as cumulative impacts. The Draft EIR also evaluates a range of potential feasible alternatives anticipated to reduce significant impacts of the Project, including a No Project/No Build Alternative. This Draft EIR has been prepared for the City, pursuant to the requirements of CEQA.

Pursuant to CEQA Guidelines Section 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 on July 7, 2023, to solicit comments related to the proposed construction of the Project. The NOP was circulated with a 30-day public review period ending on August 7, 2023. Additionally, a public scoping meeting was held by the City Planning Department on July 19, 2023, to inform the community of the Project and further solicit public commentary. This process and the comments submitted in response to the NOP and public scoping meeting are discussed in **Section 2.0: Introduction**, and **Section 1.7: Areas of Controversy**, below.

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,” “less than significant impact with mitigation measures,” or “potentially significant impact” to a particular environmental resource. In some instances, a project may use the checklist to provide an initial discussion of a project and to screen out certain topics from a full discussion in the Draft EIR. This Draft EIR discusses all environmental resources in CEQA Guidelines, Appendix G. 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**.

This Draft EIR describes the existing environmental resources on the Project site and in the vicinity of the site, analyzes potential impacts on those resources that would or could occur upon initiation of the Project, and identifies mitigation measures that could avoid or reduce the magnitude of those impacts determined to be significant. The environmental impacts evaluated in this Draft EIR concern several subject areas, including aesthetics, air quality, biological resources, cultural resources, energy/energy conservation, geology and soils, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, and utilities and service systems. The following resources are evaluated in **Section 7.0: Effects Finds not to be Significant**: Agriculture and Forestry Resources; Mineral Resources; Population and Housing; Recreation; and Wildfire. As noted in the preceding paragraph, public comment was received during the NOP process and included written letters provided to the City. In addition to the list of the summary of comments below, a copy of the letters with the NOP is provided in **Appendix A** to this Draft EIR. The comments were used, as intended, to help inform the discussion of this Draft EIR and help determine the scope and framework of certain topical discussions.

The Draft EIR is 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 after completion.

Following the public review period, written responses to all comments received on the Draft EIR will be prepared. Those written responses, and any other necessary changes to the Draft EIR, will constitute the Final EIR and will be submitted to the Planning Commission for their consideration. If the City finds that the Final EIR is “adequate and complete” in accordance with the CEQA Guidelines, the City may certify the EIR. The Planning Commission would also consider the adoption of Findings of Fact pertaining to the EIR, specific mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan (MMRP). Upon review and consideration of the Final EIR, the hearing body would take action concerning the Project.

Regarding the MMRP, CEQA Guidelines Section 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 EIR will be considered and acted upon by the City decision-makers concurrent with adoption of the findings of this EIR and prior to approval of the Project.

1.2 Project Overview

Project Location

The Project site is in southwestern Fontana, San Bernardino County, California, approximately 43 miles east of downtown Los Angeles, 12 miles west of downtown City of San Bernardino, and 30 miles northeast of central Orange County; refer to **Figure 3-1: Regional Location**. The Project site is located at 11171 Cherry Avenue on approximately 30 acres and is composed of two parcels (APNs: 0236-191-14 and 0236-191-25). The Project site is located approximately one mile south of the San Bernardino Freeway (I-10) and is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east, and a truck driving academy and recycling facility to the north; refer to **Figure 3-2: Project Location**.

Project Description

The Project proposes to redevelop an existing heavy equipment yard with two modern high-cube logistics buildings (warehouses) totaling up to approximately 699,433 sf. Building 1 would total approximately 477,480 sf, inclusive of approximately 10,000 sf of office space. Building 2 would total approximately 221,953 sf, inclusive of approximately 6,000 sf of office space. The Project would also include approximately 319 automobile parking stalls (185 parking stalls required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, gated access, and associated improvements; refer to **Figure 3-5: Conceptual Site Plan**. The Project site's land use and zoning designation allows for a maximum Floor Area Ratio of 0.55. Future occupants of the building are not known at this time.

1.3 Project Objectives

The Project implements the goals and policies of the City's General Plan and the Southwest Industrial Park Specific Plan. The Project would increase the City's production capacity and further fortify the economic base of the City. The Project would also revitalize a portion of the City with new industry and production. The Project would be developed to accomplish the following objectives:

- Objective 1:** Maximize the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles and Long Beach.
- Objective 2:** Develop industrial buildings that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area.
- Objective 3:** Develop and operate attractive industrial buildings in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area.
- Objective 4:** Enhance Project identity through architecture, landscaping, walls, fencing, and signage.
- Objective 5:** Develop and operate industrial buildings that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions.

Objective 6: Develop and operate industrial buildings that positively contributes to the economy of Fontana through new capital investment, creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.

1.4 Unavoidable Significant Impacts

The Project's potential impacts are assessed in **Section 4.1: Aesthetics** through **Section 4.16: Wildfire** of this Draft EIR, with additional impact analysis included in **Section 7.0: Effects Found Not to be Significant**. 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. There are unavoidable significant impacts associated with GHG emissions as summarized below:

- Greenhouse Gas Emissions
 - Mitigated GHG emissions would exceed the 3,000 MTCO₂e per year threshold despite implementation of all feasible mitigation. Despite compliance with various California Air Resources Board and South Coast Air Quality Management District emissions reduction programs, the Project's emissions would be considered significant and unavoidable despite the implementation of laws, ordinances and regulations, and mitigation measures.

1.5 Summary of Project Alternatives

The CEQA Guidelines (Section 15126.6[a]) state that an EIR must address “a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain 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.” The alternatives were based, in part, on their potential ability to reduce or eliminate the impacts determined to be significant and unavoidable for the proposed project. The following four alternatives have been determined to represent a reasonable range of alternatives which have the potential to feasibly attain most of the basic objectives of the Project, but which may avoid or substantially lessen any of the significant effects of the project. These alternatives are analyzed in detail in **Section 6.0: Alternatives** to the proposed Project, of this Draft EIR.

- No Project/No Build Alternative
- Reduced Build
- Single Building/Cross Dock Alternative
- Alternative Sites Alternative

An EIR must identify an “environmentally superior” alternative, and where the No Project/No Build Alternative is identified as environmentally superior, the EIR is then required to identify as environmentally superior an alternative from among the others evaluated. Each alternative's environmental impacts are compared to the proposed project and determined to be environmentally superior, equivalent, or inferior. However, only impacts found significant and unavoidable are used in making the final determination of whether an alternative is environmentally superior or inferior to the

proposed project. Impacts involving GHG emissions were found to be significant and unavoidable. **Section 6.9: Environmentally Superior Alternative** identifies the environmentally superior alternative.

Alternative 1: No Project/No Build Alternative

State CEQA Guidelines Section 15126.6, requires an evaluation of the “No Project” alternative for decision-makers to have the ability to compare the impacts of approving the Project with impacts or not approving the Project, thus leaving the Project site in its current developed condition. The No Project analysis is required to discuss the existing conditions as they were at the time of publication of the Notice of Preparation (July 7, 2023) and analyze the potential impacts of the Project site if the land were to continue under applicable existing plans, policies, and designations. Alternative 1: No Project/No Build Alternative (Alternative 1) assumes that the Project would remain developed with the existing industrial warehouse buildings and storage uses and not be developed with the proposed two modern high-cube logistics buildings (warehouses), landscape improvements, or surface lot improvements developed on the Project site. However, the existing environmental conditions would not be necessarily preserved, as some form of redevelopment of the site for future industrial development could still occur pursuant to the City of Fontana General Plan, SWIP, and Municipal Code.

Alternative 2: Reduced Build

Alternative 3 assumes that the Project would undergo a 25 percent reduction in the overall square footage of the proposed two modern high-cube logistics buildings (warehouses). The total approximately 699,433 square feet of high-cube logistics use that would be constructed under the Project would be reduced by 174,858 square feet to 524,575 square feet. The approximately 16,000 square feet of office space use would be reduced by 4,000 square feet to 12,000 square feet. This indicates that Alternative 2 would marginally minimize impacts related to the scale of the Project. Therefore, environmental impact areas such as aesthetics, land use and planning, energy, public services, and utilities and service systems may see a nominal improvement regarding potential impact significance. Additionally, Alternative 2 would reduce air quality and GHG emissions and traffic.

Alternative 3: Single Building/Cross Dock Alternative

Alternative 2 assumes that a Single Building/Cross Dock modern high-cube logistics building (warehouse) totaling 419,660 square feet would be constructed, inclusive of 10,000 square feet of office space. Compared to the proposed Project, Alternative 2 would develop a single building, utilizing the location of Building No.2 for a truck trailer parking or a potential drop lot. Building No. 1 would be replaced with a cross dock format building that is approximately 40 percent smaller in size. The Cross Dock facility would be dedicated to unpacking, processing, and repackaging contents from trailers on the east side of the building to trailers on the west side of the building. These trucks would then transport contents to their final destination. The single modern high-cube logistics building (warehouse) and additional auto and trailer parking proposed under Alternative 2 would have a reduced lot coverage from the Project. Although the building size and lot coverage is smaller, the cross-dock operations of the building and additional drop lot, would increase truck traffic/trips related to the efficient loading and unloading of goods and additional drop lot to support additional truck trips. Overall, Alternative 2 would be slightly less

construction intensive but has the potential to be more traffic intensive and thus generate similar impacts on air quality, GHG, noise, and transportation to the Project.

Alternative Sites Alternative

CEQA Guidelines Section 15126.6(f) requires consideration of an Alternative Site that the proposed Project Applicant would be reasonably able to acquire, control, or gain access to develop. The following would occur if this alternative is taken:

- An alternative location would be chosen and should substantially reduce or avoid potential environmental impacts.
- The alternative is not considered applicable or feasible, as the proposed Project Applicant does not control other undeveloped property of similar size within the County or in the immediate area.
- Project objectives would not be satisfied to the degree of the Project.
- In addition, an alternative site would not be likely to substantially reduce any of the significant and unavoidable impacts created by Project implementation.

Environmentally Superior Alternative

State CEQA Guidelines requires that an Environmentally Superior Alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. The No Project Alternative is the Environmentally Superior Alternative because it would avoid many of the proposed Project's impacts. If the No Project Alternative is the environmentally superior Alternative, CEQA Guidelines § 15126.6(e)(2) requires that another alternative that could feasibly attain most of the Project's basic objectives be chosen as the Environmentally Superior Alternative. Therefore, in compliance with CEQA requirements, this Draft EIR also identifies an environmentally superior alternative among the other alternatives. Based on analysis conducted in **Section 6.0: Alternatives**, Alternative 2 was chosen as the Environmentally Superior Alternative. These alternatives are further discussed in **Section 6.0: Alternatives**.

1.6 Issues to be Resolved

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the lead agency as to:

- 1.) Whether this Draft EIR adequately describes the environmental impacts of the project.
- 2.) Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.
- 3.) Whether the proposed land use changes are compatible with the character of the existing area.
- 4.) Whether the identified goals, policies, or mitigation measures should be adopted or modified.
- 5.) Whether there are other mitigation measures that should be applied to the project besides the Mitigation Measures identified in the Draft EIR.

- 6.) Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

1.7 Areas of Controversy

The CEQA Guidelines § 15123 (b)(2) and (3) require that a Draft 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 (from July 7, 2023, to August 7, 2023) and public meetings (a public scoping meeting was held via Teams during the 30-day public review period, on July 19, 2023):

- Health hazard for students and nearby residents
- Tribal consultation
- Air quality impacts
- Inclusion of a health risk assessment
- Greenhouse gas emissions impacts

1.8 Summary of Environmental Impacts & Mitigation Measures

The following table is a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this EIR. Refer to **Sections 4.1** through **4.16**, 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 **Section 4.7: Greenhouse Gas Emissions**.

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

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.1, Aesthetics		
<p>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?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.1-3a For future development associated with the project located in or immediately adjacent to residentially zoned property, the following General Condition of Approval shall be imposed: Construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site to the extent practical. Staging areas shall be screened from view from residential properties with solid wood fencing or green fence. Construction worker parking may be located off-site with approval of the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the project site. Surrounding streets shall be swept daily and maintained free of dirt and debris.</p>
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>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.2-1a All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer’s specification. Maintenance records shall be available at the construction site for City verification. [GPEIR MM AQ-9] MM 4.2-1b Prior to the issuance of any grading permits, all applicants shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City Planning Staff. [GPEIR MM AQ-10] MM 4.2-1c All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. [GPEIR MM AQ-11] MM 4.2-1d Projects that result in the construction of more than 19 single-family residential units, 40 multifamily residential units, or 45,000 square feet of retail/commercial/industrial space shall be required to apply paints either by hand or high volume, low pressure (HVLP) spray. These measures may reduce volatile organic compounds (VOC) associated with the application of paints and coatings by an estimated 60 to 75 percent. Alternatively, the contractor may specify the use of low</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>volatility paints and coatings. Several of currently available primers have VOC contents of less than 0.85 pounds per gallon (e.g., deluxe professional exterior primer 100 percent acrylic). Topcoats can be less than 0.07 pounds per gallon (8 grams per liter) (e.g., lifemaster 2000-series). This latter measure would reduce these VOC emissions by more than 70 percent. Larger projects should incorporate both the use of HVLP or hand application and the requirement for low volatility coatings. [GPEIR MM AQ-12]</p> <p>MM 4.2-1e All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108. [GPEIR MM AQ-13]</p> <p>MM 4.2-1f Prior to the issuance of grading permits or approval of grading plans for future development projects within the project area, future developments shall include a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following: [GPEIR MM AQ-14]</p> <ul style="list-style-type: none"> ▪ Phase and schedule activities to avoid high-ozone days and first-stage smog alerts. ▪ Discontinue operation during second-stage smog alerts. ▪ All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas. ▪ Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. ▪ Moisten soil each day prior to commencing grading to depth of soil cut. ▪ Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site. ▪ Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation. ▪ Wash mud-covered tires and under carriages of trucks leaving construction sites. ▪ Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites. ▪ Securely cover all loads of fill coming to the site with a tight-fitting tarp. ▪ Cease grading during periods when winds exceed 25 miles per hour. ▪ Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance. ▪ Use low-sulfur diesel fuel in all equipment.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> ▪ Use electric equipment whenever practicable. ▪ Shut off engines when not in use. <p>MM 4.2-2c All industrial and commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes [GPEIR MM AQ-15].</p> <p>MM 4.2-2d The City shall require that both industrial and commercial uses designate preferential parking for vanpools. [GPEIR MM AQ-16]</p> <p>MM 4.2-2e The proposed commercial and industrial areas shall incorporate food service. [GPEIR MM AQ-17]</p> <p>MM 4.2-2f All industrial and commercial site tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas. [GPEIR MM AQ-18]</p> <p>MM 4.2-2g All industrial and commercial site tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible. [GPEIR MM AQ-19]</p> <p>MM 4.2-2j All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials. [GPEIR MM AQ-22]</p>
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><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p> <p>MM 4.3-1d The City shall encourage the preservation of natural habitat in conjunction with private or public development projects. [GPEIR MM BR-4]</p> <p>MM 4.3-1e Mitigation shall be provided for removal of any natural habitat, including restoration of degraded habitat of the same type, creation of new or extension of existing habitat of the same type, financial contribution to a habitat conservation fund administered by a Federal, State, or local government agency, or by a non-profit agency conservancy. [GPEIR MM BR-5]</p> <p>MM 4.3-1f Local CEQA procedures shall be applied to identify potential impacts to rare, threatened and endangered species. [GPEIR MM BR-9]</p> <p>MM 4.3-1h Any development that results in the potential take or substantial loss of occupied habitat for any threatened or endangered species shall conduct formal consultation with the appropriate regulatory agency, and shall implement required mitigation pursuant to applicable protocols. Consultation shall be on a project-by-project basis and measures shall be negotiated independently for each development project. [GPEIR MM BR-11]</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p><u>Project Mitigation Measures</u> MM BIO-1 Bird nesting season generally extends from February 1 through August 31 in southern California. To avoid impacts to nesting birds (common and special-status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) three days prior to project-related disturbance to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity, and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</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 with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> Refer to Mitigation Measures 4.3-1a to 4.3-1h.</p>
<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>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p><u>Project Mitigation Measures</u> MM BIO-2 The Applicant shall hire a qualified arborist and obtain a City of Fontana Tree Removal Permit prior to the removal of any heritage trees in compliance with Section 28-64 of the City of Fontana Municipal Code.</p>
<p>Impact 4.3-6 Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> Refer to Mitigation Measures 4.3-1a to 4.3-1f.</p>
<p>Section 4.4, Cultural Resources</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><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.4-2a A qualified archaeologist shall perform the following tasks, prior to construction activities within project boundaries:</p> <ul style="list-style-type: none"> ▪ Subsequent to a preliminary City review, if evidence suggests the potential for prehistoric resources, a field survey for prehistoric resources within portions of the project site not previously surveyed for cultural resources shall be conducted. ▪ Subsequent to a preliminary City review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission shall be contacted for information regarding sacred lands.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> ▪ All prehistoric resources shall be inventoried using appropriate State record forms and two (2) copies of the completed forms shall be submitted to the San Bernardino County Archaeological Information Center. ▪ The significance and integrity of all prehistoric resources within the project site shall be evaluated using criteria established in the CEQA Guidelines for important archaeological resources. ▪ If human remains are encountered on the project site, the San Bernardino County Coroner’s Office shall be contacted within 24 hours of the find, and all work shall be halted until a clearance is given by that office and any other involved agencies. ▪ All resources and data collected within the project site shall be permanently curated at an appropriate repository within the County. [GPEIR MM CR-1] <p>MM 4.4-2b If any prehistoric archaeological resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities and to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Fontana shall:</p> <ul style="list-style-type: none"> ▪ Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value. ▪ Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities at a theme or focal point. ▪ Pursue educating the public about the area’s archaeological heritage. ▪ Propose mitigation measures and recommend conditions of approval (if a local government action) to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines. ▪ Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving. [GPEIR MM CR-2] <p>MM 4.4-2c Where consistent with applicable local, State and federal law and deemed appropriate by the City, future site-specific development projects shall consider the following requests by the Soboba Band of Luiseño Indians and Morongo Band of Mission Indians:</p> <ul style="list-style-type: none"> ▪ In the event Native American cultural resources are discovered during construction for future development, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>standards shall be hired to assess the find. Work on the overall project may continue during this period;</p> <ul style="list-style-type: none"> ▪ Initiate consultation between the appropriate Native American tribal entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) and the City/project applicant; ▪ Transfer cultural resources investigations to the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) as soon as possible; ▪ Utilize a Native American Monitor from the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) where deemed appropriate or required by the City, during initial ground disturbing activities, cultural resource surveys, and/or cultural resource excavations. <p><u>Project Mitigation Measures</u></p> <p>MM CUL-1 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 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-2 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 Plan accordingly.</p>
<p>Impact 4.4-3 Would the Project disturb any human remains, including those interred outdoors of dedicated cemeteries?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p> <p>SWIP EIR MM 4.4-2a.</p> <p><u>Project Mitigation Measures</u></p> <p>MM CUL-3 If human remains or funerary objects are encountered during any activities associated with the project, 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 §7050.5 and that code enforced for the duration of the project.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.6, Geology and Soils		
<p>Impact 4.6-3 Would the Project result in substantial soil erosion or the loss of topsoil?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Project Mitigation Measures</u> MM GEO-1 Compliance with the Geotechnical Evaluation Report. Per the Geotechnical Evaluation (Southern California Geotechnical, Inc., April 7, 2023), the proposed structures shall be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life.</p> <p>Design, grading, and construction shall adhere to all of the seismic requirements incorporated into the latest California Building Code (CBC) and the requirements and standards contained in the applicable chapters of the City of Fontana Municipal Code, as well as appropriate local grading regulations, and the specifications of the project geotechnical consultant, including but not limited to those related to seismic safety, subject to review by the Director of the City of Fontana Development Services Department, or designee, prior to the issuance of any grading permits.</p> <p>All grading, construction and operations shall be conducted in conformance with the recommendations included in the Geotechnical Evaluation for the Project site prepared by Southern California Geotechnical, Inc. All geotechnical specifications as identified in the Geotechnical Evaluation (April 7, 2023) shall be adhered to, including:</p> <ul style="list-style-type: none"> ▪ Seismic Design Considerations, ▪ Geotechnical Design Considerations, ▪ Site Grading Recommendations, ▪ Construction Considerations, ▪ Foundation Design Recommendations, ▪ Floor Slab Design and Construction, ▪ Retaining Wall Design and Construction, and ▪ Pavement Design Parameters <p>The City shall maintain copies of the Southern California Geotechnical, Inc., Geotechnical Evaluation, April 7, 2023, referenced above in the appropriate file locations at the City.</p>
<p>Impact 4.6-4 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 with Mitigation Incorporated</p>	<p><u>Project Mitigation Measures</u> See MM GEO-1.</p>

<p>Impact 4.6-7 Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Project Mitigation Measures</u></p> <p>MM GEO-2 Workers Environmental Awareness Program (WEAP). Prior to the start of the proposed Project activities, all field personnel will receive a worker’s environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow if a fossil discovery is made and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrently with other training, including cultural, biological, safety, et cetera.</p> <p>MM GEO-3 Paleontological Mitigation Monitoring. Prior to the commencement of ground disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological mitigation plan for the Project. The plan will describe the monitoring required during ground disturbing activities. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely.</p> <p>MM GEO-4 Fossil Discoveries. If a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:</p> <ul style="list-style-type: none"> ▪ Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in the mitigation plan prepared for the Project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. ▪ Fossil Preparation and Curation. The paleontological mitigation plan will identify the museum that has agreed to accept fossils that may be discovered during Project related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and
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Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.</p> <ul style="list-style-type: none"> ▪ Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils, if necessary), the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include a discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.
Section 4.7, Greenhouse Gas Emissions		
<p>Impact 4.7-1 Would the Project generate greenhouse gas emissions, either directly or indirectly, that could have a significant impact on the environment?</p>	<p>Significant and Unavoidable</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.2-5a Prior to the issuance of building permits, future development projects shall demonstrate the incorporation of project design features that achieve a minimum of 28.5 percent reduction in GHG emissions from business-as-usual conditions. Future projects shall include, but are not limited, to the following list of potential design features.</p> <p><i>Energy Efficiency</i></p> <ul style="list-style-type: none"> ▪ Design buildings to be energy efficient and exceed Title 24 requirements by at least 5 percent. ▪ Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight. ▪ Use trees, landscaping and sunscreens on west and south exterior building walls to reduce energy use. ▪ Install light colored “cool” roofs and cool pavements. ▪ Provide information on energy management services for large energy users. ▪ Install energy efficient heating and cooling systems, appliances and equipment, and control systems (e.g., minimum of Energy Star rated equipment). ▪ Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces). ▪ Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting. ▪ Limit the hours of operation of outdoor lighting. <p><i>Renewable Energy</i></p> <ul style="list-style-type: none"> ▪ Install solar panels on carports and over parking areas. Ensure buildings are designed to have “solar ready” roofs. ▪ Use combined heat and power in appropriate applications.

		<p><i>Water Conservation and Efficiency</i></p> <ul style="list-style-type: none"> ▪ Create water-efficient landscapes with a preference for a xeriscape landscape palette. ▪ Install water-efficient irrigation systems and devices, such as soil moisture based irrigation controls. ▪ Design buildings to be water-efficient. Install water-efficient fixtures and appliances (e.g., EPA WaterSense labeled products). ▪ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. ▪ Restrict the use of water for cleaning outdoor surfaces and vehicles. ▪ Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on-site can drastically reduce the need for energy-intensive imported water at the site). ▪ Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. ▪ Provide education about water conservation and available programs and incentives. <p><i>Solid Waste Measures</i></p> <ul style="list-style-type: none"> ▪ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). ▪ Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. ▪ Provide education and publicity about reducing waste and available recycling services. <p><i>Transportation and Motor Vehicles</i></p> <ul style="list-style-type: none"> ▪ Limit idling time for commercial vehicles, including delivery and construction vehicles. ▪ Promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). ▪ Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems. ▪ Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
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Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> ▪ Promote “least polluting” ways to connect people and goods to their destinations. ▪ Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. ▪ Incorporate bicycle-friendly intersections into street design. ▪ For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking). ▪ Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points. <p><u>Project Mitigation Measures</u></p> <p>MM GHG-1 Prior to issuance of tenant occupancy permits, the tenant/ facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options. ▪ Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site. ▪ Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided. ▪ Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements. ▪ Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day. ▪ Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service. ▪ Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/ vanpool users. ▪ Provide meal options on-site or shuttles between the facility and nearby meal destinations. ▪ Each building shall provide preferred parking for electric, low-emitting, and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>This mitigation measure applies only to tenant occupancy and not the building shell approvals.</p> <p>MM GHG-2 As part of the building permit for tenant improvements, the Project shall install solar photovoltaic (PV) panels or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, that would provide 100 percent of the expected total building load. On-site solar PV or other clean energy systems shall be installed within two years of commencing operations. Each building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. This mitigation measure applies only to tenant permits and not the building shell approvals.</p> <p>MM GHG-3 The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and Loading Areas. This mitigation measure applies only to tenant permits and not the building shell approvals.</p> <p>MM GHG-4 Prior to the issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all handheld landscaping equipment used on-site shall be 100 percent electrically powered. This mitigation measure applies only to tenant permits and not the building shell approvals</p>
<p>Impact 4.7-2 Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> See SWIP EIR Mitigation Measure 4.2-5a.</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 with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p> <p>MM 4.5-1a The City shall require that new proposed facilities involved in the production, use, storage, transport, or disposal of hazardous materials be located a safe distance from land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities, such as schools, child-care centers, and senior enters, shall not to be located near existing sites that use, store, or generate hazardous materials. [GPEIR MM HM-1]</p> <p>MM 4.5-1c The City shall require all businesses that handle hazardous materials above the reportable quantity to submit an inventory of the hazardous materials that they manage to the San Bernardino County Fire Department – Hazardous Materials Division in coordination with the Fontana Fire Protection District. [GPEIR MM HM-4]</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p><u>Project Mitigation Measures</u></p> <p>MM HAZ-1 Soil Management Plan (SMP). Prior to issuance of a grading permit or trenching or subsurface excavation for utilities or roadway infrastructure, the Master Developer, Site Developer, or Lead Agency, as applicable, shall retain a qualified environmental consultant to prepare a SMP that details procedures and protocols for on-site management of soils containing potentially hazardous materials. The SMP shall include, but not be limited to:</p> <ul style="list-style-type: none"> ▪ Land use history, including description and locations of known contamination; ▪ The nature and extent of previous investigations and remediation at the site; ▪ Identified areas of concern at the site, in relation to proposed activities; ▪ A listing and description of institutional controls, such as applicable City ordinances and other local, state, and federal regulations and laws that would apply to the project; ▪ Names and positions of individuals involved with soils management and their specific role; ▪ An earthwork schedule; ▪ Requirements for site-specific Health and Safety Plans (HSPs) to be prepared by all contractors at the project site. The HSP should be prepared by a Certified Industrial Hygienist and would protect on-site workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSP should address the possibility of encountering subsurface hazards including hazardous waste contamination and include procedures to protect workers and the public; ▪ Hazardous waste determination and disposal procedures for known and previously unidentified contamination, including those associated with any soil export activities, if applicable; ▪ Requirements for site specific techniques at the site to minimize dust, manage stockpiles, run on and run-off controls, waste disposal procedures, etc.; and ▪ Copies of relevant permits or closures from regulatory agencies. <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</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>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 ACM 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> <p>MM HAZ-4 The removal of LBP material shall be implemented in accordance with CCR, Title 8 Section 1532.1, the CFR (Title 40, Part 745, and Title 29, Part 1926), the U.S. EPA’s Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and Sections 402/404 and 403, and Title IV of the TSCA.</p>
<p>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?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p> <p>Refer to SWIP EIR Mitigation Measures 4.5-1a and 4.5-1c above.</p> <p>MM 4.5-2b Prior to potential remedial excavation and grading activities within the site (if remediation is required), impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste-oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above ground storage tanks, surface trash, piping, excess vegetation and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the project applicant shall comply with the following measures in accordance with Federal, State, and local requirements:</p> <ul style="list-style-type: none"> ▪ Excavation and disposal at a permitted, off-site facility; ▪ On-site remediation, if necessary; or ▪ Other measures as deemed appropriate by the County. <p>MM 4.5-2d In the event any electrical transformers require relocation as a result of future development associated with the project, the relocation shall be conducted under the purview of the local electricity purveyor to identify property-handling procedures regarding potential polychlorinated biphenyls (PCBs).</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p><u>Project Mitigation Measures</u> See MM HAZ-1 through MM HAZ-4.</p>
<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 with Mitigation incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> Refer to SWIP EIR Mitigation Measures 4.5-1a and 4.5-1c above. <u>Project Mitigation Measures</u> See MM HAZ-1 through MM HAZ-4.</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 Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> Refer to SWIP EIR Mitigation Measures 4.5-2b and 4.5-2d above</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>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.5-6a Prior to the issuance of grading permits, future developers shall prepare a Traffic Control Plan for implementation during the construction phase. The Plan may include the following provisions, among others:</p> <ul style="list-style-type: none"> ▪ At least one unobstructed lane shall be maintained in both directions on surrounding roadways. ▪ At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions. ▪ If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes. <p>MM 4.5-6b Prior to construction, the City of Fontana Engineering Department shall consult with the City of Fontana Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.</p>
<p>Section 4.11, Noise</p>		
<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>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> MM 4.7-1a The following measures shall be implemented when construction is to be conducted within 500 feet of any sensitive structures or has the potential to disrupt classroom activities or religious functions.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> ▪ The City shall restrict noise intensive construction activities to the days and hours specified under Section 18-63 of the City of Fontana Municipal Code. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site. [GPEIR MM N-1] ▪ All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust [GPEIR MM N-1] ▪ The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. [GPEIR MM N-1] ▪ Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive use structures. [GPEIR MM N-1] ▪ All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive use structures. [GPEIR MM N-1] ▪ If construction noise does provide to be detrimental to the learning environment, the City shall allow for a temporary waiver thereby allowing construction on Weekends and/or holidays in those areas where this construction is to be performed in excess of 500 feet from any residential structures. [GPEIR MM N-1] ▪ The construction contractor shall provide an on-site name and telephone number of a contact person. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. In the event that construction noise is intrusive to an educational process, the construction liaison will revise the construction schedule to preserve the learning environment. <p>MM 4.7-1b Should potential future development facilitated by the proposed project require off-site import/export of fill material during construction, trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways (Interstate 10, Interstate 15, State Route 60, Sierra Avenue, Beech Avenue, Jurupa Avenue, and Solver Avenue). Construction trucks should, to the extent practical, avoid the weekday and Saturday a.m. and p.m. peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).</p>
<p>Impact 4.11-2 Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u> See SWIP EIR Mitigation Measures 4.7-1a and 4.7-1b.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.13, Transportation		
<p>Impact 4.13-1</p> <p>Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Project Mitigation Measures</u></p> <p>SC TRANS-1 Cherry Avenue and Jurupa Avenue: Add a westbound through lane and add overlap phasing to the southbound right-turn lane. A project fair share calculation for this intersection included in Table J of the TIA. As shown in Table J of the TIA, the Project’s fair share contribution to these improvements is 9.26 percent. Based on discussion with City staff, instead of paying a fair share towards this improvement, the Project will be conditioned to refresh/replace the crosswalk striping, update the ped-push buttons to current ADA/PROWAG standard, and add right-turn restriction indication for the Westbound and Southbound movements to restrict right-turns when ped-crossing is activated (either via a signal head modification or through blank-out signs). While this will not reduce vehicular delay, this will improve pedestrian safety and the perception of safety by pedestrians and children walking to school.</p>
Section 4.14, Tribal Cultural Resources		
<p>Impact 4.14-1</p> <p>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:</p> <p>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)?</p> <p>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?</p>	<p>Less than Significant Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p> <p>Refer to SWIP EIR MM 4.4-2c in Draft EIR Section 4.4: Cultural Resources.</p> <p><u>Project Mitigation Measures</u></p> <p>MM TCR-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact 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 resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This 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>
Section 4.16, Wildfire		
<p>Impact 4.16-1</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p><u>Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report</u></p>

Resource Impact	Level of Significance	Mitigation Measure(s)
<p>If located in or near SRA or lands classified as Very High FHSZ, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?</p>		<p>MM A 4.5-6a Prior to the issuance of grading permits, future developers shall prepare a Traffic Control Plan for implementation during the construction phase. The Plan may include the following provisions, among others:</p> <ul style="list-style-type: none"> ▪ At least one unobstructed lane shall be maintained in both directions on surrounding roadways. ▪ At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. ▪ If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes. <p>MM 4.5-6b Prior to construction, the City of Fontana Engineering Department shall consult with the City of Fontana Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.</p>

2.0

Introduction and Purpose

2.0 INTRODUCTION AND PURPOSE

This Draft Subsequent Environmental Impact Report (EIR) is prepared for the City of Fontana’s Cherry Commerce Center Project (Project) in compliance with the California Environmental Quality Act (CEQA). CEQA requires local and state agencies to identify the significant environmental impacts of a proposed project and to avoid or mitigate those impacts, if feasible, through mitigation measures or project alternatives. The CEQA Guidelines are located within the California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387 (CCR or CEQA Guidelines), while the CEQA statute is codified as Public Resources Code Sections 21000-21189.57 (PRC or CEQA Statute). For purposes of CEQA review and compliance for this Project, the City of Fontana serves as the Lead Agency.

The Project site is located in southwestern Fontana, San Bernardino County (County), California. The Project site is in an incorporated area of southwestern San Bernardino County, within southwestern Fontana. The Project site is approximately 43 miles east of downtown Los Angeles, 12 miles west of downtown San Bernardino, and 30 miles northeast of central Orange County (see **Figure 3-1: Regional Location**). As described in **Section 3.4: Project Overview**, the Project site is approximately 30 acres and is located south of the San Bernardino Freeway (I-10) and Slover Avenue and is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east, and a truck driver academy and recycling facility to the north, as shown in **Figure 3-2: Project Location**. The Project proposes to redevelop an existing heavy equipment staging yard with two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 square feet (sf). Building 1 would total approximately 477,480 sf, of which approximately 10,000 sf is office space. Building 2 would total approximately 221,953 sf, of which approximately 6,000 sf is office space. The Project site would also include approximately 319 automobile parking stalls (185 parking stalls are required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, perimeter wall and gated access; refer to **Figure 3-5: Conceptual Site Plan**. The Project is anticipated to be developed in one phase. Construction is anticipated to occur over a duration of approximately 13 months, commencing in the second quarter of 2024 and is anticipated to be operational by the second quarter of 2025.¹

2.1 Purpose of the Environmental Impact Report

According to CEQA Guidelines Section 15121 and PRC Section 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. Accordingly, this Draft EIR reviews the existing conditions at and in the vicinity of the Project site; identifies and analyzes the potential environmental impacts; and recommends feasible mitigation measures or Project alternatives to reduce or avoid significant adverse environmental effects, as described in **Section 3.0: Project Description**, **Section 4.0: Environmental Impact Analysis**, and **Section 6.0: Alternatives**. The potential impacts evaluated include both temporary construction-related effects and the long-term effects of development, operation, and maintenance of the Project, as described in **Section 4.0: Environmental Impact Analysis**.

¹ Actual phasing sequence and timeframe for development may vary depending on market conditions.

The intent of this EIR is to evaluate and where feasible, avoid or mitigate the Project's potential environmental impacts utilizing site and Project-specific detailed plans, technical studies, and related information that is available. This EIR will be used by the City of Fontana (City) as the Lead Agency, other responsible and trustee agencies, interested parties, and the general public to evaluate the potential environmental impacts of the Project (refer to **Section 3.10: Required Agency Approval**, for a list of anticipated responsible and trustee agencies and Project approvals).

Therefore, this EIR is intended to serve as the primary environmental document for all entitlements associated with the Project, including all discretionary approvals requested or required to implement the Project. The City, as the Lead Agency, can approve subsequent actions without additional environmental documentation unless otherwise required by Section 21166 of the CEQA Statute and Section 15162 of the CEQA Guidelines. The CEQA Statute specifies the following in Section 21166:

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, Section 15162 of the CEQA Guidelines specifies:

- (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 Section 15064(f)(1) and CEQA Statute Section 21100, 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 Section 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 temporary and permanent impacts and direct and indirect impacts of the Project, in addition to cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Based on significance criteria, the effects of the Project are categorized as either “no impact,” “less than significant,” “less than significant with mitigation incorporated,” or “significant unavoidable” (refer to **Section 4.0: Environmental Impact Analysis**). Mitigation measures are recommended for potentially significant impacts, to avoid or lessen, to the extent feasible and possible, the Project’s environmental impacts. In the event the Project results in significant unavoidable impacts even with implementation of feasible mitigation measures, the decision-makers may approve the Project based on a “Statement of Overriding Considerations.” This determination requires the decision-makers to balance the benefits of the Project to determine if they outweigh identified unavoidable impacts.

CEQA Guideline Section 15093 provides the following:

- (a) 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.”

- (b) 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.
- (c) 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 EIR, 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 Section 15082 and CEQA Statute Section 21092, the City circulated the NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), sent a mailing to property owners within 660 feet of the Project area, and provided notice to members of the public who had requested such notice. In addition, the NOP was also uploaded to CEQANet and the environmental documents were made available to the public on the City’s website. The NOP was distributed on July 7, 2023, with the 30-day public review period concluding on August 7, 2023. A copy of the NOP is included in **Appendix A: Notice of Preparation and Scoping Materials**.

Public Scoping Meeting

The City included a notice of a public scoping meeting for the Project with the NOP referenced above. The City held a Scoping Meeting on July 19, 2023, via the Microsoft Teams platform. The purpose of the scoping meeting was to obtain comments from the public and agencies regarding the scope of the environmental document.

No oral comments were received during the Scoping Meeting. A total of three (3) comment letters were received in response to the NOP within the review period. The NOP comment letters received during the NOP review period, and Scoping Meeting Materials are included in **Appendix A: Notice of Preparation and Scoping Materials**.

Areas of concern identified during the scoping period include:

- Health hazard for students and nearby residents
- Tribal consultation
- Air quality impacts
- Inclusion of a health risk assessment
- Greenhouse gas emissions impacts

Native American Consultation

Assembly Bill (AB) 52, also further discussed in **Section 4.14: Tribal Cultural Resources**, 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.

The City sent AB 52 notification to representatives of the following tribes on July 24, 2023:

- San Gabriel Band of Mission Indians
- Soboba Band of Luiseno Indians
- Torres Martinez Desert Cahuilla Indians
- San Manuel Band of Mission Indians
- Gabrieleño Band of Mission Indians - Kizh Nation

AB 52 letters/email correspondence were received from the Yuhaaviatam of San Manuel Nation (formally known as the San Manuel Band of Mission Indians) requesting consultation and proposed mitigation measures.

PaleoWest (Cultural Resources Assessment for the Hillwood Cherry Avenue Project, 2023, included in **Appendix D**) contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands File (SLF) on March 9, 2023. The NAHC responded on March 28, 2023, stating their files indicate no known Native American cultural resources within the immediate Project area. The NAHC suggested contacting 31 individuals representing 21 Native American tribal groups to request additional information about any sensitive Native American resources that may exist in the Project vicinity. Outreach letters were sent to each of the Native American contacts on April 4, 2023, with follow up conducted on April 19, 2023. Refer to Section 4.3.2: Native American Outreach of the Project's Cultural Resources Assessment found in Draft EIR **Appendix D** for the comments received.

The results of the Project's cultural resources studies, along with the information received through the AB 52 consultation process, are discussed in **Section 4.4: Cultural Resource** and **Section 4.14: Tribal Cultural Resources**.

Stakeholder Consultation

In addition to required CEQA consultation through the NOP Scoping process and AB 52 consultation, the City and Project Applicant engaged in extensive stakeholder consultation following the release of the NOP in July 2023. This stakeholder outreach included focused consultation with agencies from which the Project Applicant would require permits or approvals, including but not limited to:

- City of Fontana
- San Gabriel Valley Water Company
- Inland Empire Utilities Agency
- Southern California Edison
- Henry J. Kaiser High School
- Fontana Unified School District

2.4 Environmental Review Process

Public review of the Draft EIR

Per CEQA Guidelines Section 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 Draft EIR will be circulated for a 45-day public review period. The review and comment period for this Draft EIR begins on December 7, 2023 and extends through January 22, 2024.

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 EIR and are encouraged to provide information that they believe should be included in the EIR. The Draft EIR is available to the general public for review on the City's website at:

<https://www.fontana.org/2137/Environmental-Documents>

The Draft EIR is also available at the locations listed below:

- Planning Counter – 8353 Sierra Avenue, Fontana, CA 92335
- Fontana Lewis Library and Technology Center - 8437 Sierra Avenue, Fontana, CA 92335
- CEQAnet at <https://ceqanet.opr.ca.gov/> (State Clearing House No. SCH2023070065)

Comment letters should be sent to:

George Velarde – Assistant Planner
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
gvelarde@fontanaca.gov

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 Section 15088, the City will prepare written responses to comments raising environmental issues with the adequacy or accuracy of the information provided. Pursuant to CEQA Guidelines Section 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;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

Additionally, pursuant to CEQA Guidelines Section 15088 (Evaluation of and Response to Comments), the City will respond to all comments raising significant environmental issues and, after the Final EIR is completed, the City will provide a written response to each public agency on comments made by that public agency at least ten days prior to certifying the EIR.

Certification of the Final EIR

The Draft EIR, as revised by the Final EIR, will be considered by the Planning Commission for certification, consistent with CEQA Guidelines Section 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 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 Section 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

After certification of the Final EIR, the Planning Commission may consider approval of the Project. A decision to approve the Project would be accompanied by specific, written findings, in accordance with CEQA Guidelines Section 15091.

2.5 Format of the EIR

This Draft EIR is organized into eight sections:

- Section 1.0** **Executive Summary**, provides a project summary and summary of potentially significant environmental impacts, and proposed mitigation measures and Project alternatives.
- Section 2.0** **Introduction**, provides CEQA compliance information.
- Section 3.0** **Project Description**, provides 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 also includes a discussion of cumulative impacts that could arise as a result of Project implementation.

Section 5.0 Other CEQA Considerations, summarizes unavoidable significant impacts, and discusses significant irreversible environmental changes and growth-inducing impacts.

Section 6.0 Alternatives describes potential Project alternatives, including alternatives considered but rejected from further consideration, the No Project Alternative, 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.

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

2.6 Responsible and Trustee Agencies

Lead Agency

City of Fontana

For this Project, the City is the Lead Agency under CEQA. This Draft EIR 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 Project, including those agencies designated as 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. A responsible agency is an agency, other than the lead agency, that has responsibility for carrying out or approving a 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.

The Project includes infrastructure improvements that may require consultation and permits from agencies such as the San Gabriel Valley Water Company and Southern California Edison. There may be several other agencies other than these listed that may require permits, approvals, and/or consultation in order to implement various elements of the Project. A full list of all applicable agencies is listed in **Section 3.10: Required Agency Approval**.

2.7 Incorporation by Reference

Pertinent documents relating to this EIR are cited in accordance with CEQA Guidelines Section 15148 or have been incorporated by reference in accordance with CEQA Guidelines Section 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 the Plan was updated in 2018. The sixteen chapters or “elements” provide a 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 2014-2021 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) expands the options for transit and “active transportation” (pedestrian and bicycle mobility) for Fontana. It is aligned with the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) 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 Fontana Forward General Plan into one Noise and Safety Element supported by detailed recent 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 ensures 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 target areas and along corridors that can accommodate such development.
- The final element, Stewardship and Implementation (SI), 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 Fontana Forward General Plan was used in this EIR as it relates to the analysis of the Project area parcels within the City of Fontana since it contains information, policies, and regulations relevant to the 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 of Fontana.

The City’s Municipal Code is available for review on the City’s website at:

- <https://www.fontana.org/90/Municipal-Code>

Southern California Association of Governments. The Southern California Association of Governments’ (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Connect SoCal, was adopted in September 2020. The RTP/SCS aims to create a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS charts a course for closely integrating land use and transportation – so that the region can grow in accordance with smart and sustainable growth strategies. The 2020-2045 RTP/SCS Final Program EIR

(SCH No. 2019011061) addresses the cumulative impact of future development and associated infrastructure improvements for the SCAG region, which includes San Bernardino County.

The SCAG RTP/SCS can be accessed online at:

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

The SCAG RTP/SCS Final Program EIR can be accessed online at:

- <https://scag.ca.gov/peir>

The Southwest Industrial Park Specific Plan Environmental Impact Report. The Southwest Industrial Park Environmental Impact Report (SWIP) EIR was approved in 2012. The original SWIP EIR analyzed the complete 3,111-acre SWIP area for potential impacts associated with aesthetic, air quality, biological, cultural, hazardous, land use and planning, noise, public service, utility, and traffic thresholds. Environmental analyses conducted for the SWIP EIR may be referenced within this document, where applicable, as existing conditions and regulatory framework. This Project EIR is a tiered document and bases impact significance on conclusions made in the SWIP EIR. With that, the SWIP EIR is used to contextualize conclusions made in the Project EIR based on previously conducted environmental analyses.

The SWIP EIR can be accessed online at:

- <https://www.fontanaca.gov/1297/Southwest-Industrial-Park-Specific-Plan>

3.0

Project Description

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 Subsequent Environmental Impact Report (EIR) for the Cherry Commerce Center 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 Section 15124 (14 California Code of Regulations [CCR] Section 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 Regional Planning Context

The Southern California Association of Governments (SCAG) is the nation's largest metropolitan planning organization (MPO), representing six counties, 191 cities and more than 19 million residents. SCAG is currently the MPO of six of the ten counties in southern California, serving Imperial County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and Ventura County.

The SCAG Regional Council adopted the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) on September 3, 2020. Connect SoCal includes goals and policies applicable to transportation and land use projects. The Project's consistency with Connect SoCal goals and policies are discussed in **Section 4.2: Air Quality**, **Section 4.10: Land Use and Planning**, and **Section 4.13: Transportation**.

The City is within the South Coast Air Basin (SCAB) which is under South Coast Air Quality Management District (SCAQMD) jurisdiction. The SCAB includes portions of San Bernardino County, Los Angeles County, and Riverside County, and the entirety of Orange County. SCAQMD is the entity responsible for mitigating emissions from stationary, mobile, and indirect sources. SCAQMD utilizes a sequence of Air Quality

Management Plans (AQMPs) that contain rules and regulations directed at attaining the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQA). Refer to the proposed AQMP discussion within **Section 4.2: Air Quality**.

3.3 Project Background

The Southwest Industrial Park (SWIP) Specific Plan was originally created by the City on December 6, 1983, and was intended to develop the City's industrial uses south of Interstate 10 (I-10). The SWIP Specific Plan originally encompassed approximately 1,800 acres.¹ Since the adoption of the SWIP Specific Plan, changes have occurred within the general project area and market conditions. Therefore, the City has determined that the SWIP Specific Plan should be revised to update land uses, regulations, and development standards (SWIP Specific Plan Update). In addition, the SWIP Specific Plan Update would promote orderly and compatible growth in newly annexed areas as well as older portions within the SWIP Specific Plan area.

Therefore, on May 8, 2012, the City adopted Resolution No. 2012-035, certifying the Final Program EIR (FEIR) for the SWIP Specific Plan Update and Annexation (Approved Project or SWIP Specific Plan), State Clearinghouse (SCH) No. 2009091089, in compliance with CEQA and the CEQA Guidelines. In 2005, the City of Fontana proposed the annexation of approximately 2,920.9 acres (\pm 4.6 square miles) of unincorporated land within its sphere of influence (SOI). This annexation action concluded in 2007 and included 32 separately identified unincorporated "islands." Of these, seven were located within the proposed boundaries of the SWIP Specific Plan.

The SWIP Specific Plan Update is a comprehensive policy and regulatory guidance document for the private use and development of all properties within the SWIP Specific Plan Update area. By providing the necessary regulatory and design guidance, the SWIP Specific Plan Update ensures that future development implements the goals and policies of the City of Fontana General Plan (General Plan). According to Table 1-1, Build-Out, of the SWIP Specific Plan, the SWIP Specific Plan Update area is comprised of approximately 3,111 acres in the southwestern portion of the City within San Bernardino County, and is comprised of nine land use districts, one of which is the Jurupa North Research and Development District (JND),² which is 515.1 acres in size. As it relates to the JND, the FEIR analyzed 4,879,460 square-feet (sf) of new industrial use, and 392,934 sf of existing development to remain for build out within the JND.

The City has received an application for the Cherry Commerce Center Project for the development of approximately 30 acres of land located within the JND, at Assessor Parcel Numbers (APN): 0236-191-14 and 0236-191-25, northeast of the intersection of Cherry Avenue and Jurupa Avenue.

3.4 Project Overview

The Project site is currently utilized largely as an outdoor storage yard and a staging yard for heavy building materials and construction equipment. The materials/equipment staged on-site are screened by a five (5)

¹ City of Fontana. 2011. Southwest Industrial Park (SWIP) Specific Plan Update and Annexation Public Review Draft Program Environmental Impact Report. <https://www.fontana.org/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed December 2022).

² City of Fontana. 2021. City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan. <https://www.fontana.org/DocumentCenter/View/29671/SWIP-Land-Use-Plan-Map-Updated-March-2021?bidId=> (accessed December 2022).

to seven (7) foot block wall along Cherry Avenue, Jurupa Avenue, Redwood Avenue, along the property line, and are largely exposed to views from passersby. Staged materials/equipment is generally composed of large cranes, wood, metal, and other building materials. The Project proposes to redevelop the site with two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 sf. Office space would total approximately 16,000 sf.

The Project site is surrounded by a truck driving academy and recycling facility to the north; Redwood Avenue to the east with logistics uses beyond; Jurupa Avenue to the south with residential development beyond; and Cherry Avenue to the west with Henry J. Kaiser High School beyond.

The existing General Plan land use designation is Light Industrial (I-L),³ and the zoning is SWIP.⁴ The Project is located in the Jurupa North Research and Development District (JND) of the SWIP.⁵ According to the SWIP Specific Plan, high-cube logistics (warehouse) uses are permitted within the JND by right. The Project entitlements include a Design Review, and a Sign Permit. A tree removal permit would be necessary for removal of any heritage trees located within the Project site.

The purpose of this Draft EIR is to review the existing conditions at and in the vicinity of the Project site; identify and analyze the potential environmental impacts of the Project; and recommend feasible mitigation measures or Project alternatives to reduce significant adverse environmental effects, as described in this section and in **Section 6.0: Alternatives**.

3.5 Project Location

The Project site is in southwestern Fontana, San Bernardino County, California, approximately 43 miles east of downtown Los Angeles, 12 miles west of downtown City of San Bernardino, and 30 miles northeast of central Orange County; refer to **Figure 3-1: Regional Location**. The Project site is located at 11171 Cherry Avenue on approximately 30 acres and is composed of two parcels (APNs: 0236-191-14 and 0236-191-25). The Project site is located approximately one mile south of the San Bernardino Freeway (I-10) and is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east, and a truck driving academy and recycling facility to the north; refer to **Figure 3-2: Project Location**.

3.6 Project Setting

The following provides an overview of the existing physical and environmental conditions of the Project site. Additional details are provided within the respective sections of the Draft EIR.

Historical Site Information⁶

Based on a review of historical information, as noted in the Phase I Environmental Site Assessment (Phase I ESA, Draft EIR **Appendix H**), the site consisted of undeveloped land from as early as 1896 until the

³ City of Fontana. 2022. General Plan Land Use Map. <https://www.fontana.org/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed December 2022).

⁴ City of Fontana. 2022. Zoning District Map. <https://www.fontana.org/DocumentCenter/View/30623/Zoning-District-Map-04-20-2022?bidId=> (accessed December 2022).

⁵ City of Fontana. 2021. City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan. <https://www.fontana.org/DocumentCenter/View/29671/SWIP-Land-Use-Plan-Map-Updated-March-2021?bidId=> (accessed December 2022).

⁶ Terracon. November 2022. *Phase I Environmental Site Assessment*.

late 1930s, when the site consisted of agricultural land. By the late 1940s, the site was developed with two agricultural buildings on the southwestern portion, one apparent agricultural building on the west central portion of the site and an agricultural structure on the northwestern portion of the site. By the early 1950s, all the structures were cleared, and the site consisted of agricultural land. By the mid-1980s, one commercial building was developed on the northwestern portion of the site with apparent tractor trailer storage on the northern portion of the site. By the early 1990s, the northeastern portion of the site was developed with an additional commercial building and the commercial building on the northwestern portion of the site was expanded. By the early 2000s, the southern portion of the site was redeveloped with an asphalt-paved area with equipment storage and has remained relatively unchanged through the present. Prior on-site occupants were identified as Desert Mechanical Incorporated, Heavy Equipment Repair, and Owl Crane And Rigging Co.

Existing Land Uses, General Plan Designations, and Zoning

The Project site is improved with two industrial buildings; an approximately 20,300 sf building and an approximately 16,200 sf building located on the northern portion of the site, small portable office structures, a yard for machinery storage and maintenance, a small asphalt-paved parking lot on the western portion of the property, and a fabrication yard on the southeastern portion of the property. Overall, most of the site is used for equipment storage, other site improvements include limited landscaping and utilities. The Project site is presently developed as the Tutor Perini Corporation Equipment Yard.

The northern adjoining property consists of Truck Driver Academy (11081 Cherry Avenue) and Lopez Pallets, Inc. (11080 Redwood Avenue). The eastern adjoining property consists of American Metal Recycling (11150 Redwood Avenue) and TMT Industries (14774 Jurupa Avenue). The southern adjoining property past Jurupa Avenue consists of single-family residences (14698-14606 Argentine Court and 14606-14560 Woodland Drive). The western adjoining property past Cherry Avenue consists of Henry J. Kaiser High School (11155 Almond Avenue). The Project site's existing General Plan land use designation is Light Industrial (I-L), and the zoning is SWIP. Additional details are shown below in **Table 3-1: Land Uses**. See **Figure 3-3: General Plan Land Use Designations** for General Plan land use designations and **Figure 3-4: Zoning** for the Project and surrounding uses.

Table 3-1: Land Uses

Location	Land Use Designation	Zoning	Existing Land Uses
Project Site	Light Industrial (I-L)	Southwest Industrial Park (SWIP)	Tutor Perini Corporation Equipment Yard
North	Light Industrial (I-L) General Industrial (I-G)	Southwest Industrial Park (SWIP)	Truck Driver Academy American Metal Recycling
South	Medium Density Residential (R-M)	Southridge Village Specific Plan	Jurupa Avenue Residential
East	Light Industrial (I-L)	Southwest Industrial Park (SWIP)	Redwood Avenue Warehousing
West	Public Facilities(P-PF)	Southwest Industrial Park (SWIP)	Cherry Avenue Henry J., Kaiser High School

Source: Google Maps, 2022; City of Fontana. 2022. Zoning District Map. <https://www.fontana.org/DocumentCenter/View/30623/Zoning-District-Map-04-20-2022?bidId=> (accessed December 2022).; and City of Fontana. 2022. Zoning Viewer. <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92> (accessed December 2022).

Topography and Soil Characteristics

The Project site is approximately 960 feet above mean sea level with the site sloping toward the southwest via sheet flow. Soil types at the Project site are composed of Delhi fine sand and Tujunga loamy sand. According to the soil type characteristics, the Delhi fine sand is somewhat excessively drained. Tujunga loamy sand is also somewhat excessively drained. Depth to groundwater is estimated to be at approximately 225 feet below the ground surface.⁷

3.7 Proposed Project

The Project proposes two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 sf. Building 1 would total approximately 477,480 sf, inclusive of approximately 10,000 sf of office space. Building 2 would total approximately 221,953 sf, inclusive of approximately 6,000 sf of office space. The Project would also include approximately 319 automobile parking stalls (185 parking stalls required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, perimeter wall, gated access, and associated improvements; refer to **Figure 3-5: Conceptual Site Plan**. The Project would have a maximum Floor Area Ratio of 0.55. Future occupants of the building are not known at this time. It should be noted that cold storage warehouse space would not be included as part of the Project as specified in Project Design Feature AQ-1 (PDF AQ-1). Should cold storage warehouse space be considered in the future, a separate discretionary approval would be required.

Building Design

The proposed modern high-cube logistics Buildings No. 1 and No. 2 (warehouses) would be designed in such a way that truck parking stalls and loading docks would be located inward, toward the center of the site and screened from the residential development located south of Jurupa Avenue (approximately 380 feet) and the Henry J. Kaiser High School (approximately 550 feet) located west of Cherry Avenue. The Project would provide 14-foot screening walls around the truck courts to further screen the view of any dock doors and truck activity. All truck traffic would use a private street that would have access to Redwood Avenue with no truck traffic having direct access to Cherry Avenue or Jurupa Avenue from the Project site. The truck circulation patterns have been designed to circulate away from sensitive receptors and in conformance with City Truck Route designation. All other driveways would be auto driveways only. Buildings No. 1 and No. 2 face each other and shield the site from public views into most of the truck court and parking areas.

Building No. 1 would be approximately 50 feet height and Building No. 2 would be approximately 46 feet high which would be well within the maximum allowed building height of 60 feet within SWIP-JND. The building elevations would have articulated wall planes with varying window depths. The paint scheme includes a variable grey and white paint scheme to minimize the bulk and scale of the building with a decorative paint feature in the recesses along the outward facing sides of the building. The dock doors (91 total) would be centered on the east side of Building 1 (62 dock doors) and the west side of Building 2 (29 dock doors). Additionally, the Project proposes 14-foot-high concrete tilt up screen walls to screen the

⁷ SCG. 2023. *Geotechnical Investigation*. Page 8.

internal truck courts; refer to **Figure 3-6a: Building 1 Design and Elevations** and **Figure 3-6b: Building 2 Design and Elevations**.

Landscaping

Landscape requirements within the SWIP consist of 15 percent minimum landscaping of the site (excluding areas covered by buildings, structures, or areas used for approved outside storage, loading, etc.). The Project would provide approximately 25 percent (approximately 143,000 sf) of the total Project site landscaped. That is 10 percent more than the minimum 15 percent required by the City; refer to **Figure 3-7: Conceptual Landscape Plan**. An approximately 30-foot-wide perimeter landscaping setback would surround the Project site on all sides. Landscaping would meet the City's Zoning and Development Code Section 30-551-Building Design which specifies landscape design guidelines for industrial zoning districts.

Project Circulation and Parking

The Project site is currently accessible from Cherry Avenue via two right-in/right-out driveways, approximately 760 feet and 1,100 feet north of Jurupa Avenue. There is currently no access to the Project site on Jurupa Avenue or Redwood Avenue. Ingress and egress to the site would be provided via five driveways:

- Driveway No. 1 is a 35-foot-wide (right-in/right-out) driveway located on the northwest most corner of the site along Cherry Avenue that will be used for automobile access only. There are no driveways serving the adjacent high school next to Driveway No. 1.
- Driveway No. 2 is a 35-foot-wide (right-in/right-out) driveway located on the southwest portion of the site along Jurupa Avenue that will be used for automobile access only.
- Driveway No. 3 is a 35-foot-wide (right-in/right-out) driveway located in the center of the site along Jurupa Avenue that will be used for automobile access only.
- Driveway No. 4 is a 35-foot-wide (full access) driveway located on southeast corner of the site along Redwood Avenue that will be used for automobile access only.
- Driveway No. 5 is a 46-foot-wide (full access) driveway located in the northeast corner of the site along Redwood Avenue that will be used for automobile and truck access. Driveway No. 5 would be designated as a private street.

Regional Project access would be from State Route 60 (SR-60) via the Country Village Road ramp, from I-10 via the Cherry Avenue ramp, and from I-15 via the Jurupa Avenue ramps. According to the City of Fontana General Plan Update, Exhibit 9.7, Truck Routes, both Cherry Avenue and Jurupa Avenue are officially designated local truck routes⁸; refer to **Figure 3-8: Local Truck Routes**. As noted above, the truck circulation patterns have been designed to circulate away from sensitive receptors and in conformance with City Truck Route designation. Local access would be provided via Cherry Avenue, Redwood Avenue, and Jurupa Avenue.

⁸ General Plan Update 2015-2035. November 2018. Community Mobility and Circulation, Exhibit 9.7: Truck Routes. <https://www.fontana.org/DocumentCenter/View/26748/Chapter-9---Community-Mobility-and-Circulation>. (accessed March 2023).

Based on City standards, the minimum automobile parking required for the Project is 185 stalls. The Project would provide approximately 319 auto parking stalls, that is 134 more parking stalls than the minimum required by the City. Automobile parking stalls would be located north and south of Building No. 1 and east of Building No. 2. The proposed approximately 105 trailer parking stalls would be located between Buildings No. 1 and No. 2. Additionally, a total of 91 dock doors would be provided, with 62 dock doors provided along the eastern side of Building No. 1, and 29 dock doors on the western side of Building No. 2.

The Project would require a seven-foot right-of-way dedication for Redwood Avenue.

Project Phasing and Construction

Construction of the Project is anticipated to begin in July 2024 with a construction duration of approximately 13 months. Construction of the Project would require the following phases: demolition, site preparation, grading/infrastructure improvements, paving, building construction, and architectural coatings. Earthwork would keep the site grading balanced.

Off-Site Improvements

The following off-site improvements are anticipated:

- Curb and gutter along Jurupa Avenue and Redwood Avenue
- Bus bay proposed along Jurupa Avenue
- Pavement improvements to westbound Jurupa Avenue adjacent to the Project as well as a six-foot-wide proposed sidewalk along westbound Jurupa Avenue
- Power pole relocation along Jurupa Avenue
- Pavement improvements to southbound Redwood Avenue adjacent to the Project as well as a five-foot wide proposed sidewalk along southbound Redwood Avenue

Grading and Utilities

The following describes grading and utility work to be completed for the Project.

The Project site is relatively flat but would require grading to achieve the needed slopes and contour to facilitate building design and connections to existing utilities. The existing site topography generally slopes toward the southwest. The Project site would maintain the same general drainage pattern and would be graded to conduct runoff to the new drainage facilities that would be constructed as part of the Project. It is anticipated that the site would be graded to balance on-site, eliminating the need for off-site soils hauling.

Overhead powerlines are present along the east side of Cherry Avenue (northbound) and the north side of Jurupa Avenue (westbound) and are located within existing roadway right-of-way. The Project would require the relocation of these powerlines along Jurupa Avenue. Power service is provided to the Project site under existing conditions. The applicant would work with Southern California Edison (SCE) to tie into, relocate, and extend services into the site as required.

Site Utilities/Infrastructure

The Project site is currently served by water, power, and natural gas. The Project site would tie into existing utility lines within the existing roadways and rights-of-way adjacent to the site. The Project applicant would work with the water supplier to access and tie into an existing line and extend services into the Project site. This would include conformance with the MWD Guidelines for Improvements and Construction Project Proposed in the Area of Metropolitan's Facilities and Rights-of-Way. Similarly, stormwater runoff would be captured and controlled on-site and released to the existing stormwater drainage facilities. The Project will be required to connect to the following utilities:

- Domestic water supply and distribution (Fontana Water Company)
- Wastewater facilities (Fontana Department of Public Works and Inland Empire Utilities Agency [IEUA])
- Electricity (SCE)
- Communication systems (AT&T)
- Solid waste and recycling (Burrtec Waste)

3.8 Approvals Requested as Part of the Project

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

Tentative Parcel Map (TPM No.20744): The Tentative Parcel Map (TPM) would include a request to create two new parcels, parcel 1, approximately 19.16 acres and parcel 2 approximately 11.84 acres in size, for the development Project.

Design Review Plans: Approval of a design review is for the plan, site improvements, and building elevations (architecture) for the approximately 699,433 sf of two modern high-cube logistics buildings (warehouses) with office space.

Sign Permit: Approval of signage proposed for the Project for which there are special requirements for the construction and placement of business signs. These rules are designed for safety and aesthetic preservation.

Tree Removal Permit: In accordance with the City of Fontana Development code Article III. – Preservation Of Heritage, Significant and Specimen Trees. 1126, § 1, sections 28-64 a permit is required for removal of heritage, and significant and specimen trees.

Water Quality Management Plan: The Water Quality Management Plan (WQMP) for the Project would comply with the policies presented in the City's Zoning and Development Code. The WQMP would also include best practices intended to reduce potential impacts to the City's stormwater conveyance system

due to the Project's stormwater discharge. The statutes and best practices presented in the WQMP would apply in the construction phase of the Project and throughout the duration of its operation.

Other permits required for the Project may include but are not limited to the following: issuance of encroachment permits for driveways, sidewalks, and utilities; security and parking field lighting; demolition permits; building permits; grading permits; tenant improvement permits; and permits for new utility connections and the permits/approvals referred to in **Section 3.9**.

3.9 Project Objectives

The Project implements the goals and policies of the City's General Plan and the Southwest Industrial Park Specific Plan. The Project would increase the City's production capacity and further fortify the economic base of the City. The Project would also revitalize a portion of the City with new industry and production. The Project would be developed to accomplish the following objectives:

- Objective 1:** Maximize the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles and Long Beach.
- Objective 2:** Develop industrial buildings that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area.
- Objective 3:** Develop and operate attractive industrial buildings in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area.
- Objective 4:** Enhance Project identity through architecture, landscaping, walls, fencing, and signage.
- Objective 5:** Develop and operate industrial buildings that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions.
- Objective 6:** Develop and operate industrial buildings that positively contributes to the economy of Fontana through new capital investment, creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.

3.10 Required Agency Approvals

Section 15124 (d) of the State CEQA Guidelines requires that an EIR project description include a list of permits and other approvals required to implement a proposed project, the agencies expected to use the EIR in their decision making, and related environmental review and consultation requirements. The anticipated approvals required to implement the Project are identified below in **Table 3-2: Agency Approvals for the Project**, by agency:

Table 3-2: Agency Approvals for the Project

Agency	Approval/Permit
California Department of Fish and Wildlife (CDFW)	<ul style="list-style-type: none"> ▪ No impacts have been identified.
City of Fontana	<ul style="list-style-type: none"> ▪ Final EIR Certification ▪ Design Review ▪ Sign Permit ▪ Building Plans/Permits ▪ Grading Plans/Permits ▪ Certificates of Occupancy ▪ Infrastructure Plans/Permits ▪ Landscape Plan ▪ Drainage Plan ▪ Water and Sewer Plan ▪ Site Development Plan ▪ Water Quality Management Plan ▪ Tree Removal Permit
Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> ▪ National Pollutant Discharge Elimination System Permit ▪ Approval of a Water Quality Certification under Section 401 of the Clean Water Act (if necessary)
South Coast Air Quality Management District	<ul style="list-style-type: none"> ▪ Dust Control Plan, and other permits as necessary
United States Army Corps of Engineers (USACE)	<ul style="list-style-type: none"> ▪ No impacts have been identified.

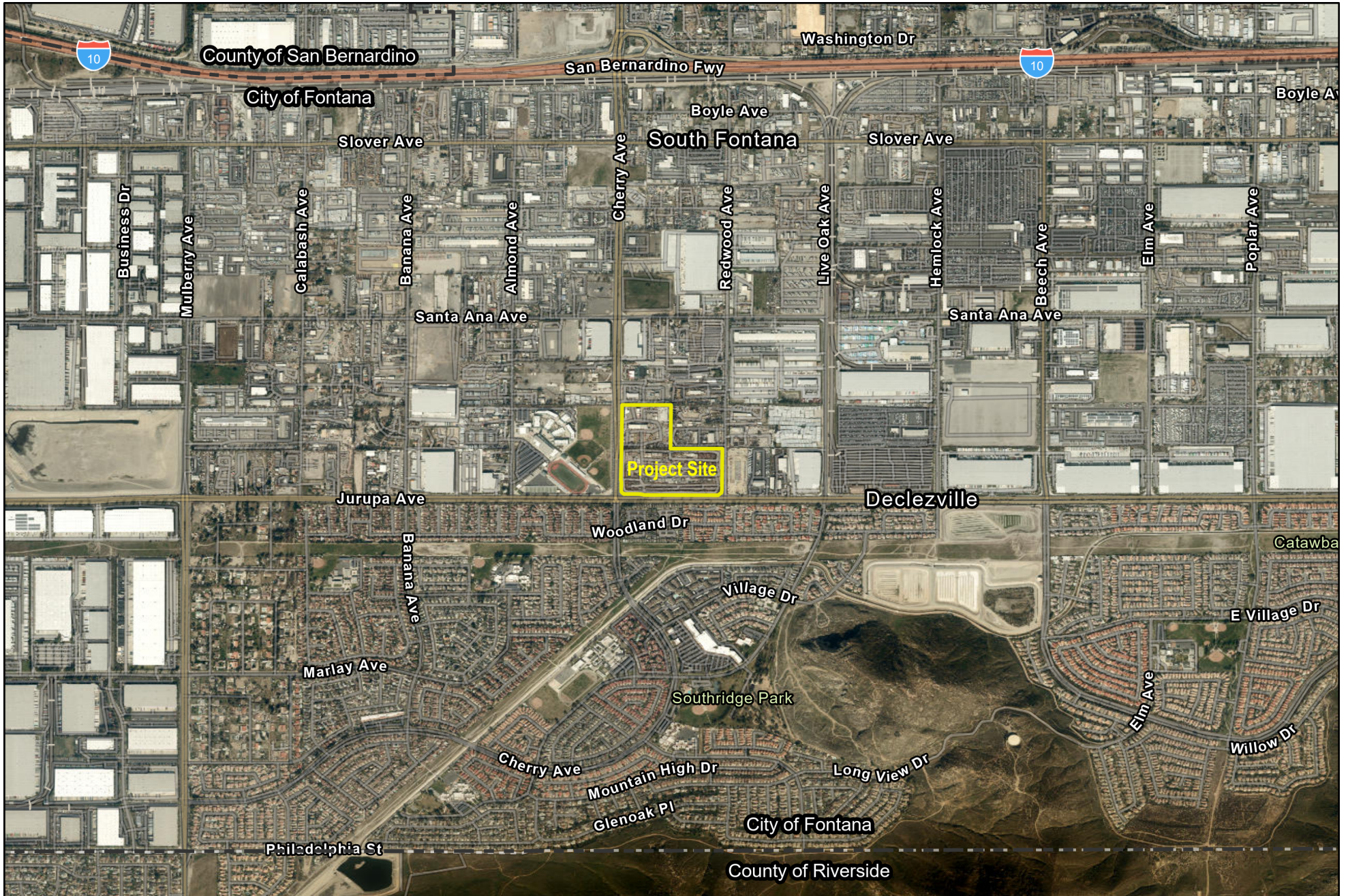
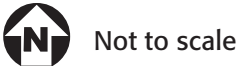


FIGURE 3-2: Project Location
Cherry Commerce Center Project



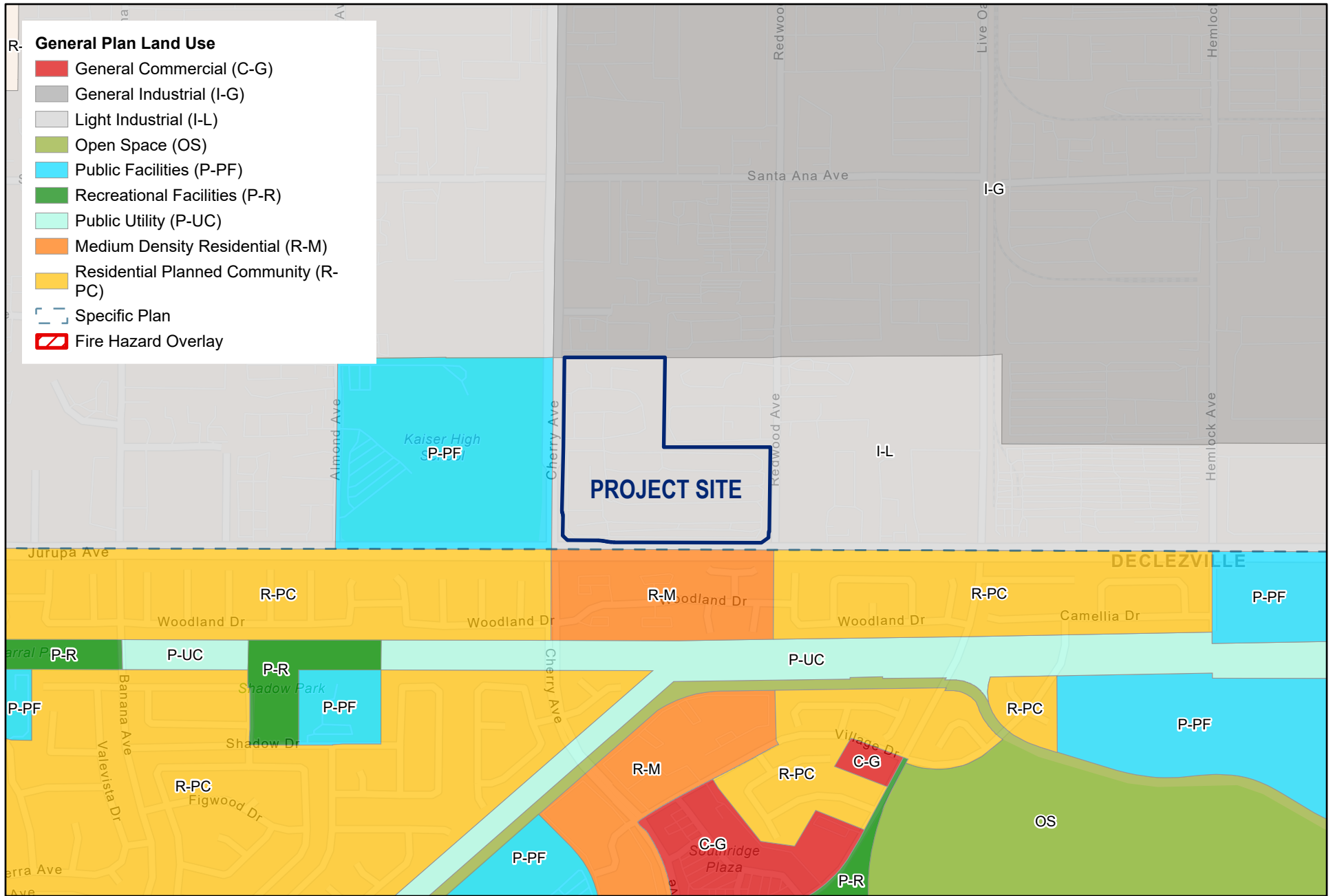
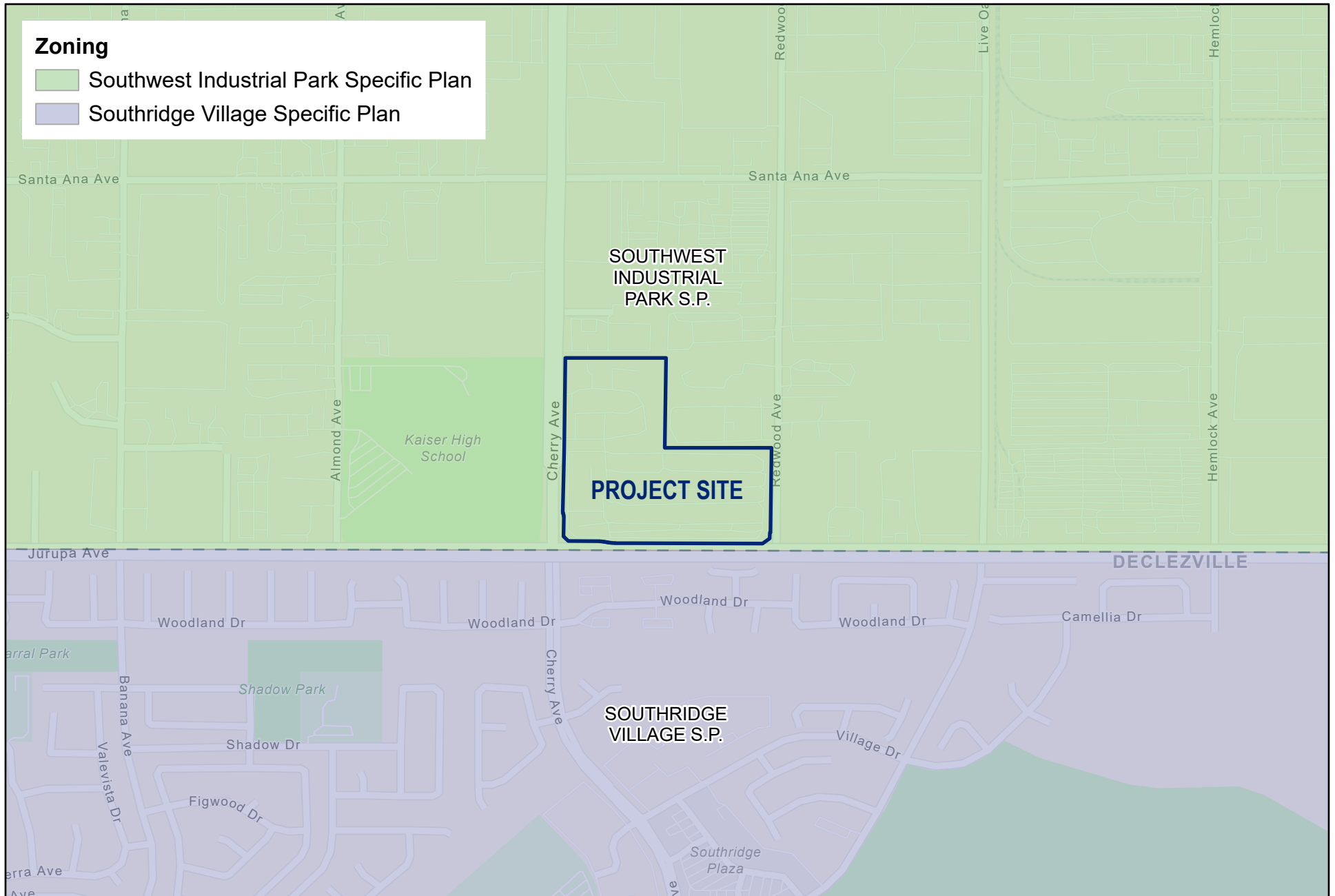
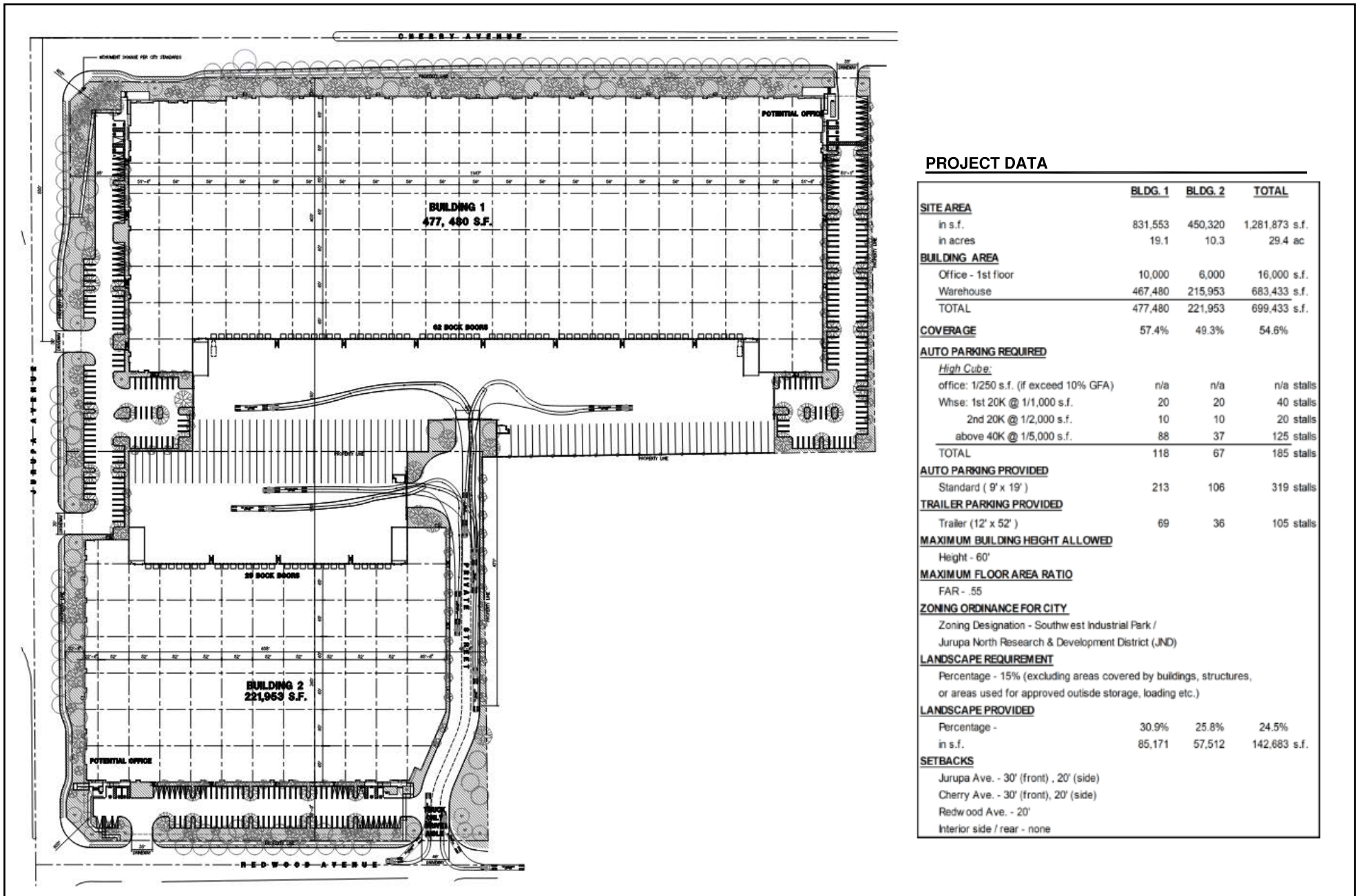


FIGURE 3-3: General Plan Land Use Designations
Cherry Commerce Center Project



Source: City of Fontana, 2022

FIGURE 3-4: Zoning
Cherry Commerce Center Project

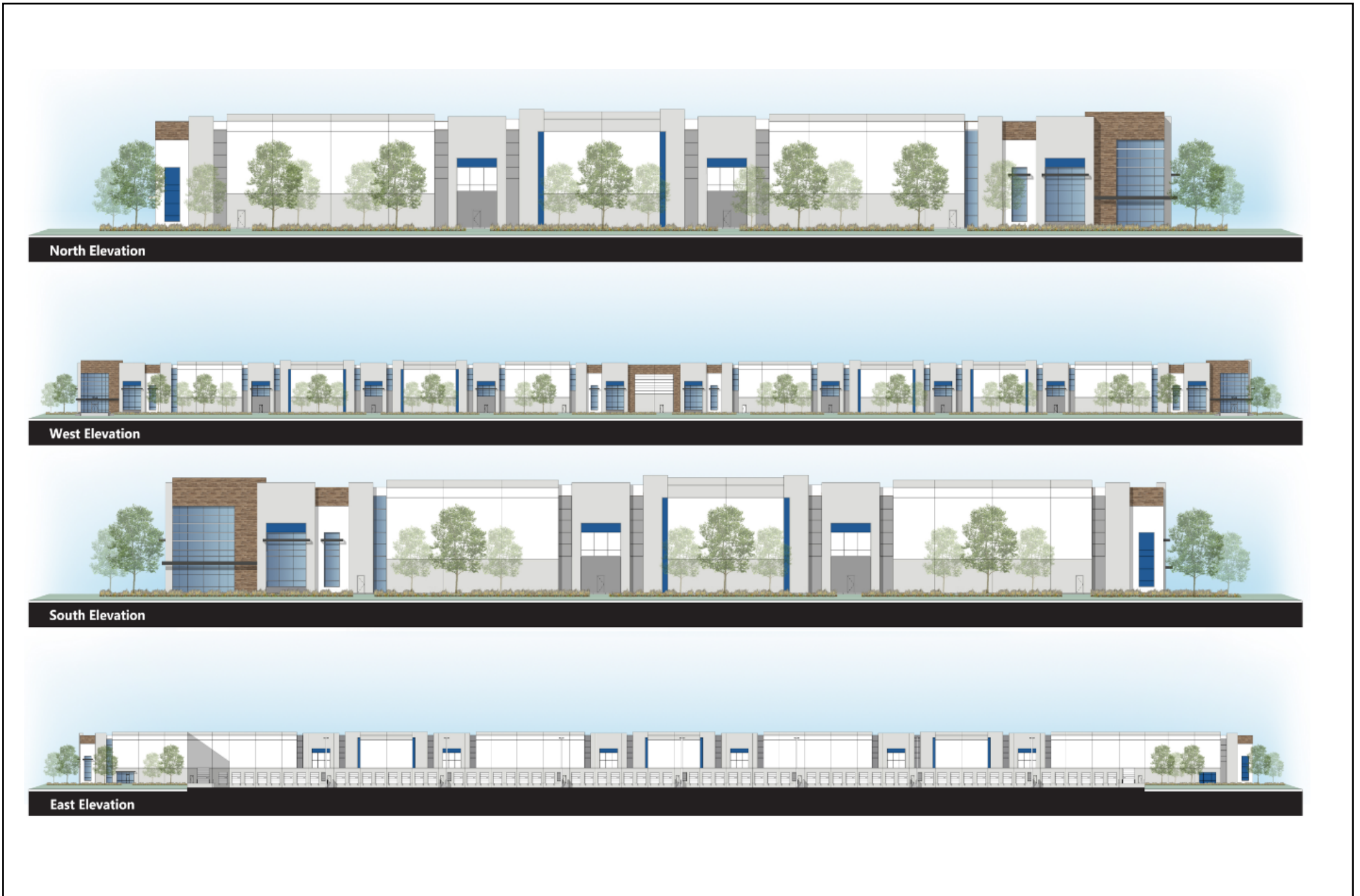


PROJECT DATA

	BLDG. 1	BLDG. 2	TOTAL
SITE AREA			
in s.f.	831,553	450,320	1,281,873 s.f.
in acres	19.1	10.3	29.4 ac
BUILDING AREA			
Office - 1st floor	10,000	6,000	16,000 s.f.
Warehouse	467,480	215,953	683,433 s.f.
TOTAL	477,480	221,953	699,433 s.f.
COVERAGE			
	57.4%	49.3%	54.6%
AUTO PARKING REQUIRED			
<i>High Cube:</i>			
office: 1/250 s.f. (if exceed 10% GFA)	n/a	n/a	n/a stalls
Whse: 1st 20K @ 1/1,000 s.f.	20	20	40 stalls
2nd 20K @ 1/2,000 s.f.	10	10	20 stalls
above 40K @ 1/5,000 s.f.	88	37	125 stalls
TOTAL	118	67	185 stalls
AUTO PARKING PROVIDED			
Standard (9' x 19')	213	106	319 stalls
TRAILER PARKING PROVIDED			
Trailer (12' x 52')	69	36	105 stalls
MAXIMUM BUILDING HEIGHT ALLOWED			
Height - 60'			
MAXIMUM FLOOR AREA RATIO			
FAR - .55			
ZONING ORDINANCE FOR CITY			
Zoning Designation - South east Industrial Park / Jurupa North Research & Development District (JND)			
LANDSCAPE REQUIREMENT			
Percentage - 15% (excluding areas covered by buildings, structures, or areas used for approved outside storage, loading etc.)			
LANDSCAPE PROVIDED			
Percentage -	30.9%	25.8%	24.5%
in s.f.	85,171	57,512	142,683 s.f.
SETBACKS			
Jurupa Ave. - 30' (front) , 20' (side)			
Cherry Ave. - 30' (front), 20' (side)			
Redwood Ave. - 20'			
Interior side / rear - none			

Source: HPA Architecture, September 21, 2023.

FIGURE 3-5: Conceptual Site Plan
Cherry Commerce Center Project

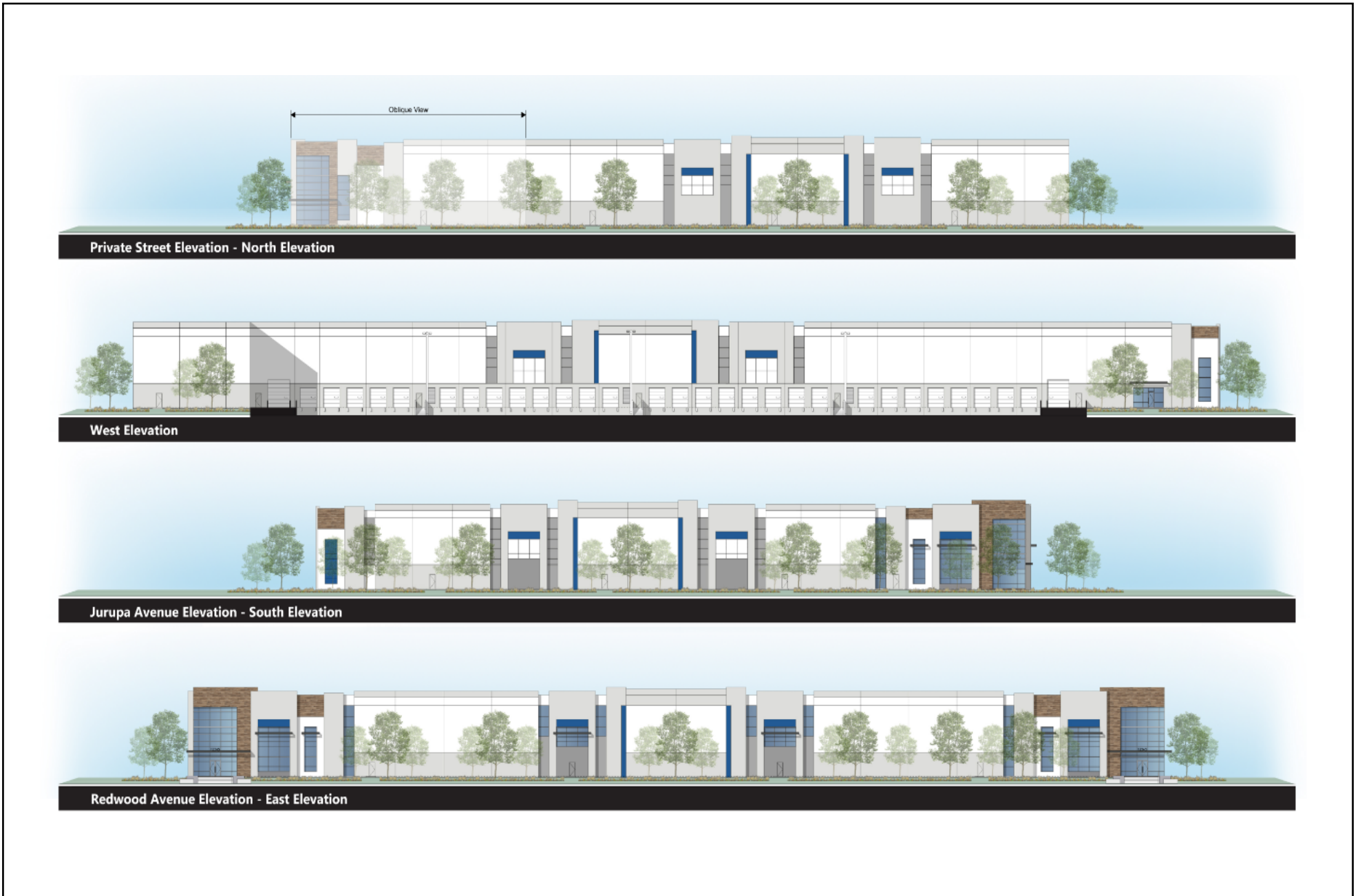


Source: HPA Architecture, August 23, 2023.

FIGURE 3-6a: Building 1 Design and Elevations
Cherry Commerce Center Project

Not to scale

Kimley»Horn

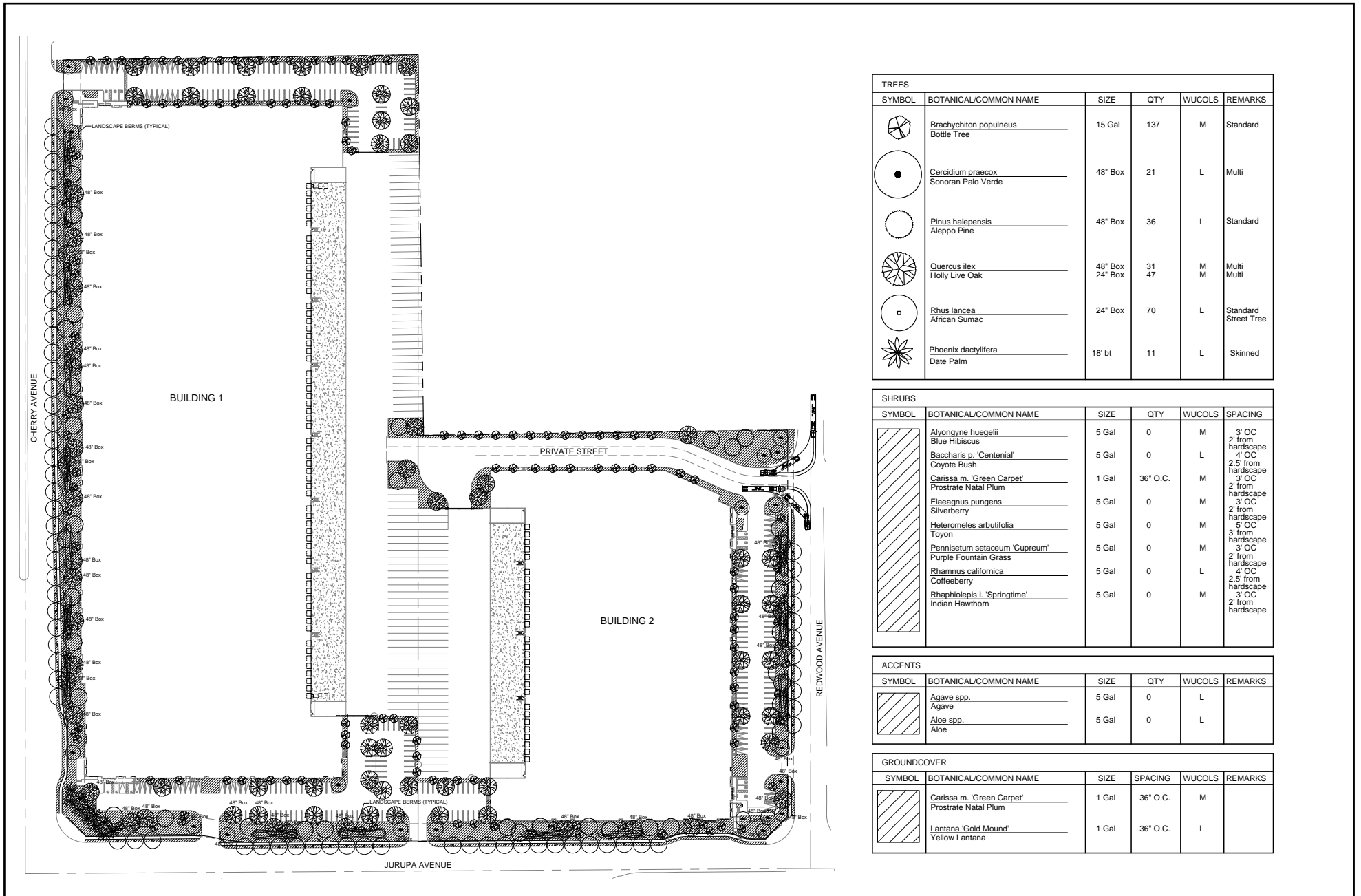


Source: HPA Architecture, August 23, 2023.

FIGURE 3-6b: Building 2 Design and Elevations
Cherry Commerce Center Project

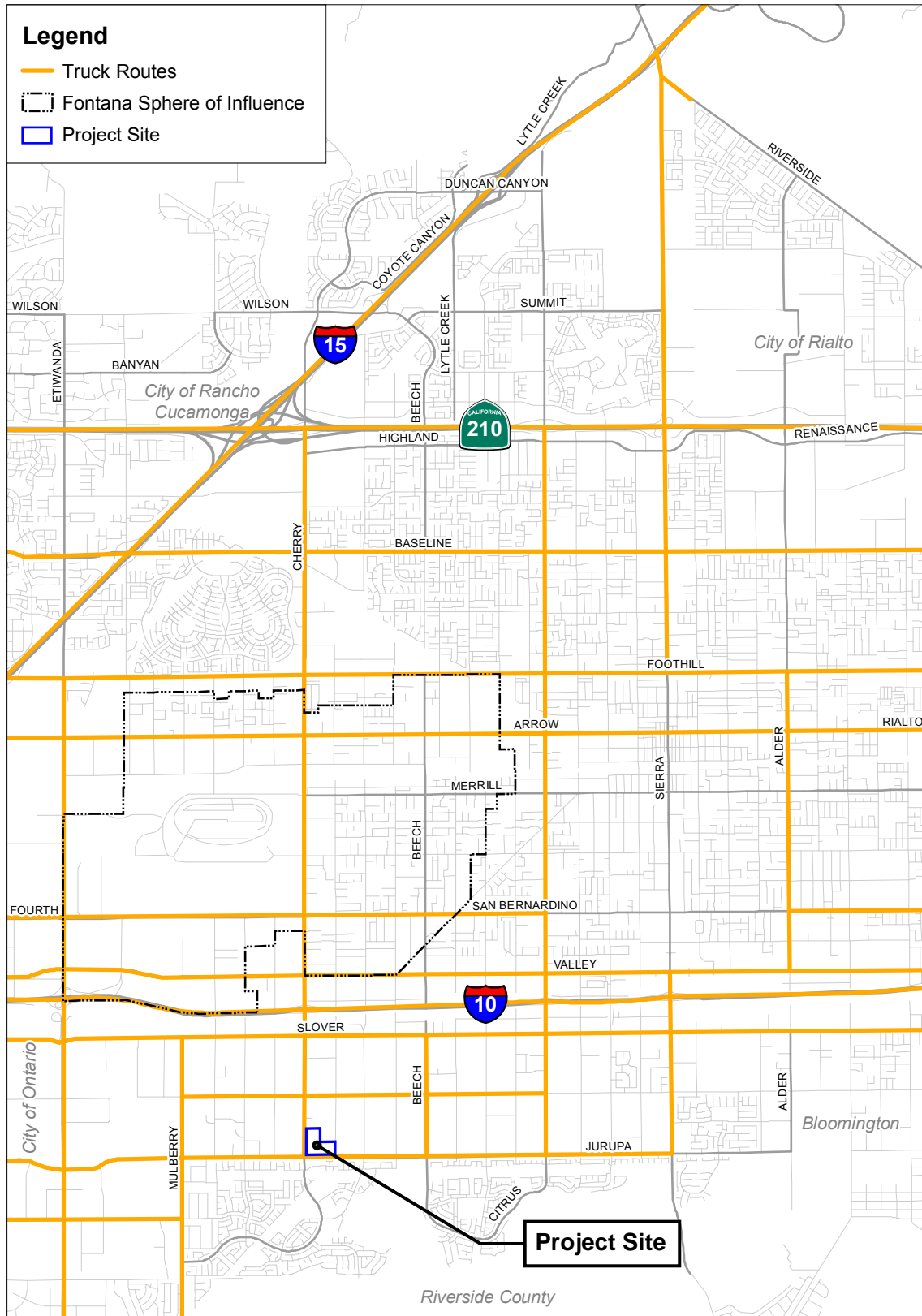
Not to scale

Kimley»Horn



Source: Hunter Landscape, July 10, 2023.

FIGURE 3-7: Conceptual Landscape Plan
Cherry Commerce Center Project



Source: City of Fontana, 2017

FIGURE 3-8: Local Truck Routes
Cherry Commerce Center Project

4.0

Environmental Impact Analysis

4.0 ENVIRONMENTAL IMPACT ANALYSIS

Organized by environmental resource category, **Section 4.0: Environmental Impact Analysis**, 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.

Additional analysis and other required chapters under the California Environmental Quality Act (CEQA) are provided in **Section 5.0: Other CEQA Considerations**, which discusses growth inducing impacts and other required CEQA topics, **Section 6.0: Alternatives**, which describes and discusses the impacts associated with four alternatives to the Project, and **Section 7.0: Effects Found not to Be Significant**. Note that the following environmental topics are addressed in **Section 7.0: Effects Found not to be Significant**: Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.

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 4.16**. **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 Public Services
- Section 4.13 Transportation
- Section 4.14 Tribal Cultural Resources
- Section 4.15 Utilities and Service Systems
- Section 4.16 Wildfire

Each potentially significant environmental issue area is addressed in a separate EIR Section (4.1 through 4.16) 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 Setting”** 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 EIR 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 Fontana General Plan and Municipal Code.

- **“Impact Thresholds and Significance Criteria”** 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 EIR 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. 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 and its effect pursuant to local, state, and federal regulations and laws. Compliance with existing regulations and laws are not identified as mitigation measures.
- **“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 would remain significant even with implementation of feasible mitigation measures.
- **“References”** relied upon to write the EIR sections are listed here.

“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 CEQA Guidelines Section 15126.4. Each mitigation measure is identified by resource area, numerically, and sequentially. For example, mitigation measures in **Section 4.3: Biological Resources**, are numbered MM BIO-1, MM BIO- 2, and so on. Pursuant to CEQA, the EIR also provides a brief discussion of the potentially significant impacts of a given mitigation measure, if applicable.

The level of impact of the Project is determined by comparing proposed changes associated with the Project as compared to 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 (NOP) publication, here, July 7, 2023.

Further, CEQA Guidelines Section 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.

CEQA Guidelines Section 15382 and Public Resources Code (PRC) Section 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 Section 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 Section 21100 adds that for the purposes of this section (PRC Section 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 Section 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.

An EIR must describe feasible mitigation measures that could minimize or avoid a project's potentially significant environmental impacts (CEQA Guidelines Section 15126.4(a)(1)). CEQA Guidelines Section 15364 and PRC Section 21061.1 state 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 "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 PDFs and existing laws, ordinances, standards, or regulations).

Both direct and indirect effects of the Project are evaluated for each environmental resource area (CEQA Guidelines Section 15126.2 and PRC Section 21065.3). Direct effects are those that are caused by the Project 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.

Mitigation measures do not need to be proposed when there is no impact, or the impact is determined to be “less than significant” prior to mitigation (CEQA Guidelines Section 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 Analysis

In addition to the Project-specific impacts, the environmental analysis within this EIR identifies the potential environmental effects associated with cumulative development in accordance with CEQA Guidelines Section 15130, which requires an EIR to analyze the cumulative impacts of the Project in conjunction with other developments that affect or could affect the Project area. Furthermore, CEQA requires that the cumulative impacts analysis must identify the level of significance of each impact and their likelihood of occurring. However, the discussion does not need to be as extensive as the discussion of the environmental impacts attributable to the Project. In accordance with CEQA Guidelines Section 15355:

“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

CEQA Guidelines Section 15130(a)(1) also states that 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.” If the combined cumulative impact is not significant, CEQA Guidelines Section 15130(a)(2) requires a brief discussion indicating why the cumulative impact is not significant and why it is not discussed in further detail. CEQA Guidelines Section 15130(a)(3) requires a supporting analysis be included in the EIR if the Project’s contribution results in a significant cumulative impact that is rendered less than cumulatively considerable and, therefore, is not significant. Furthermore, CEQA recognizes that the analysis of cumulative impacts need not provide as great detail as is provided for the effects attributable to the project alone, and the discussion should “be guided by the standards of practicality and reasonableness” (CEQA Guidelines Section 15130(b)). The discussion of cumulative impacts within this EIR focuses on whether the impacts of the Project are cumulatively considerable.

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 cumulative impacts analysis and mitigation measures, as applicable, for each environmental impact area. Each section of the EIR begins with a summary of the approach and the geographic area relevant to that environmental topic area. For the environmental topic areas, the list approach is used to analyze cumulative impacts. 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 be in sufficient detail to be useful to the decision-maker in deciding whether, or how, to alter the Project to lessen any 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 have undergone, are undergoing, or will be required to undergo, their own independent environmental review under CEQA. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided, or minimized through the application and implementation of mitigation measures applicable to those separate projects. The net effect of these mitigation measures is assumed to be a general lessening of contribution to cumulative impacts. This 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.

Project 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 project outside the control of the agency, ..." (CEQA Guidelines Section 15130(b)(1)(A)). The other 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" (CEQA Guidelines Section 15130(b)(1)(B)).

This EIR uses the list-based approach to provide a tangible understanding and context for analyzing the cumulative effects of the Project. **Table 4-1: Cumulative Projects List**, provides information pertaining to relevant projects within the City that are in the vicinity of the Project site. The General Plan and other

planning documents (such as the Southern California Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy Program EIR) were used as additional reference points in establishing the cumulative scenario for the analysis. Taken together, the projects identified in **Table 4-1** provide context as to the nature of potential cumulative projects, and the previous CEQA documents provide further context as to cumulative impacts considered for prior 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.

Geographic Scope

With respect to this EIR 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 15 resource topics.

Cumulative impact discussions are included in each environmental resource area analyses (**EIR Sections 4.1** through **4.16**). Cumulative impacts are assessed based on the associated projects' geographic location in relation to the Project as well as any environmental effects which may aggregate into a larger combined impact. 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 proposed project, except for greenhouse gas (GHG) emissions. The geographic extent of climate change and GHG emissions cumulative impact discussion is worldwide. The EIR addresses the Project's potentially significant impacts, recommends Project-specific mitigation measures, and then also identifies existing or recommended measures to address potential cumulative impacts.

Types of Projects Considered

The following project summaries represent past, present, and probable future projects that could result in cumulative impacts when combined with the Project. Related projects and other possible development in the Project area determined as having the potential to interact with the Project to the extent that a significant cumulative effect may occur are outlined in **Table 4-1**. **Figure 4-1: Location of Cumulative Projects Map**, shows the locations of the past, present, and probable future projects.

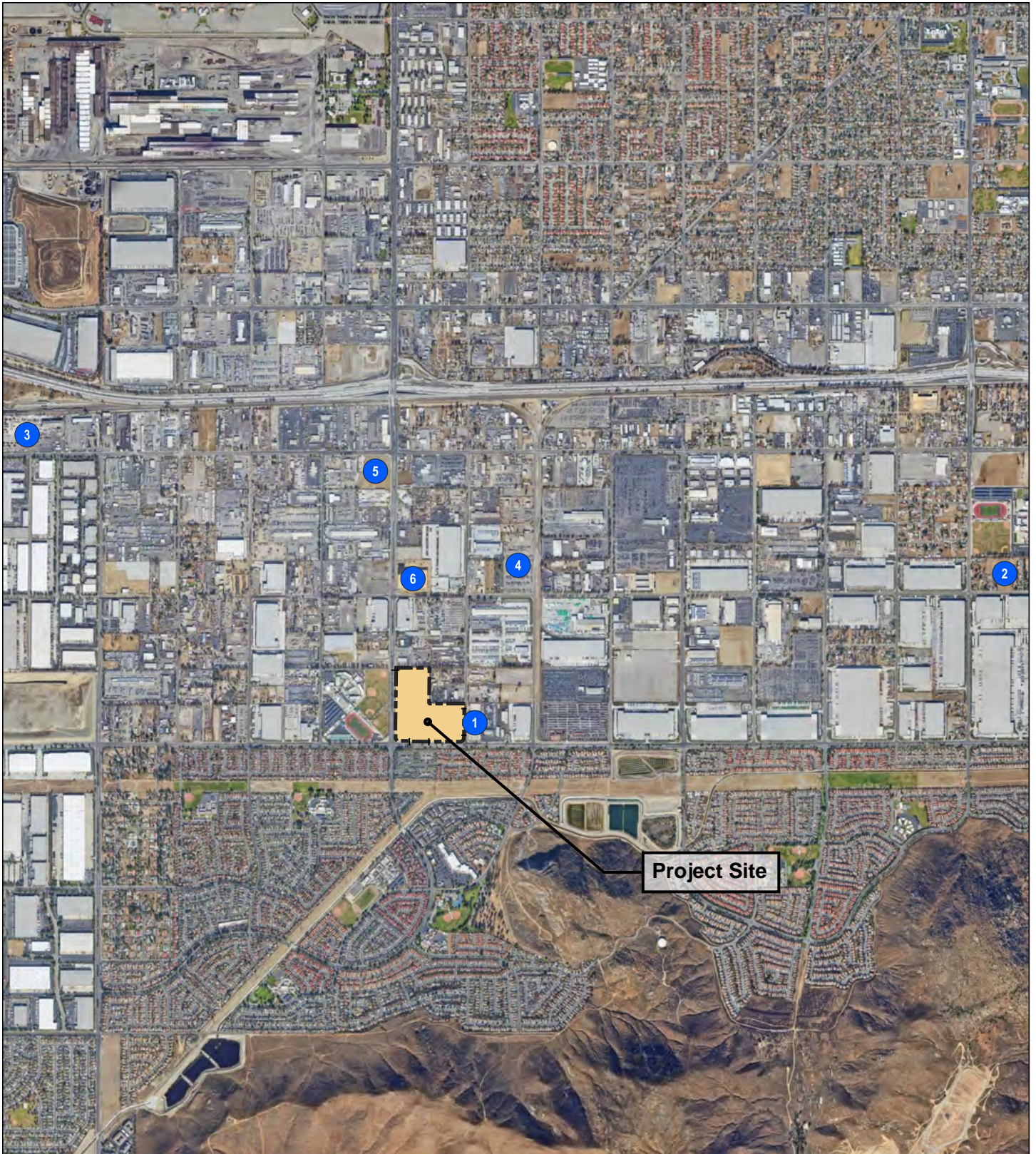
The following **Table 4-1** presents the list and location of projects within the City and adjacent communities as of April 2023. These Projects were identified in the Traffic Impact Analysis (**Appendix K**) for the Project and were used as a baseline for the cumulative impacts analyses within this Draft EIR. April 2023 was used as a cut-off date for project eligibility on the cumulative projects list, rather than the date of the NOP posting (July 2023), as this is when the Traffic Impact Analysis was originally reviewed by the City. Delaying the cut-off to July 2023 to comport with the NOP posting date would not have resulted in a substantial change to the baseline conditions for the analysis of this Draft EIR and therefore would not have resulted in significant changes.

Table 4-1: Cumulative Projects List

Project Number	Location	Land Use	Development Process
1	NEC Redwood Ave./Jurupa Ave.	Warehouse	Under Construction
2	North of Santa Ana Ave. between Oleander Ave. and Citrus Ave.	Warehouse	Planning Phase
3	North of Slover Ave., West of Business Center Dr.	Warehouse	Planning Phase
4	NWC Live Oak Ave./Santa Ana Ave.	Warehouse	Planning Phase
5	SWC Cherry Ave./Slover Ave.	Warehouse	Planning Phase
6	NEC Cherry Ave./Santa Ana Ave.	Warehouse	Under Construction

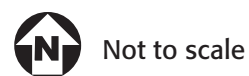
NEC = northeast corner; NWC = northwest corner; SWC = southwest corner

Source: Translutions, Inc. 2023. *Traffic Impact Analysis*. Page 20. Table H



Source: Translutions, Inc., April 24, 2023.

FIGURE 4-1: Location of Cumulative Projects Map
Cherry Commerce Center Project



4.1

Aesthetics

4.1 AESTHETICS

4.1.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to aesthetics and other visual resources in the vicinity of the Cherry Commerce Center Project (Project). This section of the EIR identifies potential impacts that could result from the Project including construction and operation of the proposed logistics buildings. This chapter discusses the visual changes that would occur upon implementation of the Project, and as necessary, recommends mitigation measures to avoid and/or reduce the significance of impacts. Aesthetic and other visual resources include both natural and built environments. Impacts are discussed in terms of the changes that would result from Project implementation and includes analysis of adverse effects on a scenic vista(s), changes to scenic resources (e.g., trees, rock outcroppings, or historic buildings) within a state scenic highway, and/or degradation of the sites or the surrounding visual character. Impacts could also result from the creation of a new source of substantial light or glare.

Visual Resource Terminology and Concepts

People can have different responses when viewing a 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. Visual changes to a landscape inherently affect viewers differently because each person's attachment to and value for a landscape is unique. 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 generally have a lower concern for scenic quality or changes to an existing landscape's character. Regarding commuters traveling through a landscape, visual sensitivity 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.

Viewing distances to the landscape also affect the visual sensitivity of a viewer. For example, viewers at a farther distance can perceive a project feature or natural environment differently than viewers at a closer distance. At closer ranges greater detail of an object or landscape is visible, and changes to the viewed object would have 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. Details may be imperceptible when the same object is viewed at background distances, while changes to the overall forms of terrain and vegetation maybe 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. The following terms included throughout the discussions in this section 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

Visual Setting

The Project site encompasses approximately 30 acres of previously developed land located on the northeast corner of the intersection of Cherry Avenue and Jurupa Avenue within the City of Fontana in San Bernardino County. The Project site is surrounded by a truck driving academy and recycling facility to the north; Redwood Avenue and warehouse uses to the east; Jurupa Avenue and residential development to the south; and Cherry Avenue and Henry J. Kaiser High School to the west. The Project site is currently an equipment yard, and two metal-sided buildings are located on the northern portion of the site while the southern portion remains as equipment storage. No vacant parcels are adjacent to the Project site. The Project site is approximately 960 feet above mean sea level with the site sloping toward the southwest.¹ Views of the Project site are primarily available to travelers from Jurupa Avenue, Cherry

¹ Terracon. 2022. *Phase I Environmental Site Assessment*. Page 4.

Avenue, and Redwood Avenue. Views of the San Gabriel Mountains are visible to the north/northwest of the Project site. Views of the Jurupa Hills are visible to the south/southeast from the Project site.

Scenic Vistas

As previously mentioned, a scenic vista is an area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. Within the Project vicinity, views of elevated features with such scenic quality include the San Gabriel Mountains located to the north/northwest, as well as the Jurupa Hills located south/southeast.

The Fontana General Plan does not designate any scenic vistas near the Project site. The Draft EIR for the City General Plan update (GP DEIR) does note that the San Gabriel Mountains are the City's most prominent visual feature and that scenic views of the mountains are afforded especially from the Jurupa Hills. The Jurupa Hills are located to the south/southeast of the Project site and are approximately 1,900 feet above median sea level (amsl). The GP DEIR also notes that Lytle Creek and other dry washes are significant natural landforms and visible from certain locations.

Scenic Highways

There are no scenic highways officially designated by California Department of Transportation (Caltrans) within or adjacent to the Project site. The closest eligible state scenic highway is a segment of State Route (SR) 330 near the City of Highland, over 17 miles northeast of the Project site. The closest officially designated state scenic highway is a segment of SR 38, located southeast of Big Bear Lake, and located over 40 miles northeast of the Project site.²

Light and Glare

Light and glare sources around the Project site are typical to those found in urban environments. Sources of light and glare include adjacent industrial, commercial, institutional, and residential uses, as well as streetlights and vehicle headlights. Industrial and commercial uses in the vicinity of the Project site also produce some light and glare generally from stationary light sources from exterior building lighting (i.e., building illumination, security lighting, parking lot lighting, and landscape lighting) as well as interior lighting visible through windows and exterior sources.

4.1.3 Regulatory Setting

Federal

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

² Caltrans. 2018. California State Scenic Highway System Map. Retrieved from: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. (accessed March 2023).

State³

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.

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."

³ California Department of Transportation – California Scenic Highways – GIS. Available: <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize>. (accessed February 2023)

Local

The City of Fontana General Plan Update 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.

Policies: Support tree conservation and planting that enhances shade and drought resistance.
Expand Fontana's tree canopy.

City of Fontana Municipal Code

The Project sites are within the limits of the City of Fontana and would be required to comply with the regulations set forth in the Fontana Municipal Code (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 7:00 am to 6:00 pm on weekdays and between the hours of 8:00 am to 5:00 pm 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 6:00 pm and 7:00 am, 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 6:00 pm and 7:00 am, 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 responsive to physical characteristics of the site, includes xeriscape design, and other elements to ensure it is a visually appealing element of design.

Southwest Industrial Park (SWIP) Specific Plan

The SWIP Specific Plan Update is a comprehensive policy and regulatory guidance document for the private use and development of all properties within the SWIP Specific Plan Update area. By providing the necessary regulatory and design guidance, the SWIP Specific Plan Update ensures that future development implements the goals and policies of the City of Fontana General Plan (General Plan). According to Table 1-1, Build-Out, of the SWIP Specific Plan, the SWIP Specific Plan Update area, is comprised of approximately 3,111 acres in the southwestern portion of the City within San Bernardino County, and is comprised of nine land use districts, one of which is the Jurupa North Research and Development District (JND),⁴ which is 515.1 acres in size.

The current City of Fontana General Plan was adopted in November 2018. The Specific Plan’s regulations are consistent with the directives of the General Plan’s goals, policies, and actions.

Guiding Principles

Guiding Principles are general statements of direction to guide decision-makers when evaluating development proposals and design concepts and determining if they support the overall intent of the SWIP SP.

Guiding Principle 6.0: Enhance the streetscape as well as the parking and loading areas throughout the Specific Plan area.

Guiding Principle 10.0: Coordinate and focus change in the Specific Plan area to enhance the sense of place and promote aesthetic improvements.

⁴ City of Fontana. 2021. City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan.

<https://www.fontana.org/DocumentCenter/View/29671/SWIP-Land-Use-Plan-Map-Updated-March-2021?bidId=> (accessed February 2023).

Design Objectives

Objectives provide more explicit policy statements that implement the Specific Plan's Guiding Principles and provide consistency with policies contained in the Fontana General Plan.

Objective LU-4: Incorporate modulated building volumes, mass, height, and articulated facades to create spaces suitable for industrial development throughout the SWIP Specific Plan Area.

Objective D-1: Enhance the area through a streetscape improvement and gateway plan with an implementation program that reinforces the identity of each district and includes a hierarchy of entry monumentation and landscaping.

Objective D-2: Prepare design guidelines as a tool to facilitate exemplary and innovative design; promote development that is compatible with the surrounding environment; serve as a resource of ideas for project applicants; and perform as an objective reference for City review of project applications.

The following are the design guidelines for JND industrial uses presented in the SWIP Specific Plan:

1. Site Design

Site Layout

- The arrangement of multiple buildings and associated circulation, and parking areas should reflect a well-organized site plan that emphasizes pedestrian connectivity and landscaped areas responsive to the public.
- Site development may utilize variations on building placement and landscaping adjacent to the public street. Appropriate configurations may include, but are not limited to the following:
 - Fully landscaped setback between building and street.
 - Parking in front of building with a landscape buffer between parking and street.
 - Visitor parking may be located at the front of the building adjacent to the main entry while employee parking and service areas are located at the sides and rear of the building.
 - Service and loading should not be located on building side(s) adjacent to a public street.
 - The design and location of accessory buildings (e.g., security kiosks, maintenance buildings, and outdoor equipment enclosures) shall be incorporated into and be compatible with the overall design of the project and the main buildings on the site.
 - With the exception of security kiosks, accessory buildings shall be located as far back from the front and street side setback area as possible.
 - Sea/train-type metal containers are prohibited.
 - Outdoor storage, work, and loading areas shall be incorporated within the building design and located to the rear or side of buildings and screened from view from adjacent public streets.

2. Building Orientation

- Multiple building developments should be oriented in a manner that will form gateways through facade enhancement, maximize public view, and capture public interest along adjacent major streets.
- The organization of buildings, parking areas, and landscaping shall recognize the existing characteristics of the site and shall relate to the surrounding development in scale and character.
- Buildings should generally be placed at or near setback lines with development oriented in a manner that will provide visual interest.
- Buildings should be oriented in a manner that takes advantage of passive solar design.
- Buildings shall be oriented to provide a buffer between sensitive uses (i.e., schools, parks, and medical facilities) and outdoor work areas, loading, and storage.

3. Site Elements

Fences and Walls

- Walls and fencing materials shall consist of wrought iron, tubular steel, stone, stucco, or brick, and shall be compatible with the overall design character/style of the development. The use of chain-link fence material is not allowed if visible from the public right-of-way.
- Walls and fences shall be integrated with landscaping along the base of the wall or fence.
- Wall heights and surfaces shall be articulated with varying facade depths or pilasters to promote architectural interest, and shall include a cap along the top of the wall.
- Landscaping shall be used in combination with walls and fences to visually soften blank surfaces and to deter graffiti.

Screening

- Loading bays and service areas shall be screened by building placement, decorative walls or landscaping to the fullest extent feasible so that views of loading areas are minimized from adjacent public streets.
- Trash storage enclosures and outdoor mechanical equipment shall be screened from public view.
- Roof-mounted equipment shall be screened from public view through use of parapet walls or other screening devices. Special consideration shall be given to the screening of roof-mounted equipment on building rooftops that are visible from public view.

Trash Enclosures

- Trash enclosures shall be incorporated as part of the building design.
- If trash enclosures cannot be located out of public view, the design of trash storage areas shall incorporate architectural screening elements and landscaping compatible with the design of buildings and landscaping on the site.
- Trash enclosures shall integrate horizontal screening such as trellises.

Lighting

- Outdoor lighting plans shall take into consideration the location and potential growth pattern of nearby trees (existing and planned) so that appropriate lighting levels are maintained over time.
- Energy efficiency shall be considered through use of proper light location and placement, as well as use of energy-efficient bulbs or fixtures.
- Lighting fixtures shall include hoods or other design techniques to reduce glare and light pollution, especially along major streets, and to prevent light spillover onto adjacent properties.
- Lighting shall be provided in project entryways, walkways, parking lots, and plazas or courtyards to promote safety.
- Lighting may be mounted on poles or bollards, affixed to building walls, or placed within paved or landscaped areas. Appropriate materials and construction methods shall be used to ensure proper function of project lighting fixtures.
- Decorative light fixtures shall be consistent with the architectural design of the building.
- Truck and truck trailer storage areas shall incorporate lighting to increase real and perceived security.

4. Parking and Access

Parking

- Parking lots shall not be the dominant visual element on the site.
- Parking lots adjacent to and visible from public streets shall be appropriately screened to minimize undesirable visual impacts.
- Surface parking areas shall integrate trees and landscape improvements to reduce the heat island effect.
- Large parking lots (usually over 100 spaces) shall be divided into multiple, smaller areas and provided with canopy trees located throughout the parking area to reduce the effects of heat and the visual impacts of large parking areas.
- Employee parking areas should be located behind the building or alongside of the building so as not to be visible from adjacent streets.
- Internal vehicular and pedestrian circulation within a development involving multiple buildings or lots shall interconnect in an obvious and consistent manner.
- Parking shall be provided within walking distance of all tenants and public sidewalks.
- Parking lot design shall include water quality storm water facilities consistent with City standards.

Access

- The use of common (shared) access points and driveways is encouraged; placement of vehicle access points close to building entries shall be avoided to minimize pedestrian and vehicular conflicts.

- Entry drives shall be clearly marked by special features, (e.g., enhanced paving, prominent landscape features, low-level decorative walls, and well-designed monument-type signs).
- Access to each development site shall be clearly visible to pedestrians and motorists.
- Service and loading areas should take access from shared access points to reduce curb cuts along streets.

5. Architecture

Mass and Scale

- The mass and scale of the buildings shall respect the visual and physical relationship to the adjacent buildings and surrounding sensitive uses. Taller building elements should be placed towards the center of the site, with lower elements adjacent to surrounding properties.
- Buildings should be stepped back when adjacent to or in close proximity to sensitive uses (e.g., schools, etc.).
- Vertical and horizontal offsets shall be provided to reduce the visual bulk of the building.

Building Facades

- Building facades shall incorporate architectural elements such as windows, pillars, wall plane breaks to minimize blank walls and to create visual interest.
- All building elevations, whether front, side, or rear shall be architecturally detailed.
- Architectural accents (e.g., cornices, tiles, trim around windows, grooves in building faces, accent band details, bulkheads, etc.) shall be used to create variation along building facades.
- Higher facades and rooftops should be incorporated at corners and intersections, and appropriate massing and scale shall be considered for the remainder of the building spanning public street frontage.
- Primary building entries shall be easily identified through the use of prominent architectural elements, signage, landscaping, lighting, canopies, roof form, hardscape, architectural projections, columns, vertical elements, or other design features that help emphasize a building's entry.
- Roofs shall be designed as an integral component of building form, mass, and facade. Building form should be enhanced by sloped or offset roof planes, eave heights, and rooflines.
- Locate and/or screen rooftop equipment so that it is not visible from the street. Rooftop screening shall be integral to the building's form.

Color and Materials

- Colors and materials for all structures on-site should consist of earth tones. Use of at least two to three different colors, materials or textures is encouraged.
- Building materials shall be durable and able to withstand long-term exposure to the elements.
- Large expanses of smooth material (e.g., concrete) shall be broken up with expansion joints, reveals, or changes in texture and color.

- To the fullest extent feasible, buildings should use large windows along walls and skylights in rooftop designs to capture natural light during working hours.

6. Landscaping

- Landscaping shall be in scale with adjacent structures, streets, and public spaces, and be sized appropriately when fully grown.
- Landscaped areas should incorporate a three-tiered planting system:
 - 1) ground cover and flowering plants;
 - 2) shrubs and vines; and
 - 3) trees.
- Special landscape features, such as specimen trees, shall be provided at major focal points (e.g., project entries, building entries, and pedestrian gathering areas).
- Entry and exit points shall be highlighted through a combination of distinctive landscape and hardscape features. Incorporation of public art is highly encouraged.
- Development on corner lots shall be enhanced with a combination of specimen trees, accent plantings, upgraded perimeter wall surfaces, hardscape treatments and landscape lighting adjacent to the street intersection.
- Drought-tolerant and low-maintenance trees, vines, and groundcovers shall be used on-site. Drip irrigation systems shall be installed where feasible to ensure the highest possible level of water conservation.
- Planting materials shall be used in plaza areas to provide shade and soften the appearance of hard walls. Water features and public art are also encouraged.
- The use of vines is encouraged on walls to soften the appearance of buildings and screen walls, and to help deter graffiti.
- Landscaping and trellises with vines are encouraged be used for screening trash storage areas, service areas and mechanical equipment.
- Setbacks adjacent to sensitive uses shall include dense landscaping to provide visual screening and noise abatement.
- Planting materials shall be installed to provide a buffer against noise and should be integrated with walls or fences to achieve desired sound reduction.
- Landscaping and trellises with vines are encouraged be used for screening trash storage areas, service areas and mechanical equipment.
- Setbacks adjacent to sensitive uses shall include dense landscaping to provide visual screening and noise abatement.
- Landscaped berms along site edges may be used to screen parking, loading and service areas and to serve as a sound reduction measure.

- Surface parking lots shall be well-landscaped to reduce heat island effect and visually reduce the expanse of paved area.
- Pervious paving materials are strongly encouraged for sidewalks, pathways, parking lots, plazas or gathering areas or other paved surfaces on-site.
- An automatic irrigation system using current equipment and technology shall be provided for planted areas.
- Run-off retention and on-site water filtration/stormwater treatment features and bioswales should be a part of the overall landscape design, and can also serve as buffering methods for adjacent businesses.
- Trees shall be selected and placed to provide canopy and shade for walkways, pedestrian open spaces, and parking areas.
- Landscape material in the setback and visible from the public right-of-way shall blend with and seem a part of the public right-of-way landscaping.
- Tree and shrub planting shall be in large masses.
- Plant material selected shall be suited to the specific soil and micro climatic conditions.
- Trees shall be healthy and have a uniform branching pattern.
- All ground cover shall be healthy and densely foliated and comprised of well rooted cuttings or container plants.
- Availability and specific site conditions should be considered in final selection. Ground cover shall achieve 100% coverage in one year.
- Informal tree masses should be planted in a mix of sizes.

4.1.4 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:

- 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;
- 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; 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 (construction) impacts and (2) permanent (operations) 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: field observations conducted by Kimley-Horn personnel in April 2023; 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

SWIP EIR Findings

The SWIP EIR Section 4.1 concluded that a significant alteration in views of the Jurupa Mountains to the south and the San Gabriel/San Bernardino Mountains to the north would occur upon project implementation. The introduction of new structures, walls/fences, aesthetic screening, and landscaping would result in the blockage or impairment of views towards the identified scenic vistas. To minimize impacts related to future development upon existing scenic vistas, the SWIP Specific Plan included an extensive range of land use and development regulations that set specific requirements for development intensity, lot dimensions, setbacks, structure heights, and accessory buildings. In addition, the SWIP Specific Plan includes widening and beautification improvement guidelines, and setbacks, to protect the view corridors of the Jurupa Mountains located to the south of the Specific Plan area. Although the SWIP

Specific Plan included various design features to minimize impacts to scenic vistas and would comply with existing local requirements, impacts related to the buildout of future development associated with the SWIP Specific Plan would remain significant and unavoidable. The long-term buildout of industrial, commercial, and office uses throughout the SWIP Specific Plan area would result in a significant alteration in views of the Jurupa Mountains to the south and the San Gabriel/San Bernardino Mountains to the north.

Project Construction and Operations

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's existing Land Use designation is Light Industrial (I-L) and the existing Zoning is SWIP Specific Plan. Although the Project area is currently developed with an equipment yard, the redevelopment of the Project area would introduce new, vertical developments in the form of two logistics buildings (warehouses) totaling approximately 669,433 square feet (sf). Within the SWIP Specific Plan, industrial buildings would be permitted up to 60 feet in height within the JND as shown in **Figure 3-5: Conceptual Site Plan**. The proposed Building No. 1 would be approximately 50 feet in height and Building No. 2 would be approximately 46 feet in height. These proposed buildings and structures are visualized in **Figure 3-6a: Building 1 Design and Elevations** and **Figure 3-6b: Building 2 Design and Elevations**. Although the logistics buildings would be visible to surrounding properties, the buildings would be below the maximum height standard outlined in the SWIP.

Furthermore, per the design guidelines set forth in the SWIP Specific Plan, discussed in **Section 4.1.3**, the proposed logistics Buildings No. 1 and No. 2 would be designed in such a way that truck parking stalls and loading docks would be located inward, toward the center of the site and screened from the residential development, (approximately 380 feet) from the residential properties to the south of Jurupa Avenue and the Henry J. Kaiser High School (approximately 550 feet) located west of Cherry Avenue. Additionally, all truck traffic would use a private street that would have access to Redwood Avenue with no truck traffic having direct access to Cherry Avenue or Jurupa Avenue from the Project site. All other driveways would be auto driveways only. Buildings No. 1 and No. 2 would face each other and shield the site from public views into most of the truck court and parking areas. The Project would provide 14-foot screening walls around the truck courts to further screen the view of any dock doors and truck activity. An approximately 30-foot-wide perimeter landscaping setback would surround the Project site on all sides. The guidelines ensure that buildings are oriented to screen the public's view, provide visual interest, and would relate to the surrounding development in scale and character. The mass and scale of the two proposed logistics buildings would respect the visual and physical relationship to the adjacent buildings and surrounding sensitive uses.

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.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR, and in fact Project impacts would be less than those disclosed in the SWIP EIR, which were determined to be significant and unavoidable. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a significant and unavoidable impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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

SWIP EIR Findings

The SWIP EIR Section 4.1 concluded that the site exhibits little topographic relief, possesses no geologic formations that could be characterized as scenic resources, and there are no records of any significant historical structures existing on-site. No designated State or County scenic highways exist in the vicinity of the SWIP Specific Plan area, and it is anticipated that future development would result in an improvement in the visual character of the area. Thus, impacts in this regard would be less than significant.

Project Construction and Operations

There are no state scenic highways officially designated by Caltrans within or adjacent to the Project area, and no roadways within the Project area are currently eligible for scenic highway designation.⁵ As previously mentioned, the closest eligible state scenic highway is the segment of SR 330 over 17 miles northeast of the Project site, and the closest officially designated state scenic highway is SR 38, located over 40 miles northeast of the Project site.⁶ Therefore, 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. No impact would occur.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified less than significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and

⁵ City of Fontana. 2019. *Fontana Forward General Plan Update 2015-2035, page 5.1-1 – Draft Environmental Impact Report.*

⁶ Caltrans. 2018. California State Scenic Highway System Map. Retrieved from: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. (accessed March 2023).

could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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 with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the development of new uses which could temporarily degrade the existing visual character and quality of localized sites within the SWIP Specific Plan area and its surroundings during the construction phase of various improvements. The SWIP EIR Section 4.1 concluded that construction-related impacts would be short-term and temporary through implementation of Mitigation Measure 4.1-3a. Mitigation Measure 4.1-3a would ensure temporary screening of construction or staging sites to relieve the visual distractions. Mitigation Measure 4.1-3a, which would be included as a condition of approval for certain development projects and would be incorporated into construction documents, would ensure that this impact would be reduced to a less than significant level. For operational impacts, the SWIP Specific Plan is anticipated to result in a substantial long-term change in the visual character of the area; however, that change would not be characterized as “degrading.” Rather, future development is expected to introduce new structures that are attractive in design, well-landscaped and well-maintained. In addition, implementation of the project would result in major road and infrastructure improvements, including appropriate streetscape and landscaping amenities. Thus, impacts in regard to long-term visual character are anticipated to be less than significant.

Project Construction and Operations

The Project site is located within an urbanized area and is currently zoned SWIP Specific Plan which allows for light industrial uses. Permitted uses within the SWIP Specific Plan JND land use zoning district support small business development by allowing a mixture of development types and uses including light industrial, warehousing, logistics-based distribution, office, flex tech, research and development and services commercial uses. Special Development standards applicable to scenic quality are identified in **Table 4.1-1: SWIP JND Land Use Zoning District Development Standards**. Project consistency is also noted in the table.

Table 4.1-1: SWIP JND Land Use Zoning District Development Standards

Development Feature	Project	Project Consistency	SWIP
Setbacks	Minimum setbacks required.		
Front	30 ft.	Yes	30 ft.
Side – Street side	20ft.	Yes	20 ft.
Side – Interior (each)	none	Yes	none
Rear	none	Yes	none
Floor Area Ratio (FAR)	Maximum floor area ratio (FAR) allowed.		
Maximum FAR	0.55	Yes	0.55 Average
Lot Coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	55 percent	Yes	No max
Height Limit	The maximum allowed height of structures is 60 ft.		
Building No. 1	50 ft.	Yes	60 ft.
Building No. 2	46 ft.	Yes	60 ft.
Source: Southwest Industrial Park Specific Plan. 2022. Retrieved from: https://www.fontana.org/DocumentCenter/View/29312/Southwest-Industrial-Specific-Plan---Combined-Document . (accessed March 2023).			

The Project proposes the development of two high cube logistics buildings (warehouse) totaling approximately 699,433 sf. The Project would include the logistics buildings with associated facilities and improvements, vehicle and trailer parking, loading dock doors, on-site landscaping, and related on-site and off-site improvements (refer to **Figure 3-5: Conceptual Site Plan**). The Project would be designed with landscape buffers which would separate vehicle and truck parking areas from the sidewalks and streets.

Furthermore, the Project would comply with the SWIP Specific Plan guidelines which would protect the visual character of the site and the surrounding properties. These guidelines would ensure outdoor storage, work, and loading areas would be located to the rear or side of the buildings and screened from view from adjacent public streets. Furthermore, building developments generally would be placed at or near setback lines and would be oriented to relate to the surrounding development.

Additionally, walls and fences would consist of materials approved in the SWIP Specific Plan and trash storage enclosures, loading bays and service areas, and roof-mounted equipment would be screened from public view through the use of parapet walls or other screening devices. In addition to screening measures, parking lots would include the approved landscaping throughout in order to be more visually appealing and employee parking would be located in the rear or sides of the buildings to reduce visibility from adjacent streets. Building facades would incorporate architectural elements (e.g., windows, pillars, wall plane breaks) to minimize stretches of blank walls. All colors and materials would consist of earth tones and large expanses of blank walls would be broken up with expansion joints, reveals, or changes in texture and color.

Landscaping on site would enhance the aesthetic character of the site and soften the appearance of buildings and screen walls. Therefore, the Project would not conflict with applicable zoning and other regulations governing scenic quality, and a less than significant impact would occur. However, in an abundance of caution, **SWIP EIR MM 4.-3a**, which requires construction documents to include language that requires all construction contractors to strictly control the staging of construction equipment and the

cleanliness of construction equipment stored or driven beyond the limits of the construction work area, would be followed.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified less than significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.1-3a For future development associated with the project located in or immediately adjacent to residentially zoned property, the following General Condition of Approval shall be imposed: Construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site to the extent practical. Staging areas shall be screened from view from residential properties with solid wood fencing or green fence. Construction worker parking may be located off-site with approval of the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the project site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

Project Mitigation Measures

No mitigation is required.

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

SWIP EIR Findings

As concluded within the SWIP EIR in Section 4.1, future development associated with the SWIP Specific Plan would allow for construction and operation of a mix of commercial, industrial, and office land uses. Such development would have the potential to create new sources of outdoor light and glare in the form of streetlights, exterior lighting, and lighting for the purposes of safety, as well as glare effects caused by reflective surfaces. These new sources of light and glare would be most visible from development along adjacent roadways, and to receptors such as residents and traveling motorists. However, consistency with the City Municipal Code and lighting requirements of the Specific Plan would ensure that potential impacts associated with light, and glare would be less than significant.

Project Construction

Existing sources of light and glare exist in the Project's immediate vicinity. Existing lighting sources include baseball and football field lighting associated with Henry J. Kaiser High School located to the west of the Project site, streetlights, outdoor safety, and security lighting from adjacent developments including the

industrial and commercial developments to the north and east, Jurupa Avenue and residential development to the south, and vehicle headlights from adjacent roadways and patrons of the nearby high school. Construction of the Project would be limited to the daytime hours of construction permitted (between the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. of Saturdays) according to the City Municipal Code Chapter 18: Nuisances Section 18-63. Furthermore, construction would not occur on Sundays or Federal holidays, and nighttime lighting would only be required seasonally. Therefore, no short-term impacts associated with light and glare would occur.

Project Operations

Once operational, the buildings would use interior and exterior security lighting. Lighting would be strategically placed to illuminate parking areas, docks/loading zones, and building entries. Lighting would utilize high-efficiency technologies, dark-sky cutoffs, and strategic orientation to avoid spillover into adjacent properties, as well as appropriate shielding to minimize glare and reflections.

The Project would meet the following SWIP Specific Plan Design Guidelines related to light and glare:

- Outdoor lighting plans shall take into consideration the location and potential growth pattern of nearby trees (existing and planned) so that appropriate lighting levels are maintained over time.
- Energy efficiency shall be considered through use of proper light location and placement, as well as use of energy-efficient bulbs or fixtures.
- Lighting fixtures shall include hoods or other design techniques to reduce glare and light pollution, especially along major streets, and to prevent light spillover onto adjacent properties.
- Lighting shall be provided in project entryways, walkways, parking lots, and plazas or courtyards to promote safety.
- Lighting may be mounted on poles or bollards, affixed to building walls, or placed within paved or landscaped areas. Appropriate materials and construction methods shall be used to ensure proper function of project lighting fixtures.
- Decorative light fixtures shall be consistent with the architectural design of the building.
- Truck and truck trailer storage areas shall incorporate lighting to increase real and perceived security.

All exterior lighting would be shielded/hooded to prevent light trespass onto nearby properties, as defined above. The proposed logistics buildings for the Project would use a variety of non-reflective building materials, and although some new reflective improvements (i.e., windows and building front treatments) would be introduced to the site, the proposed buildings would not be a source of substantial glare in the area, and a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified less than significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.1.6 Cumulative Impacts

For purposes of cumulative aesthetic impact analysis, cumulative impacts are considered for cumulative projects. Refer to **Table 4-1: Cumulative Projects List**. The cumulative study area for aesthetic impacts is the viewshed of the Project site and surrounding areas. The geographic context for cumulative aesthetic impacts would be viewsheds visible from the Project site. Cumulative developments would be those whose effects would cumulatively impact the San Gabriel and San Bernardino mountains as well as the Jurupa Hills. Although development in the Project area could increase light and glare, or potentially impact public views, the development would be required to comply with policies and regulations set forth by the Fontana General Plan and Municipal Code, as well as comply with development standards outlined in the SWIP Specific Plan. Consequently, cumulative development would not result in significant cumulative environmental impacts in conflict with aesthetics requirements for preserving visual character, public views, scenic vistas and resources, or 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 or unavoidable impacts were identified.

4.1.8 References

- California Department of Transportation – California Scenic Highways – GIS. Available: <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize>.
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- City of Fontana. 2021. City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan. <https://www.fontana.org/DocumentCenter/View/29671/SWIP-Land-Use-Plan-Map-Updated-March-2021?bidId=>
- City of Fontana. 2011. Southwest Industrial Park (SWIP) Specific Plan Update and Annexation Public Review Draft Program Environmental Impact Report. <https://www.fontana.org/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR>
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035, page 5.1-1 – Draft Environmental Impact Report*. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.

4.2

Air Quality

4.2 AIR QUALITY

4.2.1 Introduction

This section of the Draft Subsequent Environmental Impact Report (EIR) discusses potential air quality impacts associated with development and implementation of the Cherry Commerce Center Project (Project). The current conditions were observed as the baseline for the analysis and were compared to the potential effects anticipated for the Project. The ambient air quality of the local and regional area is described, along with relevant federal, state, and local air pollutant regulations. Information and analysis presented in this section are derived from the *Air Quality Assessment* (Kimley-Horn, 2023) and *Health Risk Assessment* (Kimley-Horn, 2023) conducted for the Project, found in Draft EIR **Appendix B**. See Appendix A of Draft EIR **Appendices B1** and **B2** for modeling data.

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. 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.

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 re-established.

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,	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.

Pollutant	Major Man-Made Sources	Human Health Effects
	gasoline storage and transport, solvents, paints, and landfills.	Damages plants; reduces crop yield.
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.
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 ROG and VOCs. Both ROG 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).		
Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 1.		

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. Some TACs are released from natural sources such as volcanic eruptions and forest fires.¹ The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

¹ U.S. EPA, Hazardous Air Pollutants: Sources and Exposure. <https://www.epa.gov/haps/hazardous-air-pollutants-sources-and-exposure>. Accessed August 2023

CARB identified diesel particulate matter (DPM) as a TAC. 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. Some of these compounds include arsenic, benzene, formaldehyde, and nickel. CARB estimates that about 70 percent of the cancer risk that the average Californian faces from breathing TACs stems from diesel exhaust particles. 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 Highway Monitoring Station (located approximately 3.2 miles to the northwest). 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. Dips in emissions of CO, NO₂, and PM may be attributable to stay-at-home orders associated with the COVID-19 pandemic in 2020.

Table 4.2-2: Ambient Air Quality Data

Criteria Pollutant	2019	2020	2021
Ozone (O₃)¹			
1-hour Maximum Concentration (ppm)	0.124	0.151	0.125
8-hour Maximum Concentration (ppm)	0.109	0.112	0.104
<i>Number of Days Standard Exceeded</i>			
CAAQS 1-hour (>0.09 ppm)	41	56	44
NAAQS 8-hour (>0.070 ppm)	71	91	83
Carbon Monoxide (CO)¹			
1-hour Maximum Concentration (ppm)	2.75	1.67	1.93
<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)	0.076	0.066	0.067

Criteria Pollutant	2019	2020	2021
<i>Number of Days Standard Exceeded</i>			
NAAQS 1-hour (>0.100 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	88.8	76.8	73.8
State 24-hour Maximum Concentration	85.1	73.6	70.7
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)	11	6	3
Particulate Matter Less Than 2.5 Microns (PM_{2.5})¹			
National 24-hour Maximum Concentration	81.3	57.6	55.1
State 24-hour Maximum Concentration	81.3	57.6	55.1
<i>Number of Days Standard Exceeded</i>			
NAAQS 24-hour (>35 µg/m ³)	3	4	2
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 Highway Monitoring Station at 14360 Arrow Boulevard, Fontana, California 92335 (CARB# 36197)			
Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 2.			

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 single-family residential communities and a high school. Sensitive land uses nearest to the Project are shown in **Table 4.2-3: Sensitive Receptors**.

Table 4.2-3: Sensitive Receptors

Receptor Description	Distance and Direction from the Project
Single-Family Residences	161 feet to the south
Henry J. Kaiser High School	135 feet to the west

Source: Kimley-Horn. 2023. *Air Quality Assessment*, Table 3.

4.2.3 Regulatory Setting

Federal

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the United States Environmental Protection Agency (EPA) developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including O₃, NO₂, CO, SO₂, PM₁₀, PM_{2.5}, and lead. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires each state to prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The 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 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 EPA has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in **Table 4.2-4: State and Federal Ambient Air Quality Standards.**

Federal Emissions Standards for On-Road Trucks

To reduce emissions from on-road, heavy-duty diesel trucks, the U.S. EPA established a series of increasingly strict emission standards for new engines, starting in 1988. The U.S. EPA promulgated the final and cleanest standards with the 2007 Heavy-Duty Highway Rule. The PM emission standard of 0.01 gram per horsepower-hour (g/hp-hr) is required for new vehicles beginning with model year 2007. Also, the NO_x and nonmethane hydrocarbon (NMHC) standards of 0.20 g/hp-hr and 0.14 g/hp-hr, respectively, were phased in together between 2007 and 2010 on a percent of sales basis: 50 percent from 2007 to 2009 and 100 percent in 2010.

Emission Standards for Nonroad Diesel Engines

To reduce emissions from off-road diesel equipment, the U.S. EPA established a series of cleaner emission standards for new off-road diesel engines (e.g., construction equipment, locomotives, marine vessels, aircraft, landscape equipment, etc.). Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006. Tier 3 standards were phased in from 2006 to 2008. Tier 4 standards, which generally require add-on emission control equipment to attain them were phased in from 2008 to 2015.

State

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in **Table 4.2-4**, 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), which was approved in 1988, 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 SIP for meeting federal clean air standards for the State of California. Like the 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 state standard 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 state standards are summarized in **Table 4.2-4: State and Federal Ambient Air Quality Standards.**

Table 4.2-4: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards ¹	Federal Standards ²
Ozone (O ₃) ^{2, 5, 7}	8 Hour	0.070 ppm (137 µg/m ³)	0.070 ppm
	1 Hour	0.09 ppm (180 µg/m ³)	NA
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 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	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)
	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)
	Annual Arithmetic Mean	NA	0.03 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 (0.42 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 equalled 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 standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

Source: Kimley-Horn. 2023. *Air Quality Assessment*, Table 4.

Diesel Risk Reduction Plan

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals include an 85 percent reduction in DPM by 2020 from the 2000 baseline. CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects. The DRRP includes regulations to establish cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel for all diesel engines (for all transportation modes and equipment that include diesel engines).

Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce particulate matter (PM) and oxides of nitrogen (NO_x) emissions from existing diesel vehicles operating in California. The regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses would need to have 2010 model year engines or equivalent.

The regulation applies to most privately and federally-owned diesel fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

Heavy-Duty Vehicle Idling Emission Reduction Program

The purpose of the CARB Airborne Toxic Control Measures (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to DPM and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles. The driver of any vehicle subject to this ATCM is prohibited from idling the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.

Section 2485 and Section 2449 of Title 13 of the California Code of Regulations (CCR) limit diesel-fueled motor vehicle idling to no more than five minutes. Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to operate on publicly maintained highways and streets within California. Section 2449 limits idling for off-road diesel-fueled fleets.

CARB 2017 Technical Advisory (Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways)

CARB published a Technical Advisory in 2017 to provide planners and other stakeholders involved in land use planning and decision-making with information on scientifically based strategies to reduce exposure to traffic emissions near high-volume roadways. Near-roadway development is a result of a variety of factors, including economic growth, demand for built environment uses, and the scarcity of developable land in some areas. The Technical Advisory notes that research has demonstrated the public health, climate, financial, and other benefits of compact, infill development along transportation corridors, and demonstrates that planners, developers, and local governments can pursue infill development while simultaneously reducing exposure to traffic-related pollution. On-site strategies to remove air pollution identified in the Technical Advisory include the use of particle filtration systems (i.e., high efficiency filtration in mechanical ventilation systems), solid barriers, and vegetation.

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 2019 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 2019 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. On August 11, 2021, the CEC adopted the 2022 Energy Code. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

CalEnviroScreen

The California Office of Environmental Health Hazard Assessment (OEHHA) has developed CalEnviroScreen 4.0, which is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.

According to CalEnviroScreen, the Project site and Kaiser High School to the west are located within Census Tract 6071002601, which is within the 97th percentile for pollution burden. The residential uses to the south of Jurupa Avenue are located within Census Tract 6071002606, which is within the 49th percentile for pollution burden. It should be noted that the CalEnviroScreen scores are relative to other census tracts and are not an expression of health risk, and do not provide quantitative information on

increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission “last-mile” delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b - 3 truck sales, 75 percent of Class 4 - 8 straight truck sales, and 40 percent of truck tractor sales.
- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers, and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment “requiring increasing volumes” of new zero emission vehicles (ZEVs) “towards the target of 100 percent.” The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Warehouse Best Practices and Mitigation

The California Department of Justice published recommended best practices and mitigation measures to comply with CEQA, updated in September 2022. The purpose of this document is to provide information on feasible best practices and mitigation measures that have been adapted from warehouse projects in California. Project-specific best practices and measures include warehouse siting and design

considerations such as distance to sensitive receptors, setback requirements, perimeter screening, parking considerations, limitations on idling time, use of zero-emissions operational equipment (e.g., forklifts and yard trucks), and constructing and maintaining electric light-duty vehicle charging stations, among others.

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 state and federal ambient air quality standards 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 federal 8-hour O₃ standards. Specifically, the 2016 AQMP covers the following federal standards: 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 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 O₃ standard. The 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 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 4.2-5: South Coast Air Basin Attainment Status**. The SCAB is currently designated as a nonattainment area with respect to the state O₃, PM₁₀, and PM_{2.5} standards, as well as the national 8-hour O₃ and PM_{2.5} standards. The SCAB is designated as attainment or unclassified for the remaining state and federal standards.

Table 4.2-5: 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 (Serious)
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
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

Pollutant	State	Federal
Lead (Pb) (3 Month Standard)	Attainment	–
Sulfates (SO ₄₋₂) (24 Hour Standard)	Attainment	–
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	–

Source: Kimley-Horn. 2023. *Air Quality Assessment*, Table 5.

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.
 - a) 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.
 - b) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - c) All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d) The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
 - e) 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 431.2 (Sulfur Content of Liquid Fuels)** – This rule limits the sulfur content in diesel and other liquid fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion and to enable the use of add-on control devices for diesel fueled internal combustion engines.
- **Rule 1108 (Cutback Asphalt)** – This rule prohibits the sale, offer for sale for use within the SCAQMD, or use any cutback asphalt containing more than 0.5 percent by volume organic compounds which evaporate at 260 degrees Celsius (500 degrees Fahrenheit) or lower as determined by ASTM Method D402 or other test method as approved by the Executive Officer.

- **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.
- **Rule 2305 (Warehouse Indirect Source Rule)** - Rule 2305 was adopted by the SCAQMD Governing Board on May 7, 2021, to reduce NO_x and PM emissions associated with warehouses and mobile sources attracted to warehouses. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install onsite energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Air Toxics Control Plan

The Air Toxics Control Plan (March 2000, revised March 26, 2004) is a planning document designed to examine the overall direction of the SCAQMD's air toxics control program. It includes development and implementation of strategic initiatives to monitor and control air toxics emissions. Control strategies that are deemed viable and are within the SCAQMD's jurisdiction will each be brought to the SCAQMD Board for further consideration through the normal public review process. Strategies that are to be implemented by other agencies will be developed in a cooperative effort, and the progress will be reported back to the Board periodically.

Multiple Air Toxics Exposure Study

The SCAQMD conducted an in-depth analysis of the TACs and their resulting health risks for all of southern California. The Multiple Air Toxics Exposure Study in the SCAB (MATES V) (August 2021) shows that carcinogenic risk from air toxics in the SCAB, based on the average concentrations at the 10 monitoring sites, is approximately 40 percent lower than the monitored average in MATES IV (May 2015) and 84 percent lower than the average in MATES II (March 2000).

MATES V is the most comprehensive dataset documenting the ambient air toxic levels and health risks associated with the SCAB emissions. Therefore, MATES V study represents the baseline health risk for a cumulative analysis. MATES V estimates the average excess cancer risk level from exposure to TACs is 424 in one million basin wide. In comparison, the MATES IV basin average risk was 897 per million. These model estimates were based on monitoring data collected at ten fixed sites within the SCAB. None of the fixed monitoring sites are near the Project site. However, MATES V has extrapolated the excess cancer risk levels throughout the SCAB by modeling the specific grids. MATES V modeling predicted an excess

cancer risk of 455 to 484 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources. DPM accounts for a majority of the total risk shown in MATES V in this area.

Local

Fontana General Plan 2015-2035

The City adopted the General Plan Update 2015-2035 on November 13, 2018. Chapter 6 of the General Plan Update² identifies goals and policies that will result in a healthier city. The following goal and policy focusing on improving air quality are applicable to the Project.

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.

City of Fontana Industrial Commerce Center Sustainability Standards Ordinance (Fontana Municipal Code Article V Section 9-70)

The City approved and adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance No. 1891) on April 12, 2022. It is applicable to all warehouse uses throughout the City, including the Project. The Ordinance will meet and exceed all state and federal environmental standards and would foster the balancing of public health and quality of life issues with the economic and employment opportunities that the goods movement provides the City and its residents. Requirements include, but are not limited to, the following:

- **Buffering and Screening / Adjacent uses (Sec. 9-71):** include appropriate landscaping buffer between warehouse building and adjacent sensitive receptors; all landscaping shall be drought tolerant, loading docks and truck entries shall be oriented away from abutting sensitive receptors.
- **Signing and Traffic Patterns (Sec. 9-72):** Post anti-idling signage indicating a 3-minute diesel truck idling restriction, prepare and submit a Truck Route Map, provide adequate stacking depth within property (minimum 140 feet).
- **Alternative Energy (Sec. 9.73):** On-site motorized operational equipment shall be zero emission, all building roofs shall be solar ready, at least 10 percent of all passenger vehicle parking spaces shall be electric vehicle (EV) ready, at least five percent of all passenger vehicle parking spaces shall be equipped with working Level 2 Quick charge EV charging stations, electric plug-in units shall be installed at every dock door servicing refrigerated space, provide bicycle parking.
- **Operation and Construction (Sec. 9-74):** Ensure that electrical rooms are sized to accommodate potential need for additional electrical panels, use super-compliance VOC coatings, use the highest rated CARB Tier technology for construction equipment, use electric-powered hand tools and forklifts.

² City of Fontana. 2018. *Chapter 6: Building a Healthier Fontana*. <https://www.fontana.org/DocumentCenter/View/26745/Chapter-6---Building-a-Healthier-Fontana> (accessed March 2023)

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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 4.2-6: South Coast Air Quality Management District Emissions Thresholds**.

Table 4.2-6: South Coast Air Quality Management District Emissions Thresholds

Criteria Air Pollutants and Precursors	Maximum Pounds Per Day	
	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: Kimley-Horn. 2023. *Air Quality Assessment*, Table 6.

Localized Carbon Monoxide

In addition to the daily thresholds listed above, development associated with the Project would also be subject to the ambient air quality standards. These are addressed through an analysis of localized CO impacts. The significance of localized impacts depends on whether ambient CO levels near the Project are above state and federal CO standards (the more stringent California standards are 20 ppm for 1-hour and 9 ppm for 8-hour). The SCAB has been designated as attainment under the 1-hour and 8-hour standards.

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). Pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day). LSTs represent the maximum daily emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent state or federal ambient air quality standards. 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. LST analysis for construction is applicable to all projects that disturb five acres or less on a single day. The County of San Bernardino is located within SCAQMD SRA 34. **Table 4.2-7: Local Significance Thresholds for Construction/Operations** shows the LSTs for a 1-acre, 2-acre, and 5-acre project in SRA 34 within 25 meters of the Project. The nearest sensitive receptors are the single-family residences located approximately 161 feet (49 meters) to the south and the Henry J. Kaiser High School located approximately 135 feet to the west (41 meters). Therefore, the lowest threshold distance of 25 meters was used for a conservative analysis based on the SCAQMD LST methodology guidance. LSTs associated with all acreage categories are provided in **Table 4.2-7** for informational purposes. **Table 4.2-7** 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 on 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.

Table 4.2-7: Local Significance Thresholds for Construction/Operations

Project Size	Pounds Per Day			
	NO _x	CO	PM ₁₀	PM _{2.5}
1 Acre	118/118	657/657	4/1	3/1
2 Acres	170/170	957/957	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
 Source: Kimley-Horn. 2023. *Air Quality Assessment*, Table 7.

Health Risk Analysis Thresholds

Project health risks are determined by examining the types and levels of air toxics generated and the associated impacts on factors that affect air quality. While the final determination of significance thresholds is within the purview of the lead agency pursuant to the State CEQA Guidelines, the SCAQMD recommends that the following air pollution thresholds be used by lead agencies in determining whether the impacts from the Project are significant. If the lead agency finds that the Project has the potential to exceed the air pollution thresholds, the Project should be considered significant. The thresholds for air toxic emissions are as follows.

- **Cancer Risk:** Emit contaminants that equal or exceed the maximum individual cancer risk of 10 in one million.
- **Non-Cancer Risk:** Emit contaminants that equal or exceed the maximum hazard index of 1.0.

Cancer risk is expressed in terms of expected incremental incidence per million population. The SCAQMD has established an incidence rate of 10 persons per million as the maximum acceptable incremental cancer risk due to DPM exposure. This threshold is an upper-bound incremental probability to determine whether or not a given project has a potentially significant development-specific and cumulative impact and to ensure an individual new source does not contribute a cumulatively significant impact. The 10 in one million standard is a health-protective significance threshold. A risk level of 10 in one million implies a likelihood that up to 10 persons, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer that is in addition to any cancer risk borne by a person not exposed to these air toxics. It is noted that the 10 in one million incremental threshold is 47 times lower than the background risk (i.e., a probability of 0.00001 for a project versus a background probability of 0.000472).

The SCAQMD has also established non-carcinogenic risk parameters for use in Health Risk Assessments (HRAs). Noncarcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index of less than 1.0 means that adverse health effects are not expected. Within this analysis, non-carcinogenic exposures of less than 1.0 are considered less than significant.

Methodology

This air quality impact analysis considers construction and operational impacts associated with the Project. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). 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.

Project operations would result in emissions of area sources (consumer products), 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. The increase of traffic over existing conditions as a result of the Project was obtained from the *11171 Cherry Avenue Warehouse Traffic Impact Analysis (TIA)*, prepared by Translutions, Inc. (April 2023, Draft EIR **Appendix K**). Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data.

As discussed above, the SCAQMD provides significance thresholds for emissions associated with Project construction and operations. The Project's construction and operational emissions are compared to the

daily criteria pollutant emissions significance thresholds in order to determine the significance of a Project's impact on regional air quality.

The localized effects from the Project's on-site emissions were evaluated in accordance with the SCAQMD's LST methodology, which uses on-site mass emissions rate look-up tables and Project-specific modeling. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

This HRA evaluates potential health risks associated with the emission of DPM resulting from the implementation of the Project. Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. Operational activities would also include the use of heavy-duty diesel trucks. See Draft EIR **Appendix B** for HRA methodology.

4.2.5 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: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the development of new uses. The program-level analysis of emissions associated with the potential buildout of the Specific Plan area would exceed SCAQMD project-level thresholds. The SWIP EIR concluded in Section 4.2 that implementation of the SWIP Specific Plan would result in significant and unavoidable impacts relative to consistency with the Air Quality Management Plan.

Project Consistency Analysis

As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a SIP that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under State law, the CCAA requires an air quality attainment plan to be prepared for areas designated as nonattainment regarding the state and federal ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The Project is located within the SCAB, which is under the jurisdiction of the SCAQMD. The SCAQMD is required, pursuant to the FCAA, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 and 2022 AQMPs (AQMPs). The AQMPs establish a program of rules and regulations directed at reducing air pollutant emissions and achieving CAAQS and NAAQS. The AQMPs are a regional and multi-agency effort including the SCAQMD,

the CARB, the SCAG, and the EPA. The plan's pollutant control strategies are based on the latest scientific and technical information and planning assumptions, including SCAG's RTP/SCS, updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. SCAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project is subject to the SCAQMD's AQMPs.

Criteria for determining consistency with the AQMP are defined by the following indicators:

- **Consistency Criterion No. 1:** The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.
- **Consistency Criterion No. 2:** The Project will not exceed the assumptions in the AQMP or increments based on the years of the Project build-out phase.

According to the SCAQMD's *CEQA Air Quality Handbook*, the purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus if it would interfere with the region's ability to comply with CAAQS and NAAQS.

The violations to which Consistency Criterion No. 1 refers are CAAQS and NAAQS. As shown in **Table 4.2-8: Construction-Related Emissions** and **Table 4.2-9: Operational Emissions** below, the Project would not exceed SCAQMD's construction or operational standards. Therefore, the Project would not contribute to an existing air quality violation. Thus, the Project would be consistent with the first criterion.

Regarding Consistency Criterion No. 2, the AQMP contains air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project site's existing General Plan land use designation is Light Industrial (I-L), and the zoning is Southwest Industrial Park (SWIP). The Project is consistent with the City's General Plan land use Designation and the zoning. 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. Thus, a less than significant impact would occur as the Project is also consistent with the second criterion. However, in an abundance of caution, applicable SWIP EIR **MMs 4.2-1a** through **4.2-1f** and **MMs 4.2-2a** through **4.2-2l** would be followed.

Note that the SWIP EIR includes mitigation measures **MMs 4.2-1a** through **4.2-1f** and **MMs 4.2-2a** through **4.2-2l** to reduce potential impacts associated with the implementation of the SWIP Specific Plan Project. Applicable mitigation measures have not been accounted for in Project emissions and would therefore further reduce Project emissions.

The Project would be consistent with the consistency criterion as discussed above and would not conflict with or obstruct implementation of the applicable air quality plan. Air quality impacts related to the Project are within the limit of impacts identified in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

- MM 4.2-1a** All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City verification. [GPEIR MM AQ-9]
- MM 4.2-1b** Prior to the issuance of any grading permits, all applicants shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City Planning Staff. [GPEIR MM AQ-10]
- MM 4.2-1c** All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. [GPEIR MM AQ-11]
- MM 4.2-1d** Projects that result in the construction of more than 19 single-family residential units, 40 multifamily residential units, or 45,000 square feet of retail/commercial/industrial space shall be required to apply paints either by hand or high volume, low pressure (HVLP) spray. These measures may reduce volatile organic compounds (VOC) associated with the application of paints and coatings by an estimated 60 to 75 percent. Alternatively, the contractor may specify the use of low volatility paints and coatings. Several of currently available primers have VOC contents of less than 0.85 pounds per gallon (e.g., dulux professional exterior primer 100 percent acrylic). Top coats can be less than 0.07 pounds per gallon (8 grams per liter) (e.g., lifemaster 2000-series). This latter measure would reduce these VOC emissions by more than 70 percent. Larger projects should incorporate both the use of HVLP or hand application and the requirement for low volatility coatings. [GPEIR MM AQ-12]
- MM 4.2-1e** All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108. [GPEIR MM AQ-13]
- MM 4.2-1f** Prior to the issuance of grading permits or approval of grading plans for future development projects within the project area, future developments shall include a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following: [GPEIR MM AQ-14]
- Phase and schedule activities to avoid high-ozone days and first-stage smog alerts.
 - Discontinue operation during second-stage smog alerts.
 - All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas.

- Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.
- Moisten soil each day prior to commencing grading to depth of soil cut.
- Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site.
- Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.
- Wash mud-covered tires and under carriages of trucks leaving construction sites.
- Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
- Securely cover all loads of fill coming to the site with a tight-fitting tarp.
- Cease grading during periods when winds exceed 25 miles per hour.
- Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.
- Use low-sulfur diesel fuel in all equipment.
- Use electric equipment whenever practicable.
- Shut off engines when not in use.

MM 4.2-2a All “large-scale” (e.g., over 10 acres per day) project Applicants shall provide incentives to use mass transit including the placement of bus stop shelters along major thoroughfares if not so equipped. (City Staff shall determine what denotes a “large-scale” project.) [GPEIR MM AQ-7] (*This mitigation measure does not apply because the Project does not exceed SCAQMD air quality significance thresholds.*)

MM 4.2-2b All “large-scale” (e.g., over 10 acres per day) project Applicants shall incorporate a bike/walking path between these shelters, the proposed residential areas, and the proposed commercial areas. These paths shall be lit and configured so as to avoid potential conflict with roadways and railroad activities. [GPEIR MM AQ-8] (*This mitigation measure does not apply because the Project does not exceed SCAQMD air quality significance thresholds.*)

MM 4.2-2c All industrial and commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes [GPEIR MM AQ-15].

MM 4.2-2d The City shall require that both industrial and commercial uses designate preferential parking for vanpools. [GPEIR MM AQ-16]

- MM 4.2-2e** The proposed commercial and industrial areas shall incorporate food service. [GPEIR MM AQ-17]
- MM 4.2-2f** All industrial and commercial site tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas. [GPEIR MM AQ-18]
- MM 4.2-2g** All industrial and commercial site tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible. [GPEIR MM AQ-19]
- MM 4.2-2h** All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters. [GPEIR MM AQ-14] *(This MM applies to residential and commercial structures and does not apply to the proposed industrial structure.)*
- MM 4.2-2i** All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping. [GPEIR MM AQ-15] *(This MM applies to residential and commercial structures and does not apply to the proposed industrial structure.)*
- MM 4.2-2j** All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials. [GPEIR MM AQ-22]
- MM 4.2-2k** Prior to approval of future development projects within the project area, the City of Fontana shall conduct project-level environmental review to determine potential vehicle emission impacts associated with the project(s). Mitigation measures shall be developed for each project as it is considered to mitigate potentially significant impacts to the extent feasible. Potential mitigation measures may require that facilities with over 250 employees (full or part-time employees at a worksite for a consecutive six-month period calculated as a monthly average), as required by the Air Quality Management Plan, implement Transportation Demand Management (TDM) programs. [GPEIR MM AQ-23] *(Please note: this mitigation measure has been accomplished through preparation of the Greenhouse Gas Emissions Assessment, included as Draft EIR **Appendix G.**)*
- MM 4.2-2l** New warehouse facilities or distribution centers that generate a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week shall not be located closer than 1,000 feet from any existing or proposed sensitive land use such as residential, a hospital, medical offices, day care facilities, and/or fire stations (pursuant to the recommendations set forth in the CARB *Air Quality and Land Use Handbook*).
- (Although the Project generates 217 truck trips, a health risk assessment was prepared for the Project which determined that the Project would not result in increased cancer risks to sensitive receptors or result in chronic non-carcinogenic health impacts. This MM does not apply because Project does not result in increased cancer risks and does not exceed SCAQMD air quality significance thresholds.)*

Project Mitigation Measures

No mitigation is required.

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: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in overall increases in regional pollutant loads. Implementation of mitigation measures would reduce construction-related and long-term emissions. The SWIP EIR concluded in Section 4.2 that impacts would result in significant and unavoidable impacts relative to short- and long-term criteria pollutant emissions.

Project Construction

Construction associated with the Project 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 NOX) 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.

The duration of construction activities associated with the Project is estimated to last approximately 13 months. Construction-generated emissions associated 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. See Appendix A: Air Quality Modeling Data of **Appendix B** for more information regarding the construction assumptions used in this analysis. Predicted maximum daily unmitigated construction-generated emissions for the Project are summarized in **Table 4.2-8**.

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.

Table 4.2-8: Construction-Related Emissions

Construction Year	Pollutant (Maximum Pounds per Day)					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
2024	2.66	13.91	79.44	0.12	9.24	4.38
2025	32.56	13.39	71.12	0.12	9.23	2.98
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>55</i>	<i>150</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Notes:						
<ul style="list-style-type: none"> SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice 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) were applied. The Fontana Industrial Commerce Center Sustainability Standards requires the highest rated CARB Tier technology for construction equipment and SCAQMD Super-Compliant low VOC paints. Tier IV Final compliant equipment was assumed for all construction equipment greater than 50 horsepower and SCAQMD Super-Compliant low VOC paints was assumed. Refer to Appendix A: Air Quality Modeling Data for Model Data Outputs. 						
Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 8.						

As shown in **Table 4.3-8**, unmitigated construction emissions would not exceed the SCAQMD thresholds. Therefore, impacts would be less than significant.

Project Operations

The Project's operational emissions would be associated with area sources (e.g., landscape maintenance equipment, architectural coatings, off-road equipment, etc.), energy sources, mobile sources (i.e., motor vehicle use), and off-road equipment. Primary sources of operational criteria pollutants are from motor vehicle use and area sources. Long-term operational emissions attributable to the Project are summarized in **Table 4.2-9**. The operational emissions sources are described below.

- **Area Source Emissions.** Area source emissions would be generated due to architectural coating applications and landscaping equipment that were previously not present on the site.
- **Energy Source Emissions.** 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 for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.
- **Mobile Source.** 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 based on the trip generation within the Project's TIA and have been incorporated into CalEEMod as recommended by the SCAQMD. Per the TIA, the Project

would generate 1,065 total daily vehicle trips, which includes 217 daily truck trips based on a 699,433 square-foot warehouse and 7,000 square-foot office footprint.³

- **Off-Road Equipment Emissions.** Although the Project is a speculative logistics development and the final end user is not known, it was conservatively assumed that the Project would include 14 forklifts and two-yard trucks per SCAQMD data. Pursuant to the City of Fontana's Industrial Commerce Center Sustainability Standards Ordinance, all on-site motorized operational equipment shall be zero emission vehicles. Therefore, off-road equipment would not contribute to operational emissions.
- **Emergency Backup Generators.** As the Project logistics use is speculative, it is unknown whether emergency backup generators would be used. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with two emergency backup generators (one for each building) were included to be conservative. Emissions from emergency backup generators for the modern high-cube logistics buildings (warehouses) were calculated separately from CalEEMod; refer to Appendix A of the Air Quality Assessment, **Appendix B**. However, CalEEMod default emissions rates were used. If backup generators are required, the end user would be required to obtain a permit from the SCAQMD prior to installation. Emergency backup generators must meet SCAQMD's Best Available Control Technology (BACT) requirements and comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), which would minimize emissions.

Existing site conditions include approximately 36,500 square feet of warehouse space that generates 101 daily trips. The Project would generate a total of 1,065 daily vehicle trips (not passenger car equivalent trips), resulting in an increase of 964 daily trips over existing conditions, refer to **Section 4.13, Transportation**. Existing emissions were calculated utilizing CalEEMod and subtracted from Project emissions to obtain net new emissions associated with the Project. As shown in **Table 4.2-9**, unmitigated operational emissions would not exceed SCAQMD thresholds. Emissions depicted in **Table 4.2-9** conservatively do not include Project design features, such as rooftop solar and Leadership in Energy and Environmental Design (LEED) certification. It should be noted that cold storage warehouse space would not be included as part of the Project as specified in Project Design Feature AQ-1 (**PDF AQ-1**). Should cold storage warehouse space be considered in the future, a separate discretionary approval would be required.

The City of Fontana adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance) in April 2022, applicable to all warehouse uses throughout the City. The Ordinance requires warehouse uses to meet and exceed all state and federal environmental standards. Standards include providing adequate buffering and screening from adjacent sensitive receptors, implementing appropriate signage and traffic patterns, incorporating alternative energy, and other operation and construction measures such as the use of super-compliant VOC architectural coatings and highest rated CARB Tier technology for construction equipment. The Project would be required to comply with all applicable standards of the Ordinance and final documentation of compliance would be subject to review and

³ The analysis is based on worst-case trip generation associated with a higher square footage. Therefore, operational emissions included is a conservative estimation of Project emissions.

approval prior to issuance of applicable permits. See Appendix B of the Air Quality Assessment, **Appendix B**, for a preliminary consistency analysis of the Project with the Ordinance.

The California Department of Justice published recommended best practices and mitigation measures to comply with CEQA, updated in September 2022. Best practices and measures are generally consistent with the requirements of the Ordinance. Therefore, implementation of applicable standards of the Ordinance would include applicable best practices and mitigation measures recommended by the Department of Justice. Conservatively, this analysis does not take credit for these potential reductions. Compliance with the Ordinance would reduce emissions below what is currently analyzed.

In addition, Rule 2305 requires the Project operator to directly reduce NO_x and particulate matter emissions or to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Warehouse owners and operators are required to earn WAIRE points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on-road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options. Therefore, the Project operator would be required to implement additional emission reduction strategies. Conservatively, this analysis does not take credit for these potential reductions. Compliance with Rule 2305 would reduce emissions below what is currently analyzed.

Table 4.2-9: Operational Emissions

Source	Pollutant (Maximum Pounds per Day) ¹					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Area	22.16	0.26	30.87	0.00	0.04	0.05
Energy	0.20	3.64	3.06	0.02	0.28	0.28
Mobile - Trucks	0.49	22.49	11.26	0.19	3.59	1.08
Mobile – Passenger Cars	3.10	2.54	38.75	0.09	3.33	0.61
Off-Road Equipment ²	0.00	0.00	0.00	0.00	0.00	0.00
Emergency Generators	3.37	9.42	8.60	0.02	0.50	0.50
<i>Total Project Emissions</i>	29.32	38.36	92.55	0.32	7.74	2.52
<i>Existing Emissions</i>	1.72	2.37	6.36	0.02	0.70	0.19
Total Net New Emissions	27.60	35.99	86.18	0.29	7.04	2.33
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No
Notes:						
1. Totals may not add up due to rounding.						
2. The Fontana Industrial Commerce Center Sustainability Standards requires on-site motorized operational equipment to be zero emission.						
Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 9.						

The Project's emissions would not exceed the SCAQMD thresholds during both construction and operations. Thus, the impact would not be cumulatively considerable. Impacts related to the Project are within the limit of impacts identified in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. However, in an abundance of caution, applicable SWIP EIR **MMs 4.2-1a** through **4.2-1f** and **MMs 4.2-2a** through **4.2-2i** would be followed by the Project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Laws, Ordinances, and Regulations

Laws, Ordinances, and Regulations (LOR) are existing requirements that are based on local, state, or federal regulations or laws that are frequently required independently of CEQA review. Typical LORs 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 LORs are neither Project specific nor a result of development of the Project, they are not considered to be either Project Design Features or Mitigation Measures.

- LOR AQ-1** Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following:
- 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 work day to remove soil tracked onto the paved surface.
- LOR AQ-2** Pursuant to SCAQMD Rule 1113, the Project Applicant shall require by contract specifications that the interior and exterior architectural coatings products used would have a volatile organic compound rating of 50 grams per liter or less.
- LOR AQ-3** Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.
- LOR AQ-4** Pursuant to SCAQMD Rule 445, the installation of any open or enclosed permanently installed wood burning device is prohibited.

LOR AQ-5

The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10) require buildings to be designed to have 15 percent of the roof area “solar ready” that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.

LOR AQ-6

The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 4.303 (residential) and Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.1 (residential) and Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 4.410 (residential) and Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles. At least eight percent of the total parking spaces are required to be designated in accordance Section 5.106.5.2 (nonresidential), Designated Parking for Clean Air Vehicles, of the California Green Building Standards Code Part 11.
- To facilitate future installation of electric vehicle supply equipment (EVSE), residential construction shall comply with Section 4.106.4 (residential electric vehicle charging) of the California Green Building Standards Code Part 11 and nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

LOR AQ-7

The Project shall be designed in accordance with the development standards of the City of Fontana Industrial Commerce Center Sustainability Standards Ordinance. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Buffering and Screening / Adjacent uses (Sec. 9-71): include appropriate landscaping buffer between warehouse building and adjacent sensitive

receptors; all landscaping shall be drought tolerant, loading docks and truck entries shall be oriented away from abutting sensitive receptors.

- **Signing and Traffic Patterns (Sec. 9-72):** Post anti-idling signage indicating a 3-minute diesel truck idling restriction, prepare and submit a Truck Route Map, provide adequate stacking depth within property (minimum 140 feet).
- **Alternative Energy (Sec. 9.73):** On-site motorized operational equipment shall be zero emission, all building roofs shall be solar ready, at least 10 percent of all passenger vehicle parking spaces shall be electric vehicle (EV) ready, at least 5 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 Quick charge EV charging stations, electric plug-in units shall be installed at every dock door servicing refrigerated space, provide bicycle parking.
- **Operation and Construction (Sec. 9-74):** Ensure that electrical rooms are sized to accommodate potential need for additional electrical panels, use super-compliance VOC coatings, use the highest rated CARB Tier technology for construction equipment, use electric-powered hand tools and forklifts.

Project Design Features

PDF AQ-1 Cold Storage. The installation of cold storage warehouse space is not proposed. Should cold storage warehouse space be considered in the future, a separate discretionary approval would be required.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

See SWIP Mitigation Measures **MM 4.2-1a** through **MM 4.2-1f** and **MM 4.2-2a** through **MM 4.2-2l**.

Project Mitigation Measures

No mitigation is required.

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

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses. The SWIP EIR concluded in Section 4.2 that impacts would result in less than significant impacts related to localized CO emissions.

Project Construction

The nearest sensitive receptors are the single-family residences located approximately 161 feet (49 meters) to the south and the Henry J. Kaiser High School located approximately 135 feet to the west (41 meters). 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 4.2-10: 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) since this area includes the Project. LSTs apply to CO, NO₂, 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. Project construction is anticipated to disturb a maximum of 3.5 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 3.5-acre threshold were interpolated and utilized for this analysis.

Table 4.2-10: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Site Preparation	Tractors	4	0.5	8	2
	Graders	0	0.5	8	0
	Dozers	3	0.5	8	1.5
	Scrapers	0	1	8	0
Total Acres Graded per Day					3.5

Source: Kimley-Horn. 2023. *Air Quality Assessment*, Table 10.

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. The nearest sensitive receptors are the single-family residences located approximately 161 feet (49 meters) to the south and the Henry J. Kaiser High School located approximately 135 feet to the west (41 meters). LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for 25 meters were conservatively utilized in this analysis. **Table 4.2-11: Localized Significance of Construction Emissions**, shows the results of localized emissions during construction. As shown in **Table 4.2-11**, localized Project construction emissions would not exceed SCAQMD thresholds and impacts would be less than significant.

Table 4.2-11: Localized Significance of Construction Emissions

Construction Activity	Pollutant (Maximum Pounds per Day) ¹			
	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Demolition (2024)	4.51	18.17	0.74	0.17
Site Preparation (2024)	2.59	28.31	7.77	4.04
Grading/Infrastructure Improvements (2024)	4.43	35.35	3.72	1.55
Grading/Infrastructure Improvements (2025)	4.43	35.35	3.72	1.55
Building Construction (2024)	2.03	14.30	0.04	0.04
Building Construction (2025)	2.03	14.30	0.04	0.04
Paving (2025)	1.93	10.60	0.03	0.03

Construction Activity	Pollutant (Maximum Pounds per Day) ¹			
	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Architectural Coating (2025)	0.65	0.96	0.00	0.00
Demolition/Site Prep (2024)	7.09	46.48	8.50	4.20
Grading/Infrastructure Improvements/ Building Construction (2024)	6.46	49.65	3.76	1.59
Grading/Infrastructure Improvements/ Building Construction (2025)	6.46	49.65	3.76	1.59
Building Construction/Paving/ Architectural Coating (2025)	4.61	25.87	0.07	0.07
Maximum Emissions	7.09	49.65	8.50	4.20
<i>SCAQMD Localized Screening Threshold (adjusted for 3.5 acres at 25 meters)</i>	220	1,359	11	6
Exceed SCAQMD Threshold?	No	No	No	No
1: Totals may not add up due to rounding. Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 11.				

Project Operations

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project includes development of warehouse buildings, the operational phase LST protocol is conservatively applied to both the area source and a portion of the mobile source emissions.⁴ The nearest sensitive receptors are the single-family residences located approximately 161 feet (49 meters) to the south and the Henry J. Kaiser High School located approximately 135 feet to the west (41 meters). Therefore, the LST thresholds for 25 meters were conservatively utilized in this analysis. Additionally, the maximum LST threshold (5-acre) was utilized as the Project site encompasses approximately 30 acres.

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 4.2-12: Localized Significance of Operational Emissions**, conservatively include all on-site Project-related stationary sources (e.g., area/energy sources and generators) and three percent of the Project-related mobile sources, since a portion of mobile sources could include trucks idling on-site.⁵ **Table 4.2-12** shows that the maximum unmitigated daily emissions of these pollutants during Project operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, localized operational emissions would be less than significant.

⁴ The on-site one-way trip length is conservatively anticipated to be up to one mile, which is approximately three percent of the 33.2-mile truck trip length modeled in CalEEMod.

⁵ The on-site one-way trip length is conservatively anticipated to be up to one mile, which is approximately three percent of the 33.2-mile truck trip length modeled in CalEEMod.

Table 4.2-12: Localized Significance of Operational Emissions

Activity	Pollutant (Maximum Pounds per Day)			
	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
On-Site and Mobile Source Emissions ¹	14.00	42.87	0.93	0.86
SCAQMD Localized Screening Threshold (5 acres at 25 meters) ²	270	1,746	4	2
Exceed SCAQMD Threshold?	No	No	No	No
NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less				
Source: Kimley-Horn. 2023. <i>Air Quality Assessment</i> , Table 12.				

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* [Friant Ranch, L.P.] [2018] Cal.5th, Case No. S219783). 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 SCAB) 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 Program was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with attainment of health-based FAAQS. The FAAQS 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.

The SCAQMD's 2022 AQMP focuses on the 2015 8-hour ozone standard with achieving attainment in 2037. The largest source of NO_x emissions (an O₃ precursor) in 2018 were related to on-road sources. The 2022 AQMP also emphasizes a shift in focus beyond on-road emissions to off-road sources. The 2022 AQMP identifies a 67 percent NO_x reduction beyond what we would achieve through current programs by 2037 and about 83 percent below current levels. In order to achieve this, the SCAQMD identifies the need for widespread adoption of zero emissions (ZE) technologies across all mobile sectors and stationary sources.

The control strategy for the 2022 AQMP includes aggressive new regulations and the development of incentive programs to support early deployment of advanced technologies. The two key areas for incentive programs are (1) promoting widespread deployment of available ZE and low NO_x technologies and (2) developing new ZE and ultra-low NO_x technologies for use in cases where the technology is not currently available. SCAQMD will prioritize distribution of incentive funding in environmental justice (EJ) areas and seek opportunities to focus benefits on the most disadvantaged communities. The 2022 AQMP includes a total of 49 control measures. In addition to the NO_x measures, the 2022 AQMP relies on co-benefits from climate and energy efficiency programs for further reductions, limited strategic measures for VOC reductions, and other actions.

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.

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 SCAB. 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 Project construction and operation would vary by time of day, month, and season, and the majority of Project-related emissions, being generated by mobile sources 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.”⁶

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 regional air quality models that are currently used to determine ozone levels.”⁷ 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, Project emissions would be less than significant and would not exceed SCAQMD thresholds (refer to **Table 4.2-8** and **Table 4.2-9**). Localized effects of on-site Project emissions on nearby receptors were also found to be less than significant (refer to **Table 4.2-11** and **Table 4.2-12**). 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.

Carbon Monoxide Hotspots

An analysis of CO “hot spots” is needed to determine whether the change in the level of service of an intersection resulting from the Project would have the potential to result in exceedances of the CAAQS or NAAQS. 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

⁶ South Coast Air Quality Management District, Amicus Brief in Support of Neither Party, Sierra Club v. County of Fresno, 2015.

⁷ Ibid.

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. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The SCAB was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD *CO Hotspot Analysis*, the Wilshire Boulevard/Veteran Avenue intersection, one of the most congested intersections in southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm Federal standard. The Project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's *CO Hotspot Analysis*. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any vicinity intersections resulting from 964 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

Health Risk Assessment

See Draft EIR **Appendix B** for a detailed description of the HRA methodology, including modeling information. This Draft EIR will focus on carcinogenic risks related to Project-generated emissions of DPM and the non-carcinogenic risks related to all Project-generated TAC emissions.

CARB identified DPM as a TAC in 1998. Mobile sources (including trucks, buses, automobiles, trains, ships, and farm equipment) are by far the largest source of diesel emissions. Diesel exhaust is emitted from a broad range of on- and off-road diesel engines. As the Project is proposed near existing sensitive receptors (single-family residences and schools), an analysis of DPM was performed using the U.S. EPA-approved AERMOD model.

Carcinogenic Risk

Construction-related activities would result in Project-generated emissions of DPM from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., clearing, grading); paving; application of architectural coatings; on-road truck travel; and other miscellaneous activities. For construction activity, DPM is the primary TAC 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.

Operational vehicle DPM emissions were estimated using emission factors for coarse PM less than 10 microns in diameter (PM₁₀) generated with the EMFAC developed by CARB. EMFAC is a mathematical model that was developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by CARB to project changes in future emissions from on-road mobile sources. EMFAC, incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts

per day. The model includes the emissions benefits of the truck and bus rule and the previously adopted rules for other on-road diesel equipment. The closest sensitive receptors to the Project site are a high school located approximately 135 feet to the west and residences approximately 161 feet south of the Project site.

Table 4.12-13: Carcinogenic Risk Assessment shows the unmitigated and mitigated health risk for the combined construction and operation of the Project. Based on OEHHA Risk Assessment Guidelines, the exposure duration for a resident is 30 years, beginning with the third trimester. Operations would commence following construction. As such, construction would not overlap with operations. The analysis calculates risk based on exposure to construction concentrations during the initial 13 months of the exposure duration and operational concentrations for the remainder of the exposure duration. Combined construction and operations would result in a maximum cancer risk of 0.91 in one million at residential uses to the south and 1.02 in one million at Henry J. Kaiser High School to the west, which would not exceed the SCAQMD threshold of 10 in one million; refer to **Table 4.12-13**. Therefore, impacts associated with carcinogenic risk would be less than significant.

Table 4.2-13: Carcinogenic Risk Assessment

Exposure Scenario	Cancer Risk (Risk per Million) ^{1, 2}	Significance Threshold (Risk per Million)	Exceeds Significance Threshold?
Construction			
Residential Receptors	0.30	10	No
Student Receptors	0.34	10	No
Operation			
Residential Receptors	0.60	10	No
Student Receptors	0.68	10	No
Combined Construction + Operation			
Residential Receptors	0.91	10	No
Student Receptors	1.02	10	No
¹ Source: Kimley-Horn. 2023. Health Risk Assessment. Table 3. ² The reported annual pollutant concentration is at the closest maximally exposed individual resident (MEIR) to the Project site.			

Non-carcinogenic Risk

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the REL for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system.⁸

Chronic non-carcinogenic impacts are shown in **Table 4.2-14: Chronic Hazard Assessment**. A chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the maximally exposed individual receptor. The highest maximum chronic index associated with unmitigated DPM emissions from the Project would be 0.0003 for residential receptors and 0.0004 for student receptors. It should be noted that there is no acute REL for

⁸ California Office of Environmental Health Hazard Assessment, OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary, <https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary>. Accessed September 2022.

DPM and acute health risk cannot be calculated. Therefore, non-carcinogenic hazards are calculated to be within acceptable limits and a less than significant impact would occur. Impacts would be less than significant.

Table 4.2-14: Chronic Hazard Assessment

Exposure Scenario	Annual Concentration ($\mu\text{g}/\text{m}^3$) ^{1, 2}	Chronic Hazard ¹
Construction		
Residential Receptors	0.0016	0.0003
School Receptors	0.0018	0.0004
Operation		
Residential Receptors	0.0011	0.0002
School Receptors	0.0012	0.0002
<i>SCAQMD Threshold</i>	<i>N/A</i>	<i>1.0</i>
Threshold Exceeded?	N/A	No
¹ Source: Kimley-Horn. 2023. Health Risk Assessment. Table 4. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system. ² The reported pollutant concentration is at the closest receptor (maximally exposed individual receptor).		

Conclusion

Air quality impacts related to the Project are within the limit of impacts identified in the SWIP EIR. No new impact relative to air quality or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. However, in an abundance of caution, applicable SWIP EIR **MMs 4.2-1a** through **4.2-1f** and **MMs 4.2-2a** through **4.2-2i** would be followed by the Project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would alter the SWIP EIR's finding of less than significant under this issue area.

Further, as described above, impacts related to cancer risk would be less than significant. Additionally, non-carcinogenic hazards are calculated to be within acceptable limits. It should be noted that the impacts assess the Project's incremental contribution to health risk impacts, consistent with the SCAQMD guidance and methodology. The SCAQMD has not established separate cumulative thresholds and does not require combining impacts from cumulative projects. The SCAQMD considers projects that do not exceed the project-specific thresholds to generally not be cumulatively significant.⁹ Therefore, impacts related to health risk from the Project would be less than significant.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

See SWIP Mitigation Measures MM 4.2-1a through MM 4.2-1f and MM 4.2-2a through MM 4.2-2i.

Project Mitigation Measures

No mitigation is required.

⁹ South Coast Air Quality Management District, White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, August 2003.

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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.2 that impacts related to odors would be less than significant and considered under Effects Found Not to be Significant.

Project Analysis

The SCAQMD *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources.

During construction-related activities, some odors (not substantial pollutant concentrations) that may be detected are those typical of construction vehicles (e.g., diesel exhaust from grading and construction equipment). These odors are a temporary short-term impact that is typical of construction projects and would disperse rapidly. Furthermore, odors that could be generated by construction activities are required to follow SCAQMD Rule 402 (Nuisance) to prevent odor nuisances on sensitive land uses. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors.

The Project is consistent with the findings disclosed in the SWIP EIR. No new impact relative to air quality or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would alter the SWIP EIR's finding of less than significant under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.2.6 Cumulative Impacts

The cumulative setting for air quality includes the City of Fontana and SCAB. SCAB is designated as a nonattainment area for State standards of O₃, PM₁₀, and PM_{2.5}. The SCAB is designated as a nonattainment area for federal standards of O₃ and PM_{2.5}, attainment and serious maintenance for federal PM₁₀ standards, and is designated as unclassified or attainment for all other pollutants. Cumulative growth in population and vehicle use could inhibit efforts to improve regional air quality and attain the ambient air quality standards.

Cumulative Short-Term Emissions

The SCAB is designated nonattainment for O₃, PM₁₀, and PM_{2.5} for state standards and nonattainment for O₃ and PM_{2.5} for Federal standards. Appendix D of the SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution notes that projects do not have cumulatively considerable impacts if they do not exceed the project-specific SCAQMD regional thresholds of significance, 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. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative impact on air quality in the SCAB would not be cumulatively considerable. As shown in **Table 4.2-8** above, Project construction-related emissions by themselves 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 the Project construction-related impacts. Therefore, Project-related construction emissions, combined with those from other projects in the area, would not substantially deteriorate local air quality. Construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

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 4.2-9**, the Project operational emissions would not exceed SCAQMD thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Project operations would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant.

4.2.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.2.8 References

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR. <https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

Kimley-Horn. 2023. Air Quality Assessment.

Kimley-Horn. 2023. Health Risk Assessment.

4.3

Biological Resources

4.3 BIOLOGICAL RESOURCES

4.3.1 Introduction

This section of the Draft Subsequent Environmental Impact Report (EIR) identifies and evaluates potential impacts related to biological resources with the development of the Cherry Commerce Center Project (Project). The baseline data collection provides information on baseline conditions in the Project area from a literature search, review of existing data, and site surveys. The following biological resources technical report is provided in **Appendix C**:

- ELMT Consulting, Inc. (ELMT, 2023). *11171 Cherry Avenue Biological Resources Assessment (BRA)*.
- Steven S. Andresen (2023). *Arborist Report for USICVI Cherry Avenue Project*.

Additional sources used include:

- Fontana Forward General Plan Update 2015-2035 (Fontana GP).
- Fontana GP Draft Environmental Impact Report.

The purpose of this analysis is to provide a description of existing biological resources on the Project site and to identify potentially significant impacts that could occur to sensitive biological resources from implementation of Project. As discussed in **Section 3.0: Project Description**, the Project proposes the development of two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 sf on land designated as Light Industrial (I-L) and zoned Southwest Industrial Park Specific Plan (SWIP).

4.3.2 Environmental Setting

The objective of the BRA was to determine whether the Project site supports special status or otherwise sensitive species and/or their habitat, and to address the potential effects associated with the Project on those resources. The species and habitats addressed in the BRA are based on database information and field investigation. Additionally, the Project site was evaluated for its potential to support natural drainage features, ponded areas, and/or water bodies that have the potential to fall under the regulatory authority of the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or the California Department of Fish and Wildlife (CDFW). The Project encompasses approximately 30 acres in the City of Fontana (City).

A portion of the western boundary of the Project site is mapped as Delhi fine sand soils. Accordingly, a Delhi Sands Suitability Assessment was conducted as part of the BRA for the Project site. Approximately 10 acres of Delhi Sand soils were identified by United States Geological Survey (USGS) along the Project site's western boundary. The Delhi Sands Suitability Assessment inspected all the undeveloped areas along the western boundary to determine if these soils were capable of supporting Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; DSF). The DSF is not anticipated on the Project site due to lack of suitable habitat. The literature review provided a baseline from which to inventory the biological resources potentially occurring on the Project site. The database information was used in conjunction with ArcGIS software to locate the nearest recorded occurrences of special-status species to focus field surveys on those species and habitats that could most likely be found on or adjacent to the Project site.

A field investigation was conducted on September 29, 2022, of the entire approximately 30-acre Project site to evaluate site conditions and the potential for sensitive habitat, with special focus on the undeveloped areas of the Project site and species and habitats known to occur regionally.

Furthermore, an arborist investigation was conducted on June 22 and 23, 2023 to evaluate existing vegetation and tree specimens per the City's Municipal Code Article III of Chapter 28 regarding the preservation of heritage, significant, and specimen trees. The survey identified 183 Red Gum Eucalyptus trees located on the property in windrow plantings. They range in size from 45 to 75 feet tall with canopy widths ranging from 15 to 30 feet wide. Trunk diameters measured from 54 inches above soil grade measure anywhere from 9 inches to 26 inches.¹

Existing Conditions

Site Conditions

The Project site is almost entirely developed or heavily disturbed from storage, maintenance, and report of heavy equipment. The Project site's historic use was for agricultural practices, provided with evidence by the presence of lines of eucalyptus trees. The Project site is presently developed as the Tutor Perini Corporation Equipment Yard. Two industrial buildings (an approximately 20,300 sf building and an approximately 16,200 sf building) are located on the northern portion of the Project site. Small portable office structures, a yard for machinery storage and maintenance, and a small asphalt-paved parking lot are located on the western portion of the Project site, and a fabrication yard is located on the southeastern portion of the Project site. Maintenance of access routes between the various equipment storage areas on the Project site has resulted in the buildup of 12 to 18 inches of fill on the top of the underlying native soils.

Topography and Soils

According to the Natural Resources Conservation Service (NRCS) Custom Soil Resource Report, the Project site is underlain by Tujunga gravelly loamy sand and Delhi Fine Sand soils on the west portion of the Project site. The Tujunga soil series consists of very deep, somewhat excessively drained soils that formed in alluvium from granitic sources. They are found on alluvial fans and floodplains, including urban areas. According to the NRCS, Delhi Fine Sand soils are aeolian (wind deposited) soils that consist of very deep, excessively drained sandy soils that often exhibit short undulating slopes and lack stratification due to the loose structure of the sandy soils and lack of soil compaction.

Soils within the Project site have been heavily disturbed and compacted by the long-standing use of the area for storage, maintenance and repair of heavy equipment and other industrial uses. As part of dust suppression, gravel and the deposition of heavier, less friable soils have been applied across the site. A visual inspection of the site indicates that up to 18 inches of non-native soils have been deposited along the western portion of the site.

¹ Steven S. Andresen (2023). *Arborist Report for USICVI Cherry Avenue Project*.

Vegetation and Land Cover

The majority of the Project site is developed or heavily disturbed by several decades of use to store, maintain and repair heavy equipment, as well as other industrial uses. Native vegetation and open, undisturbed habitat are no longer present within the Project site. Maintenance of the access routes between the various equipment storage areas has resulted in the buildup up of 12 to 18 inches of fill or non-native soils on the top of the underlying native soils. Only one land cover type was identified: developed. This area is not a plant community classification, but rather a land cover type. The land cover type is described in further detail below. Refer to **Figure 4.3-1: Vegetation**.

Developed

Developed areas are generally areas that are unpaved, have been subject to a high level of human disturbances from anthropogenic activities, and do not support vegetation. The only prominent plant species identified on the site were eucalyptus trees.

Eucalyptus Windrow

Windrow is a series of trees (minimum of four), usually a variety of eucalyptus, planted in a closely spaced line to provide a windbreak for the protection of property and/or agricultural crops. The Eucalyptus windrow on-site is dominated by river red gum (*Eucalyptus camaldulensis*) which occur along the development area bordering the east edge of the Project site, north and northwestern edges, and within the center of the Project site. Windrow trees are considered heritage trees under the City of Fontana's Municipal Code, Section 28.61 - 28.74 (City of Fontana, 1994). As such, an arborist report and tree removal permit are required to remove windrow trees within the City of Fontana.

Wildlife

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for 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., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the Project site. Therefore, no amphibians are expected to occur on the Project site and are presumed absent.

Reptiles

The eucalyptus trees found on-site have the potential to provide suitable foraging and cover habitat for a variety of reptilian species adapted to significant anthropogenic disturbance. No reptiles were observed during the field investigation. Common reptilian species that may occur on-site include common side-blotched lizard (*Uta stansburiana elegans*), San Diego alligator lizard (*Elgaria multicarinata webbii*), and Great Basin fence lizard (*Sceloporus occidentalis longipes*).

Birds

The eucalyptus trees found on-site have the potential to provide suitable foraging, cover, and nesting habitat for a variety of resident and migrant bird species adapted to significant anthropogenic disturbance. Avian species observed during the field investigation include house finch (*Haemorhous mexicanus*), Anna's hummingbird (*Calypte anna*), northern mockingbird (*Mimus polyglottos*), lesser goldfinch (*Spinus psaltria*), Say's phoebe (*Sayornis saya*), mourning dove (*Zenaida macroura*), European starling (*Sturnus vulgaris*), Eurasian collared-dove (*Streptopelia decaocto*), and common raven (*Corvus corax*).

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of the avian breeding season. The vegetation found on and surrounding the Project site has the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that are adapted to urban environments.

Mammals

The project site provides limited foraging and cover habitat for a mammalian species adapted to a high degree of anthropogenic disturbance. No mammalian species were detected during the field investigation. Common mammalian species adapted to a high degree of human disturbance that could potentially occur on-site include opossum (*Didelphis virginiana*), coyote (*Canis latrans*), house mouse (*Mus musculus*), and brown rat (*Rattus norvegicus*).

Structures and ornamental tree species may provide suitable roosting opportunities for local common bat species (i.e., California myotis (*Myotis californicus*), Mexican free-tailed bat (*Tadarida brasiliensis*), and little brown bat (*Myotis lucifugus*)), but the degree and frequency of routine disturbance is likely to preclude them from roosting on-site. Most of these bats roost in caves, rock crevices, buildings, and sometimes dead trees, and the ornamental plant species found in the area do not typically provide suitable long-term roosting or maternity habitat. None of the special-status bat species known to occur in the area are expected to occur on-site.

Insects

A DSF Suitability Assessment was conducted as part of the BRA for the Project site. Approximately 10 acres of Delhi Sand soils were identified by USGS along the site's western boundary. The DSF Suitability Assessment consisted of a visual and tactile inspection of all undeveloped areas along the Project site's western boundary to determine if on-site Delhi sands soils were still friable, clean Delhi Sand soils capable of supporting DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat.

Developed areas are not predicted to support DSF. Land with suitable DSF habitat include areas with open, undisturbed Delhi Sands soils that have not been permanently altered by development or other human actions. Areas known to contain Delhi Sands soil and/or to be occupied by DSF have been divided by USFWS into three recovery units (Colton, Jurupa, and Ontario Recovery Units). The Project site is located within the Ontario Recovery Unit; however, is located outside the areas protected under the conservation easements.

In addition, the majority of the Project site supports existing paved sidewalks and driveways and non-native ornamental landscaping. Furthermore, the Project site is surrounded by existing developments and does not have connectivity to areas upwind containing Delhi Sands soils that would support DSF populations. Therefore, all soils within the boundaries of the Project site were rated as “unsuitable quality” with a habitat quality rating of one (1).

Based on the historic use of the Project site for storing and repairing heavy equipment, aerial photographs, and the results of the DSF Suitability Assessment, it was concluded that no Delhi sand soils occur on the Project site that could provide suitable habitat for DSF. No further actions or focused surveys are recommended. For further details on the suitability assessment, see the BRA.

Burrowing Owl

All disturbed areas of the Project site were determined to have a low potential to provide suitable habitat for burrowing owls. The intensity and frequency of routine anthropogenic disturbance associated with on-site landscaping maintenance (i.e., grass mowing and watering) are likely to preclude burrowing owls from occurring on-site. No Burrowing owls were observed during the field investigation. Furthermore, a pre-construction survey would be conducted prior to any construction activities on the Project site; refer to **Appendix C** for further details.

Special-Status Biological Resources

Special-Status Plant Communities

According to the California Natural Diversity Database (CNDDDB), one special-status plant community has been reported in the Guasti and Fontana USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub. Based on the results of the field investigation, Riversidean Alluvial Fan Sage Scrub does not occur within or adjacent to the Project site. Therefore, no special-status plant communities would be impacted from Project implementation.

Special-Status Plants

According to the CNDDDB and California Native Plant Society (CNPS), 22 special-status plant species have been recorded in Guasti and Fontana quadrangles which encompass the Project site.

No special-status plant species were observed during the field investigation. The Project site has been subject to anthropogenic disturbances from historic agricultural activities on-site and on surrounding development. These disturbances have reduced, if not eliminated, habitat suitability for 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 is determined the Project site does not provide suitable habitat for any of the special-status plant species known to occur in the area. Special-status plant species are presumed to be absent from the Project site, and no focused surveys are recommended. Refer to **Table 4.3-1: Potentially Occurring Special-Status Biological Resources**, below.

Special-Status Wildlife

According to the CNDDDB, 57 special-status wildlife species have been reported in the Guasti and Fontana quadrangles. No special-status wildlife species were observed during the field investigation. Additionally, the Project site consist of developed land that has been subject to a variety of anthropogenic disturbances and is surrounded by existing development. These disturbances have eliminated the natural plant communities that once occurred on-site, which has reduced potential foraging and nesting opportunities for wildlife.

Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the Project site has a low potential to provide minimal foraging and perching opportunities for Cooper’s hawk (*Accipiter cooperii*). Further it was 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 form on-site disturbances and surrounding development.

Cooper’s hawk is not federally, or state listed as endangered or threatened. In order to ensure impacts to the Cooper’s hawk do not occur from implementation of the Project, a pre-construction nesting bird clearance survey would be conducted prior to any ground disturbance to ensure impacts are less than significant. All other Special-status wildlife species (besides Cooper’s hawk) were presumed absent from the Project site. Refer to **Table 4.3-1**.

Special-Status Plant Communities

According to the CNDDDB, one special-status plant community has been reported in the Guasti and Fontana quadrangles: Riversidean Alluvial Fan Sage Scrub. Based on the results of the field investigation, no special-status plant communities were observed on-site. Therefore, no special-status plant communities would be impacted by Project implementation. Refer to **Table 4.3-1**.

Table 4.3-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Accipiter cooperii</i> Cooper’s hawk	Common yearlong resident of California. Typically forages in broken woodland and habitat edges with dense stands of coast live oak (<i>Quercus agrifolia</i>), riparian deciduous, or other forest habitat near water. Usually nests in dense riparian areas, usually near streams.	No	Low Minimal foraging and nesting opportunities. Adapted to urban environments.
<i>Accipiter striatus</i> sharp-shinned hawk	Found in pine, fir and aspen forests. They can be found hunting in forest interior and edges from sea level to near alpine areas. Can also be found in rural, suburban and agricultural areas, where they often hunt at bird feeders. Typically found in southern California in the winter months.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Agelaius tricolor</i> tricolored blackbird	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
	Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [<i>Schoenoplectus</i> sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.		
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (<i>Artemisia californica</i>), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Anniella stebbinsi</i> southern California legless lizard	Occurs in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine-oak woodland, desert scrub, open grassland, and riparian areas. Requires sandy or loose loamy substrates conducive to burrowing.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Aquila chrysaetos</i> golden eagle	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 No suitable habitat is present within or adjacent to the project site.
<i>Ardea alba</i> great egret	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 No suitable habitat is present within or adjacent to the project site.
<i>Ardea herodias</i> great blue heron	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 No suitable habitat is present within or adjacent to the project site.
<i>Arizona elegans occidentalis</i> California glossy snake	Occurs in a wide variety of habitat types including open desert, grasslands, shrublands, chaparral, and woodlands. Prefers areas where the soil is loose and sandy which allows for burrowing.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Artemisiospiza belli belli</i> Bell's sparrow	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral and coastal sage scrub. Less common in tall dense, old chaparral.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Aspidoscelis hyperythra</i> orangethroat whiptail	Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Athene cunicularia</i> burrowing owl	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 No suitable habitat is present within or adjacent to the project site.
<i>Bombus crotchii</i> Crotch bumble bee	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Buteo swainsoni</i> Swainson's hawk	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Calypte costae</i> Costa's hummingbird	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Catostomus santaanae</i> Santa Ana sucker	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 water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	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 No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Cicindela tranquebarica viridissima</i> greenest tiger beetle	Normally occurs in sand flats along streams but can occur in sandy areas with active irrigation. Known from a few small colonies within the Santa Ana River watershed.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Circus hudsonius</i> northern harrier	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Coleonyx variegatus abbotti</i> San Diego banded gecko	Occurs in coastal and cismontane southern California from interior Ventura County south, although it is absent from the extreme outer coast. It is uncommon in coastal scrub and chaparral, most often occurring in granite or rocky outcrops in these habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Contopus cooperi</i> olive-sided flycatcher	Uncommon to common, summer resident in a wide variety of forest and woodland habitats below 9,000 ft throughout California exclusive of the deserts, the Central Valley, and other lowland valleys and basins. Preferred nesting habitats include mixed conifer, montane hardwood-conifer, Douglas-fir, redwood, red fir, and lodgepole pine.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Crotalus ruber</i> red-diamond rattlesnake	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 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.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Primarily found in Riversidean alluvial fan sage scrub (RAFSS) and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May also occur at lower densities in Riversidean upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to RAFSS habitat. Tends to avoid rocky substrates.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Dipodomys nitratoides brevinasus</i> short-nosed kangaroo rat	Occurs on friable sandy or silty soils in areas with no to moderate shrub cover and scattered herbaceous plants, including sparsely vegetated alkali sink communities where soils are generally sandy or silty, valley grassland, saltbush, and sink scrub.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Dipodomys simulans</i> Dulzura kangaroo rat	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Dipodomys stephensi</i> Stephens' kangaroo rat	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Egretta thula</i> snowy egret	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Elanus leucurus</i> white-tailed kite	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Empidonax traillii</i> willow flycatcher	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Eremophila alpestris actia</i> California horned lark	Occurs in meadows, grasslands, open fields, prairie, and alkali flats. This subspecies is typically found in coastal regions.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Eumops perotis californicus</i> western mastiff bat	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 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Falco columbarius</i> merlin	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Gila orcuttii</i> arroyo chub	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 No suitable habitat is present within or adjacent to the project site.
<i>Icteria virens</i> yellow-breasted chat	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 No suitable habitat is present within or adjacent to the project site.
<i>Lanius ludovicianus</i> loggerhead shrike	Common yearlong resident of California. Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Larus californicus</i> California gull	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Lasiurus xanthinus</i> western yellow bat	Occurs in valley/foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts under palm trees and feeds in, and near, palm oases and riparian habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Laterallus jamaicensis coturniculus</i> California black rail	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Occupies many diverse habitats, but primarily is found in arid regions supporting short-grass habitats, agricultural fields, or sparse coastal scrub.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Neolarra alba</i> white cuckoo bee	Found in dry, sandy areas (particularly deserts) in the American southwest near the host plants for <i>Perdita</i> bee species, of which it is a nest parasite.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	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 No suitable habitat is present within or adjacent to the project site.
<i>Nycticorax nycticorax</i> black-crowned night heron	Common in wetlands across North America, including saltmarshes, freshwater marshes, swamps, streams, rivers, lakes, ponds, lagoons, tidal mudflats, and wet agricultural fields. They require aquatic habitat for foraging and terrestrial vegetation for cover.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	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 No suitable habitat is present within or adjacent to the project site.
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead – southern California DPS	Found in permanent coastal streams from San Diego to the Smith River.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Pandion haliaetus</i> osprey	Associated strictly with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. Uses large trees, snags, and dead-topped trees in open forest habitats for cover and nesting. Requires open, clear waters for foraging and uses rivers, lakes, reservoirs, bays, estuaries, and surf zones.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse	Occurs 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 No suitable habitat is present within or adjacent to the project site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. 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 No suitable habitat is present within or adjacent to the project site.
<i>Polioptila californica californica</i> coastal California gnatcatcher	Common yearlong resident of southern California in sage scrub habitats that are dominated by California sagebrush (<i>Artemisia californica</i>). Prefers scrub habitat with more low-growing vegetation. Species generally occurs below 750 feet above mean sea level (msl) along the coast and below 1,500 feet above msl within inland regions.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Pyrocephalus rubinus</i> vermillion flycatcher	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 No suitable habitat is present within or adjacent to the project site.
<i>Rhaphiomidas terminatus abdominalis</i> Delhi Sands flower-loving fly	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, California croton, deerweed, and telegraph weed.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Setophaga petechia</i> yellow warbler	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 No suitable habitat is present within or adjacent to the project site.
<i>Spinus lawrencei</i> Lawrence's finch	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 No suitable habitat is present within or adjacent to the project site.
<i>Spizella breweri</i> Brewer's sparrow	Habitats include sagebrush and brushy plains.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Taxidea taxus</i> American badger	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 No suitable habitat is present within or adjacent to the project site.
<i>Vireo bellii pusillus</i> least Bell's vireo	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 No suitable habitat is present within or adjacent to the project site.
<i>Arenaria paludicola</i> marsh sandwort	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	No	Presumed Absent No suitable habitat is present within or adjacent to the project

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
	ranging from 33 to 558 feet. Blooming period is from May to August.		site.
<i>Calochortus catalinae</i> Catalina mariposa-lily	Grows in chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 49 to 2,297 feet. Blooming period is from March to June.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley and foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. From 328 to 5,577 feet in elevation. Blooming period is from May to July.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> salt marsh bird's-beak	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 No suitable habitat is present within or adjacent to the project site.
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	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 No suitable habitat is present within or adjacent to the project site.
<i>Cladium californicum</i> California saw-grass	Found in meadows and seeps, marshes and alkaline swamps or freshwater habitats. Found at elevations ranging from 197 to 5,249 feet. Blooming period is from June to September.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Deinandra paniculata</i> paniculate tarplant	Typically found in vernal mesic, sometimes sandy soils in coastal scrub, valley and foothill grasslands, and vernal pools. Found at elevations ranging from 82 to 3,084 feet. Blooming period is from April to November.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> Santa Ana River woollystar	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 No suitable habitat is present within or adjacent to the project site.
<i>Horkelia cuneata</i> var. <i>puberula</i> mesa horkelia	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 No suitable habitat is present within or adjacent to the project site.
<i>Juglans californica</i> southern California black walnut	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 No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Habitat	Observed On-site	Potential to Occur
<i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's pepper-grass	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 No suitable habitat is present within or adjacent to the project site.
<i>Lycium parishii</i> Parish's desert-thorn	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 No suitable habitat is present within or adjacent to the project site.
<i>Malacothamnus parishii</i> Parish's bush-mallow	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 No suitable habitat is present within or adjacent to the project site.
<i>Monardella pringlei</i> Pringle's monardella	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 No suitable habitat is present within or adjacent to the project site.
<i>Muhlenbergia californica</i> California muhly	Found in mesic, seeps, and streambanks within chaparral, coastal scrub, lower montane coniferous forest, and meadows and seeps. Found at elevations ranging from 328 to 6,562 feet. Blooming period is from June to September.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Muhlenbergia utilis</i> aparego grass	Native to north and central America. Grows in wet habitats, including riverbanks and meadows, sometimes alkaline soils. Blooming period is from October to March.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Navarretia prostrata</i> prostrate vernal pool navarretia	Found in mesic soils in coastal scrub, meadows and seeps, valley and foothill grasslands (alkaline), and vernal pools. Found at elevations ranging from 65 to 2,100 feet. Blooming period is from April to July.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Phacelia stellaris</i> Brand's star phacelia	Occurs in coastal dunes and coastal sage scrub habitats. In western Riverside County this species is restricted to sandy benches along the Santa Ana River. Grows in elevations ranging from 3 to 1,312 feet. Blooming period is from March to June.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Pseudognaphalium leucocephalum</i> white rabbit-tobacco	Grows in sandy, gravelly soils within chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 0 to 6,890 feet. Blooming period is from July to December.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Senecio aphanactis</i> chaparral ragwort	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 No suitable habitat is present within or adjacent to the project site.

<i>Scientific Name</i> Common Name	Habitat	Observed On-site	Potential to Occur
<i>Sphenopholis obtusata</i> prairie wedge grass	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 No suitable habitat is present within or adjacent to the project site.
<i>Symphotrichum defoliatum</i> San Bernardino aster	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 No suitable habitat is present within or adjacent to the project site.
Riversidian Alluvial Fan Sage Scrub	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

Source: **Appendix C, Table C-1: Potentially Occurring Special-Status Biological Resources.**

State and Federal Jurisdictional Areas

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the USACE, RWQCB, or CDFW were observed within the Project site. Based on the proposed site plan, Project activities will not result in impacts to USACE, RWQCB, or CDFW jurisdictional areas and regulatory approvals will not be required.

4.3.3 Regulatory Setting

Federal

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits “take” of threatened or endangered species. “Take” under the ESA is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may

require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the USACE).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 Code of Federal Regulations [CFR] 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species.

Section 404 of the Clean Water Act

In accordance with the Revised Definition of “Waters of the United States” (March 20, 2023), “waters of the United States” are defined as follows:

The “waters of the United States” are defined in paragraph (a) of this rule:

(1) traditional navigable waters, the territorial seas, and interstate waters;

- (2) impoundments of “waters of the United States”;
- (3) tributaries to traditional navigable waters, the territorial seas, interstate waters, or impoundments when the tributaries meet either the relatively permanent standard or the significant nexus standard (“jurisdictional tributaries”);
- (4) wetlands adjacent to traditional navigable waters; wetlands adjacent to and with a continuous surface connection to relatively permanent paragraph impoundments or to jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard; and wetlands adjacent to impoundments or jurisdictional tributaries when the wetlands meet the significant nexus standard (“jurisdictional adjacent wetlands”); and
- (5) intrastate lakes and ponds, streams, or wetlands not identified in (1) through (4) above that meet either the relatively permanent standard or the significant nexus standard.

The “relatively permanent standard” means relatively permanent, standing or continuously flowing waters connected to traditional navigable waters, and waters with a continuous surface connection to such relatively permanent waters or to traditional navigable waters. The “significant nexus standard” means waters that, either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the Clean Water Act, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps ensure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

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

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)

FGC Section 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 Section 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 Section 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. Section 1602 Streambed Alteration Agreement (SAA) would be required if impacts to identified CDFW jurisdictional areas occur.

Fish and Game Code (FGC) Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 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 Section 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.

Native Plant Protection Act

Sections 1900–1913 of the FGC were developed to preserve, protect, and enhance Rare and Endangered plants in the State of California. The act requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under Federal ESA or CESA are defined as follows:

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
- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% of occurrences threatened/moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known).

Porter Cologne Water Quality Control Act

The Porter-Cologne Act provides for statewide coordination of water quality regulations. The California State Water Resources Control Board (SWRCB) was established as the statewide authority and nine separate California RWQCBs were developed to oversee water quality on a day-to-day basis.

The SWRCB is the primary agency responsible for protecting water quality in California. As discussed above, the RWQCBs regulate discharges to surface waters under the CWA. In addition, the RWQCBs are responsible for administering the Porter-Cologne Act.

Pursuant to the Porter-Cologne Act, the state is given authority to regulate waters of the state, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if Section 404 of the CWA is not required for the activity. "Waste" is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

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 above). 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.

Local

Fontana Forward General Plan Update 2015-2035²

Conservation, Open Space, Parks, and Trails Element

The Conservation Element 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 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.

Policy: 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 Section 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.”

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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;

² Fontana Forward General Plan Update 2015-2035. 2017. Retrieved from: <https://www.fontana.org/DocumentCenter/View/28271/Complete-Document---Approved-General-Plan-Documents-11-13-2018>. (accessed March 2023)

- 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.

Methodology and Assumptions

The Project site and its associated design are evaluated against the aforementioned significance criteria as the basis for determining the level of impacts related to biological resources. This analysis considers existing regulations, laws, and standards that serve to avoid or reduce potential environmental impacts. Feasible mitigation measures are recommended, when warranted, to avoid or lessen the Project's significant adverse impacts.

Approach to Analysis

This analysis of impacts on biological resources examines the Project's temporary (i.e., construction as it is limited in duration) 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 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 the aforementioned biological resources study; 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 a project would or would not result in "substantial" adverse effects on biological resources considers how the potential for development and operation of the site would affect the resources.

PDF BIO-1 Tree Removal. The Project would include approximately four hundred eighty-seven (487) new trees to replace the approximately one hundred eighty-three (183) Red Gum Eucalyptus trees on the site, of which all are considered "heritage trees" by the City.

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 with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in potential direct or indirect impacts to sensitive biological resources. Implementation of mitigation measures would reduce construction and operation impacts. The SWIP EIR concluded in Section 4.3 that impacts would be less than significant impacts with mitigation incorporated.

Project Construction and Operations

Special Status Plant Species

The literature search identified 22 special-status plant species within the Guasti and Fontana quadrangles. Special-status plant species were evaluated for their potential to occur within the Project site based on habitat requirements, availability and quality of suitable habitat, and known distributions; refer to **Table 4.3-1**. No special-status plant species were observed during the September 29, 2022, field investigation. Based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the Project site does not have the potential to support any of the special-status plant species known to occur in the vicinity of the site due to the lack of suitable habitat. The Project would be confined to existing developed areas, and areas that primarily support landscaped areas. As a result, no impacts to special-status plant species are expected to occur. No additional surveys are recommended, and a less than significant impact would occur.

Special-Status Wildlife Species

The literature search identified 57 special status wildlife species. Special-status wildlife species were evaluated for their potential to occur within the Project site based on habitat requirements, availability and quality of suitable habitat, and known distributions; refer to **Appendix C**. No special-status wildlife species were observed during the September 29, 2022, field investigation. Based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the Project site does not have the potential to support any of the special-status wildlife species known to occur in the vicinity of the site refer to **Table 4.3-1**.

As previously discussed, no wildlife species federally- or state-listed as endangered or threatened were observed or are expected to occur within the Project site. The Project site is almost entirely composed of and surrounded by developed land, sufficiently isolating potential on-site habitat from natural areas through which most special-status wildlife species might gain access to the site.

Nonetheless, in order to ensure impacts to Cooper's hawk do not occur from implementation of the Project, a pre-construction nesting bird clearance survey would be conducted pursuant to **Mitigation Measure (MM) BIO-1**. With implementation of the recommended pre-construction surveys, impacts to the special-status wildlife species would be less than significant. In addition, applicable SWIP EIR MMs 4.3-1a through 4.3-1h would be followed to further minimize impacts to candidate, sensitive, or special status species. When there are conflicts between the applicable SWIP MMs and Project specific mitigation, the Project MMs shall take precedence.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

- MM 4.3-1a** The City of Fontana Planning Division shall require that all future project applicants prepare a Biological Assessment prior to the issuance of grading permits. The Biological Assessment shall include a vegetation map of the proposed project area, analysis of the impacts associated with plant and animal species and habitats, and conduct habitat evaluations for burrowing owl, Delhi Sands flower-loving fly, San Diego pocket mouse, western mastiff bat, western yellow bat, and San Diego desert woodrat. If any of these species are determined to be present, then coordination with the U.S. Fish and Wildlife Service and/or California Department of Fish and Game shall be conducted to determine what, if any, permits or clearances are required prior to development. *(This mitigation measure is not applicable as a Biological Resource Assessment [BRA], dated May 2023, has been prepared for the Project and is included as Appendix C.)*
- MM 4.3-1b** Any future land disturbance for site-specific developments within the project site shall be conducted outside of the State-identified bird nesting season (February 15 through September 1). If construction during the nesting season must occur, the site shall be evaluated by a City-approved biologist prior to ground disturbance to determine if nesting birds exist on-site. If any nests are discovered, the biologist shall delineate an appropriate buffer zone around the nest, depending on the species and type of construction activity. Only construction activities approved by the biologist shall take place within the buffer zone until the nest is vacated. *(This mitigation measure is not applicable as MM BIO-1 take precedence over MM 4.3-1b.)*
- MM 4.3-1c** Prior to any ground disturbance, trees scheduled for removal shall be evaluated by a City-approved biologist for roosting bats. If a roost is present the biologist will develop a plan to minimize impacts to the bats to the greatest extent feasible. *(This mitigation measure is not applicable as the BRA conducted for the Project found that none of the special-status bat species known to occur in the area are expected to occur on-site.)*

- MM 4.3-1d** The City shall encourage the preservation of natural habitat in conjunction with private or public development projects. [GPEIR MM BR-4]
- MM 4.3-1e** Mitigation shall be provided for removal of any natural habitat, including restoration of degraded habitat of the same type, creation of new or extension of existing habitat of the same type, financial contribution to a habitat conservation fund administered by a Federal, State, or local government agency, or by a non-profit agency conservancy. [GPEIR MM BR-5]
- MM 4.3-1f** Local CEQA procedures shall be applied to identify potential impacts to rare, threatened and endangered species. [GPEIR MM BR-9]
- MM 4.3-1g** Evidence of satisfactory compliance shall be provided by Project Applicant with any required State and/or Federal permits, prior to issuance of grading permits for individual projects. [GPEIR MM BR-10] (*This mitigation measure is not applicable as there are no State and/or Federal permits required of the Project.*)
- MM 4.3-1h** Any development that results in the potential take or substantial loss of occupied habitat for any threatened or endangered species shall conduct formal consultation with the appropriate regulatory agency, and shall implement required mitigation pursuant to applicable protocols. Consultation shall be on a project-by-project basis and measures shall be negotiated independently for each development project. [GPEIR MM BR-11]

Project Mitigation Measures

- MM BIO-1** Bird nesting season generally extends from February 1 through August 31 in southern California. To avoid impacts to nesting birds (common and special-status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) three days prior to project-related disturbance to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity, and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

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 with Mitigation Incorporated

SWIP EIR Findings

As stated above, implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in a potential impact to riparian habitat or other sensitive natural community having the potential to occur on-site. Implementation of mitigation measures would reduce construction and operation impacts. The SWIP EIR concluded in Section 4.3 that impacts would result in less than significant impacts with mitigation incorporated.

Project Construction and Operations

The United State Fish and Wildlife Service National Wetlands Inventory (USFWS NWI) and the USGS National Hydrography Dataset were reviewed to determine if any blue-line streams or riverine resources have been documented within or immediately surrounding the Project site. The NWI and USGS National Hydrography Dataset provide off-site ancillary tools to assist in jurisdictional assessments, but they are not a substitute for field investigations. NWI resources are graphic representations of potential water features that are mapped at high altitudes based on the imagery that was used.

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the USACE, RWQCB, or CDFW were observed within the Project site. Based on the proposed site plan, project activities would not result in impacts to USACE, RWQCB, or CDFW jurisdictional areas and regulatory approvals would not be required.

Further, no sensitive habitats were identified within the Project site. Thus, no sensitive natural communities would be impacted from Project implementation. Therefore, no impacts to jurisdictional waters are expected to occur. In addition, applicable SWIP EIR MMs 4.3-1a through 4.3-1h would be followed to further minimize impacts to riparian habitat or other sensitive natural community. When there are conflicts between the applicable SWIP MMs and Project specific mitigation, the Project MMs shall take precedence.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to Mitigation Measures 4.3-1a to 4.3-1h.

Project Mitigation Measures

No mitigation is required.

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

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in potential impacts for streambeds, wetlands, and/or riparian areas. The SWIP EIR concluded in Section 4.3 that impacts related to wetlands and drainages would result in less than significant impacts upon implementation of the recommended mitigation measure MM 4.3-3a.

Project Construction and Operations

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the USACE, RWQCB, or CDFW were observed within the Project site. Based on the proposed site plan, project activities would not result in impacts to USACE, RWQCB, or CDFW jurisdictional areas and regulatory approvals would not be required. Additionally, adherence to MM 4.3-3a would not be required as no discernible drainage courses, inundated areas, or wetland features/obligate plant species were observed on the Projects site.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.3-3a For future development proposals that could potentially affect jurisdictional drainages or wetlands (to be determined by the City of Fontana Planning Division), the project applicant shall prepare a jurisdictional delineation to determine the extent of jurisdictional area, if any, as part of the regulatory permitting process. *(This mitigation measure is not applicable as no discernible drainage courses, inundated areas, or wetland features/obligate plant species were observed within the Project site.)*

Project Mitigation Measures

No mitigation is required.

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: No Impact

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in potential interference with the movement of species. Due to the urbanized nature of the site, the SWIP EIR concluded in Section 4.3 that no migratory corridors exist or would be affected. Impacts in this regard are considered less than significant.

Project Construction and Operations

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging.

According to the San Bernardino County General Plan, the Project site has not been identified as occurring within a wildlife corridor or linkage. The Project site and surrounding area have been developed for decades. The closest historic corridors are the San Sevaine Channel and Etiwanda Creek (approximately 1.5 miles west of the San Sevaine Channel) and have been converted into concrete channels for flood control purposes. This conversion of natural waterways has removed corridors that once served local wildlife species in the vicinity of the Project site. As designated by the San Bernardino County General Plan Open Space Element, the nearest major open spaces areas or regional wildlife corridors to the Project site include Day and Etiwanda Canyons and Cajon Pass, located approximately 5.8 miles north and 6.7 miles northwest, respectively.³

The Project site is separated from regional wildlife corridors and linkages by existing development and there are no riparian corridors or creeks connecting the project site to these areas. Implementation of the Project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, no mitigation is required. Therefore, impacts to wildlife corridors or linkages would not occur.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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: Less than Significant with Mitigation Incorporated

³ ELMT Consulting INC. 2023. Biological Resources Assessment. **Appendix C**

SWIP EIR Findings

Implementation of the SWIP Specific Plan would facilitate the construction of new uses which would result in potential conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, the SWIP EIR concluded in Section 4.3 that compliance with the City Municipal Code involving tree removal would result in a less than significant impact.

Project Construction and Operations

Chapter 28 Article III of the Fontana Municipal Code addresses tree protection, maintenance, and replacement policies. During the field investigation, 183 Red Gum Eucalyptus trees located on the property in windrow plantings were observed bordering the existing developed areas. The overall health of the trees is considered to be average to poor for the species, growing location, and care. The care given to the windrow trees has been to remove dead trees and any large branching where the branches interfered with the storing of equipment or any work procedures where overhanging limbs may cause safety concerns. **Table 4.3-2: Tree Replacement Specifications** below provides the specifications listed in the City of Fontana Heritage and Significant for tree replacements. Due to many trees with trunk damage, dead limbs, and split trunks, the Eucalyptus windrow were rated as a group to have a scale rating of poor (55 percent) to a low average of 60 percent.⁴

Table 4.3-2: Tree Replacement Specifications

	Scale Rating	Number Removed	Replace With	Minimum Size
Poor	45 percent – 55 percent	1	1	15 gallon
Average	60 percent	1	4	24-inch box

Source: Steven S. Andresen (2023). *Arborist Report for USCIVI Cherry Avenue Project.*

In accordance with the City of Fontana Development Code Article III. – Preservation Of Heritage, Significant and Specimen Trees. 1126, § 1, Section 28-64 a permit is required for removal of heritage, and significant and specimen trees. A total of 183 trees are expected to be removed prior or concurrent with grading or excavating activities. If not mitigated, the loss of ordinance-protected trees from the Project site would be considered a significant impact under CEQA because it conflicts with the City of Fontana’s Municipal Code. As identified in Standard Conditions and Requirements (SC) BIO-1, an arborist report and a Tree Removal Permit issued in compliance with Section 28-64 of the City of Fontana Municipal Code must be obtained to remove any tree which meets the criteria of a heritage tree, as described in the City of Fontana Municipal Code Section 28-63. A tree removal permit is described in **Section 3.0: Project Description** and is requested as part of the Project. Furthermore, pursuant to Section 28-67 of the Fontana Municipal Code, the Project’s proposed landscape would include replacement trees consistent with the requirements of the Code. Those trees are as shown on the landscape plan to be reviewed and approved by the City with the Design Review application submitted for the Project. Adherence to SC BIO-1, and replacement of tree’s pursuant to the Municipal Code and MM BIO-2 would reduce the potential impacts to native and ordinance-protected tree species to a less than significant level.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would

⁴ Steven S. Andresen (2023). *Arborist Report for USCIVI Cherry Avenue Project.*

occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

MM BIO-2 The Applicant shall hire a qualified arborist and obtain a City of Fontana Tree Removal Permit prior to the removal of any heritage trees in compliance with Section 28-64 of the City of Fontana Municipal Code.

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: No Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 4.3 that implementation of Mitigation Measures 4.3-1a through 4.3-1f would provide the necessary analysis to formally determine whether areas within the SWIP Specific Plan area provide viable habitat. Development would not conflict with an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan upon implementation of recommended mitigation.

Project Construction and Operations

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 would not occur from development of the Project, and mitigation is not required. In addition, applicable SWIP EIR MMs 4.3-1a through 4.3-1f would be followed to further minimize conflict with an HCB or NCCP. When there are conflicts between the applicable SWIP MMs and Project specific mitigation, the Project MMs shall take precedence.

The Project impacts would be less than those impact findings disclosed in the SWIP EIR, which found that impacts would be less than significant with mitigation. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to SWIP EIR Mitigation Measures 4.3-1a to 4.3-1f above.

Project Mitigation Measures

No mitigation is required.

4.3.6 Cumulative Impacts

For purposes of biological resources, cumulative impacts are considered for projects located within the County 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. 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. There are special-status animal species with moderate or high potential to occur on the Project site. However, implementation of mitigation for a pre-construction clearance survey for nesting birds should be conducted to ensure there are no impacts on nesting birds and would avoid potential impacts to nesting bird species that have any potential to occur on the Project site. The Project would potentially impact ordinance-protected trees. However, compliance with Section 28-64 of the City's Municipal Code would require an arborist report and Tree Removal Permit prior to removal of any protected trees (MM BIO-2), Section 28-67 would require replacing the removed trees with new trees (PDF BIO-1) which would reduce impacts to protected trees a less than significant level. Therefore, the 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 or unavoidable impacts were identified.

4.3.8 References

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

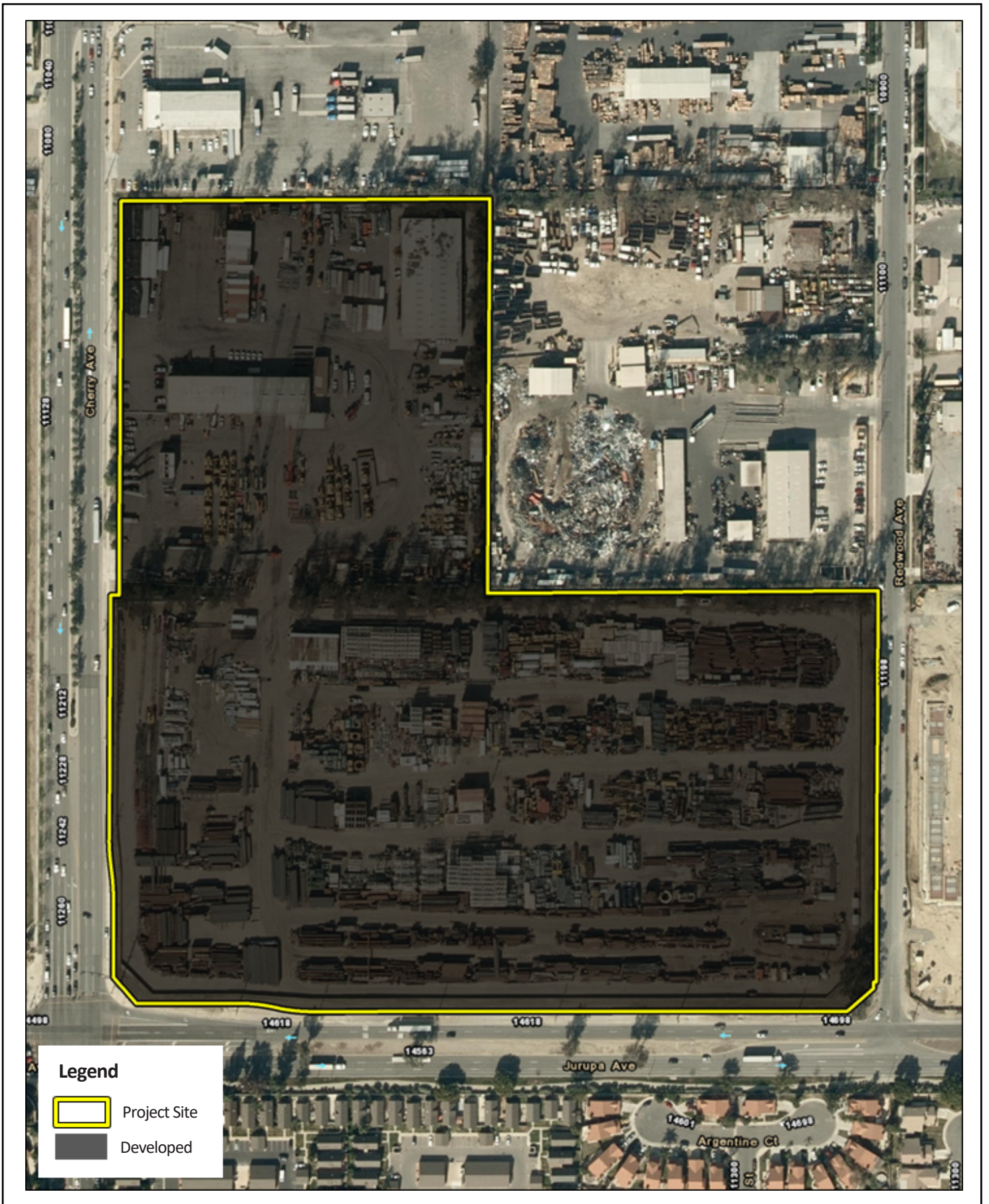
ELMT Consulting, Inc. 2023. 11171 Cherry Avenue *Biological Resources Assessment and Jurisdictional Waters Evaluation*.

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<https://www.fontana.org/DocumentCenter/View/28271/Complete-Document---Approved-General-Plan-Documents-11-13-2018>.

Steven S. Andresen (2023). 2023. *Arborist Report for USICVI Cherry Avenue Project*.

Southwest Industrial Park (SWIP) Specific Plan. Retrieved from: [Southwest-Industrial-Specific-Plan---Combined-Documents \(fontanaca.gov\)](#)



Source: ELMT Consulting, Inc., May 2023

FIGURE 4.3-1: Vegetation
Cherry Commerce Center Project

4.4

Cultural Resources

4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section of the Draft Subsequent EIR identifies and analyzes the environmental and regulatory settings for cultural resources and assesses whether the Cherry Commerce Center Project (Project) would cause any potentially significant impacts to cultural resources. Cultural resources can include archaeological remains, historic buildings, traditional cultural properties and places, ceremonial and gathering areas, landmarks, and ethnographic locations. Cultural resources can also include areas related to historical documents, public records, and traditional activities or customs that may make a particular site or property unique or significant.

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. However, with the recent changes to the California Environmental Quality Act (CEQA) Appendix G, paleontological resources are now included in the Geology and Soils analysis (see **Section 4.6**). Cultural resources are also discussed in **Section 4.14: Tribal Cultural Resources**.

This analysis is based primarily on the following cultural resources study:

- PaleoWest LLC. 2023. *Cultural Resource Assessment (CRA) for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California* (located in Draft EIR **Appendix D**).

The cultural resource assessment was conducted in compliance with California Public Resources Code (PRC) Section 5024.1 to identify prehistoric archaeological and historical resources in the Project site and evaluate potential impacts that could result to cultural resources as a result of the Project. In accordance with PRC Section 21082.3 and California Government Code (CGC) Section 6254(r), location of cultural resources is confidential and, as such, this section does not include maps or location data.

4.4.2 Environmental Setting

Existing Conditions

The Project site is located on the northeast corner of Cherry Avenue and Jurupa Avenue. The Project site is presently developed as the Tutor Perini Corporation Equipment Yard. Two metal-sided buildings are located in the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for heavy equipment storage. The Project site is comprised of two parcels and consists of approximately 30 acres (refer to **Figure 3-5: Conceptual Site Plan**).

The Project site is approximately 960 feet above mean sea level with the site sloping toward the southwest.¹ Soil types at the Project site are composed of Delhi fine sand and Tujunga loamy sand.² According to the soil type characteristics, the Delhi fine sand is somewhat excessively drained. Tujunga

¹ Terracon. 2022. *Phase I Site Assessment*. Page 4.

² Ibid.

loamy sand is somewhat excessively drained. Depth to groundwater is estimated to be at approximately 225 feet below ground surface.³

Ethnographic Setting

Please refer to **Section 4.14: Tribal Cultural Resources**, regarding the ethnography of Native American tribes within the Project site.

Prehistoric Setting⁴

Prehistoric occupation of the inland valleys of southern California can be divided into seven cultural periods: Paleoindian (circa [ca.] 12,000–9,500 years before present [B.P.]); Early Archaic (ca. 9,500–7,000 B.P.); Middle Archaic (ca. 7,000–4,000 B.P.); Late Archaic (ca. 4,000–1,500 B.P.); Saratoga Springs (ca. 1,500–750 B.P.); Late Prehistoric (ca. 750–410 B.P.); and Protohistoric (ca. 410–180 B.P.), which ended in the ethnographic period. Due to the nature of prehistoric archaeological sites identified within 0.5 mile of the Project area, the prehistoric cultural setting discussed below begins at the Late Archaic period.

These periods are structured based on the archaeological research conducted at Diamond Valley Lake as part of the Eastside Reservoir Project (ESRP), located approximately 40 miles southeast of the Project area. For the most part, the prehistory of the inland valleys of southern California that characterizes the Project area has been less thoroughly understood than that of the nearby desert and coastal regions. Prior to the ESRP cultural resources studies, no comprehensive synthesis had been developed specifically for the interior valley and mountain localities of cismontane southern California that characterize the region.

Late Archaic Period (ca. 4000 to 1500 B.P.)

The Late Archaic period was a time of cultural intensification in southern California. The beginning of the Late Archaic coincides with the Little Pluvial, a period of increased moisture in the region. Effective moisture continued to increase in the desert interior by approximately 3600 B.P. and lasted throughout most of the Late Archaic. This ameliorated climate allowed for more extensive occupation of the region. By approximately 2100 B.P., however, drying and warming increased, perhaps providing motivation for resource intensification. Archaeological site types that typify this time period include residential bases with large, diverse artifact assemblages, abundant faunal remains, and cultural features as well as temporary bases, temporary camps, and task-specific activity areas. In general, sites showing evidence of the most intensive use tend to be on range-front benches adjacent to permanent water sources, such as perennial springs or larger streams, while less intensively used locales occur either on upland benches or on the margins of active alluvial fans.

Data from Late Archaic component archaeological sites also suggest increased sedentism during this period, with a change to a semi-sedentary land-use and collection strategy. The profusion of features, and especially refuse deposits in Late Archaic components, suggests that seasonal encampments saw longer use and more frequent reuse than during the latter part of the preceding Middle Archaic period, with increasing moisture improving the conditions of Southern California after ca. 3100 B.P. Drying and

³ SCG. 2023. Geotechnical Investigation. Page 8.

⁴ PaleoWest LLC. 2023. *Cultural Resource Assessment for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California*. Pages 11 - 13.

warming after ca. 2100 B.P. likely extracted a toll on expanding populations, influencing changes in resource procurement strategies, promoting economic diversification and resource intensification, and perhaps resulting in a permanent shift towards greater sedentism.

A technological innovation introduced during this period was the mortar and pestle, used for processing acorns and hard seeds, such as those derived from the mesquite pod. This correlates with a warming and drying trend that began around 2100 B.P., which appears to have resulted in resource intensification.

The subsistence base broadened during the Late Archaic period. The technological advancement of the mortar and pestle may indicate the use of acorns, an important storable subsistence resource. Hunting also presumably gained in importance. An abundance of broad, leaf-shaped blades and heavy, often stemmed or notched projectile points have been found in association with large numbers of terrestrial and aquatic mammal bones. Other characteristic features of this period include the appearance of bone and antler implements and the occasional use of asphaltum and steatite. Most chronological sequences for southern California recognize the introduction of the bow and arrow by 1500 B.P., marked by the appearance of small arrow points and arrow shaft straighteners.

Technologically, the artifact assemblage of this period was similar to that of the preceding Middle Archaic; new tools were added either as innovations or as “borrowed” cultural items. Diagnostic projectile points of this period are still fairly large (dart point size), but also include more refined notched (Elko), concave base (Humboldt), and small stemmed (Gypsum) forms. Late in the period, Rose Spring arrow points appeared in the archaeological record in the deserts, reflecting the spread of the bow and arrow technology from the Great Basin and the Colorado River region. This projectile point type was not found at the ESRP study area, and there is no evidence suggesting that the bow and arrow had come into use at this time in the inland regions of southern California.

Saratoga Springs Period (ca. 1500 to 750 B.P.)

In the early years of this period, cultural trends were, in large part, a continuation of the developments begun during the end of the Late Archaic Period. These include an increasing adaptation to the arid environment in the deserts and an increase in trade relations.

It was indicated that there were four cultural spheres within the Mojave and Colorado deserts during the early part of this period, including a southern desert sphere influenced by Patayan (Hakatayan) cultures adjacent to the Colorado River. This southern cultural sphere includes the Colorado Desert and San Jacinto Mountains, but it is unclear whether this influence extended as far west as the Project site.

Lake Cahuilla is believed to have refilled the Coachella Valley around 1450 B.P. and was the focus of cultural activities such as exploitation of fish, waterfowl, and wetland resources during this period. Desert people, speaking Shoshonean languages, may have moved into southern California at this time, the so-called “Shoshonean Intrusion.” Brown and Buff Ware pottery first appeared on the lower Colorado River at about 1200 B.P. and started to diffuse across the California deserts by about 1100 B.P.

However, by about 1060 B.P., environmental conditions became notably warmer and drier. This period of intense drought, the Medieval Warm, extended throughout the southwest, and led to the withdrawal of

Native American populations from marginal desert areas. Human occupation of the Lake Perris and the ESRP area declined during this time period, and what occupations were present seemed to have been tethered to springs and other sources of water. In inland San Diego County, a similar period of reduced activity or abandonment during this time has been noted. Saratoga Springs-style projectile points, a large triangular form associated with use of the bow and arrow, began to appear in the ESRP area at this time. However, the sparse assemblages found from this period obscure the exact timing of the transformation from dart and atlatl to bow and arrow.

Late Prehistoric Period (c.a. 750 to 400 B.P.)

The Medieval Warm extended into the Late Prehistoric Period, ending about 575 B.P. A period of lower temperatures and increased precipitation, known as the Little Ice Age, resulted in increased resource productivity in the inland region. Population increased in the region of the Project site during this wet interval. In the ESRP area, several small, but apparently semisedentary occupations, date to this time period. Cottonwood Triangular points began to appear in inland assemblages at this time, and Obsidian Butte obsidian became much more common.

By about 500 B.P., strong ethnic patterns developed among native populations in southern California. This may reflect accelerated cultural change brought about by increased efficiency in cultural adaptation and diffusion of technology from the central coastal region of California and the southern Great Basin.

During this period, Lake Cahuilla began to recede and the large Patayan populations occupying its shores began moving westward into areas such as Anza Borrego, Coyote Canyon, the Upper Coachella Valley, the Little San Bernardino Mountains, and the San Jacinto Plain. The final desiccation of Lake Cahuilla, which had occurred by approximately 400 B.P. (A.D. 1640), resulted in a population shift away from the lakebed into the Peninsular Ranges to the west, and the Colorado River regions to the east.

Protohistoric Period

The improved, dynamic conditions of the Little Ice Age continued throughout the Protohistoric period. Utilization of the bow and arrow promoted an increase in hunting efficiency while a renewed abundance of mortars and pestles indicates extensive exploitation of various hard nuts and berries. As a result of the increased resource utilization of the area, sedentism intensified with small, fully sedentary villages forming during the Protohistoric period. This is evidenced by sites containing deeper middens suggesting more permanent habitation. These would have been the villages, or rancherias, noted by the early nonnative explorers.

The cultural assemblage associated with the Protohistoric period included the introduction of locally manufactured ceramic vessels and ceramic smoking pipes, an abundance of imported Obsidian Butte obsidian, Cottonwood Triangular points, and Desert Side-notched points as well as the addition of European trade goods, such as glass trade beads, late in the period.

Historical Setting⁵

San Bernardino County

The earliest recorded historic-period use of the lands within the San Bernardino Valley began in the 1770s, following establishment of the Mission San Gabriel approximately 50 miles west of the Project site. Euro American settlement in San Bernardino began in the early 1800s through the establishment of Politana and the Asistencia but was largely fostered by the establishment of a Mormon colony under the leadership of Amasa Lyman and Charles Rich. Brothers Lyman and Rich bought the San Bernardino Rancho from Jose and Maria Armenta Lugo in 1851. San Bernardino County was established on April 26, 1853, and ceded a portion of its territory to the formation of Riverside County in 1893. Two Mormon colonies were established on either side of the Santa Ana River. The Mormons who settled in the San Bernardino area raised livestock, planted crops, and established civic services such as a school and a post office. The majority of the Mormon settlers in San Bernardino returned to Salt Lake City; however, some remained. Agriculture and livestock continued to be the chief industries in San Bernardino County.

General agriculture and livestock raising pursuits were quickly overshadowed by the citrus industry in southern California beginning in the 1870s. The first orange trees in San Bernardino were planted by Anson Van Leuven in 1857. Citrus quickly became the largest industry in southern California, including growing, packing, and shipping. Other industries included cattle ranching, growing sugar beets, and viticulture and enology. The burgeoning citrus industry led to a population boom and spurred the development of transcontinental railroads.

City of Fontana

Starting in the 1860s and 1870s, companies began to form across California with the intent of purchasing readily available land (much of it owned by railroad companies) to redevelop into land colonies. These land colonies were pivotal in the rapid development of regions across the West and specifically in San Bernardino County. The companies purchased the land, acquired water rights, established lots, and built infrastructure such as roads and water irrigation lines. These land colonies were key to agricultural growth in the region.

In 1881, George and William Chaffey purchased 6,200 acres of land in what is today considered Upland (west of the Project area) for the formation of the Ontario Colony. The land provided was ideal for the growing of oranges. Happening concurrently, the Semi-Tropic Land and Water Company formed. The company purchased 28,000 acres and the water rights to Lytle Creek. The company laid out the townsites of Rosena (now known as Fontana), Rialto, Bloomington, and San Sevaine. The Semi-Tropic Land and Water Company, though ultimately unsuccessful in its attempts, initiated early residential and commercial development in San Bernardino County.

The Chaffey brothers' success in Ontario Colony was first realized east in Etiwanda. They purchased approximately 2,500 acres of land and water rights at the base of the San Gabriel Mountains in the vicinity of Day, Etiwanda, Deer, and San Sevaine creeks in 1882 and formed the Etiwanda Water Company and a

⁵ PaleoWest LLC. 2023. *Cultural Resource Assessment for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California*. Pages 14 - 16.

land colony. The 2,500 acres were divided into 10-acre plots that were guaranteed water delivery once a month, and one share of stock in the water company per acre purchased. The water was diverted from the Day and Etiwanda creeks through a wooden flume to a reservoir on the north end of the colony. From here seven parallel lines of 7- to 10-inch pipe were laid to deliver water to small reservoirs constructed by the landowners. This system of flumes and distribution pipes improved upon irrigation ditches that were already in the area, but much of the water in this arid region was lost through evaporation and seepage into the area's sandy soil. At this time, noted California historian Kevin Starr stated that the Chaffey's land, water, and electrical development in Etiwanda "was the most innovative agricultural colony in the Far West." Just the pipeline system alone set a standard for future irrigation development the Cucamonga Valley.

The success of the Chaffey brothers propelled the growth of the region, and their irrigation system was lauded across the state. With the establishment of the Etiwanda system, the Ontario Colony became an example of the new standard for land development across the arid west. Other nearby farming settlements, including the community of Grapeland, sought to follow its success by establishing their own irrigation systems. The Grapeland Irrigation District (District) was established in 1891 and encompassed 10,600 acres of land, including the current Project area. Soon after its establishment, the District began issuing bonds and levying taxes to finance the construction of the proposed water system which was envisioned as a grid of open water ditches and canals that crisscrossed Grapeland fed by a tunnel from Lytle Creek. Due to financial difficulties, the irrigation system was never completed. The District was dissolved in 1910 and the title of the property was transferred to the Fontana Development Company.

In 1913, the Fontana Development Company, which had been renamed the Fontana Union Water Company, moved to Rosena, and renamed the town Fontana. The first three buildings in the City were completed in 1914 and included a school, a citrus packing house, and a Pacific Electric depot. A post office was constructed soon thereafter. During the early decades of the twentieth century, Fontana's economy focused on agriculture, particularly poultry and hog raising. Fontana's real growth came in 1942 with construction of the Henry J. Kaiser Steel Mill which quickly transformed the small agricultural hamlet to an industrial town. The steel mill and surrounding support business remained the top employer in the city from 1942 until it ceased operation in 1984.

Methodology

Records Search

At the time of this study, multiple sources, including a records search at the South-Central Coastal Information Center (SCCIC) at California State University, Fullerton, were consulted to identify prior studies and previously recorded cultural resources within 0.5 mile of the Project site. Staff also examined historical maps and aerial images to characterize the developmental history of the Project site and surrounding area.

The records search results indicate that no fewer than 16 previous cultural resource investigations have been conducted within 0.5 mile of the Project site since 1973 (see Table 4-1 of the CRA, **Appendix D**). One of these previous studies included a small portion of the Project site. The records search results indicate that seven cultural resources, all of which date to the historic period, have been previously documented

within 0.5 mile of the Project site: Declerz Ranch; two single-family residences; a railroad; two transmission lines; and a refuse scatter (see Table 4-2 of the CRA, **Appendix D**). None of these previously recorded resources are located within the Project site. No prehistoric archaeological resources were identified within the records search area.

The results of the review of historical maps and aerial imagery of the Project site indicate a warehouse was developed sometime before 1977 and a second building sometime between 1977 and 1994. Results also indicate the remainder of the site was used for agricultural purposes until the late 1990s or early 2000s, at which time it was used for equipment storage. No changes were noted at the Project site after 2002.

Native American Heritage Commission Sacred Lands File Search

A Sacred Lands File (SLF) search request was submitted to the Native American Heritage Commission (NAHC) for the Project site. Please refer to **Section 4.14: Tribal Cultural Resources** for information regarding the SLF search results.

Field Investigation

A cultural resources survey of the Project site was conducted on March 27, 2023. During the survey, the archaeologist noted that the site is fully developed, though carefully inspected any exposed areas of ground surface to identify areas likely to contain or exhibit sensitive cultural resources. Surficial sediments across the Project site consisted of non-native soils and material, such as imported gravel. The Project site has been disturbed by the development since the 1970s and consists of two buildings, which were observed during the survey.

The survey did not result in the identification of intact surficial or buried prehistoric or historic archaeological deposits in the Project site. Further, the existing development and extensive prior disturbance indicate there is a low potential for encountering intact buried archaeological deposits in the Project site. However, one of the standing buildings observed during survey, identified as the building at 11171 Cherry Avenue, is more than 45 years old and, therefore, meets minimum age guidelines to be considered a cultural resource under CEQA. However, as discussed below, the building at 11171 Cherry Avenue does not constitute a historical resource under CEQA and is not eligible for inclusion in the CRHR.

Significance Evaluation

The cultural resources assessment (Appendix D) identified one building, identified as the building at 11171 Cherry Avenue, on the Project site that is more than 45 years old and meets minimum age guidelines to be considered a cultural resource under CEQA. As such, an evaluation of 11171 Cherry Avenue was conducted to determine if the property constitutes a historical resource and is eligible for listing in the California Register of Historical Resources (CRHR). A resource is eligible if (1) it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (2) it is associated with the lives of persons important in our past; (3) it 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 value; or (4) it has yielded or is likely to yield information important in prehistory or history.

Although the building at 11171 Cherry Avenue is associated with the development of the City of Fontana, it is one of many light industrial businesses that was established in the Project vicinity during the 1970s. No evidence was found to indicate it is directly associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Therefore, the property is not recommended eligible for listing in the CRHR under Criterion 1.

Archival research failed to identify the original builders or owners of the building at 11171 Cherry Avenue. However, the property has been owned by Ron Tutor for the past 30 years. Although Tutor is a well-known businessman in southern California, the building at 11171 Cherry Avenue cannot be directly associated with any important decisions that he made over the course of his career. Therefore, the property is not recommended eligible for listing in the CRHR under Criterion 2.

The warehouse building at 11171 Cherry Avenue is a common and unremarkable example of a utilitarian warehouse building. It is similar in design, materials, and construction to numerous other light industrial buildings that date to the latter part of the twentieth century in the city of Fontana. While the architect and builder of the warehouse were not identified, it is unlikely that this building is the work of a master. Therefore, the property is not significant under Criterion 3.

Finally, additional study of the warehouse building at 11171 Cherry Avenue is unlikely to yield significant information that broadens our understanding of the building's uses or the history of the city of Fontana. As a result, the resource is not significant under Criterion 4.

Given the results of the significance evaluation, the warehouse building at 11171 Cherry Avenue does not constitute a historical resource under CEQA and is not eligible for inclusion in the CRHR. As such, this resource does not require further consideration.

4.4.3 Regulatory Setting

Federal

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

State

California Public Resources Code

Archaeological and historical sites are protected under a wide variety of state policies and regulations in the California PRC. In addition, cultural resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission (SHRC). The commission oversees the administration of the California

Register of Historical Resources (CRHR) and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation (OHP), which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the NAHC; require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

One additional state law pertaining to tribal cultural resources and the Project—Assembly Bill 52—is described in **Section 4.18: Tribal Cultural Resources**, of this Draft EIR.

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 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 any 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 California Code of Regulations [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.

Typically, a prehistoric archaeological site in California is 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 Points of Historical Interest

California PHI are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific, or technical, religious, experimental, or other value. PHI designated after December 1997 and recommended by the SHRC are also listed in the CRHR. No historic resource may be designated as both a landmark and a point. If a point is later granted status as a landmark, the point designation is retired. In practice, the point designation program is most often used in localities that do not have a locally enacted cultural heritage or preservation ordinance.

To be eligible for designation as a PHI, a resource must meet at least one of the following criteria: (1) it is the first, last, only, or most significant of its type within the local geographic region (city or county); (2) it is associated with an individual or group having a profound influence on the history of the local area; or (3) 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 the local region of a pioneer architect, designer, or master builder.

California Environmental Quality Act

CEQA requires public agencies to assess a project's impact on cultural resources. The first step in the process is to identify cultural resources that may be impacted by the project and then determine whether the resources are "historically significant" resources.

CEQA defines historically significant resources as "resources listed or eligible for listing in the California Register of Historical Resources" (PRC Section 5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older and possesses integrity of location, design, setting, materials, workmanship, feeling, and association.

In addition, it must meet any of the following criteria for listing on the CRHR:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
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,
4. Has yielded, or may be likely to yield, information important in prehistory or history. (PRC Section 5024.1).

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. A resource can also be determined historically significant under CEQA by virtue of being included in a local register

of historical resources regardless of CRHR eligibility (see Title 14 CCR Section 15064.5(a)(2)). CEQA states that if a project will have a significant impact on important cultural resources, deemed “historically significant,” then project alternatives and mitigation measures must be considered. Additionally, the OHP may choose to comment on the CEQA compliance process for specific local government projects in an informal capacity but does not seek to review all projects that may affect historically significant cultural resources under CEQA provisions.

Health and Safety Code, Sections 7050.5 and 7052

State 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.

More precisely, if human remains are encountered, HSC Section 7050.5 states that:

- a. “Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the [PRC]. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the [PRC] or to any person authorized to implement Section 5097.98 of the [PRC].
- b. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the [CGC], that the remains are not subject to the provisions of Section 27491 of the [CGC] or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the [PRC]. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
- c. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

California Public Records Act

Sections 6254(r) and 6254.10 of the California Public Records Act (CGC 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 SHRC, 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 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.

California Native American Graves Protection and Repatriation Act: Health and Safety Code, Sections 8010 et seq.

Enacted in 2001, the California Native American Graves Protection and Repatriation Act (California Repatriation Act), requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate Native American tribe(s).

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 cultural resources.

City of Fontana Municipal Code

Fontana Municipal Code (MC) Article XIII, *Preservation of Historic Resources*⁶ 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 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

⁶ 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?nodeid=CO_CH5BUBURE_ARTXIIIIPRHIRE (accessed March 22023).

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.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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.

Methodology and Assumptions

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

Approach to Analysis

This analysis of impacts on cultural resources 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 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 field observations made by PaleoWest personnel on March 27, 2023; 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. A determination that any components of the Project may result in "substantial" adverse effects on historical and archaeological resources and human remains considers the existing site's historical resource value and the severity of the Project implementation on resources that may be considered historical.

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: No Impact

SWIP EIR Findings

The SWIP EIR addressed historical resources in Section 4.4, Cultural Resources. Development of the Specific Plan area would occur in stages. As individual projects are proposed, project-specific cultural resources assessments would be conducted to ensure historical resources are appropriately identified and evaluated during the environmental review process for the individual project. The SWIP EIR concluded that the SWIP could have a potentially significant impact as it relates to historical resources and noted that, should historical resources be identified within the individual project area, that mitigation measures should be identified to minimize impacts to the historical resource to less than significant.

Project Construction

Construction of the Project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to CEQA Guidelines Section 15064.5. As discussed under Methodology under Section 4.4.2 above, multiple sources, including a records search at the SCCIC at California State University, Fullerton, were consulted to identify prior studies and previously recorded cultural resources within 0.5 mile of the Project site. PaleoWest staff also examined historical maps and aerial images to characterize the developmental history of the Project site and surrounding area.

The records search conducted by PaleoWest indicated that since 1973, no fewer than 16 previous cultural resource investigations have been conducted within 0.5 mile of the Project site, resulting in the identification of the following resources: Declerz Ranch; two single-family residences; a railroad; two transmission lines; and a refuse scatter. All of these resources date to the historic period. No prehistoric archaeological resources were identified as a result of the record search (Refer to Table 4-2 in the CRA, **Appendix D**). The results of the review of historical maps and aerial imagery of the Project site indicated a warehouse was developed sometime before 1977.

The survey did not result in the identification of intact surficial or buried prehistoric or historic archaeological deposits in the Project site. Further, the existing development and extensive prior disturbance indicate there is a low potential for encountering intact buried archaeological deposits in the Project site. However, a standing building identified as the building at 11171 Cherry Avenue was noted during map and imagery review and observed during the field survey that is more than 45 years old, which is generally utilized as the age threshold for identifying whether or not built properties are considered historic in age and, therefore, subject to consideration as a cultural resource.

An evaluation of 11171 Cherry Avenue was conducted to determine if the property constitutes a historical resource and is eligible for listing in the CRHR. The results of the significance evaluation determined the warehouse building at 11171 Cherry Avenue does not constitute a historical resource under CEQA and is not eligible for inclusion in the CRHR. (See Appendix D.) As such, this resource does not require further

consideration. Furthermore, SWIP EIR MMs 4.4-1a and -1b would not be applicable to the Project as no historic resources were identified on the Project site.

Project Operations

Because no historical resources were identified within the Project site, implementation of the Project would not be expected to cause a substantial adverse change to an historic resource. Therefore, impacts on historical resources would not occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified impact evaluated in the SWIP EIR would occur. Additionally, the cultural resources assessment conducted for the Project did not identify any historical resources that would require mitigation measures to minimize impacts to historical resources to less than significant. As such, the prior impact finding of less than significant with mitigation incorporated does not apply to this issue area for the Project.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.4-1a A qualified archaeologist shall perform the following tasks, prior to construction activities within project boundaries:

- Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, a field survey for historical resources within portions of the project site not previously surveyed for cultural resources shall be conducted.
- Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, the San Bernardino County Archives shall be contacted for information on historical property records.
- Subsequent to a preliminary City review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission shall be contacted for information regarding sacred lands.
- All historical resources within the project site, including archaeological and historic resources older than 50 years, shall be inventoried using appropriate State record forms and guidelines followed according to the California Office of Historic Preservation's handbook "Instructions for Recording Historical Resources." The archaeologist shall then submit two (2) copies of the completed forms to the San Bernardino County Archaeological Information Center for the assignment of trinomials.
- The significance and integrity of all historical resources within the project site shall be evaluated, using criteria established in the CEQA Guidelines for important archaeological resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.
- Mitigation measures shall be proposed and conditions of approval (if a local government action) recommended to eliminate adverse project effects on

significant, important, and unique historical resources, following appropriate CEQA and/or National Historic Preservation Act's Section 106 guidelines.

- A technical resources management report shall be prepared, documenting the inventory, evaluation, and proposed mitigation of resources within the project site, following guidelines for Archaeological Resource Management Reports prepared by the California Office of Historic Preservation, Preservation Planning Bulletin 4(a), December 1989. One copy of the completed report, with original illustrations, shall be submitted to the San Bernardino County Archaeological Information Center for permanent archiving. [GPEIR MM CR-3] (*This mitigation measure is not applicable to the Project as no historic resources were identified on the Project site.*)

MM 4.4-1b If any historical resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities and to take appropriate measures to protect or preserve them for study. [GPEIR MM CR-4] (*This mitigation measure is not applicable to the Project as no historic resources were identified on the Project site.*)

Project Mitigation Measures

No mitigation is required.

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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR addressed archaeological resources in Section 4.4, Cultural Resources. Development of the Specific Plan area would occur in stages. As individual projects are proposed, project-specific cultural resources assessments would be conducted to ensure archaeological resources are appropriately identified and considered during the environmental review process for the individual project. The SWIP EIR concluded that the SWIP could have a potentially significant impact as it relates to archaeological resources and identified feasible mitigation measures that could be applied to individual projects to minimize the impact to less than significant.

Project Construction

A significant impact would occur if grading and construction activities result in a substantial adverse change in the significance of a unique archaeological resource as defined in PRC Section 21083.2 or state CEQA Guideline Section 15064.5, if (1) a resource listed in or determined to be eligible by the SHRC, for listing in the CRHR (PRC Section 5024.1 and Title 14 CCR, Section 4850 et seq.) is adversely affected; and (2) if grading and construction activities would result in a substantial adverse change in the significance of an archaeological resource determined to be "historic" or "unique." As defined in PRC Section 21083.2, a "unique" archaeological resource is 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:

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

According to CEQA, if a resource is neither unique nor historic, the effects of a project on that resource will not be considered significant effects on the environment (CEQA Guidelines Section 15064(C)(4)).

Refer to Impact 4.4-1 for discussion regarding the presence of archeological resources. The lack of identified prehistoric archaeological resources and existing disturbance suggests the Project site is not highly sensitive for intact prehistoric archaeological remains. Further, because the Project site was primarily used for agricultural and industrial purposes it is unlikely to contain significant historic period archaeological deposits.

Project Operations

Impacts associated with operation of the Project would be the same as discussed in Impact 4.4-1 above. Because of existing disturbance and given no archaeological resources were identified within in the Project site, implementation of the Project would not be expected to impact any known or unknown archaeological resources. Therefore, operation of the Project would have no impact on archaeological cultural resources.

Conclusion: Based on these findings, no further cultural resources management is recommended for construction and operation of the Project. However, in abundance of caution, **SC CUL-1**, **SWIP EIR MM 4.4-2a through 4.42c**, and **MMs CUL-1** and **CUL-2**, which serve to minimize potential impacts to archaeological resources that may be encountered during Project implementation, would apply. These measures require that, in the case of inadvertent discovery of cultural resources during Project implementation, all ground-disturbing activity within the vicinity of the find must cease and several steps related to appropriate consideration and treatment of the resources must be followed. While the City of Fontana maintains standard conditions of approval regarding cultural resources for Projects within their jurisdiction, and the SWIP EIR provide Specific Plan level mitigation measures, **MMs CUL-1** and **CUL-2** is specific to the Project area and was drafted in consultation with the Yuhaaviatam of San Manuel Nation (YSMN). When there are conflicts between the City's standard condition, SWIP EIR MMs, and Project specific mitigation, the Project MMs shall take precedence. Therefore, with implementation of **SC CUL-1**, **SWIP EIR MMs 4.4-2a through 4.42c**, and **MMs CUL-1** and **CUL-2**, impacts regarding a substantial adverse change of an archaeological resource would be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR

would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Standard Condition

SC CUL-1

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other.

Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.4-2a

A qualified archaeologist shall perform the following tasks, prior to construction activities within project boundaries:

- Subsequent to a preliminary City review, if evidence suggests the potential for prehistoric resources, a field survey for prehistoric resources within portions of the project site not previously surveyed for cultural resources shall be conducted.
- Subsequent to a preliminary City review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission shall be contacted for information regarding sacred lands.

- All prehistoric resources shall be inventoried using appropriate State record forms and two (2) copies of the completed forms shall be submitted to the San Bernardino County Archaeological Information Center.
- The significance and integrity of all prehistoric resources within the project site shall be evaluated using criteria established in the CEQA Guidelines for important archaeological resources.
- If human remains are encountered on the project site, the San Bernardino County Coroner's Office shall be contacted within 24 hours of the find, and all work shall be halted until a clearance is given by that office and any other involved agencies.
- All resources and data collected within the project site shall be permanently curated at an appropriate repository within the County. [GPEIR MM CR-1]

MM 4.4-2b

If any prehistoric archaeological resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities and to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Fontana shall:

- Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
- Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities at a theme or focal point.
- Pursue educating the public about the area's archaeological heritage.
- Propose mitigation measures and recommend conditions of approval (if a local government action) to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.
- Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving. [GPEIR MM CR-2]

MM 4.4-2c

Where consistent with applicable local, State, and federal law and deemed appropriate by the City, future site-specific development projects shall consider the following requests by the Soboba Band of Luiseño Indians and Morongo Band of Mission Indians:

- In the event Native American cultural resources are discovered during construction for future development, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this period;

- Initiate consultation between the appropriate Native American tribal entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) and the City/project applicant;
- Transfer cultural resources investigations to the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) as soon as possible;
- Utilize a Native American Monitor from the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) where deemed appropriate or required by the City, during initial ground disturbing activities, cultural resource surveys, and/or cultural resource excavations.

Project Mitigation Measures

MM CUL-1 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 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-2 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 Plan accordingly.

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

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR addressed human remains in Section 4.4, Cultural Resources. Development of the Specific Plan area would occur in stages. As individual projects are proposed, project-specific cultural resources assessments would be conducted to ensure human remains are appropriately identified during the environmental review process for the individual project. The SWIP EIR concluded that the SWIP could have a potentially significant impact as it relates to human remains and identified feasible mitigation (SWIP EIR MM 4.4-2a) that could be applied to individual projects to minimize the impact to less than significant.

Project Construction

The Project site is located in an area mainly developed with industrial and agricultural uses and is not located near a formal cemetery. The Project site has remained in use, resulting in extensive disturbance, and the likelihood of human remains being present in the Project site is low.

However, if human remains are discovered, those remains would require proper treatment in accordance with applicable laws, including HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99. HSC Sections 7050.5-7055 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 Project area. HSC Section 7050.5 requires that all activities cease within the vicinity of the find and the County Coroner be contacted immediately to inspect the remains. **MM CUL-3** additionally requires that all ground-disturbing activities must cease within a 100-foot buffer of any inadvertently discovered human remains and/or funerary objects. The detail in this measure related to the size of the buffer will ensure that any undisturbed remains and/or funerary objects associated and within close proximity of the discovery will be adequately preserved.

As set forth in HSC Section 7050.5 and PRC Section 5087.98, for Native American human remains, the Coroner will contact the Native American Heritage Commission (NAHC), who would then designate the Most Likely Descendant (MLD) of the unearthed human remains. The MLD will complete their inspection and make recommendations for treatment within 48 hours of being granted access to the site. The MLD and landowner shall confer regarding treatment options. Should an agreement not be reached, the landowner is required to reinter the human remains and associated items with appropriate dignity on the property in an area not subject to further and future disturbance. Following compliance with the established regulatory framework (i.e., HSC Sections 7050.5-7055, PRC Section 5097.94, and PRC Sections 5097.98-5097.99), and the application of **MM CUL-3** and **SWIP EIR MM 4.4-2a**, the Project's potential impacts to human remains would be reduced to less than significant with mitigation incorporated. Note that when there are conflicts between the SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence.

Project Operations

Operation of the Project would not impact human remains or cause a substantial adverse effect to undiscovered human remains. No impacts would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

SWIP EIR MM 4.4-2a.

Project Mitigation Measures

MM CUL-3 If human remains or funerary objects are encountered during any activities associated with the project, 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.

4.4.6 Cumulative Impacts

For purposes of cumulative cultural impacts analysis, cumulative impacts are considered in connection with the anticipated future development projects; see **Table 4-1: Cumulative Projects List**. Future cumulative development projects could encounter or impact cultural resources. The analysis is focused on the Project's potential for resulting in site-specific impact that could contribute to a cumulative loss. Impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off-site across the locations of multiple projects, such as a historic townsite or district. With this consideration, the cumulative analysis for cultural resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common cultural resources. Projects located in an archaeologically sensitive area are required to conduct archaeological monitoring during construction, which would reduce cumulative impacts to a less-than-significant level. In addition, SWIP EIR MMS 4.4-2a through -2c, **SC CUL-1** and **MMs CUL-1, CUL-2 and CUL-3** would apply to the Project, ensuring that its contribution to cumulative impacts would not be considerable.

As discussed above, while no archaeological resources are expected on the Project site, the potential exists for undiscovered archaeological resources to be adversely impacted during Project construction. With implementation of SWIP EIR MMs 4.4-2a through -2c, **SC CUL-1**, and **MMs CUL-1 and CUL-2**, Project construction would not cause a substantial adverse change in the significance of archaeological resources; a less than significant impact would occur.

Implementation of future projects in the Project vicinity could involve actions that could damage historical and archaeological resources specific to those Project sites. However, all projects would be subject to CEQA review, including studies of historical and archaeological resources that are present or could be present on-site. Where significant or potentially significant impacts are identified, implementation of all feasible mitigation would be required to reduce potentially significant impacts. 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 cultural resources and avoid or reduce any impacts.

As discussed previously, results of the records search, assessment of historical imagery, and the pedestrian survey indicated the Project site has low archaeological sensitivity. While review of historical maps and aerial imagery, as well as the pedestrian survey, confirmed the presence of a historic building on site, the property was evaluated for significance and found to be ineligible for listing on the CRHR and that it does not constitute a historical resource under CEQA. Therefore, the Project would not contribute to cumulative impacts to historical resources.

As discussed above, Project-level impacts to human remains would be less than significant with mitigation incorporated (**MM CUL-3**). Standard regulatory requirements and procedures will also apply to other present and reasonably foreseeable future projects, and cumulative impacts would be less than significant.

4.4.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.4.8 References

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?nodemd=CO_CH5BUBURE_ARTXIIIPRHIRE.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

County of San Bernardino. 2020. *The Countywide Plan, Cultural Resources Element*.

<http://countywideplan.com/policy-plan/beta/ch/>.

PaleoWest. 2023. *Cultural Resource Assessment for The Hillwood Cherry Avenue Project, San Bernardino County, California*.

SCG. 2023. *Geotechnical Investigation*.

Terracon. 2022. *Phase I Site Assessment*.

4.5
Energy

4.5 ENERGY

4.5.1 Introduction

According to State CEQA Guidelines Section 15126.2(b), Section 15126.4 (a)(1)(C), and Appendix F, the goal of conserving energy implies the wise and efficient use of energy including decreasing reliance on natural gas and oil and increasing reliance on renewable energy sources (renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat). The Project would be constructed to Title 24 standards, which are designed to reduce energy demand in all new construction.

This section describes the existing setting of the Project as it relates to energy conservation, identifies associated regulatory conditions and requirements, presents the criteria used to evaluate potential impacts related to use of fuel and energy upon implementation of the Project, and identifies mitigation measures to reduce or avoid potential significant impacts. The significance of each impact is included at the end of this section.

Information and analyses presented in this section are derived from the *Cherry Commerce Center Project – Energy Technical Assessment* (Kimley-Horn, 2023), found in **Appendix E** of this Draft EIR.

4.5.2 Environmental Setting

Energy consumption is analyzed in this section due to the potential direct and indirect environmental impacts associated with the Project. Such impacts include the depletion of nonrenewable resources and emissions of pollutants during both construction and long-term operational phases.

Electricity Service

Southern California Edison (SCE) provides electrical services to the City of Fontana (City) through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California’s electrical system has become more reliant on renewable energy sources, including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, electricity generation is not usually tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatts (MW). Net generation refers to the gross amount of energy produced by a unit; minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

Natural Gas Services

Southern California Gas Company (SoCalGas) provides natural gas services to the City and San Bernardino County (County). Natural gas is a hydrocarbon fuel found in reservoirs beneath the Earth’s surface and is composed primarily of methane (CH₄). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to

increase in coming years because it is a relatively clean alternative to other fossil fuels (e.g., oil and coal). In California and throughout the western United States, many new electrical generation plants fired by natural gas are being brought online. Thus, there is great interest in importing liquefied natural gas from other parts of the world. California’s natural gas-fired electric generation increased by 5.5 percent in 2021, accounting for 50.2 percent of in-state generation.

The City’s ongoing development review process includes a review and comment opportunity for privately owned utility companies to provide input on all development proposals. The input facilitates a detailed review of projects by service purveyors to assess the potential demands for utility services on a project-by-project basis. The ability of utility providers to provide services concurrently with each project is evaluated during the development review process. Utility companies are bound by contract to update energy systems to meet any additional demand.

Energy Usage

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 6,922.8 trillion BTUs in 2020 (the most recent year for which this specific data is available). Of California’s total energy usage, the breakdown by sector is 37.8 percent transportation, 23.2 percent industrial, 19.0 percent commercial, and 20.0 percent residential. Electricity and natural gas in California are generally consumed by stationary users such as residences, commercial, and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2021, taxable gasoline sales (including aviation gasoline) in California accounted for 13,060,407,775 gallons of gasoline.

The electricity consumption attributable to the County from 2011 to 2021 is shown in **Table 4.5-1: Electricity Consumption in San Bernardino County 2011-2021**. As indicated in **Table 4.5-1**, energy consumption in the County increased steadily between 2011 and 2021.

Table 4.5-1: Electricity Consumption in San Bernardino County 2011-2021

Year	Electricity Consumption (in millions of kilowatt hours)
2011	13,730
2012	14,348
2013	14,374
2014	14,731
2015	14,731
2016	14,946
2017	15,282
2018	15,376
2019	15,316
2020	15,969
2021	16,181

Source: Kimley-Horn. June 6, 2023. Cherry Avenue Warehouse Project – Energy Technical Assessment, Table 1.

The natural gas consumption attributable to the County from 2011 to 2021 is shown in **Table 4.5-2: Natural Gas Consumption in San Bernardino County 2011-2021**. Natural gas consumption in the County fluctuated with increases and decreases occurring annually.

Table 4.5-2: Natural Gas Consumption in San Bernardino County 2011-2021

Year	Natural Gas Consumption (in millions of therms)
2011	504
2012	489
2013	511
2014	469
2015	485
2016	494
2017	493
2018	500
2019	547
2020	527
2021	561

Source: Kimley-Horn. June 6, 2023. *Cherry Avenue Warehouse Project – Energy Technical Assessment*, Table 2.

Automotive fuel consumption in the County from 2011 to 2021 is shown in **Table 4.5-3: Automotive Fuel Consumption in San Bernardino County 2011-2021**. As shown in **Table 4.5-3**, on-road automotive fuel consumption in the County relatively decreased from 2011 to 2013 and increased from 2013 to 2019. Gasoline fuel consumption decreased in 2020 and increased in 2021. Heavy-duty vehicle fuel consumption decreased from 2011 to 2012 and increased from 2013 to 2021 with a light decrease in 2018.

Table 4.5-3: Automotive Fuel Consumption in San Bernardino County 2011-2021

Year	On-Road Automotive Fuel Consumption (gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Construction Equipment) (gallons)
2011	829,043,622	223,450,227
2012	823,824,155	221,468,396
2013	823,575,913	231,100,540
2014	833,908,390	233,757,358
2015	862,282,542	236,687,334
2016	886,951,688	251,535,041
2017	894,270,493	263,723,118
2018	894,127,745	259,783,109
2019	894,821,914	261,139,639
2020	763,765,305	265,477,739
2021	869,262,611	272,787,528

Source: Kimley-Horn. June 6, 2023. *Cherry Avenue Warehouse Project – Energy Technical Assessment*, Table 3.

4.5.3 Regulatory Setting

Federal

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 Renewable Fuel Standard program (RFS2) was expanded in several keyways:

- 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 the 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

California's Energy Efficiency Standards for Residential and Non-Residential Buildings (Title 24)

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission [CEC]) in June 1977 and are updated every three years (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. On June 10, 2015, the CEC adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020.

The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. Under the 2016 Standards, residential buildings are 28 percent more energy efficient and nonresidential buildings are 5 percent more energy efficient than under the 2013 Standards. Buildings that are constructed in accordance with the 2013 Building Energy Efficiency Standards are 25 percent (residential) to 30 percent (nonresidential) more energy efficient than the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features.

The 2019 Standards improve upon the 2016 Standards. Under the 2019 Title 24 standards, residential buildings are about seven percent more energy efficient, and when the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet 2019 Title 24 standards use about 53 percent less energy than those built to meet the 2016 standards.

On August 11, 2021, the CEC adopted the 2022 Energy Code. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. Among

other updates like strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards in three major areas:

- New electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores.
- The promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity.
- The expansion of solar photovoltaic and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers).

The California Green Building Standards Code (CCR, 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 measures (CALGreen Tier 1 and Tier 2) 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 2019 and went into effect January 1, 2020. The CEC has approved the 2022 California Green Building Standards Code and it took effect January 1, 2023. Projects whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

California Public Utilities Commission Energy Efficiency Strategic Plan

The California Public Utilities Commission (CPUC) prepared an Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in GHGs. Assembly Bill (AB) 1109, adopted in 2007, also serves as a framework for lighting efficiency. This bill requires the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency standards as a means to reduce average Statewide electrical energy consumption by not less than 50 percent from the 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by 2018. According to the Energy Efficiency Strategic Plan, lighting comprises approximately one-fourth of California's electricity use while non-residential sector exterior lighting (parking lot, area, walkway, and security lighting) usage comprises 1.4 percent of California's total electricity use, much of which occurs during limited occupancy periods.

Renewable Portfolio Standard

In 2002, California established its Renewable Portfolio Standard program with the goal of increasing the annual percentage of renewable energy in the state's electricity mix by the equivalent of at least one percent of sales, with an aggregate total of 20 percent by 2017. The CPUC subsequently accelerated that goal to 2010 for retail sellers of electricity (Public Utilities Code Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable

energy 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 California Air Resources Board 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 September 2010, the California Air Resources Board adopted its Renewable Electricity Standard regulations, which require all of the state’s load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation Senate Bill (SB) 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed 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. Senate Bill 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Regional

San Bernardino County Regional Greenhouse Gas Reduction Plan

In response to statewide GHG reduction initiatives, the San Bernardino Associated Governments (formerly SANBAG, now known as SBCOG), cooperated to compile an inventory of GHG emissions and an evaluation of reduction measures to be adopted by the cities partnering within SBCOG. Reduction measures in the GHG Reduction Plan (GHGRP) are targeting GHG goals for the year 2030. Several of the measures and policies mentioned in the GHGRP for the City of Fontana are from the General Plan. The policies listed in the GHGRP range from broadly supporting energy efficiency and sustainability to policies closely tied to specific GHG reduction measures.

Local

Fontana General Plan 2015-2035

The City of Fontana’s 2018 General Plan *Sustainability and Resilience Element*¹ and *Infrastructure and Green Systems Element*² contain 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 5.1 Promote green building through guidelines, awards, and nonfinancial incentives.

Goal 6: *Fontana is a leader in energy-efficient development and retrofits.*

¹ City of Fontana. 2018. *Fontana Forward General Plan – Sustainability and Resilience Element*.

<https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience> (accessed March 2023).

² City of Fontana. 2018. *Fontana Forward General Plan – Infrastructure and Green Systems Element*.

<https://www.fontanaca.gov/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed July 2023).

Policy 6.1 Promote energy-efficient development in Fontana.

Policy 6.2 Meet or exceed state goals for energy-efficient for new construction.

Infrastructure and Green Systems Element

Goal 7: *Fontana is an energy-efficient community.*³

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.

City of Fontana Zoning and Development Code

Fontana Municipal Code (MC) Section 30-528, Resource Conservation establishes a guideline by which the City can implement the goals and policies of the general plan, which recognize the presence of sustainability and resilience in new development. This portion of the code recognizes energy resources to be encouraged to incorporate passive and active solar systems into site and building design and as required by the latest California Building Code.⁴

City of Fontana Industrial Commerce Center Sustainability Standards Ordinance

The City approved and adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance No. 1891) on April 12, 2022. It is applicable to all warehouse uses throughout the City, including the Project. The Ordinance will meet and exceed all state and federal environmental standards and would foster the balancing of public health and quality of life issues with the economic and employment opportunities that the goods movement provides the City and its residents.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

4.5.4 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:

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

³ City of Fontana. 2018. *Chapter 10: Infrastructure and Green Systems*. <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed March 2023).

⁴ City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-528*. https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIINZODI_DIV2DEST_S30-528RECO (accessed March 2023).

Methodology

The impact analysis focuses on the three sources of energy that are relevant to the Project: electricity, natural gas, and transportation fuel for vehicle trips associated with the Project as well as the fuel necessary for Project construction. The analysis of the Project's electricity and natural gas use is based on the California Emissions Estimator Model (CalEEMod), which quantifies energy use for occupancy. The results of CalEEMod are included in the Project's Air Quality Assessment (Draft EIR **Appendix B**). Modeling related to Project energy use was based primarily on the default settings in CalEEMod. The amount of operational fuel use was estimated using CalEEMod outputs for the Project and CARB Emissions Factor (EMFAC) 2021 computer program for typical daily fuel use in San Bernardino County. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

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

SWIP EIR Findings

The SWIP EIR addressed energy resources in Chapter 5.0, Other CEQA Considerations. Development of the Specific Plan area would occur in stages. As individual projects are proposed, increased efficiencies achieved through updated standards (such as Title 24 and building codes) and new technologies would ensure that natural resources are conserved or recycled to the maximum extent feasible. The SWIP EIR concluded that the consumption of natural resources related to construction and operation of new uses within the SWIP Specific Plan area would not be considered wasteful or unjustifiable. Impacts were determined to be less than significant.

Project Analysis

Energy consumption associated with the proposed Project is summarized in **Table 4.5-4: Project and Countywide Energy Consumption**. **Table 4.5-4** demonstrates that the Project's net increase in electricity usage (subtracting estimated energy use from existing uses) would constitute approximately 0.0161 percent of typical annual electricity usage, and approximately 0.0229 percent of typical annual natural gas consumption for the County. Construction-related on- and off-road automotive fuel consumption (i.e., fuel consumed during construction) would constitute 0.0416 percent of diesel and 0.0062 percent of gasoline consumption. During operations, the net increase in on-road automotive fuel consumption (i.e., fuel consumed from operational vehicle trips to and from the Project site) would constitute 0.1049 percent of diesel and 0.0225 percent of gasoline of Countywide automotive fuel consumption.

Construction-Related Energy

During construction, the Project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during the demolition, site preparation, grading/infrastructure improvements, paving, and building construction phases. Fuel energy consumed during construction would be temporary in nature and would not represent a significant demand on energy resources. Some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Pursuant to the Fontana Industrial Commerce Center Sustainability Standards Ordinance, Project construction equipment would also be required to comply with the latest Environmental Protection Agency and California Air Resources Board (CARB) engine emissions standards and use reasonable best efforts to deploy the highest rated CARB Tier technology that is available at the time of construction (Sec. 9-74). These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, the Fontana Industrial Commerce Center Sustainability Standards Ordinance requires the use of electric-powered hand tools, forklifts, and pressure washers and prohibits the use of diesel-powered generators except in the case of emergency or to establish temporary power during construction. Due to increasing transportation costs and fuel prices, contractors and owners also have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Table 4.5-4: Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption	San Bernardino County Annual Energy Consumption ^{1,2}	Percentage Increase Countywide
Operational Electricity and Natural Gas			
<i>Electricity</i>			
Project Consumption	5,019,019 kWh	16,180,811,158 kWh	-
Existing Consumption	1,281,287 kWh		-
Net Consumption	3,737,732		0.0231%
<i>Natural Gas</i>			
Project Consumption	135,562 therms	561,360,617 therms	-
Existing Consumption	6,939 therms		-
Net Consumption	128,623 therms		0.0229%
Automotive Fuel Consumption³			
<i>Project Construction^{4,5}</i>			
Diesel	116,847 gallons	280,907,070 gallons	0.0416%
Gasoline	52,419 gallons	846,846,001 gallons	0.0062%
Operations			
Diesel			
Project	320,833 gallons	281,399,849 gallons	-
Existing	25,756 gallons		-
Net Diesel	295,077 gallons		0.1049%
Gasoline			
Project	205,487 gallons	828,612,797 gallons	-
Existing	19,143 gallons		-
Net Gasoline	186,344 gallons		0.0225%
Notes:			
1. The Project increases in electricity and natural gas consumption are compared with the total consumption in San Bernardino County in 2021.			
2. The Project increases in automotive fuel consumption are compared with the countywide fuel consumption (projected) in 2025 for operations and 2024 for construction.			
3. Countywide fuel consumption is from the California Air Resources Board EMFAC2021 model.			
4. Construction fuel consumption is based equipment and load factors from California Emissions Estimator Model (CalEEMod version 2022.1.1).			
5. The estimated construction fuel consumption is based on the Project's construction equipment list timing/phasing, and hours of duration for construction equipment, as well as vendor, hauling, and construction worker trips.			
Source: Kimley-Horn. June 6, 2023. Cherry Avenue Warehouse Project – Energy Technical Assessment, Table 4.			

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the cost of doing business.

As indicated in **Table 4.5-4**, the overall diesel fuel consumption during construction of the Project would be 116,847 gallons and gasoline consumption would be 52,419 gallons, which would constitute a nominal percentage (0.0416 percent and 0.0062 percent, respectively) of fuel use in the County. As such, Project construction would have a minimal effect on the local and regional energy supplies. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

Operational Energy

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration (NTSA) is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. **Table 4.5-4** provides an estimate of the daily fuel consumed by vehicles traveling to and from the Project site. As indicated in **Table 4.5-4**, Project operations are estimated to consume approximately 295,077 additional gallons of diesel fuel and 186,344 additional gallons of gasoline fuel per year in comparison to existing uses, which would constitute approximately 0.1049 percent and 0.0225 percent, respectively, of Countywide automotive fuel consumption. The Project would not result in any unusual characteristics that would result in excessive long-term operational fuel consumption. On-site motorized operational equipment would be zero emissions (i.e., not require the use of fossil fuels), pursuant to the Fontana Industrial Commerce Center Sustainability Standards Ordinance. Fuel consumption associated with vehicle trips generated by the Project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Building Energy Demand

Operations of the Project would result in a net increase of approximately 3,737,732 kWh of electricity per year and approximately 128,623 therms of natural gas per year. The Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances; water, space heating, and cooling equipment; building

insulation and roofing; and lighting. In addition, the Fontana Industrial Commerce Center Sustainability Standards Ordinance requires that all buildings are solar-ready, the use of light-colored roofing material over office spaces, and cool surface treatments in all drive aisles and parking areas. Furthermore, Mitigation Measure GHG-2 in the Project's Greenhouse Gas Emissions Assessment requires the installation of photovoltaic solar panels to offset energy emissions. The Project's electricity consumption shown in **Table 4.5-4** conservatively does not account for Mitigation Measure GHG-2. Implementation of the Title 24 standards, compliance with the Fontana Industrial Commerce Center Sustainability Standards Ordinance, and Mitigation Measure GHG-2 would significantly reduce energy usage.

As indicated in **Table 4.5-4**, operational energy consumption would represent approximately 0.0231 percent of electricity consumption over the current Countywide usage. The Project would adhere to all federal, state, and local requirements for energy efficiency, including the Title 24 standards. As such, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy.

As shown in **Table 4.5-4**, the increase in electricity and automotive fuel consumption constitutes a minimal percentage (less than one percent) of existing consumption. For the reasons described above, the Project would not place a substantial demand on regional energy supply or require significant additional capacity, or significantly increase peak and base period electricity demand. Thus, the Project would not cause a wasteful, inefficient, and unnecessary consumption of energy during Project construction, operation, and/or maintenance, or preempt future energy development or future energy conservation. A less than significant impact would occur.

The Project is consistent with the findings disclosed in the SWIP EIR. No new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would alter the SWIP EIR's finding of less than significant under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

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

SWIP EIR Findings

The SWIP EIR addressed energy resources in Chapter 5.0, Other CEQA Considerations. Development of the Specific Plan area would occur in stages. As individual projects are proposed, increased efficiencies achieved through updated standards (such as Title 24 and building codes) and new technologies would ensure that natural resources are conserved or recycled to the maximum extent feasible. The SWIP EIR

concluded that the consumption of natural resources related to construction and operation of new uses within the SWIP Specific Plan area would not be considered wasteful or unjustifiable. Impacts were determined to be less than significant.

Title 24 of the California Code of Regulations contains energy efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs.

Part 6 of Title 24 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. The Project would comply with Title 24, Part 6 per state regulations. In accordance with Title 24 Part 6, the Project would have: (a) sensor-based lighting controls— for fixtures located near windows, the lighting would be adjusted by taking advantage of available natural light; and (b) efficient process equipment— improved technology offers significant savings through more efficient processing equipment.

Title 24, Part 11, contains voluntary and mandatory energy measures that are applicable to the Project under the California Green Building Standards Code. As discussed above, the Project would result in an increased demand for electricity, natural gas, and petroleum. In accordance with Title 24 Part 11 mandatory compliance, the Applicant would have (a) 50 percent of its construction and demolition waste diverted from landfills; (b) mandatory inspections of energy systems to ensure optimal working efficiency; (c) low pollutant emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring and particle boards; and (d) a 20 percent reduction in indoor water use. Compliance with all of these mandatory measures would decrease the consumption of electricity, natural gas, and petroleum.

The San Bernardino County GHGRP establishes a series of energy efficiency related goals intended to reduce GHG emissions based on the AB 32 Scoping Plan. Those applicable to the Project are Renewables Portfolio Standard for Building Energy Use, Assembly Bill 1109 Energy Efficiency Standards for Lighting, Electricity Energy Efficiency, and Commercial Energy Efficiency Requirements.

In addition, the Project would be required to comply with all applicable standards of the Fontana Industrial Commerce Center Sustainability Standards Ordinance and final documentation of compliance would be subject to review and approval prior to issuance of applicable permits. Standards include alternative energy measures that require all building rooftops to be solar-ready, zero emission on-site motorized operational equipment, a minimum of 10 percent of all passenger vehicles to be electric vehicle ready, and at least 5 percent of all passenger vehicle parking spaces to be equipped with working electric vehicle charging stations. Further, the Project would install photovoltaic solar panels in accordance with Mitigation Measure GHG-2; refer to the Project's Greenhouse Gas Emissions Assessment. The Project would not conflict with any of the federal, state, or local plans for renewable energy and energy efficiency. Because the Project would comply with Parts 6 and 11 of Title 24 and with the San Bernardino GHGRP measures, no conflict with existing energy standards and regulations would occur. Therefore, impacts associated with renewable energy or energy efficiency plans would be considered less than significant.

The Project is consistent with the findings disclosed in the SWIP EIR. No new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would alter the SWIP EIR's finding of less than significant under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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 Project would not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservation goals within the State of California. 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 significant.

4.5.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.5.8 References

City of Fontana. 2018. *Chapter 10: Infrastructure and Green Systems*.

<https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>

City of Fontana. 2018. *Chapter 12: Sustainability and Resilience Element*.

<https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience>

City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-528*.

https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30_ZODECO_ARTVIIIINZODI_DIV2DEST_S30-528RECO.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

Kimley-Horn. 2023. *Cherry Avenue Warehouse Project – Energy Technical Assessment*.

4.6

Geology and Soils

4.6 GEOLOGY AND SOILS

4.6.1 Introduction

This section of the Draft Subsequent Environmental Impact Report (EIR) evaluates the potential impacts associated with the development of the Cherry Commerce Center Project (Project). This section discusses the Project's environmental setting, applicable federal, state, and regional policies and regulations, and mitigation measures that would avoid or minimize potential impacts, if any are identified. Baseline conditions were established by comparing the Project site's current condition with the information included in the following reports and studies found in EIR **Appendix F**:

- Southern California Geotechnical Inc. (SCG). 2023. *Geotechnical Investigation Proposed Industrial Development*. (**Appendix F1**)
- Southern California Geotechnical Inc. (SCG). 2023. *Results of Infiltration Testing*. (**Appendix F2**)
- Paleowest. 2023. *Paleontological Resource Assessment*. (**Appendix F3**)

As discussed in **Section 3.0: Project Description**, the Project would develop two high-cube logistics buildings (warehouses) and associated parking. Building 1 would total approximately 477,480 square feet (sf), of which approximately 10,000 sf is office space. Building 2 would total approximately 221,953 sf, of which approximately 6,000 sf is office space. The Project site would also include approximately 319 automobile parking stalls (185 parking stalls required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, perimeter wall and gated access. Dock-high doors would be constructed along portions of at least one building wall for both Building 1 and Building 2 (refer to **Figure 3-5: Conceptual Site Plan**).

4.6.2 Environmental Setting

Existing Conditions

The Project site is located at the northeast corner of Cherry Avenue and Jurupa Avenue and is bound to the north by existing commercial/industrial developments, bound to the west by Cherry Avenue, bound to the south by Jurupa Avenue, and bound to the east by Redwood Avenue and an existing commercial/industrial development. Additional details related to site geology is provided in the local geologic setting further below. The Project site is presently developed as the Tutor Perini Corporation Equipment Yard. Two metal-sided buildings are located in the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for heavy equipment storage. The Project site is comprised of two parcels and is approximately 30 acres. The northern parcel is currently developed with two industrial buildings and the southern parcel is currently developed with a few steel-framed canopies with ground surface cover consisting of open-graded gravel areas, and exposed soil. The overall topography of the Project site slopes toward the southwest and has an approximate elevation of 960 feet above mean sea level (amsl).¹

¹ Terracon. 2022. *Phase I Environmental Site Assessment*. Page 4.

Geologic Conditions

As discussed above, the Geotechnical Investigation was conducted by SCG, which established baseline geologic conditions for the Project site. Subsurface exploration, field and laboratory testing, and geotechnical engineering analysis was prepared for the proposed development. The subsurface exploration conducted for the Project consisted of 11 borings (identified as Boring Nos. B-1 through B-11) advanced to depths of 15 to 25± feet below the existing site grades. Refer to **Figure 4.6-1: Boring Locations**.

*Regional Geological Setting*²

The City generally lies within the northern and northwestern portion of the Peninsular Ranges Geomorphic Province of southern California. This range is characterized by northwest-southeast trending faults, folds, and mountain ranges. During the time from the Pliocene period to the Pleistocene period (the past two to three million years), activities on the Newport-Inglewood Fault, combined with regional tectonic effects (such as uplift), climatic forces, and changes in sea level. This has resulted in the formation of the underlying basement materials and structures that underlay and support the Fontana General Plan DEIR Project area (including the Project site). It should be noted, the tectonic forces that helped create the geomorphology of the Project area and vicinity are still active today.

The majority of the region is underlain by terrace deposits, which are unconsolidated sediments (i.e., loose soil materials, such as sand, silt, etc.) left by streams and onshore benches cut by the prehistoric ocean. These deposits were laid in a shallow marine to near-shore terrestrial environment in the Pleistocene timeframe (about two million to about ten thousand years ago). The source of these sediments was erosion of the rocky highlands of the San Bernardino, Santa Ana, and other mountain belts from higher elevations. Tectonic forces associated with regional faulting from the Newport-Inglewood, Cucamonga, Chino, San Andreas, San Joaquin, and additional off-shore zones uplifted these deposits, exposing the terrace materials to erosion. Erosion removed much of the softer and finer-grained cover materials carrying it downstream and depositing in the valleys. In late Pleistocene time, the action of coastal plain rivers and streams dissected the terrace materials and subsequently formed “gaps.” As sea levels subsequently rose with the melting of continental ice sheets, sediments filled these gaps.

Local Geological Setting

The Project Site is underlain by artificial fill soils extending to depths of approximately 1.5 to 5.5 feet below existing grades. Artificial fill soils were encountered at the ground surface at all 11 boring locations. See **Figure 4.6-1** for the locations of these borings that were drilled for the Geotechnical Study.

Site Geologic Setting

The Project area is situated south of the foothills of the San Gabriel Mountains, which are part of the Transverse Ranges geomorphic province of southern California that separate the Los Angeles Basin and the Mojave Desert in the eastern portion of the Pomona Valley. The San Gabriel Mountains extend approximately 60 miles west to the Verdugo Hills, San Fernando Valley, and Soledad Basin. Active uplift

² City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Page 5.5-1*. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed May 2023).

and erosion in the San Gabriel Mountains have produced steep canyons, rugged topography, numerous landslides, and extensive alluvial sedimentation. Late Cenozoic uplift of the San Gabriel Mountains is largely due to compression along the Sierra Madre Fault Zone just south of the Project area. The highest peak in the San Gabriel Mountains is Mount San Antonio (Old Baldy) at 10,080 feet, and much of the range displays large relief with deep narrow canyons and peaks above 7,000 feet.

Near- and Sub-surface Conditions

The near-surface soils within the upper 5 to 6 feet generally possess a potential for minor to severe collapse when exposed to moisture infiltration, and a minor to moderate consolidation when exposed to load increases that would result from the new foundations. The near-surface soil's current conditions were not deemed suitable to support the foundation loads of the proposed buildings and could result in excessive post-construction settlements.

Artificial Fill

Artificial fill soils were encountered at the ground surface of all of the boring locations, extending to depths of approximately 1.5 to 5.5 feet below the existing site grades. The fill soils generally consist of medium dense to very dense silty sands and sandy silts with varying fine to coarse gravel content. Boring No. B-1 encountered a stratum consisting of dense sandy silts with little fine gravel content at a depth of 4.5 to 5.5 feet. Boring No. B-7 encountered a stratum consisting of medium dense gravelly sands with little silt content extending to a depth of approximately 1.5 feet below ground surface (bgs). Boring Nos. B-9 and B-11 encountered a stratum consisting of medium dense silty sands to sandy silts with traces of fine to coarse gravel extending to depths of approximately 2.5 to 3 ft bgs. The fill soils possess a disturbed and mottled appearance, with a sample possessing debris such as brick fragments.

Alluvium

Native alluvial soils were encountered beneath the fill soils surface at all of the boring locations, extending to at least the maximum depth explored of approximately 25 ft bgs. The near-surface alluvium generally consists of loose to dense gravelly sands, sandy silts, and silty sands, extending to depths 4.5 to 8 ft bgs. At greater depths, the alluvium becomes denser with occasional medium-dense sands.

Groundwater

Free water was not encountered during the drilling of any of the borings. Based on the lack of any water within the borings and the moisture contents of the recovered soil samples, the static groundwater table is considered to have existed at a depth in excess of 25 ft bgs at the time of the subsurface exploration.

SCG reviewed readily available groundwater data in order to determine regional groundwater depths. Recent water level data was obtained from the California Department of Water Resources, Water Data Library Station Map, website, <https://wdl.water.ca.gov/waterdatalibrary/>. One monitoring well on record (identified as Local Well: CHINO-1207068) is located as close as 705 feet west of the Project site. Water level readings within this monitoring well indicate a high groundwater level of approximately 225 ft bgs in January 2000.

Soil Erosion

Erosion refers to the removal of soil from exposed bedrock surfaces by water or wind. The effects of erosion are intensified with an increase in slope (as water moves faster, it gains momentum to carry more debris), the narrowing of runoff channels (which increases the velocity of water), and by the removal of groundcover (which leaves the soil exposed to erosive forces). Surface improvements, such as paved roads and buildings, decrease the potential for erosion on-site, but can increase the rate and volume of runoff, potentially causing off-site erosion.

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. According to the Geotechnical Investigation (**Appendix F**), liquefaction is not considered to be a design concern for the Project.

Shrinkage/Subsidence

Soils that are particularly subject to subsidence include those with high silt or clay content. Removal and recompacting of the near-surface native fill soils is estimated to result in an average shrinkage of 6 to 16 percent. However, potential shrinkage for individual samples ranged locally between 2 and 25 percent. Additional exploration during the design level investigation would help to refine the potential shrinkage estimate. It should be noted that the potential shrinkage estimates are based on dry density testing performed on small-diameter samples taken at the boring locations.

Minor ground subsidence is expected to occur in the soils below the zone of removal, due to settlement and machinery working. These estimates are based on previous experience and the subsurface conditions encountered at the boring locations. The actual amount of subsidence is expected to be variable and will be dependent on the type of machinery used, repetitions of use, and dynamic effects, all of which are difficult to assess precisely.

Landslides and Rockfall³

Landslides, rock falls, and debris flows are all forms of mass wasting, the movement of soils and rock under the influence of gravity. A landslide may occur if source material on a slope is triggered by some mechanism. Source materials include fractured and weathered bedrock and loose soils. Triggering mechanisms include earthquakes, saturation from rainfall, and erosion. Post-fire erosion rates may be

³ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.5-6. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed May 2023).

more than 50 to 100 times greater than on a well-vegetated watershed. The Project site is flat and is not located on or near a ridge.

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.⁴ The Project site is not identified as being prone to landslides.

Settlement

The remedial grading would be performed within the proposed building area in order to remove the existing undocumented fill soils, any soils disturbed during demolition, and a portion of the near-surface native alluvium, and replace these materials as compacted structural fill. The over excavation should extend to a sufficient depth so that the native soils that will remain in place below the recommended depth of over excavation will not be subject to significant load increases from the foundations of the new structures. Provided that the remedial grading is completed, the post-construction static settlements can be limited within tolerable limits.

Soluble Sulfates

Representative samples of the near-surface soils were submitted to a subcontracted analytical laboratory for determination of soluble sulfate content. Soluble sulfates are naturally present in soils, and if the concentration is high enough, can result in degradation of concrete which comes into contact with these soils. The results of the soluble sulfate testing, as discussed in the geotechnical investigation report, indicate soluble sulfate concentrations of 0.005 percent. The results of the soluble sulfate testing indicate that the selected samples of the on-site soils correspond to Class S0 with respect to the American Concrete Institute (ACI) Publication 318-05 Building Code Requirements for Structural Concrete and Commentary, Section 4.3. Therefore, specialized concrete mix designs are not considered to be necessary, with regard to sulfate protection purposes. It is, however, recommended that additional soluble sulfate testing be conducted at the completion of rough grading to verify the soluble sulfate concentrations of the soils which are present at pad grade within the building areas.

Expansive Soils

Expansive soils are common throughout California and can cause damage to foundations and slabs, separation of masonry, or failure of paved surfaces unless properly treated during construction. Expansive soil conditions could cause damage to facility components if they are not designed with proper engineering and grading practices. The hazard for expansive behavior is considered a low risk for alluvial fan locations because soils in these areas are frequently saturated and generally do not contain clay-sized particles.

⁴ San Bernardino County. 1994. *Geologic Hazard Overlays – FH29 C Fontana Map*. Retrieved from: <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed May 2023).

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. Secondary surface faulting can be triggered by aquifer compaction and subsidence or by the effects of strong ground shaking triggering a slip-on neighboring faults. Not all earthquakes will result in surface rupture.⁵ The Alquist-Priolo Earthquake Fault Zone Act, which is discussed in additional detail below and requires specific evaluation per the requirements of CEQA, initiated a statewide program to identify and disclose in environmental documents fault zones that are susceptible to surface rupture. The Project site is not within nor located in close proximity to a Alquist-Priolo Fault zone or zone of required investigation.⁶

Faulting and Seismicity⁷

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). A fault is classified as potentially active if it has experienced movement within the Quaternary period (during the last 1.6 million years). Faults that have not moved in the last 1.6 million years generally are considered inactive.

SCG researched available maps and determined the Project site is not located within an Alquist-Priolo Earthquake Fault Zone. SCG did not identify any evidence of faulting during the geotechnical investigation and significant fault rupture on the Project site was determined to be low.

Furthermore, the potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the Project site was determined to be low as well.

Additionally, ground shaking occurs when energy released during a fault rupture travels through subsurface rock, sediment, and soil materials, resulting in motion experienced 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

⁵ Ibid, Page 5.5-4.

⁶ California Department of Conservation. 2016. *Earthquake Zones of Required Investigation*. Retrieved from: <https://maps.conservation.ca.gov/cgs/EQZApp/>. (accessed May 2023).

⁷ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.5-2. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed May 2023).

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 generally is 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.

Paleontological Setting⁸

The Project area is located in Section 26, Township 1 South, Range 6 West, San Bernardino Baseline and Meridian (SBBM), as depicted on the Fontana, CA 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle.

The Project area is located south of the San Gabriel Mountain foothills. The San Gabriel Mountains are predominantly crystalline and consist of Proterozoic to Mesozoic intrusive igneous (plutonic) and metamorphic rocks as well as Cenozoic volcanic, marine, and terrestrial sedimentary deposits, including extensive alluvial fan and terrace deposits. The Project area is underlain Young alluvial-fan deposits from the early Holocene and late Pleistocene and Old alluvial-fan deposits from the middle to late Pleistocene. Although younger fan deposits do not have the potential to contain significant paleontological resources, older Pleistocene fan deposits exposed at surface levels have been mapped along the western area of the City near the intersection of I-15 and SR-210 and also in the southwestern areas of the City. The Pleistocene Epoch is considered to include the time between 2.6 million years ago until approximately 11,700 years ago. The Holocene Epoch began about 11,700 years ago and consists of younger sedimentary deposits. Accordingly, subsurface Pleistocene deposits overlain with more recent alluvial deposits are present within the City. The middle to late Pleistocene Old alluvial-fan deposits located on the Project site are composed of unconsolidated, tan, cobble and boulder alluvium derived from the Lytle Creek fan, and may be buried below younger alluvial-fan deposits approximately 5 ft bgs. Due to their age, within the older Pleistocene deposits, the potential for paleontological resources is considered to be high.⁹ However, almost the entire City is classified as having late Holocene surficial deposits by the California Department of Conservation.¹⁰

Paleontological Resources Potential

PaleoWest utilized guidelines set forth by the Society of Vertebrate Paleontology (SVP) to determine the potential for paleontological resources at the Project site. These guidelines establish protocols for the assessment of the paleontological resource potential of underlying geologic units and outline measures to mitigate adverse impacts that could result from project development. Using baseline information gathered during a paleontological resource assessment, the paleontological resource potential of the geologic unit(s) (or members thereof) underlying a project area can be assigned to one of four categories

⁸ PaleoWest. 2023. *Paleontological Resource Assessment*. (Appendix F3).

⁹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.4-8. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed May 2023).

¹⁰ California Department of Conservation. 2016. *Compilation of Quaternary Surficial Deposits*. Retrieved from: <https://maps.conservation.ca.gov/cgs/QSD/>. (accessed May 2023).

defined by SVP. These categories include high, undetermined, low and no paleontological resource potential.

- **High Sensitivity:** Rock units from which significant vertebrate or significant invertebrate fossils or significant suites of plant fossils have been recovered have a high potential for containing significant non-renewable fossiliferous resources. These units include but are not limited to, sedimentary formations and some volcanic formations which contain significant nonrenewable.
- **Low Sensitivity:** Sedimentary rock units that are potentially fossiliferous but have not yielded fossils in the past or contain common and/or widespread invertebrate fossils of well documented and understood taphonomic, phylogenetic species and habitat ecology. Reports in the paleontological literature or field surveys by a qualified vertebrate paleontologist may allow determination that some areas or units have low potentials for yielding significant fossils prior to the start of construction. Generally, these units will be poorly represented by specimens in institutional collections and will not require protection or salvage operations. However, as excavation for construction gets underway it is possible that significant and unanticipated paleontological resources might be encountered and require a change of classification from Low to High Potential and, thus, require monitoring and mitigation if the resources are found to be significant.
- **Undetermined Sensitivity:** Specific areas underlain by sedimentary rock units for which little information is available have undetermined fossiliferous potentials. Field surveys by a qualified vertebrate paleontologist to specifically determine the potentials of the rock units are required before programs of impact mitigation for such areas may be developed.
- **No Potential:** Rock units of metamorphic or igneous origin are commonly classified as having no potential for containing significant paleontological resources.

Methodology

In order to assess whether or not a particular area has the potential to contain significant fossil resources at the subsurface, it is necessary to review published geologic mapping to determine the geology and stratigraphy of the area. Geologic units are considered to be “sensitive” for paleontological resources if they are known to contain significant fossils anywhere in their extent. Therefore, a search of pertinent local and regional museum repositories for paleontological localities within and nearby the Project site area is necessary to determine whether fossil localities have been previously discovered within a particular rock unit. For this Project, a formal museum records search was conducted at the San Bernardino County Museum (SBCM), and informal records searches were conducted of the online University of California Museum of Paleontology Collections (UCMP) and other published and unpublished geological and paleontological literature of the area.

Site-Specific Geology and Paleontology

According to the Paleontological Resource Assessment, the Project area is underlain by Quaternary alluvial fan deposits eroded from the San Gabriel Mountains to the north. The Project area is underlain Young alluvial-fan deposits from the early Holocene and Late Pleistocene, and Old alluvial-fan deposits from the middle to late Pleistocene.

The early Holocene to late Pleistocene young alluvial fan deposits consist of unconsolidated, gray, cobbly and boulder alluvium. Locally, these fans are sourced from the Lytle Creek alluvial fan and are typically composed of sand, pebbles, and cobbles, coarsening northward to cobbles and boulders. Holocene deposits are generally too young to have accumulated or preserved significant biological material and are assigned low paleontological sensitivity as a result. However, Pleistocene deposits may be present at shallow depths (5 ft bgs) and can contain significant paleontological resources.

The late to middle Pleistocene Old alluvial fan deposits are composed of unconsolidated, tan, cobble and boulder alluvium derived from the Lytle Creek fan. This unit is mapped at ground surface at the very southeastern portion of the Project area and may be buried below younger Young alluvial-fan deposits at approximately 5 ft bgs. Pleistocene deposits have yielded scientifically significant vertebrate fossils throughout San Bernardino County. Fossiliferous Pleistocene sedimentary deposits have produced localities of deer, mammoth, camel, horse, bison, badger, mole, rabbit, gray fox, and coyote.

Records Search Results

The SBCM records search did not produce any fossil localities from within the Project area but did produce nine localities in Pleistocene sediment within two miles. Searches of online databases and other literature did not produce any additional fossil localities within five miles of the Project area.

4.6.3 Regulatory Setting

Federal

Occupational Safety and Health Administration (OSHA) Regulations

Excavation and trenching are among the most hazardous construction activities. The Occupational Safety and Health Administration's (OSHA) Excavation and Trenching standard, Title 29 of the Code of Federal Regulations (CFR), Part 1926.650, covers requirements for excavation and trenching operations. OSHA requires that all employers must ensure that workers enter trenches only after adequate protections are in place to address cave-in hazards to prevent or greatly reduce the risk of cave-ins and other excavation-related incidents. Other potential hazards associated with trenching work include falling loads, hazardous atmospheres, and hazards from mobile equipment.¹¹

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 soils natural functions and its 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) requirements, through the

¹¹ Occupational Health and Safety Administration. 2015. *Trenching and Excavation Safety*. Retrieved from: <https://www.osha.gov/sites/default/files/publications/osh2226.pdf#:~:text=Trenching%20and%20Excavation%20Safety%201%20Introducti on%20Excavation%20and,contain%20requirements%20for%20excavation%20and%20trenching%20operations.%20This> (accessed May 2023).

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 USGS, the National Science Foundation, and the National Institute of Standards and Technology. The purpose of the Congress in this Act is to reduce the risks of life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program.

The objectives of the program involve (1) the education of the public, including state and local officials, as to earthquake phenomena, the identification of locations and structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake, and related matters; (2) the development of technologically and economically feasible design and construction methods and procedures to make new and existing structures in areas of seismic risk earthquake resistant, giving priority to the development of such methods and procedures for power generating plants, dams, hospitals, schools, public utilities and other lifelines, public safety structures, high occupancy buildings, and other structures which are especially needed in time of disaster; (3) the implementation, to the greatest extent practicable, in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for predicting damaging earthquakes and for identifying, evaluating, and accurately characterizing seismic hazards; (4) the development, publication, and promotion, in conjunction with state and local officials and professional organizations, of model building codes and other means to encourage consideration of information about seismic risk in making decisions about land-use policy and construction activity; (5) development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including methods of mitigating the risks from earthquakes, planning to prevent such risks, disseminating warnings of earthquakes, organizing emergency services, and planning for reconstruction and redevelopment after an earthquake; (6) the development of ways to increase the use of existing scientific and engineering knowledge to mitigate earthquake hazards; and (7) the development of ways to assure the availability of affordable earthquake insurance.¹²

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

¹² National Earthquake Hazards Reduction Program. 2008. *Earthquake Hazards Reduction Act of 1977*. Retrieved from: <https://www.nehrp.gov/about/PL108-360.htm> (accessed May 2023).

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.

California Public Resources Code

Section 5097.5 of the PRC states:

“No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical feature, situated on public

lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.”

As used in this PRC section, “public lands” means lands owned by, or under the jurisdiction of, the state or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with PRC Section 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (PRC Sections 2621-2624, Division 2 Chapter 7.5) was passed in 1972 following the destructive 1971 San Fernando earthquake (magnitude 6.6), which damaged numerous structures due to extensive surface fault ruptures. The purpose of the act is to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults. Further, it is the intent of this chapter to provide the citizens of the state with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical buildings, against ground shaking.¹³

Seismic Hazards Mapping Act of 1990

The Seismic Hazards Mapping Act (SHMA) of 1990 (PRC Section 2690 et seq.) directs the Department of Conservation’s California Geological Survey, to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards.

The SHMA provides a statewide seismic hazard mapping and technical advisory program to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and other seismic hazards caused by earthquakes. Mapping and other information generated pursuant to the SHMA is to be made available to local governments for planning and development purposes. The state requires (1) local governments to incorporate site-specific geotechnical hazard investigations and associated hazard mitigation as part of the local construction permit approval process, and (2) the agent for a property seller, or the seller if acting without an agent, to disclose to any prospective buyer if the property is located within a seismic hazard zone. The State Geologist is responsible for compiling seismic hazard zone maps. The SHMA specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

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

¹³ California Legislative Information. 1994. *Chapter 7.5. Earthquake Fault Zoning [2621 - 2630]*. Retrieved from: https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC (accessed May 2023).

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).

State Earthquake Protection Law

The State Earthquake Protection Law (California HSC Sections 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 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.

Requirements for Geotechnical Investigations

Requirements for geotechnical investigations are included in CBC Appendix J, Grading, Section J104; additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in the California HSC Sections 17953 to 17955 and in CBC Section 1803. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate site geology, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. CBC Section J105 sets forth requirements for inspection and observation during and after grading.

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.

Storm Water Pollution Prevention Plans

Pursuant to the CWA, in 2012, the State Water Resources Control Board (SWRCB) issued a Statewide general NPDES Permit for stormwater discharges from construction sites (NPDES No. CAS000002). Under this Statewide General Construction Activity permit, discharges of stormwater from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for

stormwater discharges or be covered by the General Permit. Coverage by the General Permit is accomplished by completing and filing a Notice of Intent with the SWRCB and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). Each Project Applicant (Master Developer and/or Site Developer, as applicable) under the General Construction Activity Permit must ensure that a SWPPP is prepared prior to grading and is implemented during construction. The SWPPP must list best management practices (BMPs) implemented on the construction site to protect stormwater runoff and must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a monitoring plan if the site discharges directly to a water body listed on the state’s 303(d) list of impaired waters.

General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities

A SWPPP prepared in compliance with a NPDES permit under the authority of the local Regional Water Quality Control Board (RWQCB) and SWRCB describes the Project area, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of post construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity, and to identify and implement controls where necessary.

Municipal Separate Storm Sewer System Permit

In 2010, the Santa Ana RWQCB issued a municipal separate storm sewer system (MS4) permit and waste discharge requirements (R8-2010-0033 and NPDES No. CAS 618033) to the San Bernardino County Permittees. Under this Permit, the County is required to enforce and comply with stormwater discharge requirements pursuant to the Clean Water Act, the Porter-Cologne Water Quality Control Act, applicable state, and federal regulations (including policies of the SWRCB), the Santa Ana River Basin Water Quality Control Plan (Basin Plan), and the California Toxics Rule Implementation Plan.

The MS4 Permittees and Principal Permittee (San Bernardino County Flood Control District) are required to develop several items that generally reduce pollutants in urban runoff to the maximum extent practicable (MEP). This includes “Local Implementation Plans” describing the enforceable elements of an agency’s urban runoff compliance program, as well as a “Watershed Action Plan” and “Hydromodification Management Plan” to address impacts from urbanization. Likewise, a “Drainage Area Management Plan” is periodically updated by the principal permittee to document MS4 permit compliance programs and to provide guidance to co-permittees for Local Implementation Plans. In addition, the “Consolidated Monitoring Program” defines the monitoring locations and methods to evaluate BMP effectiveness. Lastly, the MS4 permit requires a “Water Quality Management Plan” (WQMP) for most new development and certain redevelopment projects. Like the construction SWPPP, the WQMP identifies how site design elements, source control methods and treatment control BMPs in the post-construction phase would minimize pollutant loads to the municipal storm drain in the long-term.

Eligible projects submitted to the County are required to provide a project-specific WQMP prior to the first discretionary project approval or permit. Project Applicants (Master Developer and/or Site

Developer, as applicable) may submit a preliminary project-specific WQMP for discretionary project approval (land use permit); however, a final version would be submitted for review and approval prior to the issuance of any grading or building permits.

Local

Fontana General Plan 2015-2035

Noise and Safety Element¹⁴

The area around 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, utilities, and can lead to loss of life. In addition, earthquakes can cause collateral emergencies including dam and levee failures, fires, and landslides. Seismic shaking is by far the single greatest cause of damage from an earthquake in the 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.*

Policy 4.2: 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.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

City of Fontana Local Hazard Mitigation Plan

The purpose of the Local Hazard Mitigation Plan (LHMP) is to demonstrate the plan for reducing and/or eliminating risk in City. 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, there is the intent to provide the City with a Guidebook to 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.¹⁵

¹⁴ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035, Chapter 11 Noise and Safety Element. Pg. 222-236.* Retrieved from: <https://www.fontana.org/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018>. (accessed May 2023).

¹⁵ City of Fontana. 2017. *City of Fontana Local Hazard Mitigation Plan.* Retrieved from: <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed May 2023).

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.

Methodology and Assumptions

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

Approach to Analysis

This analysis of impacts on geology and soils 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 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 available documentation related to geologic conditions; 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 a Project component will or will not result in “substantial” adverse effects on geology and soils considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project’s components.

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

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 there are no existing faults beneath the SWIP Specific Plan area. The nearest fault to the SWIP Specific Plan area is the Cucamonga Fault, approximately seven miles north, which traverses through the northern portion of the City. Since no known earthquake faults are known to exist beneath the SWIP Specific Plan area, impacts related to fault rupture were concluded to be less than significant.

Project Construction and Operations

As previously discussed, numerous faults capable of producing significant ground motions are located near the Project site; however, SCG did not identify any evidence of faulting during the geotechnical investigation and determined there would be a low possibility of fault rupture on the Project site.¹⁶ Additionally, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone.

The Sierra Madre fault zone is the nearest fault zone to the Project site and is located approximately 7.4 miles north of the Project site. Additionally, the San Jacinto fault zone is located approximately 9.5 miles northeast of the Project site. Furthermore, the Elsinore fault zone is located approximately 13.5 miles southwest of the Project site.¹⁷ Although southern California is a seismically active region, the Project site’s distance from the nearest fault zones would minimize risks attributed to ground surface rupture.

In addition, the Project would be designed and constructed in conformance with all applicable standards governing such development and would use the latest CBCs, as adopted by the Building Standards Commission, to minimize impacts from seismic activity. The Building Standards Commission performs all

¹⁶ Southern California Geotechnical Inc. (SCG). 2023. *Geotechnical Investigation Proposed Industrial Development*. Appendix F1.

¹⁷ San Bernardino Countywide Plan Policy Map. 2020. *HZ-1 Earthquake Fault Zones*. Retrieved from: <https://www.arcgis.com/apps/webappviewer/index.html?id=d88e2db7ee5649478d70e95c56b0d62d>. (accessed May 2023).

functions relating to the adoption and publication of the CBSC in Title 24 of the CCR prescribed by the California Building Standards Law in HSC, Division 13, Part 2.5, commencing with Section 18901. The Project is not located within an Alquist-Priolo Fault zone and is not adjacent to an active fault line. Therefore, the Project would not cause or exacerbate adverse effects related to rupture of an earthquake fault, nor from fault ruptures and impacts associated with the surface rupture of a known fault would be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is 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?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

Level of Significance: Less than Significant

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that no active faults are known to traverse the SWIP Specific Plan area. Adherence to standard engineering practices and design criteria relative to seismic and geologic hazards in accordance with the California Building Code (CBC) would reduce the significance of potential impacts to less than significant. Additionally, the City's General Plan EIR states that the vast majority of the City has a low susceptibility to liquefaction. Future development associated with the SWIP Specific Plan would be subject to site-specific geotechnical investigations and would comply with existing CBC standards to minimize any potential ground failure or liquefaction hazards. The CBC includes detailed design requirements related to structural design, soils, and foundations, and grading to ensure that public safety risks due to liquefaction are minimized to below significance. Therefore, the SWIP Specific Plan is not anticipated to result in the exposure of people or structures to potential impacts related to seismic ground failure or liquefaction and a less than significant impact would occur. Lastly, the SWIP Specific Plan and surrounding area are characterized by relatively flat topography. There are no land features in the vicinity capable of producing landslides. Therefore, no impact would occur in this regard.

Project Construction and Operations

As previously discussed, southern California is considered a seismically active region. However, the Project site is not within an Alquist-Priolo Earthquake Fault Zone, and no evidence of faulting was identified during the geotechnical investigation conducted by SCG. Therefore, the potential for surface rupture resulting from the movement of nearby or distant faults is considered low. As part of the Geotechnical Investigation, 2022 CBC Seismic Design Parameters were generated for future structural improvements within the Project area. Structures for human occupancy must be designed to meet or exceed the most current CBC standards 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 Project site. Therefore, future development of habitable structures within the Project site would be conducted in accordance with the 2022 CBC Seismic Design Parameters generated as part of the Geotechnical Investigation, which would reduce impacts from seismic ground shaking to a less than significant level.

The term liquefaction describes a phenomenon in which saturated, cohesionless soils temporarily lose shear strength (liquefy) due to increased pore water pressures induced by strong, cyclic ground motions during an earthquake. The CGS has not yet conducted seismic hazard mapping in the Project site area. However, the San Bernardino County Land Use Plan, Geologic Hazard Overlays, Fontana Quadrangle, FH29C, indicates that the Project site is not located within a zone of liquefaction susceptibility.

Liquefaction potential is greater in saturated, loose, poorly graded fine sands with a mean (d_{50}) grain size in the range of 0.075 to 0.2mm. Clayey (cohesive) soils, or soils that possess clay particles ($d > 0.005\text{mm}$) in excess of 20 percent are generally not considered to be susceptible to liquefaction. Soils above the historic static groundwater table are also generally not considered to be susceptible to liquefaction. The subsurface conditions at the boring locations are not considered to be conducive to liquefaction. Liquefaction is not anticipated to be a design concern for the Project, and impacts would be less than significant.

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; however, landslide susceptibility depends on various factors such as the presence and orientation of weak structures; the height and steepness of the pertinent natural or cut slope; the presence and quantity of groundwater; and the occurrence of strong seismic shaking. As previously mentioned, the Project's topography does not contain steep slopes with extreme elevation differences that would potentially lead to landslide effects. The nearest moderate to high landslide susceptibility zone to the Project site is the Jurupa Mountains located approximately 0.6 mile to the south; however, the Project site was not identified as being prone to landslides. Through compliance with the CBC and all applicable local laws and regulations, a less than significant impact would occur, and no mitigation is required.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have

been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact and no impact, under these issue areas.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.6-3: Would the Project result in substantial soil erosion or the loss of topsoil?

Level of Significance: Less Than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 compliance with all requirements set forth in the NPDES permit for construction activities (e.g., implementation of BMPs through preparation of a SWPPP), would reduce potential impacts from soil erosion to less than significant levels.

Project Construction and Operations

Some of the near-surface soils possess appreciable silt content and may become unstable if exposed to significant moisture infiltration or disturbance by construction traffic. Additionally, some of the soils located on the Project site would be susceptible to erosion, based on their granular content. However, the site would be graded to prevent ponding of surface water and also to prevent water from running into excavations. Implementation of Mitigation Measure **(MM) GEO-1** would be implemented to ensure future structure stability and guide over excavation and fill activities.

Dust control measures, such as watering, would be utilized to control the potential for erosion to occur. Construction contractors would also be required to implement a dust control plan in compliance with South Coast Air Quality Management District Rule 403 to reduce wind erosion (further information about dust control can be found in **Section 4.2, Air Quality** of this EIR). Depending on the final grading plan for the Project, a structural setback may be required to prevent excessive differential settlement induced by new fill loading that would cause structure damage to planned structures. **MM GEO-1** would require the Applicant to comply with the recommendations of a Final Geotechnical Evaluation and the most current CBC adopted by the City as its building code. With implementation of **MM GEO-1** potential project impacts related to potential for substantial soil erosion, or the loss of topsoil would be less than significant.

Construction activities such as grading, and excavation would be minimal due to the relatively flat topography of the Project site. No major grading or excavation would be necessary that would substantially alter the slope of the Project site, create, or remove steep slopes, or make other landform modifications. Although grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water, the Project would be required to comply with erosion and siltation control measures such as sandbagging, placement of silt fencing, erosion control blankets, etc. to reduce runoff from the site and hold topsoil in place. Furthermore, the Project would comply with

the National Pollutant Discharge Eliminations System (NPDES); refer to **Section 4.9, Hydrology and Water Quality** for additional information. Erosion-control BMPs would further reduce erosion.

Conformance to the existing regulatory regulations and implementation of **MM GEO-1** would ensure impacts concerning erosion and the loss of topsoil are less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

MM GEO-1 **Compliance with the Geotechnical Evaluation Report.** Per the Geotechnical Evaluation (Southern California Geotechnical, Inc., April 7, 2023), the proposed structures shall be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life.

Design, grading, and construction shall adhere to all of the seismic requirements incorporated into the latest California Building Code (CBC) and the requirements and standards contained in the applicable chapters of the City of Fontana Municipal Code, as well as appropriate local grading regulations, and the specifications of the project geotechnical consultant, including but not limited to those related to seismic safety, subject to review by the Director of the City of Fontana Development Services Department, or designee, prior to the issuance of any grading permits.

All grading, construction and operations shall be conducted in conformance with the recommendations included in the Geotechnical Evaluation for the Project site prepared by Southern California Geotechnical, Inc. All geotechnical specifications as identified in the Geotechnical Evaluation (April 7, 2023) shall be adhered to, including:

- Seismic Design Considerations,
- Geotechnical Design Considerations,
- Site Grading Recommendations,
- Construction Considerations,
- Foundation Design Recommendations,
- Floor Slab Design and Construction,
- Retaining Wall Design and Construction, and
- Pavement Design Parameters

The City shall maintain copies of the Southern California Geotechnical, Inc., Geotechnical Evaluation, April 7, 2023, referenced above in the appropriate file locations at the City.

Impact 4.6-4: *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 with Mitigation Incorporated*

SWIP EIR Findings

Refer to Impact 4.6-2, above. The SWIP Specific Plan is not 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. Therefore, a less than significant impact would occur.

Project Construction and Operations

Seismically induced lateral spreading involves primarily lateral movement of earth materials over underlying material which are liquefied due to ground shaking. Lateral spreading is demonstrated by near-vertical cracks with predominantly horizontal movement of soil mass. SCG determined the potential for lateral spreading to be low. Furthermore, any retaining walls more than six feet in height would be designed for seismic lateral earth pressures in accordance with the 2022 CBC and a geotechnical engineer would be contacted for supplementary seismic lateral earth pressure recommendations.

The major cause of ground subsidence is the excessive withdrawal of groundwater. SCG confirmed that no free water was encountered during the drilling of any of the borings and the static groundwater table is considered to have existed at a depth in excess of 25 feet at the time of the subsurface exploration. Therefore, based on anticipated groundwater depths, it is not expected that groundwater would affect excavations for the Project foundations or utilities. However, minor ground subsidence is expected to occur in the soils below the zone of removal due to settlement and machinery working. The subsidence is estimated to be 0.15 feet. These estimates are based on subsurface conditions encountered at the boring locations.

Removal and recompaction of the near-surface alluvium is estimated to result in an average shrinkage of 6 to 16 percent. However, potential shrinkage for individual samples ranged locally between 2 and 25 percent. The potential shrinkage estimate is based on dry density testing performed on small-diameter samples taken at the boring locations.

Artificial fill soils were encountered at the ground surface at all of the boring locations, extending to depths of approximately 1.5 to 5.5 feet below the existing site grades. Based on a lack of documentation regarding the placement and compaction of the existing fill materials, these soils are considered to consist of undocumented fill, and are not suitable for the support of the foundation loads of the proposed buildings. These fill soils are underlain by native alluvium which possesses varying strengths and densities. The results of laboratory testing indicate that the near-surface soils within the upper 5 to 6 feet generally possess a potential for minor to severe collapse when exposed to moisture infiltration as well as minor to

moderate consolidation when exposed to load increases in the range of those that will be exerted by the new foundations. The near-surface soils, in their present condition, are not considered suitable to support the foundation loads of the new buildings and could result in excessive post-construction settlements. The native soils at greater depths generally will experience less influence from the new foundation loads. Boring Nos. B-10 and B-5 encountered loose soils at depths of approximately 6.5 to 8 ft bgs, respectively.

However, remedial grading would be warranted within the proposed building areas to remove all undocumented fill soils, the upper portion of the near-surface alluvium, and any soils disturbed in the demolition process. These materials would then be replaced as compacted structural fill soils to reduce risks of collapse and settlement. The remaining native soils would not be subject to significant stress increases from the foundations of the proposed buildings because they would be below the recommended depth of over-excavation. **MM GEO-1** would ensure impacts concerning the structural integrity of the soils are reduced.

Compliance with the 2022 CBC and all applicable laws and regulations, along with implementation of **MM GEO-1**, would reduce impacts to less than significant levels.

With the implementation of regulatory requirements and mitigation, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

See **MM GEO-1**.

Impact 4.6-5: 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: No Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that although the potential for expansive soils exists, future development associated with the SWIP Specific Plan would be subject to site-specific geotechnical investigations and would comply with existing CBC standards to minimize any potential for hazards due to expansive soils. Therefore, impacts in this regard are considered less than significant.

Project Construction and Operations

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 near-surface soils on the Project site consist of gravelly sands, sandy silts, and silty sands with no appreciable clay content. SCG determined these materials to be non-expansive. Imported structural fill would consist of very low expansive (EI < 20), well graded soils possessing at least 10 percent fines. Therefore, impacts concerning expansive soils would not occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.6-6: *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: No Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that the area would be served by sewer facilities. Therefore, it would not be necessary to install septic tanks or alternative wastewater disposal systems and no impact would occur.

Project Construction and Operations

Sewers are available for the disposal of wastewater from the Project site. The Project does not propose the use of septic tanks or alternate wastewater disposal systems; therefore, no impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a no impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.6-7: 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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.3 that the southern portions of the SWIP Specific Plan may be underlain with older Pleistocene fan deposits which may have moderate potential to produce Pleistocene vertebrate fossils. Therefore, excavations that extend into the Pleistocene Alluvium have a potential of containing substantial fossil vertebrate specimens. However, mitigation measures have been incorporated which would require an analysis of potential impacts to paleontological resources on a site-specific basis. If it is determined through these analyses that significant paleontological resources may be affected by future projects, a mitigation program would be prepared to minimize impacts. Thus, upon implementation of recommended mitigation measures, impacts would be less than significant in this regard.

Project Construction and Operations

As previously discussed, Quaternary Old alluvial-fan deposits that have yielded fossiliferous Pleistocene sedimentary deposits are located within the Project site. The SBCM records search did not produce any fossil localities from within the Project site; however, nine localities in Pleistocene sediment were produced within two miles of the Project site. The old alluvial-fan deposits have a high paleontological sensitivity due to the presence of Pleistocene fossil localities in the Project vicinity. However, majority of the Project area is underlain with Quaternary young alluvial-fan deposits from Lytle Creek. These are Holocene deposits which have a low paleontological sensitivity at the surface, but may overlie older, more sensitive, Pleistocene deposits at approximately 5 ft bgs. The presence of Pleistocene deposits at the surface, and likely at depth in the Project area, suggests that ground disturbing activities may result in a significant impact to paleontological resources under CEQA. The SWIP EIR and Project MMs described below would be implemented to reduce impacts to less than significant levels. When there are conflicts between the SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence.

Lastly, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of a less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.4-3a A qualified paleontologist shall conduct a pre-construction field survey of any project site within the Specific Plan Update area that is underlain by older alluvium. The paleontologist shall submit a report of findings that provides specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. [GPEIR MM CR-5] *(This mitigation measure is not applicable as a Paleontological Resource Assessment has been prepared for the Project and is included as **Appendix F**. The Assessment identifies further mitigation measures.)*

MM 4.4-3b Should mitigation monitoring be recommended for a specific project within the project site, the program shall include, but not be limited to, the following measures:

- Assign a paleontological monitor, trained, and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
- Should fossils be found within an area being cleared or graded, earth disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find.
- All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum).
- A summary report shall be submitted to City of Fontana. Collected specimens shall be transferred with copy of report to San Bernardino County Museum. [GPEIR MM CR-6] *(This mitigation measure is not applicable as MMs GEO-2 through -4 below takes precedence over this mitigation measure.)*

Project Mitigation Measures

MM GEO-2 **Workers Environmental Awareness Program (WEAP).** Prior to the start of the proposed Project activities, all field personnel will receive a worker's environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow if a fossil discovery is made and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrently with other training, including cultural, biological, safety, et cetera.

MM GEO-3 **Paleontological Mitigation Monitoring.** Prior to the commencement of ground disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological mitigation plan for the Project. The plan will describe the monitoring required during ground disturbing activities. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the

geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely.

MM GEO-4

Fossil Discoveries. If a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

- **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in the mitigation plan prepared for the Project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
- **Fossil Preparation and Curation.** The paleontological mitigation plan will identify the museum that has agreed to accept fossils that may be discovered during Project related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.
- **Final Paleontological Mitigation Report.** Upon completion of ground disturbing activity (and curation of fossils, if necessary), the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include a discussion of the location, duration, and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

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. Like the Project, future development projects would be required to comply with applicable state and local building regulations, including the most recent CBC. Site-specific geologic hazards would be addressed in each project's geotechnical investigation. Further, future developments would be required to comply with environmental analysis and review. Therefore, no significant cumulative impact would occur.

Additionally, other projects in the area would involve ground disturbance and could damage paleontological resources that could be buried in those project sites. As with the Project, other projects would require site-specific paleontological analysis that could lead to mitigation requiring monitoring and recovery, identification, and curation of any resources discovered.

Project development would not alter geologic events or soil features/characteristics (such as ground shaking, seismic intensity, or soil expansion). Furthermore, the Project would not be expected to significantly alter paleontological resources with implementation of the mitigation measures previously discussed. Therefore, the Project would not expose people to greater seismic hazards nor significantly impact any paleontological resources, and other projects near seismic faults would have different impacts.

Current building codes and additional regulations apply to the Project as well as reasonably foreseeable future projects. The Project would comply with the current CBC, Municipal building requirements, and General Plan policies that would ensure potential geology and soil impacts are reduced to less than significant levels. Cumulative impacts to paleontological resources would be less than significant, and Project contribution would not be cumulatively considerable.

4.6.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.6.8 References

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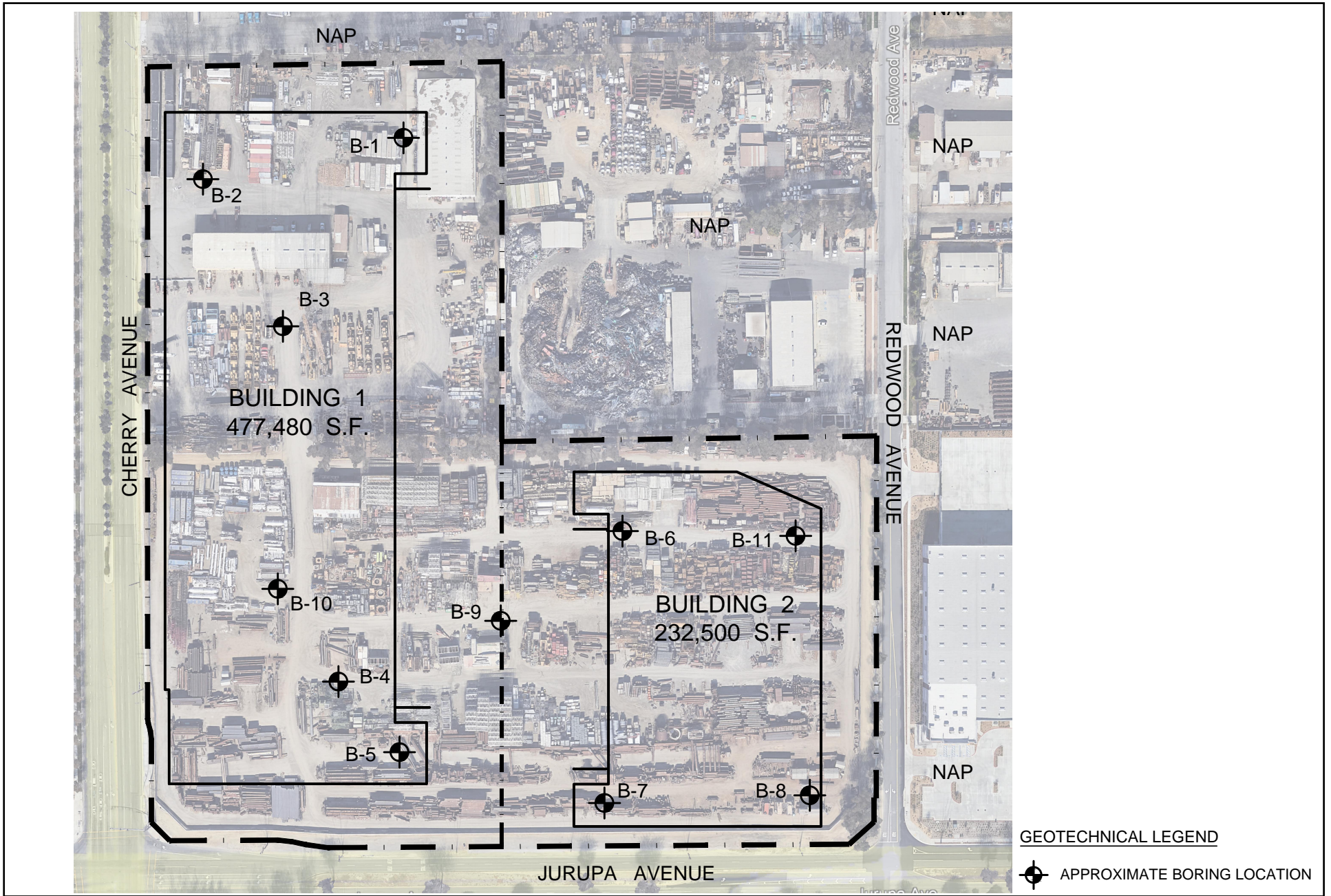
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Source: Southern California Geotechnical, April 2022

FIGURE 4.6-1: Boring Locations
Cherry Commerce Center Project

Greenhouse Gas Emissions

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Introduction

This section of the Draft Subsequent EIR discusses potential greenhouse gas (GHG) impacts associated with the development of the Cherry Commerce Center Project (Project). Consideration of the Project's consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is included in this section. In the case where impacts are found to be potentially significant, mitigation will be proposed to reduce their significance. Information and analysis presented in this section are derived from the *Greenhouse Gas Emissions Assessment* conducted for the Project (Kimley-Horn, 2023), found in Draft EIR **Appendix G**. See Appendix A of **Appendix G** for GHG emissions data.

4.7.2 Environmental Setting

Greenhouse Gases and Climate Change

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. **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.

Greenhouse Gas	Description
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.
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.
Source: Kimley-Horn. June 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 1.	

4.7.3 Regulatory Setting

Federal

To date, national standards have not 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.

Energy Independence and Security Act of 2007

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 (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 EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency.

On April 2, 2018, the Administrator signed the Mid-term Evaluation Final Determination which finds that the model year 2022-2025 GHG standards are not appropriate in light of the record before EPA and, therefore, should be revised.

On September 19, 2019, under the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule, the U.S. Department of Transportation's NHTSA and the U.S. EPA issued the final "One National Program Rule." The rule states that federal law preempts state and local laws regarding tailpipe GHG emissions standards, zero emissions vehicle mandates, and fuel economy for automobiles and light duty trucks. The rule revokes California's Clean Air Act waiver and preempts California's Advanced Clean Car Regulations.

On September 20, 2019, a lawsuit was filed by California and a coalition of 22 other states, and the cities of Los Angeles, New York and Washington, D.C., in the United States District Court for the District of Columbia (Case 1:19-cv-02826) challenging the SAFE Rule and arguing that EPA lacks the legal authority to withdraw the California waiver. In April 2021, the EPA announced it would reconsider its previous withdrawal and grant California permission to set more stringent climate requirements for cars and SUVs. On March 9, 2022, the EPA restored California's 2013 waiver to full force, including both its GHG standards and zero-emissions vehicles sales requirements.

Presidential Executive Orders 13990 and 14008

On January 20, 2021, President Biden issued Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis". Executive Order 13990 directs Federal agencies to immediately review and take action to address the promulgation of Federal regulations and other actions that conflict with these important national objectives and to immediately commence work to confront the climate crisis. Executive Order 13990 directs the Council on Environmental Quality (CEQ) to review CEQ's 2020 regulations implementing the procedural requirements of the National

Environmental Policy Act (NEPA) and identify necessary changes or actions to meet the objectives of Executive Order 13990.

Executive Order 13390 also directs the EPA to consider whether to propose suspending, revising, or rescinding the standards previously revised under the “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks,” promulgated in April 2020.

On January 27, 2021, President Biden signed Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," to declare the Administration's policy to move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories. In line with these Executive Order directives, CEQ is reviewing the 2020 NEPA regulations and plans to publish a notice of proposed rulemaking (NPRM) to identify necessary revisions in order to comply with the law; meet the environmental, climate change, and environmental justice objectives of Executive Orders 13990 and 14008; ensure full and fair public involvement in the NEPA process; provide regulatory certainty to stakeholders; and promote better decision making consistent with NEPA's statutory requirements. This phase 1 rulemaking will propose a narrow set of changes to the 2020 NEPA regulations to address these goals.

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 459 million gross metric tons of CO₂e in 2013. 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.

2017 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”).¹ 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.² 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 gases 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 emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing new zero emission vehicles (ZEV) buses and trucks.

¹ 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.

² 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.

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 million metric tons of CO₂e (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.

2022 Carb 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 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. CARB specifically states that Appendix D does not address other land uses (e.g., industrial). However, CARB plans to explore new approaches for other land use types in the future.

As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

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.

Senate Bill 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 (RTP), 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 (SCS) in their RTPs for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

Assembly Bill 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 EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld 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. In 2019, the EPA published the SAFE Rule that revoked California's waiver. However, the EPA is currently reconsidering the SAFE rule pursuant to Presidential Executive Order 13390.

Senate Bill 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 five 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.

Senate Bill 1078 and Senate Bill X1-2 (Renewable Electricity Standards)

SB 1078 requires California to generate 20 percent of its electricity from renewable energy by 2017. SB 1078 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 (RPS) 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.

Senate Bill 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.

Assembly Bill 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.

Senate Bill 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.

Senate Bill 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.

Assembly Bill 1279 (California Climate Crisis Act)

Signed on September 16, 2022, AB 1279 established the goal to achieve net-zero GHG emissions no later than 2045 and net negative thereafter. The bill establishes a goal toward at least an 85 percent reduction target for anthropogenic GHG emissions below statewide emissions limit from Section 36550 of the California Health and Safety Code.

Assembly Bill 1384 (Resiliency Through Adaptation, Economic Vitality, and Equity Act)

Signed on September 16, 2022, AB 1384 requires the release of a draft Safeguarding California Plan by January 1, 2024, and every three years thereafter. The intent of AB 1384 is to prioritize the most vulnerable communities, ecosystems, and economic sectors in the State's climate adaptation and resilience strategy set forth in the Safeguarding California Plan by ensuring that all State departments and agencies accurately identify, collaboratively prepare for, and are sufficiently resourced to adequately respond to the impacts of climate change, such as extreme weather events, the urban heat island effect, habitat loss, wildfire, sea level rise, and drought.

SB 1020 (100 Percent Clean Electric Grid)

Signed on September 16, 2022, SB 1020 provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

SB 905 (Carbon Sequestration Program)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated carbon dioxide fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires State agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every

new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission “last-mile” delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers, and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

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 (CEC), 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.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all

medium and heavy-duty vehicles will be zero-emission by 2045, where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment “requiring increasing volumes” of new ZEVs “towards the target of 100 percent.” The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

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 2016 Building Energy Efficiency Standards approved on January 19, 2016, went into effect on January 1, 2017. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018, and went into effect on January 1, 2020. Under the 2019 standards, homes will use about 53 percent less energy and nonresidential buildings will use about 30 percent less energy than buildings under the 2016 standards.

On August 11, 2021, the CEC adopted the 2022 Building Energy Efficiency Standards (2022 Energy Code). In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

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 continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

Warehouse Best Practices and Mitigation

The California Department of Justice published recommended best practices and mitigation measures to comply with CEQA, updated in September 2022. The purpose of this document is to provide information on feasible best practices and mitigation measures that have been adapted from warehouse projects in California. Project-specific best practices and measures include warehouse siting and design considerations such as distance to sensitive receptors, setback requirements, perimeter screening, parking considerations, limitations on idling time, use of zero-emissions operational equipment (e.g., forklifts and yard trucks), and constructing and maintaining electric light-duty vehicle charging stations, among others.

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. The SCAQMD has adopted a threshold of 10,000 MTCO₂e per year for industrial projects and a 3,000 MTCO₂e threshold was proposed for non-industrial projects but has not been adopted. During Working Group Meeting #7 it was explained that this threshold was derived using a 90 percent capture rate of a large sampling of industrial facilities. During Meeting #8, the Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.). The Working Group indicated that the 10,000 MTCO₂e per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.). The SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

South Coast Air Quality Management District Rule 2305 (Warehouse Indirect Source Rule)

Rule 2305 was adopted by the South SCAQMD Governing Board on May 7, 2021, to reduce NO_x and particulate matter emissions associated with warehouses and mobile sources attracted to warehouses. However, Rule 2305 would also reduce GHG emissions. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install on-site energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Southern California Association of Governments

On September 3, 2020, the Southern California Association of Governments (SCAG) Regional Council adopted Connect SoCal (2020 - 2045 RTP/SCS). The RTP/SCS charts a course for closely integrating land use and transportation so that the region can grow smartly and sustainably. The strategy was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses, and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The RTP/SCS is a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The SCAG region strives toward sustainability through integrated land use and transportation planning. The SCAG region must achieve specific federal air quality standards and is required by state law to lower regional GHG emissions.

Local

Fontana General Plan 2015-2035

Chapter 10³ and Chapter 12⁴ of the General Plan Update outline the goals and policies for resource efficiency and planning for climate change within the City. General Plan policies that relate to climate change include the following:

Chapter 10, Infrastructure and Green Systems

Goal 7: *Fontana is an energy-efficient community.*

³ City of Fontana. 2018. *Chapter 10: Infrastructure and Green Systems*. <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed September 2022).

⁴ City of Fontana. 2018. *Chapter 12: Sustainability and Resilience*. <https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience> (accessed September 2022).

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.

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

Policy 5.1: Promote green building through guidelines, awards, and nonfinancial incentives.

Goal 6: *Fontana is a leader in energy-efficient development and retrofits.*

Policy 6.1: Promote incentives for energy-efficient residential and non-residential construction.

City of Fontana Industrial Commerce Center Sustainability Standards Ordinance

The City approved and adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance No. 1891) on April 12, 2022. It is applicable to all warehouse uses throughout the City, including the Project. The Ordinance will meet and exceed all state and federal environmental standards and would foster the balancing of public health and quality of life issues with the economic and employment opportunities that the goods movement provides the City and its residents.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

4.7.4 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:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

South Coast Air Quality Management District Thresholds

On December 5, 2008, the SCAQMD Governing Board adopted an interim GHG significance threshold for stationary sources, rules, and plans where the SCAQMD is lead agency (SCAQMD permit threshold). The SCAQMD permit threshold consists of five tiers. However, the SCAQMD is not the lead agency for this Project. Therefore, the five permit threshold tiers do not apply to the proposed project.

The SCAQMD is in the process of preparing recommended significance thresholds for GHGs for local lead agency consideration (“SCAQMD draft local agency threshold”); however, the SCAQMD Board has not approved the thresholds as of the date of this EIR. The existing draft thresholds consist of the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project’s construction emissions are averaged over 30 years and are added to a project’s operational emissions. If a project’s emissions are under one of the following screening thresholds, then the project is less than significant:
 - All land use types: 3,000 MTCO₂e per year
 - Based on land use type: residential: 3,500 MTCO₂e per year; commercial: 1,400 MTCO₂e per year; or mixed use: 3,000 MTCO₂e per year.
 - Based on land type: Industrial (where SCAQMD is the lead agency), 10,000 MTCO₂e per year.
- Tier 4 has the following options:
 - Option 1: Reduce emissions from business as usual (BAU) by a certain percentage; this percentage is currently undefined.
 - Option 2: Early implementation of applicable AB 32 Scoping Plan measures.
 - Option 3: 2020 target for service populations (SP), which includes residents and employees: 4.8 MTCO₂e/SP/year for projects and 6.6 MTCO₂e/SP/year for plans; 2035 target: 3.0 MTCO₂e/SP/year for projects and 4.1 MTCO₂e/SP/year for plans.
- Tier 5 involves mitigation offsets to achieve target significance threshold.

SCAQMD’s draft thresholds use the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order’s objective would contribute to worldwide efforts to cap carbon dioxide concentrations at 450 ppm, thus stabilizing the global climate.

In setting the threshold at 3,000 MTCO₂e per year, SCAQMD researched a database of projects kept by the Governor’s Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample

population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 MTCO₂e per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO₂e per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 MTCO₂e per year threshold for residential/commercial uses was proposed by SCAQMD over a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO₂e per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold “uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level” and, thus, remains valid for use in 2023 (SCAQMD, 2008, pp. 3-4). Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction.

Thus, if project-related GHG emissions do not exceed the 3,000 MTCO₂e per year threshold, then project-related GHG emissions would have a less-than-significant impact. On the other hand, if project related GHG emissions exceed 3,000 MTCO₂e per year, the project would result in a significant impact related to GHG emissions.

Methodology

The Project’s construction and operational emissions were calculated using the California Emissions Estimator Model version 2022.1.1 (CalEEMod). Details of the modeling assumptions and emission factors are provided in Appendix A: Greenhouse Gas Emissions Data, of the Greenhouse Gas Emissions Assessment provided as **Appendix G** to this Draft EIR. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. GHG emissions during construction were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from 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. The Project’s operational-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste. SCAQMD Rule 2305 requires the Project operator to directly reduce NO_x and particulate matter emissions or to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Emissions reductions associated with compliance with SCAQMD Rule 2305 have not been accounted for to provide a worst-case analysis.

4.7.5 Impacts and Mitigation Measures

Impact 4.7-1 *Would the Project generate greenhouse gas emissions, either directly or indirectly, that could have a significant impact on the environment?*

Level of Significance: Significant and Unavoidable

SWIP EIR Findings

The SWIP EIR concluded in Section 4.2 that implementation of the SWIP Specific Plan would not generate GHG emissions that may have a significant impact on the environment with implementation of mitigation.

Project Short-Term Construction Greenhouse Gas Emissions

The Project would result in direct emissions of GHGs from construction. The approximate quantity of daily GHG emissions generated by construction equipment utilized to build the Project is depicted in **Table 4.7-2: Construction-Related Greenhouse Gas Emissions.**

Table 4.7-2: Construction-Related Greenhouse Gas Emissions

Category	MTCO ₂ e
2024 Construction	926
2025 Construction	722
Total Construction Emissions	1,648
30-Year Amortized Construction	55

Source: Kimley-Horn. 2023. Greenhouse Gas Emissions Assessment. Table 2.

As shown in **Table 4.7-2**, the Project would result in the generation of approximately 1,648 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over the lifetime of the Project (assumed to be 30 years), then added to the operational emissions.⁵ The amortized Project construction emissions would be 55 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term 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, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators. Total GHG emissions associated with the Project are summarized in **Table 4.7-3: Project Greenhouse Gas Emissions.**

⁵ The project lifetime is based on the standard 30-year assumption of 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).

Table 4.7-3: Project Greenhouse Gas Emissions

Emissions Source	MTCO ₂ e per Year	
	Unmitigated	Mitigated
Construction Amortized Over 30 Years	55	55
Area Source ¹	15	15
Energy ²	1,664	721
Mobile – Trucks	3,572	3,572
Mobile – Passenger Cars ³	1,378	1,323
Off-Road - Forklifts	134	134
Off-Road – Yard Trucks	97	97
Emergency Generators	39	39
Waste ⁴	208	52
Water and Wastewater	496	496
Refrigerants	0	0
Total Project Emissions⁵	7,658	6,504
Total Existing Emissions	780	780
Net New Emissions	6,878	5,724
City of Fontana Project Threshold	3,000	3,000
Exceeds Threshold?	Yes	Yes
Notes:		
1. Mitigation Measure GHG-4 requires 100 percent electric landscaping equipment when commercially available, which would reduce area source emissions. In the event that electric landscaping equipment is not commercially available, unmitigated emissions for area sources have been assumed.		
2. Mitigation Measure GHG-2 requires the installation of photovoltaic solar panels to offset 100 percent of Project energy emissions.		
3. Mitigation Measure GHG-1 requires a Transportation Demand Management (TDM) program.		
4. Mitigation Measure GHG-3 requires a minimum of 75 percent solid waste diversion.		
5. Emissions reductions associated with SCAQMD Rule 2305 compliance have not been accounted for to provide a worst-case analysis.		
Source: Kimley-Horn. 2023. Greenhouse Gas Emissions Assessment. Table 3.		

Below is a description of the primary sources of operational emissions:

- **Area Sources.** Area source emissions occur from architectural coatings, landscaping equipment, and consumer products. Landscaping is anticipated to occur throughout the Project site. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions.
- **Energy Consumption.** Energy consumption consists of emissions from Project consumption of electricity and natural gas.
- **Off-Road Equipment.** Although the Project is a speculative logistics development and the final end user is not known, it was conservatively assumed that the Project would include 14 forklifts and two yard trucks per SCAQMD data⁶. Pursuant to the City of Fontana’s Industrial Commerce Center Sustainability Standards Ordinance, all on-site motorized operational equipment would be

⁶ SCAQMD, *High Cube Warehouse Truck Trip Study White Paper Summary of Business Survey Results*, June 2014.

zero emission vehicles. However, GHG emissions associated with electric charging have been accounted for in **Table 4.7-3**.

- **Emergency Backup Generators.** As the Project logistics development is speculative, it is unknown whether emergency backup generators would be used. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with this equipment were included to be conservative. Emissions from an emergency backup generator for each modern high-cube logistics building (warehouse) were calculated separately from CalEEMod; refer to Appendix A of the Greenhouse Gas Emissions provided as **Appendix G** to this Draft EIR. However, CalEEMod default emissions rates were used. If backup generators are required, the end user would be required to obtain a permit from the SCAQMD prior to installation. Emergency backup generators must meet SCAQMD's Best Available Control Technology (BACT) requirements and comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), which would minimize emissions.
- **Mobile Sources.** Mobile sources from the Project were calculated with CalEEMod based on the trip generation from the *11171 Cherry Avenue Warehouse Traffic Impact Analysis* (TIA), prepared by Translutions, Inc. (April 2023). According to the TIA, the Project would generate 1,065 total daily vehicle trips, which includes 217 daily truck trips.
- **Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose.
- **Water and Wastewater.** GHG emissions from water demand would occur from electricity consumption associated with water conveyance and treatment.
- **Refrigerants.** Air conditioning and refrigerator equipment typically generate GHG emissions. The Project would not include cold storage. However, the office portion of the Project may include air conditioning and refrigerator equipment. GHG emissions associated with these refrigerants have been incorporated into CalEEMod.

Table 4.7-3 shows that the Project's unmitigated emissions would be approximately 7,658 MTCO_{2e} annually from operations with amortized construction. However, existing operations generate 780 MTCO_{2e} per year. Therefore, operation of the project would result in a net increase of 6,878 MTCO_{2e} per year which would exceed the 3,000 MTCO_{2e} per year threshold.

The Project would implement Mitigation Measures (MM) **GHG-1** through **GHG-4**. Mitigation Measure **GHG-1** requires a Transportation Demand Management (TDM) program to reduce single-occupant vehicle trips and encourage public transit. Mitigation Measure **GHG-2** requires the installation of photovoltaic solar panels to offset 100 percent of the Project's energy emissions. Mitigation Measure **GHG-3** requires the Project to divert 75 percent of waste from landfills. Mitigation Measure **GHG-4** requires landscape equipment to be 100 percent electric. The Project would also be required to comply with Laws, Ordinances, and Regulations (LOR) GHG-1 through GHG-8 which would be required by local, State, or federal regulations or laws.

Table 4.7-3 shows that implementation of these mitigation measures would reduce GHG emissions to 5,724 MTCO_{2e}. SCAQMD Rule 2305 requires the Project operator to directly reduce NO_x and particulate

matter emissions or to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Emissions reductions associated with compliance with SCAQMD Rule 2305 have not been accounted for to provide a worst-case analysis. The majority of the Project's GHG emissions are generated by mobile emissions. The TDM program required by **MM GHG-1** would reduce GHG emissions from commuting. Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City 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.

Additional mitigation to further reduce the Project's non-mobile emissions would be speculative. The Project's mitigation measures and LORs address non-mobile emissions to the extent possible, by designing buildings to provide environmental design features, incorporate energy and water conservation measures, and provide electrical, heating, ventilation, lighting, and power systems that meet CALGreen Standards (**MM GHG-2** requires the installation of photovoltaic solar panels to offset energy emissions). Further, the Project would be required to divert 75 percent of solid waste from landfills (**MM GHG-3**) and require landscape equipment to be 100 percent electric (**MM GHG-4**). The State is addressing the remaining energy-related GHG emissions through SB 100 and SB 1020, which requires 100 percent clean

electricity retail sales by 2045. Additionally, SB 905 requires the State to use carbon removal, carbon capture, utilization, and sequestration technologies and AB 1757 requires nature-based sequestration in natural working lands.

Mitigation measures implemented by the SWIP EIR related to energy efficiency, renewable energy, water conservation, solid waste, and transportation would further reduce emissions. Energy efficiency measures include exceeding Title 24 requirements, installation of efficient lighting and lighting control systems, installation of “cool” roofs, installation of efficient heating and cooling systems, appliances, and equipment, and limitations on hours of operation of outdoor lighting. Water conservation and efficiency would be increased with the installation of water-efficient irrigation systems, fixtures, and appliances. Emissions associated with solid waste would be reduced with the inclusion of storage areas for recyclables and green waste to promote the diversion of solid waste from landfills. Lastly, several measures aimed at reducing idling time and promoting alternative modes of transportation and ride sharing would reduce mobile emissions. The below LORs, SWIP EIR MM 4.2-5a, and Project MMs GHG-1 through -4, which serve to minimize potential impacts from GHG, would apply. When there are conflicts between the SWIP EIR MM and Project specific mitigation, the Project MMs shall take precedence.

As shown in **Table 4.7-3**, mitigated GHG emissions would exceed the 3,000 MTCO_{2e} per year threshold despite implementation of all feasible mitigation. Therefore, Project-related GHG emissions would be significant and unavoidable.

The industry standard threshold and methodology employed in analyzing GHG impacts has change since certification of the SWIP EIR. The GHG emissions analysis included in the SWIP EIR employs a reduction from business-as-usual conditions threshold that is no longer industry standard or accepted. The analysis herein utilizes the SCAQMD Interim threshold of 3,000 MTCO_{2e} for the Project, which was referenced in the SWIP EIR but rejected due to its interim status. As discussed above, SCAQMD has not withdrawn its support of the interim threshold and continues to include it in guidance documents. Therefore, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified has been identified. The Project would exceed the SCAQMD interim threshold of 3,000 MTCO_{2e} even with implementation of feasible mitigation. A new impact relative to GHG emissions would occur due to the change in threshold and impacts would be significant and unavoidable.

Laws, Ordinances, and Regulations:

LORs are existing requirements that are based on local, state, or federal regulations or laws that are frequently required independently of CEQA review. Typical LORs 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 LORs are neither Project specific nor a result of development of the Project, they are not considered to be either Project Design Features or Mitigation Measures.

LOR GHG-1 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.

- LOR GHG-2** Limit idling time for commercial vehicles to no more than five minutes per Title 13 of the California Code of Regulations, Section 2485.
- LOR GHG-3** In accordance with California Title 24 Standards, buildings will be designed to have 15 percent of the roof area “solar ready” that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.
- LOR GHG-4** Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping, according to the City’s Water Efficient Landscape requirements (Section 28-98 of the City’s Municipal Code).
- LOR GHG-5** Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 5.303 of the California Green Building Standards Code Part 11.
- LOR GHG-6** Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11.
- LOR GHG-7** Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 of the California Green Building Standards Code Part 11.
- LOR GHG-8** To facilitate future installation of electric vehicle supply equipment (EVSE), construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

- MM 4.2-5a** Prior to the issuance of building permits, future development projects shall demonstrate the incorporation of project design features that achieve a minimum of 28.5 percent reduction in GHG emissions from business-as-usual conditions. Future projects shall include, but are not limited, to the following list of potential design features.

Energy Efficiency

- Design buildings to be energy efficient and exceed Title 24 requirements by at least 5 percent.
- Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight.
- Use trees, landscaping and sunscreens on west and south exterior building walls to reduce energy use.
- Install light colored “cool” roofs and cool pavements.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems (e.g., minimum of Energy Star rated equipment).

- Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces).
- Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.

Renewable Energy

- Install solar panels on carports and over parking areas. Ensure buildings are designed to have “solar ready” roofs.
- Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

- Create water-efficient landscapes with a preference for a xeriscape landscape palette.
- Install water-efficient irrigation systems and devices, such as soil moisture based irrigation controls.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances (e.g., EPA WaterSense labeled products).
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on-site can drastically reduce the need for energy-intensive imported water at the site).
- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- Provide education about water conservation and available programs and incentives.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Provide education and publicity about reducing waste and available recycling services.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.

- Promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides).
- Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
- Promote “least polluting” ways to connect people and goods to their destinations.
- Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.
- Incorporate bicycle-friendly intersections into street design.
- For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking).
- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.

Project Mitigation Measures

These mitigation measure applies only to tenant occupancy and not the building shell approvals.

MM GHG-1

Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:

- Provide a transportation information center and on-site TDM coordinator to educate employers, employees, and visitors of surrounding transportation options.
- Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site.
- Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided.
- Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements.

- Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service.
- Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users.
- Provide meal options on-site or shuttles between the facility and nearby meal destinations.
- Each building shall provide preferred passenger vehicle parking for electric, low-emitting, and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

MM GHG-2

As part of the permit for tenant improvements, the Project shall install solar photovoltaic (PV) panels or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, that would provide 100 percent of the expected total building load. On-site solar PV or other clean energy systems shall be installed within two years of commencing operations. Each building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. This mitigation measure applies only to tenant permits and not the building shell approvals.

MM GHG-3

The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and Loading Areas. This mitigation measure applies only to tenant permits and not the building shell approvals.

MM GHG-4

Prior to the issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all handheld landscaping equipment used on-site shall be 100 percent electrically powered, when commercially available. This mitigation measure applies only to tenant permits and not the building shell approvals.

Impact 4.7-2

Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.2 that implementation of the SWIP Specific Plan would not conflict with an applicable GHG reduction plan, policy, or regulation.

Regional Transportation Plan/Sustainable Communities Strategy Consistency

On September 3, 2020, SCAG’s Regional Council adopted Connect SoCal (2020 RTP/SCS). The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS embodies a collective vision for the region’s future and is developed with input from local governments, county transportation commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCAG’s RTP/SCS establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the Project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of Executive Orders 5-03-05 and B-30-15.

The RTP/SCS contains over 4,000 transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs and replacement bridges. These future investments were included in county plans developed by the six county transportation commissions and seek to reduce traffic bottlenecks, improve the efficiency of the region’s network, and expand mobility choices for everyone. The RTP/SCS is an important planning document for the region, allowing project sponsors to qualify for federal funding.

The plan accounts for operations and maintenance costs to ensure reliability, longevity, and cost effectiveness. The RTP/SCS is also supported by a combination of transportation and land use strategies that help the region achieve state GHG emissions reduction goals and Federal Clean Air Act (FCAA) requirements, preserve open space areas, improve public health and roadway safety, support our vital goods movement industry, and utilize resources more efficiently. GHG emissions resulting from development-related mobile sources are the most potent source of emissions, and therefore Project comparison to the RTP/SCS is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the state. The Project’s consistency with the RTP/SCS goals is analyzed in detail in **Table 4.7-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency**.

Table 4.7-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency

SCAG Goals	Compliance
<p>GOAL 1: Encourage regional economic prosperity and global competitiveness.</p>	<p>No Conflict: This is not a project-specific policy and is therefore not applicable. However, the Project is located on an occupied site that is surrounded by development. Redevelopment of the site would contribute to regional economic prosperity.</p>
<p>GOAL 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.</p>	<p>No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project would be subject to SWIP EIR Mitigation Measure 4.2-5a, which requires the incorporation of bicycle parking/ facilities, rideshare programs, and the integration of walking paths directed to the location of schools, parks, and other destination points. Implementation of these measures would improve accessibility, mobility, and safety of pedestrians and bicyclists within the Specific Plan area.</p>

SCAG Goals	Compliance
GOAL 3: Enhance the preservation, security, and resilience of the regional transportation system.	No Conflict: This is not a transportation improvement project and is therefore not applicable. Development of the site would not conflict with the enhancement of the transportation system.
GOAL 4: Increase person and goods movement and travel choices within the transportation system.	No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project includes a logistics use that would support goods movement and would therefore support the goal of increasing goods movement and travel choices within the transportation system
GOAL 5: Reduce greenhouse gas emissions and improve air quality.	No Conflict: The Project is located within a developed area in proximity to existing truck routes and freeways, which would reduce trip lengths, and also reduce GHG and air quality emissions. In addition, Project and SWIP EIR mitigation would result in GHG reductions related to energy, solid waste, water, and mobile emissions.
GOAL 6: Support healthy and equitable communities	No Conflict: As discussed in the Air Quality Assessment and the Health Risk Assessment, the Project would not exceed thresholds or result in health impacts. The Project would not conflict with the surrounding community's ability to access healthy food or parks. In addition, the Project would be required to comply with the City's Industrial Commerce Center Sustainability Standards Ordinance, ensuring that impacts to sensitive receptors would be minimized to the extent feasible.
GOAL 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.	No Conflict: This is not a project-specific policy and is therefore not applicable. However, the Project would be subject to SWIP EIR Mitigation Measure 4.2-5a, which requires the bicycle-parking facilities, encourages rideshare programs and the integration of bicycle lanes and walking paths directed to the location of schools, parks, and other destination points. Implementation of these measures would support an integrated transportation network.
GOAL 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project is located in a developed area in proximity to existing truck routes and freeways. Location of the Project within a developed area would reduce trip lengths, which would result in more efficient travel.
GOAL 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.	No Conflict: The Project involves development of two modern high-cube logistics buildings (warehouses) and does not include housing. The Project would not conflict with housing development.
Goal 10: Promote conservation of natural and agricultural lands and restoration of habitats.	No Conflict: This Project is not located on agricultural or habitat lands and would therefore not conflict with the conservation of natural and agricultural lands.

Source: Kimley-Horn. 2023. Greenhouse Gas Emissions Assessment. Table 4.

The goals stated in the RTP/SCS were used to determine consistency with the planning efforts previously stated. As shown in **Table 4.7-4**, the Project would be consistent with the stated goals of the RTP/SCS. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets.

California Air Resource Board Scoping Plan Consistency

As previously noted, the 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. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would 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-electric vehicle 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, Off-Road Zero-Emission Targeted Manufacturer rule, 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 shown in **Table 4.7-3**, approximately 86 percent of the Project's GHG emissions are from energy and mobile sources which would be further reduced by the 2022 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions. However, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover.

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan.

Consistency with the City of Fontana General Plan Update

As previously discussed, Chapter 10 and Chapter 12 of the General Plan Update outline the goals and policies for resource efficiency and planning for climate change within the City. The Project's consistency with these goals and policies is discussed in **Table 4.7-5: Consistency with the City of Fontana General Plan Update**. As shown in **Table 4.7-5**, the Project would be consistent with the General Plan Update.

Table 4.7-5: Consistency with the City of Fontana General Plan Update

Goals	Project Consistency
Chapter 10: Infrastructure and Green Systems	
Goal 7: Fontana is an energy-efficient community.	Consistent. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen and the Fontana Industrial Commerce Center Sustainability Standards Ordinance requirements. The Project includes sustainability design features that support such measures. As such, the Project would be consistent with this goal.
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.	Consistent. The electricity provider, SCE, is subject to California’s RPS. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent of total procurement by 2030. Further, MM GHG-2 requires the installation of photovoltaic solar panels to offset energy emissions. As such, the Project would be consistent with this goal.
Goal 5: Green building techniques are used in new development and retrofits.	Consistent. The Project would comply with the latest Title 24 standards. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen requirements. The Project includes sustainability design features that support the Green Building Strategy. Further, MM GHG-2 requires the installation of photovoltaic solar panels to offset 100 percent of energy emissions. As such, the Project would be consistent with this goal.
Goal 6: Fontana is a leader in energy-efficient development and retrofits.	Consistent. The Project would comply with the latest Title 24 standards. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen requirements. The Project includes sustainability design features that support the Green Building Strategy. As such, the Project would be consistent with this goal.
Source: Kimley-Horn. 2023. Greenhouse Gas Emissions Assessment. Table 5.	

As discussed above, the Project would not interfere with SCAG’s ability to achieve the region’s post-2020 mobile source GHG reduction targets. Additionally, Project emissions would be indirectly reduced through the implementation of various Scoping Plan measures, such as the low carbon fuel standard, vehicle emissions standards, building energy efficiency standards, market-based mechanisms (such as the cap-and-trade program) and the Renewable Portfolio Standard. Therefore, the Project would not conflict with the Scoping Plan’s recommended measures and, as such, would not impede implementation of the Scoping Plan. As such, impacts related to consistency with the Scoping Plan would be less than significant.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the Project would benefit from implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

In addition, the Project would be required to comply with all applicable standards of the Fontana Industrial Commerce Center Sustainability Standards Ordinance and final documentation of compliance would be subject to review and approval prior to issuance of applicable permits. Requirements include, but are not limited to the following:

- Buffering and Screening/Adjacent uses (Sec. 9-71): include appropriate landscaping buffer between warehouse building and adjacent sensitive receptors; all landscaping shall be drought tolerant, loading docks and truck entries shall be oriented away from abutting sensitive receptors.
- Signing and Traffic Patterns (Sec. 9-72): Post anti-idling signage indicating a 3-minute diesel truck idling restriction, prepare and submit a Truck Route Map, provide adequate stacking depth within property (minimum 140 feet).
- Alternative Energy (Sec. 9.73): On-site motorized operational equipment shall be zero emission, all building roofs shall be solar ready, at least 10 percent of all passenger vehicle parking spaces shall be electric vehicle (EV) ready, at least 5 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 Quick charge EV charging stations, electric plug-in units shall be installed at every dock door servicing refrigerated space, provide bicycle parking.
- Operation and Construction (Sec. 9-74): Ensure that electrical rooms are sized to accommodate potential need for additional electrical panels, use super-compliance VOC coatings, use the highest rated CARB Tier technology for construction equipment, use electric-powered hand tools and forklifts.

See Appendix B of the Greenhouse Gas Assessment provided as **Appendix G** to this Draft EIR for a preliminary consistency analysis of Project with the Ordinance. The California Department of Justice published recommended best practices and mitigation measures to comply with CEQA, updated in September 2022. Best practices and measures are generally consistent with the requirements of the Ordinance. Therefore, implementation of applicable standards of the Ordinance would include applicable best practices and mitigation measures recommended by the Department of Justice. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing the emissions of GHGs and would not impede implementation of the Scoping Plan, or conflict with the policies of the Scoping Plan or any other GHG reduction plan.

The Project would be consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant with mitigation incorporated under this issue area. SWIP EIR MM 4.2-5a would apply to minimize impacts from GHGs.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

See SWIP EIR Mitigation Measure 4.2-5a.

Project Mitigation Measures

No mitigation required.

4.7.6 Cumulative Impacts

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG 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 GHG emissions 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. As shown in **Table 4.7-4** and **Table 4.7-5**, the Project would not conflict with the Fontana General Plan Update, the RTP/SCS, or the CARB Scoping Plan. Furthermore, no new impacts related to GHG emissions or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR were anticipated to occur due to Project implementation. Therefore, the Project's cumulative contribution of GHG emissions would be less than significant and the Project's cumulative GHG impacts would also be less than cumulatively considerable.

4.7.7 Significant Unavoidable Impacts

The Project construction and operation is anticipated to generate GHG emissions, either directly or indirectly, that are not mitigable to a less than significant level. As such, significant and unavoidable impacts are anticipated in this regard, resulting in a new impact relative to the less than significant impacts identified in the SWIP EIR due to the change in threshold.

4.7.8 References

City of Fontana. 2018. Chapter 10: Infrastructure and Green Systems.

<https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>.

City of Fontana. 2018. Chapter 12: Sustainability and Resilience.

<https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience>.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

Kimley-Horn. 2023. Greenhouse Gas Emissions Assessment.

Hazards and Hazardous Materials

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

This section of the Draft Subsequent EIR identifies and evaluates potential impacts related to hazards and hazardous materials that could result from implementation of the Cherry Commerce Center Project (Project). As discussed in **Section 3.0: Project Description**, the Project would redevelop the site with two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 square feet. The current conditions (site conditions at the time of Notice of Preparation (NOP) distribution (July 7, 2023) were used as the baseline against which to compare potential impacts associated with implementation of the Project. The information and analysis herein rely on the following analysis found in **Appendix H** of this EIR.

- Terracon Consultants, Inc. 2022. *Phase I Environmental Site Assessment, Proposed Industrial Buildings, 11171 Cherry Avenue, Fontana, San Bernardino County, California.*

4.8.2 Environmental Setting

Historical Site Usage

According to the Phase I Environmental Site Assessment (ESA) performed by Terracon Consultants, the Project site consisted of undeveloped land from 1896 until the late 1930s and consisted of agricultural land. By the late 1940s, the site was developed with two agricultural buildings located on the southwestern portion of the site, one apparent agricultural building on the west central portion of the site, and an agricultural structure located on the northwestern portion of the site. By the early 1950s, all the structures on the site were cleared and only agricultural land remained. One commercial building was developed on the northwestern portion of the site by the mid-1980s, along with an apparent tractor trailer storage on the northern portion of the site. By the early 1990s, the northeastern portion of the site was developed with an additional commercial building in addition to the commercial building on the northwestern portion being expanded. By the early 2000s, the southern portion of the site was redeveloped with an asphalt-paved area with an apparent equipment storage which has remained relatively unchanged to present day. Desert Mechanical Incorporated, Heavy Equipment Repair, and Owl Crane and Rigging Co. were identified as the prior on-site occupants.

The surrounding properties consisted of undeveloped land from as early as 1896 through the late 1930s, when the surrounding properties consisted of agricultural land. The northern, southern, and western adjoining properties were developed with single-family residences by the late 1940s, and by the early 1950s the single-family residences were removed, and the surrounding properties consisted of agricultural land again. By the mid-1980s, the northern adjoining property was developed with three commercial buildings, the eastern adjoining property was developed with apparent raw material storage, asphalt-paved parking lots, and material storage, and the southern adjoining property was developed with the existing residential neighborhood. The raw material storage and asphalt-paved parking lot to the northeast were cleared by the mid-1990s, and by the early 2000s, the eastern adjoining property was developed with a total of 10 commercial buildings. The surrounding properties have remained relatively

unchanged through the present. Based on review of historical documentation, indication of recognized environmental conditions (RECs) were not identified in connection with the site.

The site and surrounding properties had been utilized as agricultural land from the late 1930s through the mid-1980s. The historical agricultural activities on the site and surrounding properties may have included the use of pesticides and herbicides. Most currently used agricultural chemicals do not persist for extended periods of time, if applied appropriately. Information that would indicate the extensive use of pesticides or herbicides on the site or surrounding properties was not identified. Indications of pesticide and/or herbicide misuse or vegetative stress on the site or surrounding property were not observed during the site reconnaissance. Therefore, the historical agricultural use does not represent a REC to the site.

Groundwater was estimated to be 225 feet below ground surface.¹ The groundwater flow direction and depth to shallow groundwater, if present, would vary depending upon seasonal variations in rainfall and the depth to the soil/bedrock interface.

Site Characteristics and Current Use

The Project site consists of two parcels (Assessor Parcel Numbers [APNs] 023 -619-125 and 023-619-114. The Project site is currently owned by Aliaron Investments Limited. The site is currently occupied by Tutor Perini Corporation, a building contractor. The site's operations include storage, maintenance, and operation of industrial construction equipment and materials. The majority of the site is currently used for equipment storage and maintenance of construction-related equipment.

During the time of the site reconnaissance, 13 generators were observed, however are not used for emergency power at the site. The generators run on diesel or gasoline and are portable to support construction equipment associated with site operations. No stains or releases were observed in the emergency generator vicinity and based on visual observations; the emergency generators do not represent a REC to the site.

One sub-grade mechanic pit was observed in the maintenance warehouse on the central-northern portion of the site. According to the site contact, the mechanic pit was used for steam cleaning and drains to a clarifier. The mechanic pits were chained off to prevent accidents and hazardous substances and/or petroleum products were not stored in or near the pits. Staining was not observed in the pit or the surrounding area.

Lumber, shipping containers, steel piping and beams, tractors, cranes and crane rigging, and miscellaneous metal and wood materials were observed on site. These materials were stored on pallets and well as directly on top of unpaved surfaces. These materials are not hazardous in nature and do not represent a REC on the site.

Nineteen above ground storage tanks (ASTs) were observed on-site during the site reconnaissance. Two 1,000-gallon diesel fuel ASTs were on-site located on the northern side of the maintenance warehouse. One approximately 65-gallon gasoline fuel AST was located in the northeastern storage warehouse. One

¹ SCG. 2023. *Geotechnical Investigation*. Page 8.

approximately 500-gallon fuel AST was stored in the central portion of the site, along with six water tanks. Four empty 500-gallon fuel tanks were located on the southeastern portion of the site. And lastly, five 500-gallon tanks containing engine, hydraulic, and transmission oil were located in the maintenance warehouse. The aforementioned 19 ASTs do not represent a REC to the site because the tanks observed were in good condition and no staining or releases were observed in the vicinity.

Additionally, 20 55-gallon metal drums containing waste oil and filters was observed on the north side of the maintenance warehouse, along with three metal drums containing antifreeze. Four 55-gallon metal drums containing hydraulic fluid were observed on the inside of the maintenance warehouse. Furthermore, 24 5-gallon plastic containers of paint, six 5-gallon metal containers of paint thinner, and 12 5-gallon metal containers BR-10 (Bromide) were observed in the storage warehouse. Lastly, 23 5-gallon plastic containers containing waste oil were observed in the storage warehouse and maintenance warehouse. However, these drums and containers would also not represent a REC to the site because they have been maintained and regularly removed from the site by Swift Oil company to be properly disposed of.

A drain was observed in the mechanic pit located on the southwestern side of the maintenance building. The drain leads to a clarifier that separates discharge from steam cleaning operations. Based on soil sample analytical data provided in a 2020 Limited Subsurface Investigation (LSI) Report from the area surrounding the former oil/water clarifier, this feature does not represent a REC to the site.

Terracon interviewed the site manager on October 13, 2022, following the site reconnaissance. The site manager noted that in the time the site operations have been in the construction equipment maintenance and storage industry and that prior to Tutor Perini, the company was called Tutor Saliba.

Discussion of Key Findings and Observations

American Metal Recycling, located on the northeastern adjoining parcel and in an up-gradient position relative to the site, was identified in the

- California Environmental Reporting System Hazardous Waste (CERS HAZ WASTE);
- California Environmental Reporting System Tanks (CERS TANKS);
- Deed Restriction Listing (DEED);
- Environmental Site Assessment (ESA);
- EnviroStor Database (ENVIROSTOR);
- Resource Conservation and Recovery Act for non-generators/no longer regulated (RCRA NONGEN/NLR);
- Voluntary Cleanup Program (VCP);
- Aboveground Petroleum Storage Tank Facilities (AST); and
- Polychlorinated Biphenyl Activity Database System (PADS).

Based on a review of the ENVRIOSTOR, VCP, PADS, CERS TANKS, and DEED listings, American Metal Recycling is identified as a certified O&M – Land Use Restrictions as of 3/22/2021.

According to the Department of Toxic Substances Control (DTSC) online EnviroStor database, American Metal Recycling has operated as a metal recycling facility for approximately 13 years and accepts ferrous and non-ferrous scrap metals and discards of metal appliances and generates hazardous waste from large quantities of contaminated soil it stores on-site mixed with scrap metal. It is also noted that there are many unpaved surfaces which became contaminated through its operations. DTSC conducted a facility investigation in January 2017 and collected soil samples from unpaved areas north and south of the stockpiled soils and detected elevated levels of metals and trace concentrations of polychlorinated biphenyls (PCBs). On August 9, 2017, DTSC and American Metal Recycling entered into a Remediation Agreement to investigate and/or remediate the site. Soil investigations were conducted and indicated that PCBs in soil were above applicable residential screening levels, but below commercial screening levels using a statistical evaluation at the facility. However, the concentrations of PCBs at the facility do not pose an unacceptable risk to commercial/industrial site workers and recommended a deed restriction and land use covenant to restrict future use to commercial/industrial. Based on a review of a remedial action certification, dated March 22, 2021, the facility received a no further action letter. Based on the certified remedial action received from the DTSC, and anticipated depth to groundwater, American Metal Recycling does not represent a REC to the site.

Reconsteel Placers DB Placers and Lopez Pallets, Inc., located to the adjoining northeast and in an up-gradient position relative to the site was identified in the RCRA NONGEN / NLR, HIST UST, CERS HAZ WASTE, SWEEPS UST, CA FID UST and the San Bernardino County Permit regulatory databases. Based on a review of these listings, it was formerly permitted to operate one 10,000- gallon gasoline UST and one 1,000-gallon diesel UST. Based on a review of the Regional Water Quality Control Board (RWQCB) GeoTracker online database, this facility was not identified and does not represent a REC to the site.

Other Potential Hazards

Nearby Airports or Airstrips

The nearest airstrips are the Ontario International Airport (located approximately 6.0 miles to the southwest) and the San Bernardino International Airport (located approximately 13.0 miles to the northeast).

Wildland Fire Hazards

Wildfires are large-scale brush and grass fires in undeveloped areas. Wildfires are often caused by human activities, such as equipment use and smoking, and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property. The level of wildland fire risk is determined by a number of factors, including:

- Frequency of critical fire weather;
- Percentage of slope;
- Existing fuel (vegetation, ground cover, building materials);

- Adequacy of access to fire suppression services; and
- Water supply and water pressure.

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative wildfire risk in areas of large population by intersecting residential housing density with proximate fire threat according to three risk levels, namely Moderate, High, and Very High. These risk levels are determined based on vegetation density, adjacent wildland Fire Hazard Severity Zone (FHSZ) scores and distance from wildland area. Each area of the map gets a score for flame length, embers and the likelihood of the area burning. According to the City of Fontana General Plan (Fontana GP) Noise and Safety Element, fire hazards have been ranked within the range of little to no threat and are designated as an incorporated Local Responsibility Area (LRA). Figure 4-5, Fire Perimeter City of Fontana, of the Fontana GP illustrates that the areas with the highest risk of wildfire are in the southern and northern portions of the City of Fontana. More specifically, Figure 4-6, Wildfire Hazards Severity Zones, of the Fontana GP shows that the Project site is not located within a High or Very High FHSZ. Figure 4-6 shows that Henry J. Kaiser High School, located just west of the Project site, is in a moderate FHSZ. A small portion of the moderate FHSZ stemming from the high school includes the southwest corner of the Project site. Additionally, the residential community located immediately to the south is designated as a moderate, high, and very high FHSZ.²

Evacuation Routes

According to the Fontana GP Noise and Safety Element, the City has no defined emergency routes. However, Interstate 210 (I-210), Interstate 15 (I-15), and Interstate 10 (I-10) are considered emergency routes as they traverse the City granting access from many of the main thoroughfares.

Schools

The nearest school to the Project site is the Henry J. Kaiser High School, located at 11155 Almond Avenue, Fontana, CA, just beyond Cherry Avenue, approximately 135 feet west.

4.8.3 Regulatory Setting

The management of hazardous materials and hazardous wastes is regulated at federal, state, regional, and local levels, including, among others, through programs administered by the U.S. EPA; agencies within the California Environmental Protection Agency (CalEPA), such as the DTSC; federal and state occupational safety agencies; and the San Bernardino County Division of Environmental Health Services (DEHS). Regulations pertaining to flood hazards are discussed in **Section 4.9: Hydrology and Water Quality** and regulations for geologic and soil-related hazards are discussed in **Section 4.6: Geology and Soils**.

At the federal level, the U.S. EPA is the principal regulatory agency, while at the state level, DTSC is the primary agency governing the storage, transportation, and disposal of hazardous wastes. The Santa Ana

² Fontana Forward General Plan Update 2015-2035. 2017. *Figure 4-5: Fire Perimeter City of Fontana and Figure 4-6: Wildfire Hazard Severity Zones*, pages 54-56. Retrieved From: <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed August 2023)

RWQCB has jurisdiction over discharges into waters of the state. The federal Occupational Safety and Health Administration (OSHA) and the state Cal/OSHA regulate many aspects of worker safety.

Federal

Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The Federal Toxic Substances Control Act of 1976 and RCRA established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulations (CFR), Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Comprehensive Environmental Response, Compensation, and Liability Information System and the National Priorities List

The U.S. EPA also maintains the Comprehensive Environmental Response Compensation (CERCLIS) and Liability Information System list. This list contains sites that are either proposed to be or are on the NPL, as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The NPL is a list of the worst hazardous waste sites that have been identified by Superfund.

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.

State

California Environmental Protection Agency

CalEPA has jurisdiction over hazardous materials and wastes at the State level. DTSC is the department of CalEPA responsible for implementing and enforcing California’s own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. DTSC regulates hazardous waste in California primarily under the authority of the Federal RCRA and the California Health and Safety Code (HSC) (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the

California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the U.S. EPA are called “non-RCRA hazardous wastes.” Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. California Government Code (CGC) Section 65962.5 (commonly referred to as the Cortese List) which includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Enforcement of directives from DTSC is handled at the regional level, in this case the San Bernardino County DEHS. The RWQCB also has the authority to implement regulations regarding the management of soil and groundwater investigation.

Regional Water Quality Control Board

The RWQCB is a department of CalEPA that oversees investigation and cleanup of sites including USTs where wastes have been discharged in order to protect the water quality of the state. The RWQCB regulates wastewater discharges to surface waters and to groundwater. They also regulate stormwater discharges from construction, industrial, and municipal activities. The RWQCB is the lead regulatory agency for the Project site.

California Department of Forestry and Fire Protection (CAL FIRE)

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat.

California Fire Code

California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Title 24, Part 9. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.

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.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the state hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”); California Accidental Release Prevention Program (Cal ARP); UST Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA. The Project site is located within San Bernardino County. The CUPA designated for San Bernardino County is the Hazardous Materials Division of the San Bernardino County Fire Department (SBCFD).

Department of Toxic Substance Control

As previously described in this section, DTSC is a department of CalEPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. CGC Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

The DTSC publishes guidelines which are intended to regulate the presence of toxic materials while minimizing risks to sensitive human receptors. These publications and policies include the Toxicity Criteria Selection for Risk Assessments, Screening Levels, and Remediation Goals; Preliminary Endangerment Assessment Guidance Manual (PEA Guidance Manual); and Human Health Risk Assessment Note 3 – DTSC-Modified Screening Levels (DTSC-SLs). Adherence to the regulations within these guidelines ensures the continued protection of human receptors from potential hazards and risks.

California Office of Emergency Services

To protect the public health and safety and the environment, the California Office of Emergency Services (OES) is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions' business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California HSC Article 1 – Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520) and Article 2 – Hazardous Materials Management (Sections 25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans shall include the following: (1) a hazardous material inventory in accordance with Sections 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with Section 2731; and (3) training program information in accordance with Section 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

California Occupational Safety and Health Administration

Cal/OSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/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 Sections 337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings. Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

In addition, Cal/OSHA regulates medical/infectious waste, including management of sharps, requirements for containers that hold or store medical/infectious waste, labeling of medical/infectious waste bags/containers, and employee training.

California Health and Safety Code

CalEPA has established rules governing the use of hazardous materials and the management of hazardous wastes. California HSC Section 25531, et seq. incorporate the requirement of Superfund Amendments and Reauthorization Act and the Clean Air Act as they pertain to hazardous materials. HSC Section 25534 directs owners or operators storing, handling, or using regulated substances exceeding threshold planning quantities to develop and implement a Risk Management Plan. The Risk Management Plans are submitted to the administering agency and possibly U.S. EPA, depending upon the chemical and the amount, for review.

Hazardous Materials Transportation

Section 31303 of the California Vehicle Code and U.S. Department of Transportation regulate hazardous materials transport. The California Highway Patrol and Caltrans are the enforcement agencies. Cal OES provides emergency response services involving hazardous materials incidents.

Hazardous Materials in Structures: Asbestos-Containing Materials and Lead-Based Paint

Several regulations and guidelines pertain to abatement of and protection from exposure to asbestos-containing materials (ACM) and LBP, including Construction Safety Orders Section 1529 (pertaining to ACM) and Section 1532.1 (pertaining to LBP) from Title 8 of the CCR, and Part 61, Subpart M, of the CFR (pertaining to ACM). In California, ACM and LBP abatement must be performed and monitored by contractors with appropriate certification from the California Department of Homeland Security. Asbestos is also regulated as a hazardous air pollutant under the Clean Air Act and a potential worker safety hazard under the authority of Cal/OSHA.

Requirements for limiting asbestos emissions from building demolition and renovation are specified in South Coast Air Quality Management District (SCAQMD) Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). CGC Sections 1529 and 1532.1 provide for exposure limits, exposure monitoring, respiratory protection and good working practice by workers exposed to lead and ACMs.

Certified Unified Program Agency

A CUPA is an agency of a county or city that administers several state programs regulating hazardous materials and hazardous wastes. SBCFD is the CUPA for all unincorporated areas and incorporated cities and towns. SBCFD administers the following programs:

- Hazardous Materials Release Response Plans and Inventory Program
- California Accidental Release Prevention Program, a combination of federal and state programs for the prevention of accidental release of regulated toxic and flammable substances
- Underground Storage Tanks Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs Program
- Hazardous Materials Management Plan (HMMP) and Hazardous Material Inventory Statement (HMIS) in California Fire Code Program.

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 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.

Local

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 stormwater. 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 7,000 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.³

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 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 EOP.⁴

³ San Bernardino County Fire Department. 2020. *About CUPA (Certified Unified Program Agency)*. Available at <https://www.sbcfire.org/ofm/Hazmat/CUPA.aspx> (accessed May 2020).

⁴ County of San Bernardino. 2018. *Emergency Operations Plan (EOP) Part I - Basic Plan*. Available at <https://sbcfire.org/Portals/58/Documents/OES/2018%20EOP%20Update.pdf?ver=2018-03-01-154731-003> (accessed May 2020).

City of Fontana Local Hazard Mitigation Plan

The City's FEMA-approved Local Hazard Mitigation Plan⁵ (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 (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 2015-2035⁶

Noise and Safety Element

This Element⁷ describes hazards that exist in Fontana and the measures that the City is taking to address them. Some naturally occurring hazards may be unavoidable, but their impacts on communities can be reduced through planning and preparation. Thus, the Noise and Safety Element addresses natural hazards and human activities that may pose a threat to public safety within the following topic areas: wildfires, geological and seismic hazards, flooding, hazardous materials, and noise, which are discussed in their respective chapters of this EIR. Specifically related to this chapter, the Noise and Safety Element discusses hazards and hazardous materials and the LHMP, discussed above. The General Plan expects that emergencies will occur even when precautions are taken against hazards, the Noise and Safety Element describes the City's goals and policies to prepare and respond to emergencies.

Goal 3: *The City Fontana is a community that implements proactive fire hazard abatement strategies, and as a result, is minimally impacted by wildland and urban fires.*

Action B: 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.

Goal 5: *The City shall continue to ensure that current geologic knowledge and peer (third party) review are incorporated into the design, planning, and construction stages of a project and that site-specific data are applied to each project.*

⁵ City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan. Available at <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed May 2020).

⁶ Fontana Forward General Plan Update 2015-2035. 2017. Retrieved From: [https://www.fontana.org/DocumentCenter/View/28271/Complete- Document---Approved-General-Plan-Documents-11-13-2018](https://www.fontana.org/DocumentCenter/View/28271/Complete-Document---Approved-General-Plan-Documents-11-13-2018). (accessed March 2023)

⁷ City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035. Chapter 11 – Noise and Safety. Available at <https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed May 2020).

Action A: Require adherence to the latest California Building Code regulations; update codes and ordinances periodically for latest advances.

Goal 7: *The City Shall discourage new development in flood-hazard areas and implement mitigation measures to reduce the hazard to existing developments located within the 100- and 500-year flood zones.*

Action D: Projects must comply with requirements of the National Flood Insurance Protection Floodplain Management program.

Action E: Require new developments that add substantial amounts of impervious surfaces to integrate low impact development best management practices to reduce stormwater runoff.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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.

Methodology

The Project is evaluated against the aforementioned significance criteria in order to determine the level of impacts related to hazards and hazardous materials. This analysis also considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts, as well as recommendations from existing site evaluations. Where significant impacts may remain, feasible

mitigation measures are recommended, where warranted, to avoid or lessen the potential for significant adverse impacts to occur.

Approach to Analysis

This analysis of impacts related to hazards and hazardous materials 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 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 available information in public databases including local planning documents; a site evaluation/ESA of the Project site conducted Terracon on September 29, 2022; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to hazards and hazardous materials considers the available policies and regulations established by regional and state agencies and the amount of deviation from these policies in the Project's components.

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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that future development within the SWIP could result in an increase in the number of persons exposed to potential impacts related to hazardous materials. However, adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials, and the safety procedures mandated by applicable Federal, State, and local laws and regulations, which would ensure that risks resulting from the routine transportation, use, storage, or disposal of hazardous materials or hazardous wastes associated with implementation of the proposed project would be less than significant. Following compliance with the established regulatory framework and the SWIP EIR mitigation measures outlined below, project implementation within the SWIP would result in a less than significant impact involving the potential for creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials with implementation of the SWIP EIR mitigation measures.

Project Construction

The construction of the Project is anticipated to occur in one phase over a duration of approximately 15 months commencing in the second quarter of 2024. Construction activities would include demolition, grading, building, paving, architectural coating, landscaping, and any of the applicable off-site improvements conditioned by the City.

Project construction would include the demolition of the existing structures on the Project site. Debris found during demolition would include commonly found structural components as well as potentially contaminated soils as well as other potentially hazardous material products and byproducts due to the Project site's history of industrial use.

The Project site and surrounding properties have been subject to historical agricultural uses as well. These historical agricultural uses may have included the use of pesticides and herbicides; however, most currently used agricultural chemicals do not persist for extended period of time if properly applied. Furthermore, extensive use of pesticide or herbicide indicators were not identified on the Project site nor the surrounding properties.⁸ Although significant quantities of soil are not anticipated to be exported from the Project site, disposal or transport of demolition materials and any graded soils from the Project site may therefore increase the potential for the exposure of hazardous materials. Implementation of **Mitigation Measures (MMs) HAZ-1** and **HAZ-2** would ensure proper handling of contaminated soils and substances which may be encountered and implement assistance in the management of soil during planned future development due to the Project site's historical industrial use. Additionally, **MMs HAZ-3** and **HAZ-4** would be implemented to reduce risks due to potential exposure from asbestos, ACMs, and LBP.

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. At full buildout, the Project would consist of two modern high-cube logistics buildings (warehouses). This land use is not expected to use significant quantities of hazardous materials or to generate significant quantities of hazardous materials requiring transport. Additionally, as with Project operation, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and no significant impact would occur.

Project Operations

Operations of the two modern high-cube logistics buildings (warehouses) would involve the use of relatively small quantities of hazardous materials including industrial cleaners, greases, and oils for cleaning and maintenance along with paints, solvents, and fertilizers and pesticides for site landscaping. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the U.S. EPA, U.S. Department of Transportation, and the California Division of Occupational Safety and Health. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the

⁸ Terracon Phase I Environmental Site Assessment. 2022. Page 7 (Appendix H).

potential for safety impacts. The Project would also be operated with strict adherence to all emergency response plan requirements set forth by the City of Fontana Local Hazard Mitigation Plan (LHMP).⁹

Mandatory compliance with laws and regulations and implementation of SWIP EIR MMs 4.5-1a through -1d and MM HAZ-1 through -4 proposed for the Project's would ensure that construction and operational impacts would be less than significant. When there are conflicts between the SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

- MM 4.5-1a** The City shall require that new proposed facilities involved in the production, use, storage, transport, or disposal of hazardous materials be located a safe distance from land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities, such as schools, child-care centers, and senior centers, shall not to be located near existing sites that use, store, or generate hazardous materials. [GPEIR MM HM-1]
- MM 4.5-1b** The City shall assure the continued response and capability of the San Bernardino County Fire Department/Fontana Fire Protection District to handle hazardous materials incidents in the City and along the sections of freeways that extend across the City. [GPEIR MM HM-2] (*This mitigation measure is not applicable as it is not Project specific*).
- MM 4.5-1c** The City shall require all businesses that handle hazardous materials above the reportable quantity to submit an inventory of the hazardous materials that they manage to the San Bernardino County Fire Department – Hazardous Materials Division in coordination with the Fontana Fire Protection District. [GPEIR MM HM-4]
- MM 4.5-1d** The City shall identify roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, childcare centers, or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area. [GPEIR MM HM-5] (*This mitigation measure is not applicable as it is not Project specific*).

Project Mitigation Measures

The following measures shall apply to all Project grading and construction activities, including those related to off-site infrastructure or utility improvements that may be necessary to serve the Project:

⁹ 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)

MM HAZ-1

Soil Management Plan (SMP). Prior to issuance of a grading permit or trenching or subsurface excavation for utilities or roadway infrastructure, the Master Developer, Site Developer, or Lead Agency, as applicable, shall retain a qualified environmental consultant to prepare a SMP that details procedures and protocols for on-site management of soils containing potentially hazardous materials.

The SMP shall include, but not be limited to:

- Land use history, including description and locations of known contamination;
- The nature and extent of previous investigations and remediation at the site;
- Identified areas of concern at the site, in relation to proposed activities;
- A listing and description of institutional controls, such as applicable City ordinances and other local, state, and federal regulations and laws that would apply to the project;
- Names and positions of individuals involved with soils management and their specific role;
- An earthwork schedule;
- Requirements for site-specific Health and Safety Plans (HSPs) to be prepared by all contractors at the project site. The HSP should be prepared by a Certified Industrial Hygienist and would protect on-site workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSP should address the possibility of encountering subsurface hazards including hazardous waste contamination and include procedures to protect workers and the public;
- Hazardous waste determination and disposal procedures for known and previously unidentified contamination, including those associated with any soil export activities, if applicable;
- Requirements for site specific techniques at the site to minimize dust, manage stockpiles, run on and run-off controls, waste disposal procedures, etc.; and
- Copies of relevant permits or closures from regulatory agencies.

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 ACM 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.

MM HAZ-4

The removal of LBP material shall be implemented in accordance with CCR, Title 8 Section 1532.1, the CFR (Title 40, Part 745, and Title 29, Part 1926), the U.S. EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and Sections 402/404 and 403, and Title IV of the TSCA.

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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that future development within the SWIP could 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. However, to offset these potential conditions, mitigation measures were imposed. The SWIP EIR determined that with implementation of the mitigation measures outlined below, a less than significant impact would occur.

Project Construction

Terracon interviewed the Project site's site manager on October 13, 2022, regarding the current and historical use of the site. The Site manager indicated that the site has not had USTs in approximately 15-20 years and that the tanks were previously located on the central-western portion of the site. Additionally, the site manager was not aware of any spills or releases of hazardous materials associated with the site or adjoining properties and was also not aware of pending or threatened environmental litigation, past environmental litigation, or violations of environmental laws. These responses do not indicate any RECs.

The San Bernardino County Office of the Fire Marshal provided records indicating inactive UST permits for the Tutor Perini Corporation and permits for installation, modification, and removal of USTs associated with Tutor Saliba Corp and Owl Crane that are associated with the site. Based on a review of these records, the former on-site USTs do not appear to represent a REC to the site. The identified clarifier associated with the steam cleaning operations performed in the mechanic pit does not represent a REC to the site based upon the soil and soil vapor analytical data obtained in a prior 2020 LSI report.

One pad-mounted transformer owned and serviced by Southern California Edison (SCE) was observed on the north side of the northern-central maintenance warehouse. Approximately seven metal lockers for the pad-mounted transformers were also observed in the southern-central portion of the Project site. The lockers did not contain active transformers and were stored on either wooden blocks or additional metal. The Phase I ESA conducted by Terracon concluded no staining or releases were observed in the vicinity of the transformer containers. Although no PCB content of the transformer fluids were observed, some transformers may contain mineral oil which may contain PCBs. Furthermore, stained soil was observed on the southeastern and northeastern portions of the site, approximately 10 sf in total; however, Terracon concluded this stained soil was a de minimis condition and alone and based on visual observation do not represent a REC to the site. Stained pavement was observed on the inside of the maintenance warehouse on the central-northern portion of the site along with the outside of the maintenance warehouse. However, the pavement was reported to be in fair condition and the indoor staining appeared to be associated with vehicle maintenance and was not determined to represent a REC to the Project site.

Additionally, leakage, spills, or other releases from trash and debris located on site were not determined to be hazardous and no evidence of staining, noxious odors or hazardous waste disposal was observed within or in the vicinity of the on-site dumpsters and these materials do not represent a REC to the Project site. Furthermore, the construction debris observed on the Project site were determined to not be hazardous or represent a REC to the site.¹⁰

The demolition of existing structures and grading/removal of concrete, paving, and landscaping could potentially release some of the hazardous materials historically found on the site. Furthermore, although some sites were noted to have previously involved the use or generation of potentially hazardous materials such as hydrocarbons and VOCs, no current violations were noted. Despite the limited potential for the exposure of the public and environment to hazardous materials, with SWIP EIR MMs 4.5-1a to -1d and 4.5-2a through -2f and **MMs HAZ-1** through **-4** and compliance with all applicable Federal, State, and local regulations, the impact would be reduced to less than significant. When there are conflicts between the SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence.

Project Operations

As previously stated, the Project is anticipated to be developed in one phase over approximately 15 months and become operational by the second quarter of 2025. The Project would consist of two modern high-cube logistics building (warehouses) totaling approximately 699,433 sf. These land uses are not anticipated to result in releases of hazardous materials into the environment. As discussed in Impact 4.8-1 above, the Project would not create a significant impact through the transport, use, or disposal of hazardous materials since the facilities are required to comply with all applicable Federal, State, and local regulations which are intended to avoid impacts to the public and environment. Furthermore, hazardous materials/chemicals such as cleaners, paints, solvents, and fertilizers in low quantities do not pose a significant threat related to the release of hazardous materials into the environment. A less than significant impact would occur in this regard.

¹⁰ Terracon Phase I Environmental Site Assessment. 2022. Page 23 and Page 24 (Appendix H).

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to SWIP EIR Mitigation Measures 4.5-1a to 4.5-1d above.

MM 4.5-2a A Phase I Environmental Site Assessment shall be prepared in accordance with American Society of Testing and Materials Standards and Standards and Practices for All Appropriate Inquiries prior to issuance of a Grading Permit for future development within the project site. The Phase I Environmental Site Assessment shall investigate the potential for site contamination, and will identify Specific Recognized Environmental Conditions (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.) that may require remedial activities prior to land acquisition or construction. *(This mitigation measure is not applicable as a Phase I Environmental Site Assessment, dated November 2022, has been prepared for the Project and is included as **Appendix H.**)*

MM 4.5-2b Prior to potential remedial excavation and grading activities within the site (if remediation is required), impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste-oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above ground storage tanks, surface trash, piping, excess vegetation, and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the project applicant shall comply with the following measures in accordance with Federal, State, and local requirements:

- Excavation and disposal at a permitted, off-site facility;
- On-site remediation, if necessary; or
- Other measures as deemed appropriate by the County.

MM 4.5-2c Prior to the issuance of a grading or building permit, a Certified Environmental Professional shall confirm the presence or absence of ACMs and LBPs prior to structural demolition/renovation activities. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility. *(This mitigation measure is not applicable as MMs HAZ-3 and -4 take precedence over MM 4.5-2c.)*

MM 4.5-2d In the event any electrical transformers require relocation as a result of future development associated with the project, the relocation shall be conducted under

the purview of the local electricity purveyor to identify property-handling procedures regarding potential polychlorinated biphenyls (PCBs).

MM 4.5-2e

Due to the railroad alignment within project boundaries, any construction in which the soil around the railroad is to be disturbed shall be conducted under the purview of the Fontana Fire Protection District to identify proper handling procedures. Once the soil around the railroad has been removed, a visual inspection of the areas beneath and around the removed area shall be performed. Any stained soils observed underneath the area shall be sampled. Results of the sampling (if necessary) shall indicate the level of remediation efforts that may be required (if necessary). *(This mitigation measure is not applicable as the Project site is not in proximity to a railroad alignment).*

MM 4.5-2f

Areas of exposed soils within Caltrans right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is above regulatory criteria). *(This mitigation measure is not applicable as the Project site is not in proximity to Caltrans right-of-way).*

Project Mitigation Measures

MM HAZ-1 through MM HAZ-4.

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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that future development within the SWIP had the potential to expose up to four schools located in or within one-quarter mile of the SWIP. One of the schools noted was the Henry J. Kaiser High School, located just west of the Project site. The SWIP EIR determined that with implementation of the mitigation measures outlined below, a less than significant impact would occur.

Project Construction and Operations

Construction of the Project would involve the occasional transport, use, and disposal of hazardous materials on-site and off-site, which would include fuels, paints, mechanical fluids, and solvents. However, as previously noted, the Phase I ESA concluded that the historical uses on the Project site did not include uses that were known to handle hazardous materials. Based on review of historical documentation, indication of RECs was not identified in connection with the site. Additionally, DTSC determined that no RECs exist on the site. For these reasons, the likelihood that that hazardous materials are released to the environment from construction activities is not likely to occur and as such, hazardous or acutely hazardous materials would not be present in such a quantity or used in such a manner that would pose a significant hazard to nearby schools.

Although the likelihood of hazardous materials release is less than significant, because the nearest school to the Project site is the Henry J. Kaiser High School, which located approximately 0.07 mile to the west of the Project site, compliance with federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances, along with implementation of SWIP EIR MMs 4.5-1a to -1d and **MMs HAZ-1** through **-4**, would ensure Project buildout would not create a significant hazard to nearby schools due to the transport of any hazardous materials on local roadways. When there are conflicts between the SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to SWIP EIR Mitigation Measures 4.5-1a to 4.5-1d above.

Project Mitigation Measures

MM HAZ 1 through **MM HAZ 4**.

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 Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that there are various hazardous material sites recorded within Federal, State, and local records databases within the SWIP. Potential hazards to construction workers and the public may occur as a result of construction activities on existing sites that could be contaminated. Future development of any of these documented hazardous materials sites would require prior remediation and cleanup under the supervision of the DTSC in order to meet Federal, State, and local standards. The SWIP EIR noted that future project would be subject to the preparation of a Phase I Environmental Site Assessment. Additionally, the SWIP EIR concluded that with the implementation of mitigation measures, a less than significant impact would occur.

Project 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).¹¹ Industrial Freight System, Truck Driver Academy Incorporated, and System 99 (11081 Cherry Avenue), located on the northern adjoining parcel and in an up-gradient position relative to the site was identified in the CA FID UST, Cortese, LUST, San Bern. Co. Permit, SWEEPS UST,

¹¹ 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).

HIST CORTESE, RCRA NONGEN / NLR and HIST UST regulatory databases. However, based on the removal of the USTs, regulatory closure with the San Bernardino County and the soils only case, Industrial Freight System, Truck Driver Academy Inc., and System does not represent a REC to the site. There are no listings included on the Cortese List located on the Project site and the closest listings are 0.5 miles away from the Project site. Therefore, no significant adverse impacts relative to Cortese List sites which would occur with Project implementation. However, SWIP EIR MMs 4.5-2a to -2f would apply to minimize or avoid impacts associated with hazardous materials sites.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to SWIP EIR Mitigation Measures 4.5-2a to 4.5-2f above.

Project 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: Less than Significant

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that the southwestern portion of the SWIP is located within the “Airport Influence Area” of the Los Angeles/Ontario Airport. However, the SWIP EIR determined that the SWIP area is not located within a Runway Protection Zone, No Build Zone, or Approach Zone. As such, future development associated with the SWIP would consist of industrial, commercial, and office development and would not result in a safety hazard for people working or residing in the SWIP area. Therefore, a less than significant impact was determined.

Project Construction and Operations

There are no private airstrips located within or in the vicinity of the City of Fontana.¹² The Ontario International Airport is located approximately 6.3 miles west of the Project site. The Project site is within the Ontario International Airport Influence Area (AIA).¹³ Although the Project is inside the AIA, the Project

¹² City of Fontana. General Plan EIR. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed March 2023).

¹³ Ontario International Airport Land Use Compatibility Plan. 2018. Retrieved from: <https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/ONT-IAC/ONT-AIA-policy-map-2-1.pdf>. (accessed April 2023).

site is not located within the 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).¹⁴¹⁵¹⁶ Although the Project is located within the Ontario International Airport AIA, the Project site is not within two miles from a public airport and would therefore not result in a substantial impact regarding safety hazards or excessive noise.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project 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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that the future development within the SWIP would not interfere with an adopted emergency response plan or evacuation plan and a less than significant impact would occur with implementation of the mitigation measures outlined below.

Construction and Operations

The City of Fontana adopted its Local Hazard Mitigation Plan (LHMP) in August 2018.¹⁷ 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 land use designation Light Industrial (I-L) and zoned SWIP and would be consistent with the LHMP. Project development would include the addition of five driveways to provide adequate circulation to the site and improve access to the site by emergency vehicles and exit points in the event of evacuation. Proposed improvements to nearby

¹⁴ City of Ontario. 2018. *Ontario International Airport Land Use Compatibility Plan*. Retrieved from: <https://www.ont-iac.com/wp-content/uploads/2019/02/ONT-AIA-policy-map-2-1.pdf>. (accessed March 2023).

¹⁵ The Ontario Plan. 2022. Airport Safety Zones and Influence Areas. Retrieved from: <https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/The%20Ontario%20Plann/Land%20Use/Figure%20LU-06%20Airport%20Safety%20Zones%20%26%20Influence%20Areas.pdf>. (accessed March 2023).

¹⁶ City of Ontario. Los Angeles World Airports. Retrieved from: <https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/The%20Ontario%20Plann/Land%20Use/Figure%20LU-06%20Airport%20Safety%20Zones%20%26%20Influence%20Areas.pdf>. (accessed March 2023).

¹⁷ 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).

roadways would further improve emergency access to the Project site. Roadway improvements are further discussed in **Section 4.13: Transportation**. The Project would not conflict with adopted emergency response or evacuation plans and would therefore generate a less than significant impact. However, SWIP EIR MMs 4.5-6a and -6b would apply to minimize or avoid impacts associated with emergency evacuation plans.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.5-6a Prior to the issuance of grading permits, future developers shall prepare a Traffic Control Plan for implementation during the construction phase. The Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.

MM 4.5-6b Prior to construction, the City of Fontana Engineering Department shall consult with the City of Fontana Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.

Project 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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that the SWIP is located within an urbanized area and is surrounded by development on all sides. The SWIP is not located adjacent to wildlands that may increase the risk of wildland fires. Therefore, SWIP EIR concluded that no impacts would occur in this regard, and no mitigation measures are required.

Construction and Operations

According to CAL FIRE's Fire and Resource Assessment Program, FHSZ Viewer, the Project site is not located in or near a State Responsibility Area (SRA) and does not contain lands classified as a very high fire hazard severity zone (very high FHSZ). The nearest SRA lands and very high FHSZs to the development site are located approximately 10 miles to the northeast. The Project site is located in a Local Responsibility Area (LRA) within the City of Fontana.¹⁸ Additionally, the City of Fontana has a partnership with the SBCFD to aid the city with fire protection and responsiveness. Due to its location outside of known FHSZs and adequate fire protection services, impacts are anticipated to be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.8.6 Cumulative Impacts

For purposes of hazards and hazardous materials, cumulative impacts are considered within the immediate vicinity surrounding the Project site. As discussed above, the Project would result in less than significant impacts from hazards and hazardous materials based on compliance with existing laws, ordinances, regulations, and standards, and through the implementation of the various mitigation measures outlined previously in this section. Furthermore, **Section 4.13: Transportation** discusses roadway impacts.

Impacts associated with hazardous materials are often site-specific and localized. This EIR evaluates environmental hazards within the Project site and surrounding area. Regarding off-site environmental hazards, various governmental databases were searched to identify properties with known or suspected releases of hazardous materials within a search radius of up to one mile from the site. These database searches serve as the basis for defining the cumulative impacts study area.

Cumulative impacts related to hazards and hazardous materials would result from projects that combine to increase exposure to hazards and hazardous materials. The potential for cumulative impacts to occur is limited since the impacts from hazardous materials use on-site would be site-specific. The Project and other cumulative projects would be analyzed on a project level basis and would be required to comply with laws and regulations governing hazardous materials and hazardous wastes, as previously described.

¹⁸ CAL FIRE. Fire Hazard Severity Zones in State Responsibility Area. 2022. Retrieved from: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>. (accessed March 2023).

Therefore, cumulative impacts related to hazards and hazardous materials would be less than significant through regulatory compliance and implementation of various mitigation measures, as necessary.

4.8.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.8.8 References

- 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/>
- Cal Fire. Fire Hazard Severity Zones in State Responsibility Area. 2022. Retrieved from: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>.
- City of Fontana. General Plan EIR. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>
- City of Fontana. Local Hazard Mitigation Plan. 2018. Retrieved from: <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>.
- City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR. <https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).
- City of Ontario. Los Angeles World Airports. Retrieved from: <https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/The%20Ontario%20Plann/Land%20Use/Figure%20LU-06%20Airport%20Safety%20Zones%20%26%20Influence%20Areas.pdf>.
- City of Ontario. 2018. *Ontario International Airport Land Use Compatibility Plan*. Retrieved from: <https://www.ont-iac.com/wp-content/uploads/2019/02/ONT-AIA-policy-map-2-1.pdf>
- Fontana Forward General Plan Update 2015-2035. 2017. Retrieved From: <https://www.fontana.org/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018>.
- Terracon Phase I Environmental Site Assessment. 2022.
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Hydrology and Water Quality

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Introduction

This section describes the hydrologic and water quality conditions on and around the Cherry Commerce Center Project (Project) site and evaluates whether implementation of the Project would result in adverse effects to such resources. The setting, context, and impact analysis in this section is based on the Preliminary Water Quality Management Plan (PWQMP) (May 2022) and the Preliminary Hydrology Report (PHR) (May 2023), prepared by Huitt-Zollars, Inc. The information and analysis rely on the following:

- Fontana Forward General Plan Update 2015-2035 (Fontana GP)
- Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report
- Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report
- City of Fontana Water Quality Management Plan
- Preliminary Hydrology Report, 2023 (attached as **Appendix I** to this Draft EIR)
- Preliminary Water Quality Management Plan (PWQMP), 2022 (attached as **Appendix I** to this Draft EIR)
- San Gabriel Water Company Will-Serve Letter (attached as **Appendix L** to this Draft EIR)
- Water Supply Assessment. 2023. Stetson Engineers Inc. (attached as **Appendix M** to this Draft EIR)

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.

4.9.2 Environmental Setting

Regional Hydrology and Drainage

The Project is located within San Bernardino County in the City of Fontana. The Project site is located at the northeast corner of the intersection of Cherry Avenue and Jurupa Avenue. The Project site is in the Upper Santa Ana River watershed. The Santa Ana Region is the smallest of the nine Regional Water Quality Control Board (RWQCB) regions in the State of California, covering approximately 2,800 square miles of land roughly between the cities of 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.³ Surface waters start in the upper erosion zone of the

¹ RWQCB. 2019. *Basin Plan for the Santa Ana River Basin*. https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/docs/2019/New/Chapter_1_June_2019.pdf (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 March 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 March 2023).

Santa Ana River watershed, primarily in the San Bernardino and San Gabriel mountains. This upper zone has the highest gradient and soils and geology that do not allow large quantities of percolation of surface water into the ground. In sum, the Santa Ana River watershed drains an approximately 2,650 square mile area⁴ and is bound on the south by the Santa Margarita watershed, on the east by the Salton Sea and Southern Mojave watersheds, and on the north and west by the Mojave and San Gabriel watersheds. It is the principal surface flow water body within the region and runs southwesterly across San Bernardino, Riverside, and Orange counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The total length of the Santa Ana River and its major tributaries is approximately 700 miles.⁵

The Santa Ana River watershed is divided into smaller specific watersheds through the region which is generally arid and therefore has little natural perennial surface water. 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 watershed is regulated by the Santa Ana RWQCB.

The Santa Ana Watershed 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).

Surface Water Hydrology

Fontana Water Company (FWC) is a division of the San Gabriel Valley Water Company. Fontana Water owns and operates water facilities throughout the City that produce, treat, store, and distribute drinking water to its customers. FWC is subject to the jurisdiction of the California Public Utilities Commission (“CPUC”) and serves most of the City of Fontana, portions of the cities of Rialto, Rancho Cucamonga, and Ontario, and unincorporated areas of San Bernardino County.

The FWC provides imported surface water to the Project site.⁶ FWC purchases untreated imported State Water Project water from the IEUA and San Bernardino Valley Municipal Water District (SBVMWD).⁷ The imported water is treated at FWC’s Summit Plant.⁸

The Project site is located within the East Etiwanda Creek-Santa Ana River Watershed (HUC12 180702030804). This is a smaller drainage basin that covers approximately 138,519 acres (approximately 216.4 square miles)⁹. Our project discharges directly into an existing 78-inch public storm drain line in Jurupa Ave which drains to the Decluz North channel. Said channel contributes to the East Etiwanda Creek-Santa Ana River Watershed. All inputs into this basin are directed toward the Santa Ana

⁴ Aqueduct Futures. 2013. Santa Ana River Watershed. <https://aqueductfutures.wordpress.com/2013/03/04/santa-ana-river-watershed/> (accessed July 2023).

⁵ Ibid.

⁶ Fontana Water Company. (2021). *2020 Urban Water Management Plan*. pg. 6-4. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

⁷ Ibid.

⁸ Ibid.

⁹ California Waterboards. 2022. *HUC Watersheds*. <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed August 2022).

River and flow towards the southwest to the Aliso Creek-Santa Ana River Watershed, ultimately discharging into the Pacific Ocean.¹⁰ The Project site generally slopes from the northeast corner to the southwest corner of the site at approximately 0.9 percent.

Groundwater Hydrology

The FWC receives groundwater from three adjudicated basins: the Chino Basin, Rialto-Colton Basin, and the Lytle Basin.¹¹ The Rialto-Colton Basin is an adjudicated basin, according to the Department of Water Resources (DWR) Bulletin 118, DWR has not identified the Rialto-Colton Basin as a basin in critical condition of overdraft.¹² While the Chino Basin is the main source of water for FWC, the Rialto-Colton Basin provides up to 5,865 acre fee (AF) of water to FWC.¹³ The Rialto-Colton Basin is bounded by the San Gabriel Mountains on the northwest, the San Jacinto fault on the northeast, the Badlands on the southeast, and the Rialto-Colton fault on the southwest.¹⁴ The Rialto-Colton Basin generally drains to the southeast, toward the Santa Ana River.

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. The three principal recharge facilities in the subbasin are Lytle Creek in the northwestern part of the subbasin, Reche Canyon in the southeastern part, and the Santa Ana River in the south-central part. Total groundwater storage within the subbasin is approximately 2,517,000 AF. In 1984, an estimated 1,512,000 AF of water was stored within the subbasin.¹⁵

Existing Site Drainage

The Project site occupies approximately 30 acres of land in the southern portion of the City. The site is comprised of two parcels that have been developed with light industrial uses that includes the use of the site for heavy construction materials and equipment storage. The maximum site elevation, located at the northeast property line, is 958.6± feet mean sea level (MSL). The minimum site elevation located at the southwest right-of-way, is 938.7± feet MSL.

Flood Hazard, Tsunami, or Seiche Zone

Federal Emergency Management Agency (FEMA) Flood Insurance Rated Map (FIRM) shows the Project site being covered by one main indication panel, which is 06071C8665H, effective August 28, 2008. Based on a review of this panel, this is an area of minimal flood hazard. More specifically, the Project site is located within “Zone X,” which corresponds to areas with minimal flood hazard outside of the 500-year

¹⁰ Ibid.

¹¹ Fontana Water Company. (2021). *2020 Urban Water Management Plan*. pg. 6-5. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

¹² Ibid.

¹³ Ibid.

¹⁴ California Waterboards. 2022. *HUC Watersheds*. <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed March 2023).

¹⁵ California Department of Water Resources. 2006. *California's Groundwater Bulletin 118 January 20, 2006, Update: Hydrologic Region South Coast – Upper Santa Ana Valley Groundwater Basin*. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/8_002_04_Rialto-ColtonSubbasin.pdf (accessed March 2023).

floodplain (also referred to as the 0.2 percent annual chance floodplain).¹⁶ Therefore, no portions of the Project site are located within a 100-year flood hazard area. Additionally, the site is not listed by the County of San Bernardino as being in any mapped dam inundation hazard zone. 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 Rialto-Colton Basin (RCB). The RCB is about 10 miles long and varies in width from about 3.5 miles in the northwestern boundary to about 1.5 miles in the southeastern boundary.

Chino-Groundwater Basin

The Project site lies within the boundary of the IEUA. The Project site is underlain by groundwater resources associated with the Rialto-Colton Groundwater Basin. The FWC relies on groundwater resources from this groundwater basin for a portion of its total water supply and would supply water to the Project site. Tetrachloroethylene was detected within the groundwater basin at levels above five micrograms per liter (ug/L) in wells F10C and F49A.¹⁷ According to the infiltration report prepared for the Project, groundwater was not encountered in any of the infiltration test borings.¹⁸

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 (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 of water. Parts of the Santa Ana River are included on the 303(d) list. The nearest segments to the Project site are San Sevaine Channel and Day Creek which are not 303(d)-listed.¹⁹ The nearest listed segment is Cucamonga Creek Reach 1 (Valley Reach), located approximately five miles west of the Project site, which is listed for Cadmium, Copper, Lead, and Zinc.²⁰

The PWQMP prepared for the Project identified potential categories of stormwater pollutants of concern that could be generated by use of the Project site for the proposed uses. While some level of pollutant loads is anticipated, the RWQCB places thresholds on the volumes of pollutants at which an impact would occur. Numerous materials and chemicals are considered potential pollutants. These include the following: 1) phosphorous, 2) nitrogen, 3) sediment, 4) metals, 5) oil and grease, 6) trash and debris,

¹⁶ FEMA, 2008. *FEMA Flood Map Service Center*. Available at [FIRMETTE_538c9f90-3a67-40f4-8377-a8735a45a126.pdf \(fema.gov\)](https://www.fema.gov/flood-maps) (accessed March 2023).

¹⁷ Fontana Water Company. (2021). *2020 Urban Water Management Plan*. pg. 6-7. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. Accessed March 2023.

¹⁸ Southern California Geotechnical. April 12, 2023. Infiltration Report, page 3.

¹⁹ California Water Boards. ND. California 2020-2022 Integrated Report [California 2020-2022 Integrated Report](https://www.waterboards.ca.gov/water_issues/programs/integrated_reports/reports/index.cfm) (accessed June 2023).

²⁰ Ibid.

7) pesticides and herbicides, 8) organic compounds, 9) other nutrients and 10) and bacterial or virus pathogens.

To measure the levels of impairment to water quality, the measurement of certain chemicals and chemical processes are performed. This is done to determine the number of pollutants in run-off, and which can reach off-site and downstream surface water. The physical properties and chemical constituents of water typically serve as the primary means for monitoring and evaluating water quality. These types of pollutants can occur from uses in both rural and urbanized areas. In more urbanized areas, such as the Project site, the quantity of certain pollutants in the environment is typically a function of the intensity of the land use. For instance, a high density of automobile traffic increases the availability of a variety of potential pollutants (e.g., lead and hydrocarbons). In addition, other pollutants may come from the overapplication of fertilizers and pesticides resulting in these materials being washed downstream and affecting receiving waters. Some of the physical, chemical, or biological characteristics and processes used to evaluate the quality of surface run-off are as follows: 1) Dissolved Oxygen, 2) Chemical Oxygen Demand, 3) Total Dissolved Solids, 4) Specific Conductance, 5) Turbidity, and 6) Nitrogen (N).

The Project site does not have existing water bodies within its boundaries. This includes lakes, ponds, rivers, streams, or intermittent waters. As discussed above, water would flow off the Project site to downstream areas, but there are no existing water resources within the Project site. To manage pollutants that may flow from such site, the County of San Bernardino has adopted the EPA National Pollutant Discharge Elimination System (NPDES) regulations in an effort to reduce pollutants in urban run-off and stormwater flows. The Santa Ana RWQCB issued the County a Municipal Separate Storm Sewer System (MS4) Permit (Order No. R8-2010-0036), which establishes pollution prevention requirements for planned developments. The County participates in an area-wide Urban Stormwater Runoff Management Program to comply with the MS4 Permit requirements.

4.9.3 Regulatory Setting

Federal

Clean Water Act

The Project site is subject to federal permit requirements under the federal 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 NPDES, effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The 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 RWQCBs 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 Federal Register 51400, 40 Code of Federal Regulations 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. 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 Section 303(d)(4)(B), requiring satisfaction of anti-degradation requirements before making certain changes in NPDES permits.

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 TMDLs 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

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.

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. Additionally, the Project’s PWQMP would comply with the requirements of the City of Fontana and the NPDES Areawide Stormwater Program.

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 Section 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 groundwater 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 SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrology regions. The SWRCB and RWQCBs have numerous nonpoint source pollution (NPS) (broad and disconnected sources of pollution) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The 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 CWA, such as the NPDES permitting program. Section 401 of the CWA gives the SWRCB 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 SWRCB 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 Section 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 RWQCBs 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. RWQCBs 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 SWCRB or RWQCBs 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 SWRCB. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the state and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. 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 the EPA. When approved, they become water quality standards under the CWA. On a statewide basis, according to the SWRCB, 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, 19 beneficial uses are recognized in the Santa Ana Basin²¹. Section 303(d) specifically requires the state to develop a list of impaired water bodies and subsequent numeric 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) on May 11, 2022.²²

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.

²¹ California Water Boards Santa Ana River Basin Plan, Chapter Three.
https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/ (accessed August 2022).

²² California Water Boards. 2018. *California Integrated Report (Clean Water Act Section 303 (d) List and 305(b) Report)*. [2020-2022 California Integrated Report | California State Water Resources Control Board](#) (accessed June 2023).

Industrial General Permit

Pursuant to the CWA, in 2020, the Statewide General Permit for Stormwater Discharges Associated with Industrial Activities, Order 2014-0057-DWQ (Industrial General Permit) implements the federally required stormwater regulations in California for stormwater associated with industrial activities discharging to waters of the United States. The Industrial General Permit regulates discharges associated with nine federally defined categories of industrial activities. The Industrial General Permit is called a general permit because many industrial facilities are covered by the same permit but comply with its requirements at their individual industrial facilities. The SWRCB and RWQCB implement and enforce the Industrial General Permit.

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.

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 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 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. 2015-0122-DWQ) was amended and adopted in November 2018 and requires dischargers to develop and implement a 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 BMPs the discharger would use to protect stormwater run-off (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 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 Section 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 run-off in stormwater. This includes: (1) a program to prevent illicit stormwater discharges; (2) structural and non-structural BMPs to reduce pollutants in run-off 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 2010 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 SWRCB and RWQCBs 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.²³

Sustainable Groundwater Management Act

The California 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.²⁴ The DWR categorizes the priority of groundwater basins.²⁵ GSPs are detailed road maps for 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.²⁶

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 run-off; new development and redevelopment; and municipal operations. Some typical types of outreaches may include a stormwater hotline, website, storm drain stenciling, and

²³ California Water Boards. Watershed Management Initiative (WMI). https://www.waterboards.ca.gov/water_issues/programs/watershed/ (accessed March 2023).

²⁴ California Department of Water Resources. Groundwater Sustainability Plans. <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans>. (accessed March 2023).

²⁵ California Department of Water Resources, Groundwater Sustainability Plans. [Groundwater Sustainability Plans \(ca.gov\)](https://www.water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans) (accessed March 2023).

²⁶ United States Geologic Survey. 2014. Sustainable Groundwater Management. <https://ca.water.usgs.gov/sustainable-groundwater-management/>. (accessed March 2023).

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.²⁷ 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

Local

Fontana General Plan 2015-2035

Infrastructure and Green Systems Element

The Infrastructure and Green Systems Element²⁸ of the Fontana General Plan includes the goals and policies that would 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 2: ***Fontana promotes use of non-potable water for uses where drinking water is not needed.***

Policy 2.1: Encourage use of processed water from the IEUA systems using recycled water for all non-drinking water purposes.

Goal 3: ***The City continues to have an effective water conservation program.***

Policy 3.1: Support landscaping in public and private spaces with drought-resistant plants.

Goal 6: ***Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards.***

²⁷ 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 March 2023).

²⁸ City of Fontana. 2018. *Fontana General Forward Plan – Infrastructure and Green Systems*. <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>. (accessed March 2023).

Policy 6.1: Continue to implement the Water Quality Management Plan for stormwater management that incorporates low-impact and green infrastructure standards.

City of Fontana Local Hazard Mitigation Plan

The City's FEMA-approved Local Hazard Mitigation Plan²⁹ (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 FEMA (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.

City of Fontana Water Quality Management Plan

The City of Fontana 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 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. The Handbook notes that all significant development projects such as redevelopment projects that would add or replace 5,000 or more square feet of impervious surfaces and new developments that include more than 10,000 square feet or more of new impervious surfaces would require a WQMP. The WQMP is similar to other permitting vehicles and includes, identification of drainage areas, impervious surfaces, anticipated flows, existing impaired waters, BMPs to reduce run-off and polluted runoff, LID strategies to retain water on-site before being discharged, etc.³⁰

Fontana Municipal Code

Section 9-16 – 9-25, Control of Blowing Sand and Soil Erosion

The City's Municipal Code Section 9-16 – 9-25 states that for the purposes of controlling blowing sands and preventing soil erosion by wind that affects health, safety, welfare, and property the City has adopted the issuance of permits, fee collection, and providing penalties for violations.³¹

²⁹ City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed March 2023).

³⁰ City of Fontana 2021. Water Quality Management Plan Handbook. <https://www.fontana.org/DocumentCenter/View/37482/WQMP-Handbook>. (accessed March 2023).

³¹ City of Fontana. Section 9-16 – 9-25. Control of Blowing Sand and Soil Erosion. https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodid=CO_CH9ENPRREEX. (accessed March 2023).

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.

Section 23-511, Prohibited Discharges

Section 23-511 of the City's Municipal Code states that no person shall:

- Cause, allow, contribute to, or facilitate an illegal discharge.
- Establish, use, or maintain any illicit connection.
- Cause, permit or authorize any agent, employee, or independent contractor to cause, allow, contribute to, or facilitate an illegal discharge or establish, use, or maintain any illicit connection.
- Discharge or cause to be discharged into any fountain, lake, stream, or any other body of water in the city any refuse, rubbish, garbage, or other pollutant.
- Cause, allow, contribute to, or facilitate a violation of the city's NPDES permit, including, but not limited to, causing, or contributing to a condition of nuisance as that term is defined in Section 13050 of the California Water Code.
- Fail or refuse to implement any BMPs when directed to do so by the environmental manager.

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.³²

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

³² City of Fontana, Section 23-511. Prohibited discharges.
https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH23SESEDI_ARTIXPRDIPOINSTDR_S23-511PRDI.
(accessed August 2022).

connection to the storm drain system was permissible under the law or practices applicable at the time of the connection.³³

Section 28-111, Stormwater management and rainwater retention

Section 28-111 of the City's Municipal Code implements practices to minimize run-off and increase infiltration which recharges groundwater and improves water quality. The implementation of stormwater best management practices into the landscape and grading design plans to minimize run-off and to increase on-site rainwater retention and infiltration is encouraged.³⁴

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

4.9.4 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:

- 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 run-off in a manner which would result in flooding on- or off-site;
 - 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 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.

³³ City of Fontana, Section 23-513. Illicit connections to the storm drain system.

https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeid=CO_CH23SESEDI_ARTIXPRDIPOINSTDR_S23-513ILCOSTDRSY (accessed August 2022).

³⁴ City of Fontana, Section 28-5111. *Stormwater management and rainwater retention.*

https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeid=CO_CH28VE_ARTIVLAWACO_S28-111STMARARE (accessed August 2022).

Methodology and Assumptions

The Project is evaluated against the significance criteria/thresholds, as the basis for determining the impact's level of significance concerning hydrology and water quality. This analysis also 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 Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on hydrology and water quality materials 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 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 available information in public databases including local planning documents; a site evaluation of the Project site; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to hydrology and water quality considers the available policies and regulations established by federal, state, regional, and local agencies, and the amount of deviation from these policies in the Project's components.

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

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that future projects within the SWIP would be subject to NPDES requirements during both construction and operations. The NPDES program would require that future development projects implement BMPs that adequately minimize potential off-site water quality impacts. Construction-related BMPs would be identified based on site-specific conditions during preparation of a SWPPP for each future development project. Long-term operational BMPs would be identified through issuance of an NPDES permit through the Santa Ana RWQCB and would include water quality features to ensure that runoff is treated prior to discharge into the storm drain or regional conveyance facilities. As such, upon adherence to existing State water quality requirements impacts were anticipated to be less than significant in this regard.

Project Construction

Grading activities during construction of the Project site would occur after the Project is approved. Construction at the Project site would result in the baring and exposure of soils. During construction, fuels,

lubricants, and solid and liquid wastes would be stored within active construction areas. If the construction areas are not properly managed to contain loose soils and liquid and solid contaminants, temporary water quality impacts could occur due to run-off from the active construction site.

Pursuant to the requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit) associated with the Project site. 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. In addition, the applicant would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP would specify the BMPs that all construction contractors would be required to implement during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

BMPs are designed to control and prevent discharges of pollutants that can adversely impact the downstream surface water quality. Construction activities are also required to comply with the City's Stormwater/Urban Runoff Ordinance, the Erosion and Sediment Control Ordinance, and other required regulations. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydroseeding. Pursuant to the City's Municipal Code Chapter 9, Article II, all project applicants also would be required to implement an erosion control plan to minimize water and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the construction of the Project site do 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.

Project Operations

Stormwater pollutants that may be produced during operation of the Project site include pathogens (bacterial/virus), phosphorous, nitrogen, sediment, metals, oil/grease, trash/debris, pesticides/herbicides, and organic compounds. The expected pollutants of concern for the Project site would be pathogens, nitrogen, and metals.

The Project applicant has prepared and would implement the required PWQMP; the PWQMP prepared for the Project is available in **Appendix I** to this Draft EIR. A Final WQMP (FWQMP) will also be prepared with the construction documents and will be implemented in perpetuity with the development. A FWQMP is a site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long-term conditions via BMPs. Implementation of the FWQMP ensures ongoing, long-term protection of the watershed basin. It is anticipated that the structural source control BMPs would be sufficient to reduce impacts. Structural source controls would consist of measures such as low impact development strategies including underground infiltration chambers, bioretention areas, and

hydrodynamic separators as well as operational source control BMPs (including but not limited to: the installation of water-efficient landscape irrigation systems, storm drain system stenciling and signage, and implementation of a trash and waste storage areas) to minimize, prevent, and/or otherwise appropriately treat stormwater run-off flows before they are discharged into the City's storm drain system.

Specifically related to industrial uses, the NPDES program requires certain industrial land uses to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. On April 1, 2014, the California SWRCB adopted an updated new NPDES permit for stormwater discharge associated with industrial activities (referred to as the "Industrial General Permit") (SWRCB, 2014b). The new Industrial General Permit, which is more stringent than the former Industrial General Permit, became effective on July 1, 2015. Under this currently effective NPDES Industrial General Permit, the industrial uses such as but not limited to manufacturing, facilities subject to stormwater effluent limitations, transportation facilities, and other uses with typically heavy industrial uses would require permitting. Warehousing uses are not specifically included. Based on the future uses, if a covered use is implemented, the Project could require NPDES coverage under this order (2014-0057-DWQ). This would require preparation of a SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. This permit is dependent upon a detailed accounting of all operational activities and procedures. Prior to final Project approval, a detailed account of the proposed uses within the modern high-cube logistics buildings (warehouses) would be provided to the City to determine if permitting would be required. If such permitting is required, the mandatory compliance with all applicable water quality regulations would reduce potential water quality impacts during long-term operation. This impact would, therefore, be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is 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

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that because most of the SWIP is developed and urbanized, future development from specific project within the SWIP would not cause a significant increase in impervious surfaces and therefore would not substantially impact groundwater supplies or interfere with groundwater recharge. No groundwater extraction would occur as part of the project. Impacts were anticipated to be less than significant.

Project Construction and Operations

While construction of the Project would introduce new impermeable surfaces to the site, the Project is not anticipated to directly draw water from a groundwater basin and no direct decrease of groundwater supplies would occur. The Project has complied with the need for the preparation of a WQMP (refer to **Appendix I**). As part of the WQMP, the Project would include elements to reduce the effects of the new impervious areas. The Final WQMP includes design measures such as LID and other stormwater drainage controls. The Project would be designed for all on-site run-off to be collected by catch basins and conveyed to one of the two proposed underground infiltration systems as follows:

- Under the proposed condition for Building 1, the area run-off would be directed to the proposed on-site underground infiltration system, to be located, in the southeast section of the property. Area run-off for Building 2 would be directed to the on-site underground infiltration system, to be located, in the southwest section of the property. Both underground infiltration systems would be sized for underground treatment. The westerly half of Building 1 including the northerly and southerly parking lots would be intercepted by catch basins (CB) No. 1 through 9 and conveyed through storm drain (SD) line A to the underground infiltration system. The easterly half of Building 1 including run-off from the truck dock area, roof, and east trailer parking would be collected by CB No. 10 and 11. The collected run-off would then be conveyed to the underground infiltration system through the proposed SD line B. The northwest half of Building 2 including the truck dock area, roof and west trailer parking would be collected by CBs No. 12 and 13. The collected run-off would then be conveyed to the underground infiltration system through the proposed SD line D. The easterly half of Building 2 including run-off from the east and southwest parking lots as well as the southwest portion of the building, would be intercepted by CBs No. 14 through 21 and conveyed through SD line C to the underground infiltration system.³⁵

The LIDs would be engineered to capture and control run-off prior to being released downstream. This would increase the duration that water is held on-site prior to being released to downstream receiving waters. This timed-release allows more water time to infiltrate the ground and facilitates recharge of underground basins. In addition, LIDs that include permeable materials such as the gravel under the underground infiltration system, enable run-off to immediately infiltrate and begin the recharge process. Also, landscaped areas with permeable surfaces, which would further facilitate groundwater recharge. The WQMP determined that Project implementation would not impact infiltration BMP, pose a significant risk for groundwater related concerns, interfere substantially with groundwater recharge, or impede groundwater recharge of the basin.³⁶ Finally, the Will-Serve Letter issued by the San Gabriel Valley Water

³⁵ Huitt-Zollars, Inc. May 2023. Preliminary Hydrology Report, page 1.

³⁶ Huitt-Zollars, Inc. May 2022. Preliminary Water Quality Management Plan, page 4-15.

Company (San Gabriel) notes that the San Gabriel has sufficient water resources available to supply water to the property; refer to **Appendix L** to this Draft EIR. Additionally, as part of the WSA (refer to **Appendix M** to this Draft EIR), the anticipated total estimated water demand for the portion of the proposed Project within FWC's service area, which includes commercial and industrial water demands (51.8 AFY) and landscape irrigation (14.1 AFY), is approximately 65.9 AFY. However, accounting for FWC's water losses, FWC would need to produce approximately 71.5 AFY of potable water to supply the Project's anticipated 65.9 AFY. The historical water use at the Project site over the past 10 years has averaged approximately 1 AFY. Based on this historical site water demand, the WSA assumed that an average of 1 AFY has been incorporated in the water demand projections in FWC's 2020 UWMP. Because the proposed Project would replace the existing use at the Project site, the WSA anticipated that the proposed Project would result in a net water demand increase of up to 70.5 AFY (or 71.5 AFY – 1 AFY) above the existing (historical) water demands at the Project site.

According to the WSA, FWC's 2020 UWMP includes current and projected future water demands for its service area over the next 25 years. It is anticipated construction of the Project will be completed by September 2025. The additional water demands (70.5 AFY) for the proposed Project are incorporated within the existing and projected water demands (potable and recycled) presented in FWC's adopted 2020 UWMP over a 20-year period and through 2045, as shown in Table 9 of the WSA.³⁷ Sufficient waters supplies would exist to supply the Project. Accordingly, implementation of the Project in this regard would not substantially deplete or decrease groundwater supplies and direct impact to groundwater supplies would be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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?

Result in substantial erosion or siltation on- or off-site?

Level of Significance: Less than Significant

³⁷ Stetson Engineers Inc. August 2023. *Water Supply Assessment, Section 4.0 – FWC's Future Water Demands With the Project*, pages 29 and 30.

SWIP EIR Findings

The SWIP EIR concluded in Section 8.0 that the SWIP is located within an urbanized area and drainage within the SWIP is directed to a network of existing stormwater drainage facilities operated by the City and County of San Bernardino. Future development within the SWIP would require the implementation of drainage improvements and is a component of the development plan for the SWIP. This would ensure that drainage infrastructure is adequate to serve future development and minimize impacts related to erosion or siltation. Impacts would be less than significant in this regard.

Project Construction and Operations

The Project would be required to follow of the SWRCB's erosion control standards and 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.

In addition, because the Project area is located within the Santa Ana RWQCB's jurisdiction, it 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 run-off prior to discharge. BMPs may include but not be limited to, sandbag barriers, silt fences, soil stabilizers, reseeding, straw mats, and other ground covers. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to City's Municipal Code Chapter 9, Article II (and to ensure compliance with SCAQMD Rule 403) to minimize water- and windborne erosion. Conformance with these requirements and measures would ensure that erosion during construction is reduced to less than significant.

Erosion control measures also would be in place upon completion of construction on the Project site, and these measures would take effect immediately. The Project would be required to prepare and implement a WQMP as well. The WQMP would be site-specific and would include post-construction water quality management measures that would be implemented and designed to minimize erosion and siltation. The WQMP would include engineered erosion control and sediment control measures used to reduce or eliminate sediment discharge to surface water from stormwater and non-stormwater discharges. Each set of erosion control measures would be site-specific and respond to anticipated flows, run-off constituents, and unique demands of the site. This would ensure an ongoing and long-term erosion control plan is in place to account for operational impacts from the Project site. Compliance would be ensured because the WQMP is required pursuant to the City's Municipal Code Chapter 23, Article IX. Because the Project would be required to prepare and implement such a plan as a condition of Project approval, site changes would not result in substantial erosion or siltation on- or off-site and a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR

would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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?

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

SWIP EIR Findings

The SWIP EIR, Section 8.0, determined that a less than significant impact would occur in this regard from future development of the SWIP EIR. The reader was referred to Impact 4.9-3, or the equivalent Response 6c of the SWIP EIR.

Project Construction and Operations

As discussed previously, grading and construction on the Project site would generally maintain similar waterflow paths of the existing site conditions. Stormwater flows from the Project would continue to trend to the south and southwest and would not substantially alter the natural flow regime.

The rate and amount of surface run-off 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 run-off is largely determined by topography and the intensity of rainfall over a given period of time.

Development of the Project site would create impervious surfaces where less of these areas currently exist. While the Project site would also include some areas with landscaping, the surface of the site would be substantially changed with new hardscape or building area. The Project would include designs with LIDs that would contain materials and temporary water storage that would release over time and would facilitate infiltration of surface water run-off.

None of the project elements would alter precipitation amounts or intensities, nor would they require any additional water to be imported into the Project site. However, construction of the Project would require earth-disturbing activities which may temporarily affect site-specific infiltration and permeability during

construction and permanently, from operation. This would result in a substantially greater volume of water flowing off-site from the Project site.

The Project would have a new stormwater system designed and installed to be site-specific and that would contain and collect stormwater flows in the Project site. Water would be captured and stored and treated if needed before run-off is allowed to drain off-site. New stormwater facilities would be planned and designed to satisfy the WQMP requirements as discussed above. In addition, this would include plans that ensure the post-development flows do not exceed pre-development flows. All designs and conformance with the WQMP would be verified by the City and incorporated as conditions of approval to the Project site prior to the issuance of any construction permit. Compliance with these requirements would ensure impacts are less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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?

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

SWIP EIR Findings

The SWIP EIR, section 8.0, determined that a less than significant impact would occur in this regard from future development of the SWIP EIR. The reader was referred to Impacts 4.9-1 and 4.9-3, or the equivalent Responses 6a and 6c of the SWIP EIR.

Project Construction and Operations

All on-site run-off would be collected via catch basins and conveyed to one of the two underground infiltration systems. Each system is designed to collect and treat the design capture volume (DCV) of the tributary area. The run-off from building 1 would be collected at the southeast area of the building 1 site and have a 90,603 cubic foot capacity. The run-off from building 2 would be collected in the southwest section of the site and have a 47,009 cubic foot capacity. An outflow storm drain line would be provided

to discharge run-off beyond the DCV at a controlled rate. Each building site would have a separate outlet but would join at a public storm drain facility and would connect to the existing 78-inch public storm drain in Jurupa Avenue. These measures may include, but would not necessarily be limited to, underground storm drainpipes, catch basins, underground infiltration basins, LIDs, and other structural BMPs to capture on-site stormwater run-off, and temporarily capture and hold stormwater before conveying the run-off off-site. Thus, with these measures in place, and because the Project would not generate more off-site flows than those that currently exist, the capacity of existing stormwater drainage systems would not be significantly impacted. As such, impacts in this regard would be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is 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?

Impede or redirect flood flows?

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR, Section 8.0, determined that a less than significant impact would occur in this regard from future development of the SWIP EIR. The reader was referred to Impacts 4.9-1 and 4.9-3, or the equivalent Responses 6a and 6c of the SWIP EIR.

Project Construction and Operations

FEMA FIRM shows the Project being covered by one main indication panel, which is 06071C8665H, effective August 28, 2008. Based on a review of this panel, this is an area of minimal flood hazard. More specifically, the Project site is located within “Zone X,” which corresponds to areas with minimal flood hazard outside of the 500-year floodplain (also referred to as the 0.2 percent annual chance floodplain).³⁸ Therefore, no portions of the Project site are located within a 100-year flood hazard area and no impacts would occur. No mitigation is required.

³⁸ FEMA. 2008. FEMA Flood Map Service Center. Available: <https://msc.fema.gov/portal/search?AddressQuery=Fontana> Accessed: June 3, 2023.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.9-7: Would the Project be located, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR, Section 8.0, determined that portions of the SWIP (primarily within the northeastern portion along Fontana Avenue and the southwestern portion near the Etiwanda San Sevaine Channel) are located within the 100-year base flood plain (Zones A and AO). However, the SWIP would not include the development of new housing within a 100-year flood hazard area, and no impacts in this regard would occur.

Project Construction and Operations

The Pacific Ocean is located approximately 43 miles from the Project. Considering this distance, there is no potential for the Project site to be impacted by a tsunami. The Project site also is not subject to flooding hazards associated with a seiche because the nearest large body of surface water likely to be affected by a seiche is Lake Matthews approximately 15 miles to the south. At this distance, the Project would be unaffected. Furthermore, as noted in the City's General Plan EIR, the City is not mapped in a dam inundation area. Accordingly, the impacts to the Project site associated with release of pollutants due to inundation would not occur. No mitigation is required.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

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

SWIP EIR Findings

The SWIP EIR, Section 8.0, determined that less than significant impact would occur in this regard and the development of the SWIP would not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Project Construction and Operations

The site's related construction and operational activities would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan which requires the preparation of and adherence to a SWPPP and PWQMP. The Project 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 located within the Chino Groundwater Basin, which is an adjudicated groundwater basin. Adjudicated basins, like the Chino Groundwater Basin, are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of the Subbasin. Therefore, the Project components would not obstruct or prevent implementation of the management plan for the Chino Groundwater Basin. As such, construction and operation of the Project would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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. Because urbanized nature of the watershed, growth is anticipated to consist of a mix of redevelopment as well as new urban development. Development is anticipated to consist of a mix of uses (residential, commercials, industrial, etc.) consistently with past and present growth trends. New development, including the Project, would result in some increases in impervious surfaces, and thus could generate increased run-off from the affected Project site. SWPPPs with BMPs to control erosions and stormwater run-off in accordance with all required water quality permits and the Water Quality Control Plan are dependent on the location of a project. The location of the Project requires the creation of specific BMPs to minimize impact to stormwater systems and conveyance. This would include conformance with the Santa Ana RWQCB's Santa Ana River Basin Wastewater Management Plan (WWMP). As needed projects would implement BMPs, including LID BMPs to minimize run-off, erosion, and stormwater 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 run-off flows that could substantially decrease water quality. Conformance to these measures would minimize run-off from those sites and reduce contamination of run-off with pollutants. Therefore, related projects are not expected to cause substantial increases in stormwater 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 or unavoidable impacts were identified.

4.9.8 References

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4.10

Land Use and Planning

4.10 LAND USE AND PLANNING

4.10.1 Introduction

This section of the Draft Subsequent Environmental Impact Report (EIR) discusses the potential land use impacts associated with the implementation of the Cherry Commerce Center Project (Project), within the City of Fontana (City). The Project has been evaluated for its consistency with relevant goals and policies in the City's Fontana Forward General Plan Update 2015-2035 (General Plan) 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 develop two modern high-cube logistics buildings (warehouses), parking, truck loading areas, landscaping, and security lighting.

4.10.2 Environmental Setting

Existing and Surrounding Land Uses

The Project site is in southwestern Fontana, San Bernardino County (County), California, approximately 43 miles east of downtown Los Angeles, 12 miles west of downtown City of San Bernardino, and 30 miles northeast of central Orange County (refer to **Figure 3-1: Regional Location**). The Project site is comprised of two parcels (APNs: 0236-191-14, and 0236-191-25). As described in **Section 3.2: Project Overview**, the Project site is approximately 30 acres and is located south of the San Bernardino Freeway (I-10) and Slover Avenue and is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east, and a truck driving academy and recycling facility to the north, as shown in **Figure 3-2: Project Location**.

The Project site is presently developed as the Tutor Perini Corporation Equipment Yard. Two metal-sided buildings are in the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for heavy equipment storage. No residential dwelling units exist onsite. The Project site is surrounded by a truck driving academy and recycling facility to the north; Redwood Avenue to the east with warehouses beyond; Jurupa Avenue to the south with residential development beyond; and Cherry Avenue to the west with Henry J. Kaiser High School beyond.

General Plan and Zoning Designations

The Project site's existing General Plan land use designation is Light Industrial (I-L)¹, and the zoning is Southwest Industrial Park (SWIP)²; see **Table 4.10-1: Surrounding Land Use Designations and Zoning**,

¹ City of Fontana. 2022. General Plan Land Use Map. <https://www.fontana.org/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed August 2023).

² City of Fontana. 2022. Zoning District Map. <https://www.fontana.org/DocumentCenter/View/30623/Zoning-District-Map-04-20-2022?bidId=> (accessed August 2023).

which identifies the existing land use and zoning designations for the Project and surrounding developments. The Project is within the Jurupa North Research and Development District (JND) of the SWIP.

Table 4.10-1: Surrounding Land Use Designations and Zoning

Location	Land Use Designation	Zoning	Existing Land Uses
Project Site	Light Industrial (I-L)	Southwest Industrial Park (SWIP)	Tutor Perini Corporation Equipment Yard
North	Light Industrial (I-L) General Industrial (I-G)	Southwest Industrial Park (SWIP)	Truck Driver Academy American Metal Recycling
South	Medium Density Residential (R-M)	Southridge Village Specific Plan	Jurupa Avenue Residential
East	Light Industrial (I-L)	Southwest Industrial Park (SWIP)	Redwood Avenue Warehousing
West	Public Facilities(P-PF)	Southwest Industrial Park (SWIP)	Cherry Avenue Henry J., Kaiser High School

Source: Google Maps, 2022; City of Fontana. 2022. Zoning District Map. <https://www.fontana.org/DocumentCenter/View/30623/Zoning-District-Map-04-20-2022?bidId=> (accessed December 2022).; and City of Fontana. 2022. Zoning Viewer. <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92> (accessed December 2022).

4.10.3 Regulatory Setting

State

State Planning Law

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.³

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

³ SCAG. 2019. Housing Crisis Act of 2019. Available: [senate bill 330 and senate bill 8 - summary of housing crisis act of 2019.pdf \(ca.gov\)](#). Accessed: March, 2023.

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 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 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.

Local

Fontana General Plan 2015-2035

The Fontana General Plan (Fontana GP) contains includes goals and policies intended to provide benefits to the City through long-range planning. The Fontana GP was recently updated in 2017 and adopted in November 2018 to provide planning framework to guide the City's growth and development from the years 2015 through 2035. The General Plan update included revisions to the included General Plan Elements, including their Land Use, Zoning, and Urban Design Element,⁴ to reflect the recent state of the City more closely and for a more current baseline. The following goals and policies pertain to the Project.

Land Use, Zoning, and Urban Design Element

Goal 2: *Fontana development patterns support a high quality of life and economic prosperity.*

Policy 2.3: Locate industrial uses where there is easy access to regional transportation routes.

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: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.

Policy 5.3: 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 7.1: Support high-quality development in design standards and in land use decisions.

City of Fontana Municipal Code

The City of Fontana Municipal Code Chapter 30 is the Fontana Zoning and Development Code.⁵ The Fontana Development Code complements the Fontana GP by providing driving policies that reinforce the goals set by the GP. By complying with the standards set in the development code, the City will more efficiently achieve sustainable growth. This document outlines the City's guidelines and requirements for developments for each zoning type. Industrial projects within the City are required to adhere to standards provided in Article VII of the development plan. These standards include allowed uses within industrial zones as well as development standards such as maximum height, lot coverage, and provided parking requirements. The Project will be required to comply with these Standards in order to be approved for development.

⁴ City of Fontana. 2018. *Fontana Forward General Plan – Land Use, Zoning, and Urban Design*. <https://www.fontana.org/DocumentCenter/View/26754/Chapter-15---Land-Use-Zoning-and-Urban-Design>. (accessed June 2022).

⁵ City of Fontana. (2022). *City of Fontana Municipal Code – Chapter 30*. (accessed June 2022).

The Development Standards division establishes general development standards for all industrial development. These standards are derived from the general plan and serve three primary purposes: to ensure industrial development is consistent with all elements of the general plan and other adopted plans, to ensure development is adequately served by public services and facilities, and to ensure public, health, and safety concerns are addressed in the development process.

Southwest Industrial Park (SWIP) Specific Plan

A primary objective of the SWIP Specific Plan is to establish a policy and regulatory document that is a result of community participation and input. This Specific Plan contains Guiding Principles that are general statements of direction to guide decision-makers when evaluating development proposals and design concepts and determining if they support the overall intent of the Specific Plan.

City of Fontana Industrial Commerce Center Sustainability Standards Ordinance (Fontana Municipal Code Article V Section 9-70)

The City approved and adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance No. 1891) on April 12, 2022. It is applicable to all warehouse uses throughout the City, including the Project. Ordinance No. 1891 requires all industrial projects within City limits to be subject to environmental standards that meet and exceed all state and federal environmental standards for warehouses and freight operations and represents an aggressive step forward in balancing public health and quality of life issues with the economic and employment opportunities that the goods movement provides the City and its residents.⁶ Requirements include, but are not limited to, the following:

- Requiring a landscape buffer, including trees and a solid decorative wall at least 10 feet in height, for any warehouse larger than 50,000 square feet constructed adjacent to sensitive receptors.
- For any Warehouse building larger than 400,000 square feet in size, the building's loading docks shall be located a minimum of 300 feet away, measured from the property line of the sensitive receptor to the nearest dock door which does not exclusively serve electric trucks using a direct straight-line method.
- Requiring facility operations to establish and enforce truck routing based on the City's latest Truck Route Map, which is designed to mitigate vehicle emissions and wear and tear on local roads.
- Unless physically impossible, loading docks and truck entries shall be oriented away from abutting sensitive receptors. To the greatest extent feasible, loading docks, truck entries, and truck drive aisles shall be located away from nearby sensitive receptors. In making feasibility decisions, the City must comply with existing laws and regulations and balance public safety and the site development's potential impacts to nearby sensitive receptors. Therefore, loading docks, truck entries, and drive aisles may be located nearby sensitive receptors at the discretion of the Planning Director, but any such site design shall include measures designed to minimize overall impacts to nearby sensitive receptors.

⁶ City of Fontana. 2022. *Ordinance No. 1891*. Available at <https://www.fontanaca.gov/DocumentCenter/View/38109/Ord-1891-MCA-21-001R1-005?bidId=>.

Southwest Industrial Park (SWIP) Specific Plan

The SWIP Specific Plan Update is a comprehensive policy and regulatory guidance document for the private use and development of all properties within the SWIP Specific Plan Update area. By providing the necessary regulatory and design guidance, the SWIP Specific Plan Update ensures that future development implements the goals and policies of the City of Fontana General Plan (General Plan). According to Table 1-1, Build-Out, of the SWIP Specific Plan, the SWIP Specific Plan Update area, is comprised of approximately 3,111 acres in the southwestern portion of the City within San Bernardino County, and is comprised of nine land use districts, one of which is the Jurupa North Research and Development District (JND),⁷ which is 515.1 acres in size.

The current City of Fontana General Plan was adopted in November 2018. The Specific Plan's regulations are consistent with the directives of the General Plan's goals, policies, and actions.

Guiding Principles

Guiding Principles are general statements of direction to guide decision-makers when evaluating development proposals and design concepts and determining if they support the overall intent of the SWIP SP.

Guiding Principle 3.0: Embrace flexible and diverse industrial land uses that foster economic development opportunities for the City of Fontana and surrounding areas.

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.

⁷ City of Fontana. 2021. City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan.

<https://www.fontana.org/DocumentCenter/View/29671/SWIP-Land-Use-Plan-Map-Updated-March-2021?bidId=> (accessed February 2023).

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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.6, that future development within the SWIP was not expected to divide an established community. The SWIP was anticipated to implement a range of industrial, commercial, public, and residential uses, similar to what exists within the SWIP site boundaries today. Additionally, existing development within the SWIP was determined to already be divided by the existing local roadway network, and the future development of the SWIP was not anticipated to create additional physical barriers between these uses. Thus, no impacts were anticipated to occur.

Project Construction and Operations

The Project proposes two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 square feet (sf) on an approximately 30-acre site. Building 1 would total approximately 477,480 sf, of which approximately 10,000 sf would be office space. Building 2 would total approximately 221,953 sf, of which approximately 6,000 sf would be office space. The Project site would also include approximately 319 automobile parking stalls (185 parking stalls required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, and gated access (refer to **Figure 3-5: Conceptual Site Plan**). The Project land use and zoning standards allow a maximum Floor Area Ratio of 0.55. Future occupants of the building are not known at this time.

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 summarized in **Section 4.10.2: Environmental Setting**, the Project site is developed with the Tutor Perini Corporation Equipment Yard. Two metal-sided buildings are located in

the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for heavy equipment storage. The Project site is surrounded by a truck driving academy and recycling facility to the north; Redwood Avenue to the east with warehouses beyond; Jurupa Avenue to the south with residential development beyond; and Cherry Avenue to the west with Henry J. Kaiser High School beyond.

The Project site's existing General Plan land use designation is Light Industrial (I-L), and the zoning is SWIP which allows the proposed Project by right in the site; see **Figure 3-3: General Plan Land Use Designations** for General Plan land use designations and **Figure 3-4: Zoning**, and surrounding zoning.

The Project site does not include any existing residential structures or an established community and is not currently zoned for residential use. Neighboring land uses to the south of the Project site include single family residential units which are located among commercial and industrial uses to the north beyond Jurupa Avenue.

The redevelopment of the Project site would not include improvements which would substantially alter existing roadways and transportation corridors in a manner that would cause the removal or separation of existing adjacent communities from important resources and neighboring units. Therefore, the Project would not physically divide an established community and there would be a less than significant impact.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is necessary.

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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.6 that future development within the SWIP was anticipated to be developed with consistent land uses permitted within the SWIP. Thus, development of the SWIP was not anticipated to result in any conflicts with the goals and objectives of the SWIP's *Redevelopment Plan* and impacts in this regard was determined to be less than significant.

Project 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 its 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 to a significant environmental effect. In the context of land use and planning, significant impacts occur when a 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 is in harmony with the overall 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 or inconsistent with applicable City goals or policies. The Project's consistency with these applicable goals and policies is described below in **Table 4.10-3: Consistency with the SCAG 2020-2045 RTP/SCS** and **Table 4.10-4: Consistency with the Fontana General Plan**.

Compliance with City of Fontana Industrial Commerce Center Sustainability Standards - Ordinance No. 1891

As shown in **Figure 3-5: Conceptual Site**, provided in **Section 3.0: Project Description**, the Project has been designed with building elevations (front and sides) facing along Cherry Avenue, Jurupa Avenue and Redwood Avenue with all truck courts and dock doors facing the interior of the Project site. The closest dock doors to the Henry J. Kaiser High School to the west are located approximately 550 feet of the Project and approximately 380 feet from the residential properties to the south of the Project site. The Project would provide 14-foot screening walls around the truck courts to further screen the view of any dock doors and truck activity. Additionally, all truck traffic would use a private street that would have access to Redwood Avenue with no truck traffic having direct access to Cherry Avenue or Jurupa Avenue from the Project site. All other driveways would be auto driveways only. Further, the Project would provide an approximately 30-foot-wide setback along Cherry Avenue and Jurupa Avenue to provide dense landscaping along these streets. Landscaping would meet the City's Zoning and Development Code Section 30-551-Building Design which specifies landscape design guidelines for industrial zoning districts.

The Project would meet the Fontana Industrial Commerce Center Sustainability Standards pertaining to the buffering and screening from adjacent uses.

The Fontana Industrial Commerce Center Sustainability Standards requires the highest rated CARB Tier technology for construction equipment and SCAQMD Super-Compliant low VOC paints. As such, Tier IV Final compliant equipment was assumed for all construction equipment greater than 50 horsepower and SCAQMD Super-Compliant low VOC paints was assumed. Refer to **Appendix A: Air Quality Assessment** for Model Data Outputs. Additionally, the Fontana Industrial Commerce Center Sustainability Standards requires on-site motorized operational equipment to be zero emission. As noted in **Section 4.2: Air Quality**, modeling assumptions were made to account for the requirements to meet thresholds regarding alternative energy and operation and construction emissions. As noted in **Table 4.2-8: Construction-Related Emissions** and **Table 4.2-9: Operational Emissions**, the Project would not exceed construction or operational SCAQMD Thresholds, and the Project is anticipated to meet the requirements of the Fontana Industrial Commerce Center Sustainability Standards. Refer reader to Appendix B of the Air Quality Assessment.

The Project's consistency with the SCAQMD 2016 and 2022 AQMP was addressed in detail in **Section 4.2: Air Quality**. As concluded in **Section 4.2**, implementation of the Project would not result in or cause National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) violations. The Project is consistent with the land use and growth intensities reflected in the adopted General Plan and would not result in growth (and associated air pollution) that was not anticipated by the 2016 or 2022 AQMP. As such, the Project would not conflict with the AQMP and would be consistent with the Sustainability Ordinance and Fontana Industrial Commerce Center Sustainability Standards - Ordinance No. 1891 and a less than significant impact is expected. **Table 4.10-2: Consistency with the SWIP Policy Objectives**, summarizes the Project's compliance with relevant goals and policies of the SWIP.

Table 4.10-2: Consistency with the SWIP Policy Objectives

Policy Objectives	Consistency
Guiding Principles	
<p>Guiding Principle 3.0 Embrace flexible and diverse industrial land uses that foster economic development opportunities for the City of Fontana and surrounding areas.</p>	<p>Consistent with Guiding Principle 3.0, the Project would introduce a new industrial opportunity.</p>
<p>Guiding Principle 5.0 Improve pedestrian accessibility, vehicular access, and parking to establish safety throughout the Specific Plan Area.</p>	<p>Consistent with Guiding Principle 5.0, the Project would improve pedestrian accessibility, vehicular access, and parking by providing the following as part of the Project Design Features (PDFs):</p> <ul style="list-style-type: none"> • Curb and gutter along Jurupa Avenue and Redwood Avenue • Bus bay proposed along Jurupa Avenue • Pavement improvements to westbound Jurupa Avenue adjacent to the Project as well as a six-foot-wide proposed sidewalk along westbound Jurupa Avenue • Power pole relocation along Jurupa Avenue • Pavement improvements to southbound Redwood Avenue adjacent to the Project as well as a five-foot

Policy Objectives	Consistency
	wide proposed sidewalk along southbound Redwood Avenue
Guiding Principle 6.0 Enhance the streetscape as well as the parking and loading areas throughout the Specific Plan area.	Consistent with Guiding Principle 6.0, the Project would improve streetscape and loading areas by providing landscaping and hardscape where necessary.
Land Use (LU)	
Objective LU-2 Contribute positively to the City-wide employment and economic base through implementation of a viable southern employment center within the City of Fontana.	Consistent with Objective LU-2, the Project would provide employment and economic base through the implementation of two industrial warehouse buildings that will provide employment opportunities.
Objective LU-4 Incorporate modulated building volumes, mass, height, and articulated facades to create spaces suitable for industrial development throughout the SWIP Specific Plan Area.	Consistent with Objective LU-3, the Project would be consistent with the area building design and building height guidelines from the SWIP. Both proposed warehouse buildings would be below the allowed 60 feet height.
Objective LU-8 Allow a mix of industrial uses to capitalize on the market potential within the City of Fontana and surrounding region.	Consistent with Objective LU-8, the Project would capitalize on the market potential of the Project site.
Circulation, Parking, and Infrastructure (CIR)	
Objective CIR-2 Provide work opportunities near existing housing to reduce traffic congestion along major freeways and local roads.	The Project is located in the southern portion of the City, in close proximity to existing housing which is consistent with CIR-2.
Objective CIR-3 Ensure potential transportation impacts on the Specific Plan are identified and mitigated to the greatest extent feasible.	As noted in Section 3.0, Project Description, the Project would ensure potential transportation impacts are mitigated with the implementation of the following: <ul style="list-style-type: none"> • Pavement improvements to westbound Jurupa Avenue adjacent to the Project as well as a six-foot-wide proposed sidewalk along westbound Jurupa Avenue • Pavement improvements to southbound Redwood Avenue adjacent to the Project as well as a five-foot wide proposed sidewalk along southbound Redwood Avenue
Implementation and Administration (IMP)	
Objective IMP-2 Prepare an Environmental Impact Report as the primary tiering clearance document to streamline additional project level environmental reviews.	Consistent with Objective IMP-2, the Project is tearing off of the SWIP EIR and the Project has prepared this EIR to further assess Project specific environmental compliance.
Source: SWIP. YEAR. 2.4 Policy Objectives, pages 2-3 through 2-6.	

SCAG 2020 – 2045 RTP/SCS

The Project's compliance with the 2020-2045 RTP/SCS would promote the sustainable and beneficial growth of the region. **Table 4.10-3: Consistency with the SCAG 2020-2045 RTP/SCS** summarizes the Project's compliance with relevant goals and policies of the RTP/SCS.

Table 4.10-3: Consistency with the SCAG 2020-2045 RTP/SCS

Goal	Consistency
Goal 1: Encourage regional economic prosperity and global competitiveness	No Conflict: This is not a project-specific policy and is therefore not applicable. However, the Project is located on an occupied site. Redevelopment of the site would contribute to regional economic prosperity through the continued provision of local jobs and also serving as a business supporting regional commerce directly and indirectly.

Goal	Consistency
<p>Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods</p>	<p>No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project would provide off-site improvements that would directly improve mobility, accessibility, reliability, and travel safety for people and goods. They are presented below:</p> <ul style="list-style-type: none"> • Curb and gutter along Jurupa Avenue and Redwood Avenue • Bus bay proposed along Jurupa Avenue • Pavement improvements to westbound Jurupa Avenue adjacent to the Project as well as a six-foot-wide proposed sidewalk along westbound Jurupa Avenue • Pavement improvements to southbound Redwood Avenue adjacent to the Project as well as a five-foot wide proposed sidewalk along southbound Redwood Avenue. <p>The above noted Project related off-site improvements would directly improve pedestrian and automotive related facilities which cumulatively would promote safer movement of people and goods locally and regionally.</p>
<p>Goal 3: Enhance the preservation, security, and resilience of the regional transportation system</p>	<p>No Conflict: This is not a transportation improvement project and is therefore not applicable. As noted above in Goal 2, the Project would provide infrastructure improvements that are to enhance the transportation system.</p>
<p>Goal 4: Increase person and goods movement and travel choices within the transportation system</p>	<p>No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project includes logistics uses that would support goods movement. Additionally, as noted in Goal 2, the Project would enhance travel choices by providing enhanced pedestrian facilities, bus stop, and vehicle infrastructure.</p>
<p>Goal 5: Reduce greenhouse gas emissions and improve air quality</p>	<p>No Conflict: The Project site is located within a fully developed area of the City and the Project is assumed to reduce greenhouse gas emissions and air quality impacts due to the Project's location to existing truck routes and freeways. It is anticipated that the Project would indirectly help reduce greenhouse gas emissions and air quality because Project related trucks would use a designated truck route and would make use of direct access to major freeways. Thus, minimizing unnecessary driving through the City's local street system. In addition, Project and SWIP EIR mitigation would result in GHG reductions related to energy, solid waste, water, and mobile emissions.</p>
<p>Goal 6: Support healthy and equitable communities</p>	<p>No Conflict: As discussed in the Air Quality Assessment and the Health Risk Assessment, the Project would not exceed thresholds or result in health impacts. The Project would not conflict with the surrounding community's ability to access healthy food or parks. In addition, the Project would be required to comply with the City's Industrial Commerce Center Sustainability Standards Ordinance, ensuring that impacts to sensitive receptors would be minimized to the extent feasible. Lastly, the Project would provide additional pedestrian facilities that will enhance frontage curb and gutter which will further support a healthy and equitable community.</p>
<p>Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network</p>	<p>No Conflict: This is not a project-specific policy and is therefore not applicable. However, the Project would be subject to SWIP EIR Mitigation Measure 4.2-5a, which requires the bicycle- parking facilities, encourages rideshare programs and the integration of bicycle lanes and walking paths directed to the location of schools, parks, and other destination points. Implementation of these measures would support an integrated transportation network</p>

Goal	Consistency
Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel	No Conflict: This is not a transportation improvement project and is therefore not applicable. However, the Project is in a developed area in proximity to existing truck routes and freeways. Location of the Project within a developed area would reduce trip lengths, which would result in more efficient travel.
Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options	No Conflict: The Project involves development of two modern high-cube logistics buildings (warehouses) and does not include housing. The Project would not conflict with housing development.
Goal 10: Promote conservation of natural and agricultural lands and restoration of habitats.	No Conflict: This Project is not located on agricultural or habitat lands. The Project site is fully disturbed with the existing uses and would therefore not conflict with the conservation of natural and agricultural lands.
Source: Southern California Association of Governments. 2020. Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Page 9. Los Angeles, CA: Southern California Association of Governments. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 . (accessed February 2023).	

City of Fontana General Plan

The City recently adopted an updated General Plan which contains goals and policies meant to guide growth and development within the City. These include goals and policies which would specifically guide land usage for future City development and growth. See **Table 4.10-4: Consistency with the Fontana General Plan**.

Table 4.10-4: Consistency with the Fontana General Plan

Policy	Consistency
Chapter 6, Building a Healthier Fontana	
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	Consistent: Project emissions would be less than significant and would not exceed SCAQMD thresholds (refer to Table 4.2-8 and Table 4.2-9 in Section 4.2: Air Quality). 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.
Chapter 7, Conservation, Open Space, Parks and Trails Element	
Goal 3: Fontana has a healthy, drought-resistant urban forest.	
Policy 3.1: Support tree conservation and planting that enhances shade and drought resistance.	Consistent: Landscaping, including trees, would be installed in all areas not devoted to buildings, parking, traffic, and specific user requirements, in accordance with the City's Zoning and Development Code Section 30-551 which specifies landscape design guidelines for industrial zoning districts, and SWIP SP Section 6.5 which provides landscape standards within the SWIP area. Project landscaping would comprise approximately 25 percent of the Project site (or 143,000 SF) of the site to be landscaped, exceeding the 15 percent minimum requirement of the zoning designation as well as the SWIP. A tree removal permit will be utilized for any removal of trees on the Project site. See Figure 3-7: Conceptual Landscape Plan .
Policy 3.2: Expand Fontana's tree canopy.	
Chapter 8, Public and Community Services	
Goal 1: Fontana's crime rate continues to be below state and county rates	
Policy 1.4: Promote and enhance use of anti-crime design strategies and programs.	Consistent: The City of Fontana Police Department (FPD) operates the Southridge Contact Station located at 11500 Live Oak Avenue, approximately 0.43-mile south of the Project site. The FPD would be provided the opportunity to review the Project's design to verify that all feasible Crime Prevention measures through Environmental Design (CPTED) strategies are incorporated. CPTED is a way of designing the

Policy	Consistency
	built environment to create a safer built environment. CPTED elements include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, and use of a single, clearly identifiable point of entry.
Goal 2: Fontana’s Fire Department meets or exceeds state and national benchmarks for protection and responsiveness.	
Policy 2.1: Continue the City’s successful partnership with the San Bernardino County Fire Department.	<p>Consistent: Fire protection services to the Project site would be provided by the SBCFD. The Project site would be served by Station 72 and Station 74. Station 74 is located at 11500 Live Oak Avenue, Fontana, CA 92337 and is approximately 0.43-mile south of the Project site. Station 72 is located at 15380 San Bernardino Avenue, Fontana, CA 92335 and is approximately 2.19 miles north of the Project site. Therefore, the nearest San Bernardino County Fire Department (SBCFD) station to the Project site is Station 74.</p> <p>The SBCFD strives to have a response time of less than five minutes once a call for service is received. Prior to commencement of any construction activities, and pursuant to the San Bernardino County Code of Ordinance Section 85.01, the Project design plans would be reviewed by all applicable local agencies, including the SBCFD, to ensure compliance with the County’s Development Codes and Ordinances, the City’s General Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the California Fire Code.</p>
Chapter 10, Infrastructure and Green Systems	
Goal 3: The City continues to have an effective water conservation program.	
Policy 3.1: Support landscaping in public and private spaces with drought-resistant plants.	Consistent: Landscaping would be installed in all areas not devoted to buildings, parking, traffic, and specific user requirements, in accordance with the City’s Zoning and Development Code Section 30-551 which specifies landscape design guidelines for industrial zoning districts as well as those included in SWIP SP Section 6.5, Landscape Standards.
Goal 6: Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards.	
Policy 6.1: Continue to implement the Water Quality Management Plan for stormwater management that incorporates low-impact and green infrastructure standards.	Consistent: The Project would implement a WQMP. The WQMP would include design measures such as low impact development (LID) and other stormwater drainage controls. The LIDs would be engineered to capture and control run-off prior to being released downstream.
Policy 6.2: Promote natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater.	Consistent: The Project would be required to implement a WQMP and BMPs to minimize impacts to stormwater systems and conveyance.
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.	Consistent: The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen and the Fontana Industrial Commerce Center Sustainability Standards Ordinance requirements. The Project includes sustainability design features that support such measures. As such, the Project would be consistent with this policy.
Goal 8: All residences, businesses, and institutions have a dependable, environmentally safe means to dispose of solid waste.	
Policy 8.1: Continue to use best practices for environmentally safe collection, transport, and disposal of hazardous wastes.	Consistent: The Project would comply with the requirements of AB 341 and 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

Policy	Consistency
	<p>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. A construction waste management plan would be submitted and implemented in compliance with Section 4.408 of the 2019 CALGreen Code.</p>
<p>Policy 8.2: Continue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost.</p>	<p>Consistent: The Project would comply with the requirements of AB 341 and 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. A construction waste management plan would be submitted and implemented in compliance with Section 4.408 of the 2019 CALGreen Code.</p> <p>The estimated 7,018 ppd or 3.5 tons per day generated by the Project would be adequately served by the Mid-Valley Landfill. Overall, sufficient landfill capacity is available in the region for the estimated solid waste generated by the Project during operations, and Project development would not require an expansion of landfill capacity.</p>
<p>Chapter 11, Noise and Safety</p>	
<p>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.</p>	
<p>Policy 4.2: The City shall continue to ensure that current geologic knowledge and peer (third party) review are incorporated into the design, planning, and construction stages of a project and that site-specific data are applied to each project.</p>	<p>Consistent: Development of the Project would be required to be constructed in accordance with the latest edition of the California Building Code and to adhere to all current earthquake construction standards, including those relating to soil characteristics. Therefore, no elements of this Project would contribute to any cumulatively considerable geologic and/or soils impacts.</p>
<p>Goal 7: Threats to public and private property from urban and wildland fire hazards are reduced in Fontana.</p>	
<p>Policy 7.1: The City shall continue to require residential, commercial, and industrial structures to implement fire hazard-reducing designs and features.</p>	<p>Consistent: The Project would comply with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. Additionally, the necessary development fees will be paid prior to construction, as indicated in the Fontana MC Section 11.2. Due to quick response times, building designs compliance with state, regional, and local codes, and designation of the Project site in a Non-VHFHSZ zone, the Project will cause a less than significant impact to the SBCFD’s emergency response plan and evacuation plan.</p> <p>Also, according to the City’s General Plan Land Use Map (April 2022), the Project site is not located in a Fire Hazard Overlay. Therefore, the Project would not be subject to the provisions of Division 8 – Fire Hazard Overlay District of Chapter 30 of the Zoning and Development Code.</p>
<p>Goal 8: The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035.</p>	
<p>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.</p>	<p>Consistent: The Project site is currently developed with existing industrial uses. The Project site would be redeveloped with light industrial use designed to meet the Industrial Commerce Center Sustainability Standards. Additionally, the Project would be developed with uses previously assessed and allowed for the SWIP. Further, the surrounding area includes industrial and commercial uses to the north and east, and residential uses to the south.</p>

Policy	Consistency
<p>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.</p>	<p>Consistent: Existing residential uses are located approximately 380 feet to the south of the Project construction area. However, it is acknowledged that construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. Construction noise levels would not exceed the applicable FTA construction thresholds. The highest exterior noise level at the nearest residential receptors would occur during the overlap of building construction, paving, and architectural coating stages and would be 69 dBA which is below the FTA’s 80 dBA threshold. Further, 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 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, except in the case of urgent necessity or otherwise approved by the City of Fontana. Compliance with the Municipal Code would minimize impacts from construction noise, as construction would be limited to daytime hours on weekdays and Saturdays. Noise levels from the Project would comply with the City Municipal Code standards for reducing noise spillover.</p>
<p>Goal 10: Fontana’s residents are protected from the negative effects of “spillover” noise.</p>	
<p>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.</p>	<p>Consistent: The nearest sensitive receptor to the Project is Henry J Kaiser High School located approximately 160 feet west of the Project site. At this distance, noise generated from construction related mechanical equipment such as pile drivers and generators would attenuate to 41.9 dBA, which is below the City’s 70 dBA and 65 dBA daytime and nighttime standards, respectively. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the Project would result in a less than significant impact related to stationary noise levels.</p> <p>Proposed loading areas are located approximately 380 feet from the residential uses to the south. The closest receptor would experience truck noise levels of approximately 49.4 dBA, which is below the City’s acceptable limits of 70 dBA during daytime hours and 65 dBA during nighttime hours for residential noise. Additionally, these noise levels would also be further attenuated by the intervening structures. Loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior logistics activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. Noise levels associated with trucks and loading or unloading activities would not exceed the City’s standards and impacts would be less than significant.</p> <p>Noise associated with parking lot activities is not anticipated to exceed the City’s noise standards during operation. The Project would generate up to 89 passenger car equivalent (PCE) trips during the peak hour. The nearest sensitive receptor (Henry J. Kaiser High School) is located approximately 140 feet from an auto parking area. Auto parking lot noise at the nearest receptor would be 37.0 dBA, which is below the City’s 70 dBA and 65 dBA daytime and nighttime thresholds. Noise associated with auto parking lot activities is not anticipated to exceed the City’s noise standards during operation. Therefore, noise impacts from auto parking lots would be less than significant.</p>

Policy	Consistency
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.	
<p>Policy 3.1: Promote renewable energy programs for government, Fontana businesses, and Fontana residences.</p>	<p>Consistent: The electricity provider, SCE, is subject to California’s Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent of total procurement by 2030. Additionally, the Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10) require buildings to be designed to have 15 percent of the roof area “solar ready” that will structurally accommodate later installation of rooftop solar panels. Furthermore, Mitigation Measure (MM) GHG-2 requires that future tenants install rooftop solar panels to accommodate 100 percent of energy load, or seek energy from providers using 100 percent renewable energy generation as part of permitting for tenant improvements. These plans must be submitted prior to occupancy.</p>
Goal 5: Green building techniques are used in new development and retrofits.	
<p>Policy 5.1: Promote green building through guidelines, awards, and nonfinancial incentives</p>	<p>Consistent: The Project would comply with the latest Title 24 standards. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen requirements. The Project includes sustainability design features that support the Green Building Strategy. As such, the Project would be consistent with this goal.</p>
Goal 6: Fontana is a leader in energy-efficient development and retrofits.	
<p>Policy 6.1: Promote energy-efficient development in Fontana</p>	<p>Consistent: The Project shall be designed in accordance with the applicable CALGreen Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:</p> <ul style="list-style-type: none"> • Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 4.303 (residential) and Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11. • Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.1 (residential) and Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11. • Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 4.410 (residential) and Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11. • Provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles. At least eight percent of the total parking spaces are required to be designated in accordance Section 5.106.5.2 (nonresidential), Designated Parking for Clean Air Vehicles, of the California Green Building Standards Code Part 11.

Policy	Consistency
	<ul style="list-style-type: none"> To facilitate future installation of electric vehicle supply equipment (EVSE), residential construction shall comply with Section 4.106.4 (residential electric vehicle charging) of the California Green Building Standards Code Part 11 and nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.
<p>Policy 6.2: Meet or exceed state goals for energy-efficient for new construction</p>	<p>Consistent: The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10) require buildings to be designed to have 15 percent of the roof area “solar ready” that will structurally accommodate later installation of rooftop solar panels. MM GHG-2 proposed for the Project requires that future tenants install rooftop solar panels to accommodate 100 percent of energy load, or seek energy from providers using 100 percent renewable energy generation as part of permitting for tenant improvements. These plans must be submitted prior to occupancy.</p>
<p>Chapter 15, Land Use Zoning, and Urban Design Element</p>	
<p>Goal 2: Fontana development patterns support a high quality of life and economic prosperity.</p>	
<p>Policy 2.3: Locate industrial uses where there is easy access to regional transportation routes.</p>	<p>Consistent: The Project is located within an area of the City designated for light industrial use within the SWIP which allows light industrial uses on the site by-right, consistent with Project development. Regional Project access would be from Interstate 10 (I-10) via the officially designated local truck route, Cherry Avenue, approximately 0.8 miles north of the Project site. Cherry Avenue connects to Jurupa Avenue, another officially designated truck route, which then connects to Redwood Avenue and subsequently the Project accessways.</p>
<p>Goal 5: High-quality job producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.</p>	
<p>Policy 5.1: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.</p>	<p>Consistent: The Project would be developed on an area that is designated for light industrial land use designations within the Southwest Industrial Park (SWIP). Further, the surrounding area includes industrial, commercial, and residential uses.</p>
<p>Policy 5.2: Maintain but do not expand existing heavy industrial land use areas in proximity to one another and to services for industrial uses.</p>	<p>Consistent: The Project would be developed on an area that is designated for light industrial land use designations. Further, the surrounding area includes industrial, commercial, and residential uses. Lastly, the Project does not promote heavy industrial uses.</p>
<p>Policy 5.3: Avoid locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses.</p>	<p>Consistent: The Project does not propose residential developments.</p>
<p>Goal 7: Public and private development meets high design standards.</p>	
<p>Policy 7.1: Support high-quality development in design standards and in land use decisions.</p>	<p>Consistent: The Project will be consistent with all applicable building codes and design standards.</p>
<p>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 February 2023).</p>	

As shown in **Table 4.10-4**, 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. (CEQA Guidelines, Section 15125(d).) The Project is generally consistent and in harmony with the City General Plan, Land Use Category and is located in a developed area of the City within the SWIP that allows light industrial uses by-right. 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 is consistent with the land use designation assigned to the Project Site by the General Plan and the Project would not conflict with any specific objectives, policies, or actions in the General Plan's Community and Neighborhoods; Housing; Building a Healthier Fontana; Conservation, Open Space, Parks, and Trails; Public and Community Services; Community Mobility and Circulation; Infrastructure and Green Systems; Noise and Safety; Sustainability and Resilience; Economy, Education, and Workforce Development; and Land Use, Zoning, and Urban Development elements that were adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not result in a change in, or conflict with a land use or zoning district that would result in potentially significant impacts. Therefore, impacts associated with any existing plan, policy, or regulation would be less than significant.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is necessary.

4.10.6 Cumulative Impacts

For purposes of land use and planning impact analysis, cumulative impacts are considered for cumulative development in the City of Fontana. Those projects represent past, present, and potential future projects that could lead to cumulative impacts when combined with the Project. 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

City of Fontana. 2022. *City of Fontana Municipal Code – Chapter 30*.

https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH30ZODECO.

City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-522 – 30.523*.

https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30_ZODECO_ARTVIIIINZODI.

City of Fontana. 2018. *Fontana Forward General Plan – Land Use, Zoning, and Urban Design*.

<https://www.fontana.org/DocumentCenter/View/26754/Chapter-15---Land-Use-Zoning-and-Urban-Design>.

City of Fontana. 2018. *Fontana Forward General Plan – Stewardship and Implementation*.

<https://www.fontana.org/DocumentCenter/View/26755/Chapter-16---Stewardship-and-Implementation>.

City of Fontana. 2022. *Zoning and General Land Use Designation Interactive Map*.

<https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92>.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

Southern California Association of Governments. 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Page 9*. Los Angeles, CA: Southern California Association of Governments. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

4.11
Noise

4.11 NOISE

4.11.1 Introduction

This section of the Draft Subsequent EIR identifies and analyzes the Cherry Commerce Center Project's (Project) potential construction and operational noise and vibration effects on the surrounding area. 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. Information for the analysis was derived from the Acoustical Assessment for the Project (Kimley-Horn, 2023), found in Draft EIR **Appendix J**. See Appendix A of **Appendix J** for noise data.

4.11.2 Environmental Setting

Acoustic Fundamentals

Sound and Environmental Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g., air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. The fundamental model consists of 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. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this ambient noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

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 micro-pascals (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. **Table 4.11-1: Typical Noise Levels** provides typical noise levels.

Table 4.11-1: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet Garbage disposal at 3 feet
	– 80 –	
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet Normal Speech at 3 feet
Commercial area		
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	
		Theater, large conference room (background)
Quiet urban nighttime	– 40 –	
		Library
Quiet suburban nighttime	– 30 –	Bedroom at night, concert hall (background)
		Broadcast/recording studio
	– 20 –	
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 1.

Noise Descriptors

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 effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day 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 sound energy during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of L_{eq} that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in **Table 4.11-2: Definitions of Acoustical Terms**.

Table 4.11-2: Definitions of Acoustical Terms

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in μPa (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure

Term	Definitions
	(e.g., 20 μ Pa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01} , L_{10} , L_{50} , L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (L_{dn})	A 24-hour average L_{eq} with a 10-dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn} .
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5-dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and a 10-dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 2.

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound.¹ When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions.² Under the dB scale, three sources of equal loudness together would produce an increase of approximately 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics.³ No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from

¹ FHWA, *Noise Fundamentals*, 2017. Available at: https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm

² Ibid.

³ California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, Page 2-29, September 2013.

interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.

Ground-borne Vibration

Sources of ground-borne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions or heavy equipment use during construction). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is vibration decibels (VdB) (the vibration velocity level in decibel scale). Other methods are the peak particle velocity (PPV) and the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 4.11-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where ground-borne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for ground-borne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

Table 4.11-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Caltrans Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	--	Extremely fragile historic buildings, ruins, ancient monuments	--
0.01	Barely Perceptible	--	--
0.04	Distinctly Perceptible	--	--
0.1	Strongly Perceptible	Fragile buildings	--
0.12	--	--	Buildings extremely susceptible to vibration damage
0.2	--	--	Non-engineered timber and masonry buildings
0.25	--	Historic and some old buildings	--

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Caltrans Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.3	--	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	--	--
0.5	--	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel, or timber (no plaster)
PPV = peak particle velocity; in/sec = inches per second; Caltrans = California Department of Transportation; FTA = Federal Transit Administration			
Source: Kimley-Horn. 2023. <i>Acoustical Assessment</i> . Table 3.			

Existing Noise Sources

The City is impacted by various noise sources. Mobile sources of noise, especially cars, trucks, and trains are the most common and significant sources of noise. Other noise sources are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Mobile Sources

The predominant mobile noise source in the Project area is the traffic noise along Cherry and Jurupa Avenues which is located directly west and south of the Project Site, respectively.

Stationary Sources

The primary sources of stationary noise in the Project vicinity are those associated with the operations of adjacent truck driving academy to the north, existing traffic associated with residential uses to the south of the Project, warehousing and other light industrial operations located to the east of the Project, and the Henry. J. Kaiser High School to the west of the Project. In addition, Jurupa Avenue and Cherry Avenue are designated truck routes as shown in the City of Fontana General Plan.⁴ The noise associated with these sources may represent a single-event noise occurrence or short-term noise. Other noises include mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment), dogs barking, idling vehicles, and residents talking.

Noise Measurements

To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted five short-term noise measurements on May 25th, 2023. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were taken between 11:55 a.m. and 1:40 p.m. near potential sensitive receptors. Short-term L_{eq} measurements are considered representative of the noise levels throughout the day. The noise levels and sources of noise measured at each location are listed in **Table 4.11-4: Existing Noise Measurements**.

⁴ City of Fontana. General Plan Update 2015-2035, Chapter 9 Community Mobility Circulation, Exhibit 9.7

Table 4.11-4: Existing Noise Measurements

Site	Location	L _{eq} (dBA)	L _{min} (dBA)	L _{max} (dBA)	Time
1	Western cul-de-sac on Argentine Court	55.8	44.1	66.3	11:55 a.m.
2	Northwest corner of Jurupa Avenue and Cherry Avenue	71.3	53.3	89.2	12:34 p.m.
3	Almond Avenue, at northwestern corner of Henry J. Kaiser High School	62.4	50.2	78.3	12:45 p.m.
4	End of cul-de-sac on Rose Court	63.8	60.1	74.4	1:14 p.m.
5	Redwood Avenue at northeastern corner of Project site	59.9	49.8	73.9	1:30 p.m.

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 4.

Sensitive Receptors

Sensitive populations are more susceptible to the effects of noise pollution than is the general population. Sensitive receptors that are in proximity to stationary sources of noise and vibration 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 of single-family residential communities south of the Project site and a high school west of the Project site.

Sensitive land uses nearest to the Project are shown in **Table 4.11-5: Sensitive Receptors**.

Table 4.11-5: Sensitive Receptors

Receptor Description	Distance and Direction from the Project ¹
Single-Family Residences	161 feet to the south
Henry J. Kaiser High School	135 feet to the south
Shadow Hills Elementary School	1,525 feet to the southwest

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 5.

¹ Distances measured from the nearest point of the Project property line to the nearest point of the receptor property line.

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 Manual (FTA Transit Noise and Vibration Manual) 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 90 dBA (8-hour L_{eq}) for non-residential uses to evaluate construction noise impacts.⁵ 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.

⁵ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, Table 7-2, Page 179, September 2018.

State

California Government Code

California Government Code Section 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 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. Industrial, manufacturing, utilities, and agricultural uses are “normally acceptable” up to 75 CNEL.

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.

Local

City of Fontana General Plan

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 Element⁶ as a part of the updated Fontana General Plan. The Noise and Safety Element specifies the maximum allowable unmitigated exterior noise levels for new developments impacted by transportation noise sources. Additionally, the Noise and Safety Element

⁶ City of Fontana. 2018. *Fontana Forward General Plan – Noise and Safety*. <https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed June 2022).

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 9: *The City of Fontana provides a diverse and efficiently operated ground transportation system that generates the minimum feasible noise on its residents through 2035.*

Policy 9.1: All noise sections of the State Motor Vehicle Code shall be enforced.

Policy 9.2: Roads shall be maintained such that the paving is in good condition and free of cracks, bumps, and potholes.

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. 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 Fontana Municipal Code Section 30-543(A), the performance standards for exterior noise emanating from industrial uses are 70 dBA between the hours of 7:00 a.m. and 10:00 p.m. and 65 dBA during the noise-sensitive hours of 10:00 p.m. to 7:00 a.m. at residential uses. For this analysis, a 65-dBA nighttime noise level standard is conservatively used to analyze potential noise impacts at off-site residential receptors within the City of Fontana.

The City has also set restrictions to control noise impacts from construction activities. Section 18-63(b)(7) states that the erection (including excavation), demolition, alteration, or repair of any structure shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, except in the case of urgent necessity 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.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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.

Methodology

Construction

Construction noise levels were based on typical noise levels generated by construction equipment published by the FTA and Federal Highway Administration (FHWA). Construction noise is assessed in dBA L_{eq} . This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Reference noise levels are used to estimate operational noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

Operations

The analysis of the Opening Year and With Project noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels were collected from published sources from similar types of activities and used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Operational noise is evaluated based on the standards within the City's noise standards and General Plan.

Vibration

Ground-borne vibration levels associated with construction activities for the Project were evaluated utilizing typical ground-borne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential ground-borne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

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: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan could cause temporary, localized increases in vibration during construction in excess of established standards. The SWIP EIR concluded in Section 4.7 that implementation of the SWIP Specific Plan would result in less than significant impacts with implementation of mitigation with regard to construction and stationary operational noise sources. With regard to traffic noise, the SWIP Specific Plan concluded that implementation of the SWIP Specific Plan could permanently increase ambient noise levels in excess of established standards, resulting in a significant and unavoidable impact.

Project Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods located to the south and school located to the west of the Project site. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors.

Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating. Such activities could require concrete/industrial saws, excavators, and dozers during demolition; dozers and tractors during site preparation; excavators, graders, dozers, scrapers, and tractor 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 1 or 2 minutes of full power operation followed by 3 to 4 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). Noise generated by construction

equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in **Table 4.11-6: Typical Construction Noise Levels**.

Table 4.11-6: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	82
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	80
Paver	85
Pile-driver (Impact)	101
Pile-driver (Sonic)	95
Pneumatic Tool	85
Pump	77
Roller	85
Saw	76
Scraper	85
Shovel	82
Truck	84

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 6.

As shown in **Table 4.11-6**, exterior noise levels could affect the nearest existing sensitive receptors in the vicinity. Sensitive uses in the Project site vicinity include existing Henry J. Kaiser High School to the west, single-family residential uses to the south, and Shadow Hills Elementary School to the southwest. These sensitive receptors may be exposed to elevated noise levels during Project construction. Following FTA's methodology for quantitative construction noise assessments, FHWA's Roadway Construction Noise Model (RCNM) was used to predict construction noise. Per the FTA Transit Noise and Vibration Manual which provides guidance for construction noise analyses, when calculating construction noise, all construction equipment is assumed to operate simultaneously at the center of the active construction zone. Under realistic circumstances, equipment would be operating throughout the site during a workday. Multiple pieces of equipment could not realistically be operating at the same time at the same point closest to a specific sensitive receptor. Additionally, there may be instances where multiple types of equipment would not be operated simultaneously. Therefore, assuming the distance between the center of the Project site and a sensitive receptor would account for average noise levels as construction equipment move through the Project site would be reasonable. Therefore, the distance used in the RCNM

model was approximately 675 feet from the center of the Project site to the nearest sensitive receptor (single family residential uses to the south) where every piece of construction equipment assumed for each individual phase is assumed to operate simultaneously; refer to **Appendix J** for RCNM modeling results.

The noise levels calculated in **Table 4.11-7: Project Construction Noise Levels**, show the exterior construction noise at the nearest sensitive receptor without accounting for attenuation from existing physical barriers. Noise generated during construction activities with the potential to occur simultaneously were added together to provide a composite construction noise level. The City of Fontana does not establish quantitative construction noise standards; therefore, this analysis conservatively uses the FTA's threshold of 80 dBA (8-hour L_{eq}) for residential and school uses to evaluate construction noise impacts. As shown in **Table 4.11-7**, construction noise levels would not exceed the applicable FTA construction thresholds. The highest exterior noise level at the nearest residential receptors would occur during the overlap of grading/infrastructure and building construction stages and would be 69.2 dBA which is below the FTA's 80 dBA threshold.

It is noted that construction noise would be acoustically dispersed throughout the Project site and not concentrated in one area near surrounding sensitive uses. Further, 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 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, except in the case of urgent necessity or otherwise approved by the City of Fontana. All motorized equipment used in such activity shall be equipped with functioning mufflers as mandated by the state.

Table 4.11-7: Project Construction Noise Levels

Construction Phase	Receptor Location		Worst Case Modeled Exterior Noise Level (dBA L_{eq})	Noise Threshold (dBA L_{eq})	Exceeded?
	Land Use	Distance (feet) ¹			
Demolition	Single Family Residential	675	63.8	80	No
	Henry J. Kaiser High School	800	62.4		No
	Shadow Hills Elementary School	2,300	53.2		No
Site Preparation	Single Family Residential	675	65.0	80	No
	Henry J. Kaiser High School	800	63.5		No
	Shadow Hills Elementary School	2,300	54.4		No
Grading	Single Family Residential	675	65.6	80	No
	Henry J. Kaiser High School	800	64.1		No
	Shadow Hills Elementary School	2,300	55.0		No
Building Construction	Single Family Residential	675	66.7	80	No
	Henry J. Kaiser High School	800	65.3		No
	Shadow Hills Elementary School	2,300	56.1		No

Construction Phase	Receptor Location		Worst Case Modeled Exterior Noise Level (dBA L _{eq})	Noise Threshold (dBA L _{eq})	Exceeded?
	Land Use	Distance (feet) ¹			
Paving	Single Family Residential	675	63.9	80	No
	Henry J. Kaiser High School	800	62.4		No
	Shadow Hills Elementary School	2,300	53.3		No
Architectural Coating	Single Family Residential	675	51.1	80	No
	Henry J. Kaiser High School	800	49.6		No
	Shadow Hills Elementary School	2,300	40.5		No
Demolition + Site Preparation	Single Family Residential	675	67.5	80	No
	Henry J. Kaiser High School	800	66.0		No
	Shadow Hills Elementary School	2,300	56.8		No
Grading/Infrastructure + Building Construction	Single Family Residential	675	69.2	80	No
	Henry J. Kaiser High School	800	67.8		No
	Shadow Hills Elementary School	2,300	58.6		No
Building Construction + Architectural coating	Single Family Residential	675	66.9	80	No
	Henry J. Kaiser High School	800	65.4		No
	Shadow Hills Elementary School	2,300	56.2		No
Building Construction + Paving	Single Family Residential	675	68.6	80	No
	Henry J. Kaiser High School	800	67.1		No
	Shadow Hills Elementary School	2,300	57.9		No

Note:
1. Distance measured from the center of the project site to the receptor's nearest property line.
Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 7.

Construction activities may also cause increased noise along site access routes due to movement of equipment and workers. Compliance with the Municipal Code would minimize impacts from construction noise, as construction would be limited to daytime hours on weekdays and Saturdays.

As discussed above, construction noise levels from the Project would not exceed the FTA's construction noise thresholds and would be required to comply with the Municipal Code standards. Therefore, there is a less than significant noise impact for construction activities. Note, however, that SWIP EIR MMs 4.7-1a and -1b, which serve to minimize construction noise impacts, would apply. SWIP EIR MMs 4.7-1c and -1d are not applicable as an Acoustical Assessment, dated October 2023, has been prepared for the Project and is included as **Appendix J**.

The Project is less than the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been

known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Project Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project include the following:

- Mechanical equipment (i.e., air conditioners, etc.);
- Slow moving trucks on the Project site, approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering, and idling trucks, equipment noise);
- Back-up safety alarms;
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Off-Site Traffic Noise.

Mechanical Equipment

Potential stationary noise sources related to long-term operation of the Project site would include mechanical equipment. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 52 dBA at 50 feet. At the closest sensitive receptors (Henry J. Kaiser High School) located approximately 160 feet west of the nearest rooftop edge, mechanical equipment noise would attenuate to 41.9 dBA, which is below the City's 70 dBA and 65 dBA daytime and nighttime standards, respectively. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the Project would result in a less than significant impact related to stationary noise levels.

Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting braking activities; backing up toward the docks; dropping down the dock ramps; and maneuvering away from the docks. Loading or unloading activities would occur in the center of the Project site. Typically, heavy truck operations generate a noise level of 64.4 dBA at a distance of 50 feet. Proposed loading areas are located approximately 280 feet from the residential uses to the south and the closest dock doors are located approximately 380 feet from the residential properties. This closest receptor would experience truck noise levels of approximately 49.4 dBA, which is below the City's acceptable limits of 70 dBA during daytime hours and 65 dBA during nighttime hours for residential noise. Additionally, these noise levels would also be further attenuated by the intervening structures. Loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. The Project would provide 14-foot screening walls around the truck courts to further screen the view of any dock doors and truck activity. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. Noise levels associated with trucks and loading or unloading activities would not exceed the City's standards and impacts would be less than significant.

Back-Up Safety Alarms

Medium and heavy-duty trucks reversing into loading docks would produce noise from back-up safety alarms (also known as back-up beepers). Back-up safety beepers produce a typical volume of 97 dBA at one meter from the source. The residential uses to the south would be located approximately 280 feet south of the Project driveway where trucks could be reversing and maneuvering into the loading area. At this distance, exterior noise levels from back-up safety beepers would be approximately 58.4 dBA, which is below the City's acceptable limits of 70 dBA and 65 dBA for residential noise during daytime and nighttime hours, respectively.

Parking Noise

Parking stalls would surround the proposed modern high-cube logistics buildings (warehouses) to the north, east and south. According to the Traffic Impact Study, the Project would generate up to 89 trips during the peak hour. For the purpose of providing a conservative, quantitative estimate of the noise levels that would be generated from the vehicles entering and exiting the parking lot, the methodology recommended by FTA for the general assessment of stationary transit noise sources is used. Using the methodology, the Project's peak hourly noise level that would be generated by the on-site parking levels was estimated using the following FTA equation for a parking lot:

$$L_{eq(h)} = SEL_{ref} + 10 \log (NA/1,000) - 35.6$$

Where:

$L_{eq(h)}$ = hourly L_{eq} noise level at 50 feet

SEL_{ref} = reference noise level for stationary noise source represented in sound exposure level (SEL) at 50 feet

NA = number of automobiles per hour

35.6 is a constant in the formula, calculated as 10 times the logarithm of the number of seconds in an hour

Using the FTA's reference noise level of 92 dBA SEL at 50 feet from the noise source, the Project's highest peak hour vehicle trips would generate noise levels of approximately 45.9 dBA L_{eq} at 50 feet from the parking lot. The nearest sensitive receptor (Henry J. Kaiser High School) is located approximately 140 feet from a parking area. Conservatively assuming that all vehicles would park at a location nearest to sensitive receptors rather than dispersed throughout all available parking and based strictly on distance attenuation, parking lot noise at the nearest receptor would be 37.0 dBA, which is below the City's 70 dBA and 65 dBA daytime and nighttime thresholds. Noise associated with parking lot activities is not anticipated to exceed the City's noise standards during operation. Therefore, noise impacts from parking lots would be less than significant.

Off-Site Traffic Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. According to the Trip Impact Assessment prepared by Translutions, Inc. (2023), the Project would generate 964 additional daily trips compared to existing site conditions that would result in noise increases between 0.6 to 2.9 dBA on Project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable. Generally, traffic

volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

Traffic noise levels for roadways primarily affected by the Project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the Project, based on traffic volumes obtained from the Traffic Study. The calculated traffic noise levels for the "Opening Year Without Project" and "Opening Year With Project" scenarios are compared in **Table 4.11-8: Opening Year Traffic Noise Levels**. As depicted in **Table 4.11-8**, under the "Opening Year Without Project" scenario, noise levels would range from approximately 51.5 dBA to 65.2 dBA, with the highest noise levels occurring along Jurupa Avenue between Cherry Avenue and Redwood Avenue. The "Opening Year With Project" scenario noise levels would range from approximately 54.4 dBA to 66.5 dBA, with the highest noise levels also occurring along Jurupa Avenue between Cherry Avenue and Redwood Avenue. As depicted in **Table 4.11-8**, the "Opening Year With Project" scenario traffic noise levels would not exceed the 3.0 dBA increase significance threshold along any of the surrounding roadways. As a result, the Project would not result in a perceptible increase in traffic noise levels and impacts would be less than significant.

Table 4.11-8: Opening Year Traffic Noise Levels

Roadway Segment	Opening Year Without Project		Opening Year With Project		Change	Significant Impact?
	ADT ¹	dBA CNEL ²	ADT	dBA CNEL ²		
Cherry Avenue						
North of Jurupa Ave	14,160	64.9	14,970	65.8	0.9	No
Jurupa Avenue						
Between Cherry Avenue and Redwood Avenue	15,535	65.2	17,920	66.5	1.3	No
East of Redwood Avenue	15,025	65.1	15,175	65.7	0.6	No
Redwood Avenue						
North of Jurupa Avenue	690	51.5	1,160	54.4	2.9	No
ADT = average daily trips; dBA = A-weighted decibels; CNEL= Community Equivalent Noise Level 1. Based on traffic data within the Traffic Impact Assessment for the 11171 Cherry Avenue Warehouse Project, prepared by Translutions, Inc. (2023) 2. Traffic noise levels are at 100 feet from the roadway centerline. Source: Kimley-Horn. 2023. <i>Acoustical Assessment</i> . Table 8.						

The Project impact is less than the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

- 4.7-1a The following measures shall be implemented when construction is to be conducted within 500 feet of any sensitive structures or has the potential to disrupt classroom activities or religious functions.

- The City shall restrict noise intensive construction activities to the days and hours specified under Section 18-63 of the City of Fontana Municipal Code. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site. [GPEIR MM N-1]
- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust [GPEIR MM N-1]
- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. [GPEIR MM N-1]
- Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive use structures. [GPEIR MM N-1]
- All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive use structures. [GPEIR MM N-1]
- If construction noise does provide to be detrimental to the learning environment, the City shall allow for a temporary waiver thereby allowing construction on Weekends and/or holidays in those areas where this construction is to be performed in excess of 500 feet from any residential structures. [GPEIR MM N-1]
- The construction contractor shall provide an on-site name and telephone number of a contact person. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. In the event that construction noise is intrusive to an educational process, the construction liaison will revise the construction schedule to preserve the learning environment.

4.7-1b Should potential future development facilitated by the proposed project require off-site import/export of fill material during construction, trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways (Interstate 10, Interstate 15, State Route 60, Sierra Avenue, Beech Avenue, Jurupa Avenue, and Solver Avenue). Construction trucks should, to the extent practical, avoid the weekday and Saturday a.m. and p.m. peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).

4.7-2a No new industrial facilities shall be construction within 160 feet of any existing sensitive land use property line without the preparation of a dedicated noise analysis. This analysis shall document the nature of the industrial facility as well as “noise producing” operations associated with that facility. Furthermore, the analysis shall document the placement of any existing or proposed noise-sensitive land uses situated within the 160-foot distance. The analysis shall determine the potential noise levels that could be received at these sensitive land uses and specify very specific

measures to be employed by the industrial facility to ensure that these levels do not exceed those City noise requirements of 65 dBA CNEL. Such measures could include, but are not limited to, the use of enclosures for noisy pieces of equipment, the use of noise walls and/or berms for exterior equipment and/or on-site truck operations, and/or restrictions on hours of operations. No development permits or approval of land use applications shall be issued until the noted acoustic analysis is received and approved by the City Staff. [GPEIR MM N-10] (*This mitigation measure is not applicable as an Acoustical Assessment, dated October 2023, has been prepared for the Project and is included as Appendix J.*)

- 4.7-3b Prior to issuance of a grading permit, a developer shall contract for a site-specific noise study for the parcel. The noise study shall be performed by an acoustic consultant experienced in such studies and the consultant's qualifications and methodology to be used in the study must be presented to City staff for consideration. The site-specific acoustic study shall specifically identify potential noise impacts upon any proposed sensitive uses (addressing General Plan buildout conditions), as well as potential project impacts upon off-site sensitive uses due to construction, stationary and mobile noise sources. Mitigation for mobile noise impacts, where identified as significant, shall consider facility siting and truck routes such that project-related truck traffic utilizes existing established truck routes. Mitigation shall be required if noise levels exceed 65 dBA, as identified in Section 30-182 of the City's Municipal Code. [GPEIR MM N-5] (*This mitigation measure is not applicable as an Acoustical Assessment, dated October 2023, has been prepared for the Project and is included as Appendix J.*)

Project Mitigation Measures

No mitigation is required.

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 Incorporated

SWIP EIR Findings

Implementation of the SWIP Specific Plan could cause temporary, localized increases in vibration during construction in excess of established standards. The SWIP EIR concluded in Section 4.7 that implementation of the SWIP Specific Plan would result in less than significant impacts with implementation of mitigation.

Project Construction and Operations

Increases in ground-borne vibration levels attributable to the Project would be primarily associated with short-term construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary ground-borne vibration, depending on the specific construction equipment used and the operations involved.

The FTA has published standard vibration velocities for construction equipment operations in their 2018 *Transit Noise and Vibration Impact Assessment Manual*. The types of construction vibration impacts include human annoyance and building damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 in/sec) appears to be conservative. 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 (80 VdB annoyance threshold). 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 30 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. For example, for a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any construction vibration damage.

Table 4.11-9: Typical Construction Equipment Vibration Levels, lists vibration levels at 25 feet and 80 feet (the distance from Project construction activity to the nearest structure located to the north) for typical construction equipment. Ground-borne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4.11-9**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.001 to 0.037 in/sec PPV at 80 feet from the source of activity (the distance from active construction zone to the nearest structure) which is below the FTA's 0.20 PPV threshold.

Table 4.11-9: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity at 25 Feet (in/sec)	Peak Particle Velocity at 80 Feet (in/sec) ¹	Approximate VdB at 25 Feet	Approximate VdB at 80 Feet ²
Vibratory Roller/Compactor	0.210	0.037	87	79
Large Bulldozer	0.089	0.016	87	72
Loaded Trucks	0.076	0.013	86	71
Jackhammer	0.035	0.006	79	64
Small Bulldozer/Tractors	0.003	0.001	58	43

1. 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 Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.

2. Calculated using the following formula: $L_v(D) = L_v(25 \text{ feet}) - (30 \times \log_{10}(D/25 \text{ feet}))$ per the FTA *Transit Noise and Vibration Impact Assessment Manual* (2018).

Source: Kimley-Horn. 2023. *Acoustical Assessment*. Table 9.

In addition, construction VdB levels would be 79 VdB at 80 feet and would not exceed the FTA's 80 VdB annoyance threshold; see **Table 4.11-9**. It is also acknowledged that construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest structure(s). Therefore, vibration impacts associated with the Project construction would be less than significant.

Once operational, the Project would not be a significant source of ground-borne vibration. Ground-borne vibration surrounding the Project currently result from heavy-duty vehicular travel (e.g., refuse trucks, heavy duty trucks, delivery trucks, and transit buses) on the nearby local roadways. Operations of the

Project would include truck deliveries. Due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. According to the FTA's Transit Noise and Vibration Impact Assessment, trucks rarely create vibration levels that exceed 70 VdB (equivalent to 0.012 inches per second PPV) when they are on roadways. Therefore, trucks operating at the Project site or along surrounding roadways would not exceed FTA thresholds for building damage or annoyance. Impacts would be less than significant in this regard. Note, however, that SWIP EIR MMs 4.7-1a and -1b, which serve to minimize construction vibration impacts, would apply.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

See SWIP EIR Mitigation Measures 4.7-1a and 4.7-1b.

Project Mitigation Measures

No mitigation is required.

Impact 4.11-3 *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?*

Level of Significance: Less than Significant

SWIP EIR Findings

The SWIP Specific Plan area is located within the 60 Ldn contour of Ontario International Airport. The SWIP EIR concluded in Section 4.7 that implementation of the Specific Plan would not expose people residing or working in the Specific Plan area to excessive aircraft noise levels. A less than significant impact would occur.

Project Impact

The nearest airport to the Project site is the Ontario International Airport located approximately 7.7 miles to the southwest. The Project is not within 2.0 miles of a public airport or within an airport land use plan. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.11.6 Cumulative Impacts

Cumulative Construction Noise

The Project's construction activities would not result in a substantial temporary increase in ambient noise levels. Construction noise would be periodic and temporary noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. However, based on the noise analysis above, the Project's construction-related noise impacts would be less than significant following the City of Fontana Municipal Code.

Construction activities at other planned and approved projects near the Project site would be required to comply with applicable City rules related to noise and would take place during daytime hours on the days permitted by the applicable Municipal Code, and projects requiring discretionary City approvals would be required to evaluate construction noise impacts, comply with the City's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. Based on the fact that noise dissipates as it travels away from its source, noise impacts would be limited to the Project site and vicinity. Therefore, Project construction would not result in a cumulatively considerable contribution to significant cumulative impacts, assuming such a cumulative impact existed, and impacts in this regard are not cumulatively considerable.

Cumulative Off-site Noise

Cumulative Off-site Traffic Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other foreseeable projects. Cumulative noise impacts generally occur as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds the perception level (i.e., auditory level increase) threshold. The following criteria is used to evaluate the combined and incremental effects of the cumulative noise increase.

- **Combined Effect.** The cumulative with Project noise level would cause a significant cumulative impact if a 3.0 dB increase over Existing conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to a project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the project.

- **Incremental Effects.** The cumulative plus project noise level causes a 1.0 dBA increase in noise over cumulative noise levels without a project.

A significant impact would result only if the combined and incremental effects criteria have been exceeded and traffic noise increases would result in unacceptable noise levels pursuant to the City’s acceptable exterior noise criteria. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the Project and growth due to occur in the general area would contribute to cumulative noise impacts. **Table 4.11-10: Cumulative Plus Project Buildout Conditions Traffic Noise Levels** identifies the traffic noise effects along roadway segments in the vicinity of the Project site for “Existing,” “Cumulative Without Project,” and “Cumulative With Project,” conditions, and net cumulative impacts.

First, it must be determined whether the “Cumulative With Project” 3.0 dB increase above existing conditions (Combined Effects) is exceeded. Next, under the Incremental Effects criteria, cumulative noise impacts are defined by determining if the forecast ambient (“Cumulative Without Project”) noise level is increased by 1.0 dB or more. Although the Incremental Effects criteria (1.0 dB) is exceeded along Jurupa Avenue between Cherry Avenue and Redwood Avenue, the Combined Effects criterion (3.0 dB) is not exceeded along this roadway; refer to **Table 4.11-10**. The Incremental Effects criteria and Combined Effects criteria is projected to be exceeded along Redwood Avenue north of Jurupa Avenue. However, the Cumulative With Project traffic noise level would not result in unacceptable noise levels pursuant to the City’s acceptable exterior noise level of 65 dBA for sensitive uses. Therefore, although the Project would exceed both the combined and incremental effects criteria along one roadway, noise levels would remain within acceptable levels. Thus, the Project, in combination with cumulative background traffic noise levels, would not result in a significant cumulative impact and impacts would not be cumulatively considerable.

Table 4.11-10: Cumulative Plus Project Buildout Conditions Traffic Noise Levels

Roadway Segment	CNEL at 100 feet from Centerline			Combined Effects	Incremental Effects	Cumulatively Significant Impact?
	Existing	Cumulative Without Project	Cumulative With Project	dBA Difference: Existing and Cumulative With Project	dBA Difference: Cumulative Without and With Project	
Cherry Avenue						
North of Jurupa Avenue	64.8	65.5	66.3	1.5	0.7	No
Jurupa Avenue						
Between Cherry Avenue and Redwood Avenue	65.4	66.0	67.1	1.7	1.2	No
East of Redwood Avenue	64.9	65.9	66.5	1.6	0.7	No
Redwood Avenue						
North of Jurupa Avenue	51.0	51.8	54.4	3.4	2.6	No ¹
ADT = average daily trips; dBA = A-weighted decibels; CNEL = day-night noise level						
1. Traffic noise levels are at 100 feet from the roadway centerline.						
1. Although cumulative and incremental increases in traffic noise would exceed impact criteria, the Cumulative With Project traffic noise level would not result in unacceptable noise levels pursuant to the City’s acceptable exterior noise level of 65 dBA for sensitive uses.						
Source: Kimley-Horn. 2023. <i>Acoustical Assessment</i> . Table 10.						

Cumulative Stationary Noise

Stationary noise sources of the Project would result in an incremental increase in non-transportation noise sources in the Project vicinity. However, as discussed above, operational noise caused by the Project would be less than significant. Similar to the Project, other planned and approved projects would be required to mitigate for stationary noise impacts at nearby sensitive receptors, if necessary. As stationary noise sources are generally localized, there is a limited potential for other projects to contribute to cumulative noise impacts.

No known past, present, or reasonably foreseeable projects would combine with the operational noise levels generated by the Project to increase noise levels above acceptable standards because each project must comply with applicable City regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the Project would not make a cumulatively considerable contribution to significant cumulative operational noises.

Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant.

4.11.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.11.8 References

California Department of Transportation. 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Page 2-29.

City of Fontana. 2018. Fontana Forward General Plan – Noise and Safety.

<https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety>.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR.

<https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. Table 7-2, Page 179.

FHWA. 2017. *Noise Fundamentals*.

https://www.fhwa.dot.gov/Environment/noise/regulations_and_guidance/polguide/polguide02.cfm.

Kimley-Horn. 2023. *Acoustical Assessment*.

4.12

Public Services

4.12 PUBLIC SERVICES

4.12.1 Introduction

This section of the Draft Subsequent EIR analyzes potential Project impacts on public services by identifying anticipated demand and evaluating the relationship to both existing and planned public services facilities and availability within the Southwest Industrial Park (SWIP) Specific Plan area located in the City of Fontana (City). This section identifies potential impacts that could result from the Cherry Commerce Center Project (Project) implementation, which includes the construction and operation of two modern high-cube logistics buildings (warehouses) and impacts to public services that could occur and require construction of new or the expansion of existing public service facilities resulting in a physical impact on the environment. For the purposes of this EIR, the general term “public services” includes police protection, fire protection, schools, parks, and other public services. Information used to prepare this section includes resources from:

- Fontana Forward General Plan Update 2015-2035
- Southwest Industrial Park Specific Plan

4.12.2 Environmental Setting

Fire Protection

Fire protection services for the SWIP Specific Plan area would be provided by the Fontana Fire Protection District.¹ The Fontana Fire Protection District provides emergency, preventive and administrative services in the City and Sphere of Influence through a contract with the San Bernardino County Fire Department (SBCFD).² The SBCFD 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 following Valley Division Stations service the City of Fontana:

- Valley Division – Station 71
- Valley Division – Station 72
- Valley Division – Station 73
- Valley Division – Station 74
- Valley Division – Station 77
- Valley Division – Station 78
- Valley Division – Station 79

Station 72 and Station 74 are within the closest proximity to the Project site. Station 74 is located at 11500 Live Oak Avenue, Fontana, CA 92337 and is approximately 0.3 mile southeast of the Project site. Station 72 is located at 15380 San Bernardino Avenue, Fontana, CA 92335 and is approximately 2 miles northeast of the Project site. Therefore, the nearest SBCFD station to the Project site is Station 74.

¹ Southwest Industrial Park (SWIP) Specific Plan. Page 4-11. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29312/Southwest-Industrial-Specific-Plan--Combined-Document> (accessed February 16, 2023).

² Fontana Forward General Plan Update 2015-2035. DEIR. Page 5.7-4. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed February 16, 2023).

Police Protection

The Fontana Police Department (FPD) provides police services for the Project site. The FPD headquarters are located at 17005 Upland Avenue, Fontana, CA 92335, approximately 4.5 miles northeast of the Project site. The FPD also operates the Southridge Contact Station located at 11500 Live Oak Avenue, Fontana, CA 92337, approximately 0.3 mile southeast of the Project site. The FPD also has a close working relationship with the surrounding agencies of Rialto Police, Rancho Cucamonga Police, and Riverside Sheriff.³ The FPD provides a full range of services including administrative and field services, special operations, and professional support services. These services provide personnel and training, patrol units, investigation units, records units, fugitive apprehension team, and animal services team, among others. 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.⁴ The patrol unit is the largest unit within the department and is the first point of contact for the general public. 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. Area 1 includes all areas north of Interstate (I) -210; Area 2 includes the area from I-210 south to Foothill Boulevard; Area 3 includes the area between Foothill Boulevard and I-10; and Area 4 includes all areas south of I-10.⁵

Schools

The Project site lies within the Fontana Unified School District (FUSD).⁶ The nearest schools to the Project site are Henry J. Kaiser High School, located at 11155 Almond Avenue, Fontana, CA 92337, approximately 0.03-mile adjacent east to the Project site across Cherry Avenue; Shadow Hills Elementary School located at 14300 Shadow Drive, Fontana, CA 92337, approximately 0.3 mile to the southwest; Southridge Middle School located at 14500 Live Oak Avenue, Fontana, CA 92337, approximately 0.4 mile to the north; and Chaparral Elementary School located at 14000 Shadow Drive, Fontana, CA 92337, approximately 0.65 mile to the southwest/west.

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. The nearest parks to the Project site are Shadow Park located at 14250 Shadow Drive, Fontana, CA 92337, approximately 0.3-mile southwest of the Project site; Southridge Park located at 14501 Live Oak Avenue, Fontana, CA 92337, approximately 0.5 mile south of the Project site; and Oak Park located at 14180 Live Oak Avenue, Fontana, CA 92337, approximately 1 mile southwest of the Project site. Further detail is given on recreational amenities provided within the City of Fontana in **Section 7.0: Effects Found Not to Be Significant** of this Draft EIR.

³ 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 February 16, 2023).

⁴ City of Fontana. Police Department. Retrieved from: <https://www.fontana.org/112/Police-Department> (accessed February 16, 2023).

⁵ City of Fontana. Police Department. Patrol Unit. Retrieved from: <https://www.fontana.org/206/Patrol-Unit> (accessed February 16, 2023).

⁶ Fontana Unified School District. Retrieved at: <https://www.fusd.net/Page/577> (accessed February 16, 2023).

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 4.4 miles northeast of the Project site.

4.12.3 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 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.

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 Element 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.

Goals and policies from the General Plan relevant to the Project are summarized below:

Goal 1: *Fontana's crime rate continues to be below state and county rates.*

Policy 4: Promote and enhance use of anti-crime design strategies and programs.

Noise and Safety

The Noise and Safety Element ensures that development accounts for physical constraints and the natural hazards of the land. The Noise and Safety Element supports this principle through numerous policies that locate development away from hazardous areas and ensures safety and security for the City of Fontana. 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.*

Action B: 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.

Southwest Industrial Park Specific Plan (SWIP)

Design Guidelines

The Design Guidelines will promote and reinforce the City's commitment to high quality development. In general, the guidelines are intended to ensure that development preserves or improves the positive characteristics of the City's image. The objectives of these guidelines are to:

- Promote orderly development by implementing the SWIP Specific Plan objectives, policies, and principles.
- Protect and enhance property values by ensuring that development fits properly within the context of its surroundings and does not negatively impact adjacent uses.
- Encourage individual creativity and innovative solutions by allowing flexibility in how a particular guideline is met as long as the intent of the guideline is achieved.
- Ensure functional pedestrian and motor vehicle circulation within a project and convenient pedestrian linkages to and from adjacent residential, commercial, industrial, and school areas.

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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.⁷

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

⁷ 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).

65995 et seq. of the Government Code. The County is responsible for calculating square footage as part of the building permit process. Industrial Parks/Warehousing development within the FUSD boundary can be assessed \$0.66 / SF.⁸

4.12.4 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:

- 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; or
 - 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 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 existing conditions on July 7, 2023 (the date of distribution for the Notice of Preparation); 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

⁸ Fontana Unified School District. 2022. *Developer Fees*. <https://www.fusd.net/Page/639> (accessed February 16, 2023).

on public services considers the applicable policies and regulations established by local and regional agencies and the degree of deviation from these policies.

4.12.5 Impacts and Mitigation Measures

Impact 4.12-1 *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:*

Fire Protection?

Level of Significance: Less than Significant

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that all development projects proposed within the SWIP Specific Plan area would be required to pay the City's Development Fee for fire facilities to ensure that the provision of fire protection and emergency services is not eroded by future development. These fees would be utilized to fund additional services and improvements that may be required to provide adequate fire protection to the SWIP Specific Plan area. As such, upon implementation of recommended mitigation measures and the payment of applicable developer fees for fire facilities, impacts in this regard would be less than significant.

Project Construction and Operations

The Fontana Fire Protection District provides emergency, preventive and administrative services to the 52.4 square miles within the City Sphere of Influence through a contract with the SBCFD.⁹ As previously mentioned, the City has seven fire stations, with Station 72 and Station 74 being within the closest proximity. Station 72 is located at 15380 San Bernardino Avenue, Fontana, CA 92335 and is approximately 2 miles northeast of the Project site. Station 74 is located at 11500 Live Oak Avenue, Fontana, CA 92337 and is approximately 0.3-mile southeast of the Project site. Therefore, the nearest SBCFD station to the Project site is Station 74.

Additionally, according to the City's Local Hazard Mitigation Plan (LHMP), numerous alternative routes, secondary points of access, cul-de-sac turnarounds, and other features to improve traffic circulation would be planned into new development and redevelopment throughout the City, including the Fire Department which would aid emergency vehicles to have quicker response times.¹⁰ Furthermore, potential impacts related to fire protection services are reviewed by the SBCFD on a project-by-project basis. The Project's land uses, fire-protection related needs, and the Project site recommended response distance, are taken into consideration when evaluating the Project's impact to fire protection services. Furthermore, the Project would be required to comply with the most current provisions of SBCFD Fee

⁹ Fontana Forward General Plan Update 2015-2035. DEIR. Page 5.7-4. Retrieved from: <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed February 16, 2023)

¹⁰ Ibid. Page 5.7-10

Schedule, which requires a fee payment that the SBCFD applies to the funding of fire protection facilities.¹¹ Mandatory compliance with the SBCFD Fee Schedule and plan review would be required prior to the issuance of a building permit.

The Project would be consistent with Goal 3 of the Noise and Safety Element of the General Plan, which requires that industrial structures adhere to applicable fire codes for buildings and structures, fire access, and other standards in accordance with California Fire Code, and City of Fontana Municipal Code. The Project site would be served by the Station 72 and Station 74 as mentioned previously. Station 72 currently has 5 fire personnel assigned to one fire engine and one medic squad. In 2022, Station 72 received a total of 72 calls for fire-related incidents, with an average fire-related call response time of 8 minutes and 14 seconds. Station 74 currently has three fire personnel assigned who cross-staff one fire engine and one brush engine. In 2022, Station 74 received a total of 68 calls for fire-related incidents, with an average fire-related call response time of 6 minutes and 50 seconds. The SBCFD strives to have a response time of 6 minutes once a fire-related call for service is received.¹²

Project implementation would not significantly increase the demand for fire services on-site and no new fire stations would be required to service the Project. Further, as stated above, based on the Project site's proximity to two existing fire stations, the personnel staffed for each station, and the response times for service received, the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required.

Access to the Project is currently available from the existing improved roadway, Cherry Avenue, to the west (see **Figure 3-2: Project Location**). The Project would be required to implement on-site fire suppression devices, installation of hydrants, and use of fire-retardant building materials. The Project would be compliant with all applicable building and fire codes that are continually enforced through an inspection program.

Additionally, the SBCFD would be required to review and approve all plans associated with the Project prior to construction. Furthermore, Project implementation would increase property tax revenues to provide a source of funding sufficient to offset any increases in the anticipated demands for public services generated from the Project. Overall, the Project would receive adequate fire protection services and 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. In addition, the Project would comply with all applicable federal, state, and local regulations and therefore, impacts concerning sufficient service ratios and response times would be considered less than significant and no mitigation measures are necessary.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could

¹¹ San Bernardino County. 2021. *San Bernardino County Fire Protection District Fiscal Year 2021/2022 Fee Schedule*. <https://www.sbcounty.gov/uploads/SBCFire/documents/About/2021-22-Fire-Fees.pdf> (accessed February 16, 2023).

¹² Louri Lockwood. Staff Analyst II. Personal Communication. February 23, 2023. (email)

not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact within mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-2a through -2c are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.12-2 ***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:***

Police Protection?

Level of Significance: Less than Significant Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that an increase in the demand for law enforcement services and related facilities within or in proximity to the site would not occur. Public safety improvements, such as street lighting, roadway improvements, and enhanced site design requirements would be implemented as part of the Specific Plan, and it is unlikely that any individual future project would result in the need to construct new police facilities. In addition, each project applicant for future development projects would be required to pay developer fees that would ensure that adequate law enforcement services exist in the project area. Upon implementation of recommended mitigation measures and payment of developer fees, impacts in this regard would be less than significant.

Project Construction and Operations

As previously discussed, police protection services for the city and proposed Project sites are provided by the FPD. 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.¹³ The Project includes proposed industrial uses and would not substantially increase the City's population. Project construction would include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, and use of clearly identifiable points of entry. The FPD is comprised of four divisions including the Office of the Chief of Police, Administrative Services, Field Services, and Special Operations.¹⁴ Within these division numerous units are used to serve the public. This includes but is not limited to records, field evidence, K-9, code compliance, traffic, etc. The Patrol unit is the largest unit within the department and calls for routine and emergency service are typically handled by this unit. According to the Police Departments May 2023 Police Department Monthly Report, there

¹³ City of Fontana. Police Department. Retrieved from: <https://www.fontana.org/112/Police-Department> (accessed February 16, 2023).

¹⁴ City of Fontana, 2019. City of Fontana, California Adopted Operating Budget Fiscal Year 2019-2020. Available: <https://www.fontana.org/DocumentCenter/View/29901/2019--2020-Adopted-Operating-Budget> (accessed May 19, 2020).

were a total of 11,255 calls for service and the response time of patrol to the Priority One calls was 4:27 minutes.¹⁵ Deputies, dispatchers, and equipment from other sheriff divisions are utilized and are available to provide additional support, if needed.

The FPD has a close working relationship with the surrounding agencies of Rialto Police, Rancho Cucamonga Police, and Riverside Sheriff.¹⁶ The Project would be adequately served by police protection services, and no new or expanded unplanned facilities would be required. Project Buildout could potentially create a temporary incremental increase in demand for police protection services during construction. During construction activities, the site would have security lighting and on-site security personnel to secure the site and reduce demands on police service. Prior to construction activities, Project plans would be reviewed by applicable local agencies to ensure compliance with the General Plan, SWIP Specific Plan, and the Fontana MC, as well as all applicable regulations to ensure adequate site signage, lighting, and other crime safety preventative measures to ensure safety standards. The Master Developer and/or Site Developer, as applicable, is required to pay all required impact fees and fair share costs. Compliance with applicable local regulations would ensure that Project construction would result in a less than significant impact to police protection services.

The Project would adhere to Policy 4 of the Public, and Community Services Element located in the Fontana GP, which requires the Project to be designed to incorporate Crime Prevention Through Environmental Design (CPTED) strategies, which is a planning tool that focuses on proper design and use of the built environment to deter and prevent crime, in this case for businesses. As previously mentioned, access to the Project is currently only available from the existing improved roadway, Cherry Avenue. Proposed access to the Project site would be provided via Cherry Avenue, Jurupa Avenue, and Redwood Avenue. This would improve police access to not only the Project site but also through the Project site to the surrounding area.

Considering the Project site is zoned for light industrial use and the location of the Project site adjacent to existing industrial and commercial, and residential uses, it is not anticipated the Project would change the pattern or uses within the area. Additionally, the Project does not propose any residential uses and therefore would not substantially increase population.

It is anticipated that the Project site would be adequately served by existing police facilities, equipment, and personnel such that new facilities would not be required. As discussed above, the Project site is not residential and would not directly increase the number of residents in the community. Although some calls for service are anticipated, the increased demand for police services would not be significantly impacted due to operation of the Project site. Additionally, development of the Project site would increase property tax revenues to provide a source of funding to offset any increases in the anticipated demands for public services generated by the Project. Overall, the Project would receive adequate police protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered police protection facilities, and will not adversely affect service ratios, response

¹⁵ City of Fontana. 2023. *Police Department Monthly Report*. <https://www.fontanaca.gov/DocumentCenter/View/41910/May-2023-Report-for-City-Council-Rev> (accessed July 2023).

¹⁶ 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 February 16, 2023).

times, or other performance objectives. 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. Furthermore, the Project would adhere to all applicable local regulations and therefore, would result in a less than significant impact to police services and no mitigation is necessary.

The Project impact is less than the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact within mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-1a through -1f are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.12-3 ***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:***

Schools?

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that school facilities are either available, planned or under construction within the Specific Plan area and will have sufficient capacity to handle additional numbers of students generated by future development within the Specific Plan area. To reduce potential effects of future development on the City's ability to provide public education services, all future development projects within the Specific Plan area would be required to pay school impact fees in effect at the time of development. These fees are intended to fully mitigate project impacts on public schools. Accordingly, the SWIP Specific Plan's impact on public school facilities would be less than significant with mitigation incorporated.

Project Construction and Operations

The FUSD serves the City of Fontana with education services. The Project would include construction of two modern high-cube logistics buildings (warehouses) resulting in an increase of employment opportunities. This increase in employment could cause a number of new families to relocate, potentially increasing enrollment within the FUSD. However, it is anticipated that a majority of potential employees would be existing residents in local and neighboring communities and regions that would not require relocating into the school district. Additionally, the proposed Project however is consistent with regional

growth forecasts. The City of Fontana is anticipated to grow in population from 211,000 in 2016 to 286,700 in 2045. In the same time frame, Fontana's household and employment are anticipated to grow from 51,500 to 77,800 households and from 56,700 to 75,100 employment opportunities, respectively¹⁷.

The Project does not include a residential component so no new schools would be constructed as a result of Project implementation. Because the proposed Project is logistics in nature, no students are anticipated to directly generated by the construction and operation of the two modern high-cube logistics buildings (warehouses). School funding comes predominantly from federal, state, and local sources such as businesses and personal income taxes, sales tax, and property taxes. Government Code Section 65995 requires the developer to pay a fee at the time of issuance of building permits to the local school district, FUSD, at a cost of \$0.66 per square foot.¹⁸ The Project applicant would be required to pay the FUSD's current developer impact fees for commercial/industrial use in effect at the time of submitting the building permit application. The FUSD uses these fees to pay for facility expansion and upgrades needed to serve new students. 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 no impacts to schools and no mitigation measures are necessary.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact within mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-3a through -3f are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.12-4 ***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:***

Parks?

Level of Significance: No Impact

¹⁷ Southern California Association of Governments (SCAG). 2020. Connect SoCal Demographics and Growth Forecast. Retrieved From: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579#:~:text=While%20the%20region's%20growth%20rate,%2C%20domestic%20migration%2C%20and%20immigration. Page 39. (accessed July 2023)

¹⁸ Fontana Unified School District. ND. *Developer Fees*. <https://www.fusd.net/Page/639> (accessed February 16, 2023).

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 it is not possible to determine whether future demand for park and recreation services will trigger the need for new facilities or whether, in the absence of additional neighborhood and community park facilities in proximity to the SWIP Specific Plan area, existing facilities outside of the site would be accessed by new residents, accelerating their deterioration. Future industrial, commercial, and office development associated with the SWIP Specific Plan would create substantial employment opportunities within the area. In turn, this could lead to a population increase within the City and an associated increase in demand for parks and recreational facilities. The SWIP Specific Plan would not directly result in the payment of any Park Development fees that would ensure that impacts are mitigated. Therefore, at a program level of analysis, future park and recreational facility impacts resulting from future development associated with the SWIP Specific Plan would be significant and unavoidable.

Project Construction and Operations

As previously mentioned, 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.

The proposed two modern high-cube logistics buildings (warehouses) would not involve any residential development that would directly generate population growth. The Project could introduce new employees to the nearby public parks or facilities; however, such use is likely to be negligible compared to existing conditions. Multiple parks are located nearby the Project site. The nearest park to the Project site is Shadow Park located at 14250 Shadow Avenue, Fontana, CA 92337, approximately 0.4 mile to the southwest. The Project is non-residential and located on land zoned for non-residential uses and as discussed above, the Project would not substantially increase the population of the City. Additionally, the Project would not 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 existing park facility. Furthermore, all future park development would undergo individual CEQA evaluation, which is anticipated to account for any future impacts.

Fontana's population was estimated to be 210,761 persons in July of 2021.¹⁹ The Southern California Associated Governments (SCAG) forecast Fontana's population to increase to 286,700 by 2045 in 77,800 households.²⁰ This projection represents an increase to Fontana's population by 69,239 people. However, the Project would not increase the City's population or need for park facilities because the Project is not a residential use. Therefore, Project implementation would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, no impacts would occur, and no mitigation is required.

¹⁹ United States Census Bureau. Population Estimates. Retrieved from: <https://www.census.gov/quickfacts/fact/table/fontanacitycalifornia/PST045221#PST045221>. (accessed March 2023).

²⁰ Southern California Association of Governments (SCAG). 2020. Connect SoCal Demographics and Growth Forecast. Retrieved From: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579#:~:text=While%20the%20region's%20growth%20rate,%2C%20domestic%20migration%2C%20and%20immigration,Page%2039. (accessed July 2023).

The Project impact is less than the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-5a through -5g are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.12-5 ***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:***

Other Public Facilities?

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that in order to reduce potential effects of future development on the City's ability to provide library services, all future development projects within the Specific Plan area would be required to pay library fees in effect at the time of development. As development occurs under the SWIP Specific Plan, the City-collected library fees would fund improvements to either expand existing library services in the vicinity or construct new facilities as required. Thus, upon payment required fees and implementation of the recommended mitigation, impacts in this regard would be less than significant.

Project Construction and Operations

As discussed previously, other public facilities generally refer 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 4.5 miles northeast of the Project site.

The Project construction and operation would not require the physical modification of any of the City's public facilities or the construction of new public facilities. Specifically, the development of two modern high-cube logistics buildings (warehouses) would not conflict with any library facilities. The construction and operation of the two modern high-cube logistics buildings (warehouses) would not result in a significant increase in demands for library services such that substantial deterioration of existing facilities would occur, or such that new facilities would be required. Because no public facilities exist on the Project site, development would not conflict with existing public structures or require modification of public facilities. Because the Project would not substantially increase the population, the Project would not cause or contribute to a need to construct new or physically altered other public facilities. Additionally, though

the Project is not anticipated to increase demand for existing libraries or other public facilities, the Project applicant would be required to pay its fair share of development impact fees to help offset incremental impacts to libraries by helping fund capital improvements and expenditures. The Project applicant would be required to pay \$0.009 per sf in development impact fees in order to help offset incremental impacts to libraries and improvements needed to provide services to residents. Therefore, no impacts associated with libraries and other public facilities would occur and no mitigation is necessary.

The Project impact is less than the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact within mitigation incorporated under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MM 4.8-4a is not applicable as it is not Project specific.

Project Mitigation Measures

No mitigation is required.

4.12.6 Cumulative Impacts

Section 4.0: Environmental Impact Analysis, of this Draft EIR provides a list of cumulative projects that would have the potential to be considered in a cumulative context with the Project's incremental contribution. These projects are summarized in **Table 4-1: Cumulative Projects List** and shown in **Figure 4-1: Location of Cumulative Projects Map**.

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. The Project would also be required to comply with all applicable federal, state, and local laws, ordinances, codes, regulations, and standards, as well as payment of all applicable development impact fees to public services.

New development projects are analyzed on a Project-by-Project basis and are subject to environmental and design review by applicable agencies to ensure they would be compliant with all applicable laws, codes, ordinances, and standards and therefore, 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. Projects would be planned on a schedule to prevent significant cumulative impacts associated with multiple projects being constructed at the same time.

Because of the required plan review, rule and regulation compliance, and payments of development impact fees as described above, the Project taken in sum with past, present, and reasonably foreseeable projects would not result in a cumulatively considerable impact on public services such as fire protection,

police protection, libraries, schools, and parks. Further, anticipated increased demands for public services such as fire protection, police protection, libraries, schools, and parks within the City, were accounted for in the City's General Plan. Furthermore, the General Plan EIR concluded that cumulative impacts related to public services would not be cumulatively considerable.

4.12.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.12.8 References

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4.13

Transportation

4.13 TRANSPORTATION

4.13.1 Introduction

This section addresses transportation impacts related to the construction and operation of the Cherry Commerce Center Project (Project), including the existing transportation system, significance criteria for transportation impacts, and potential Project impacts resulting from Project implementation. Information presented in this section was obtained from the City of Fontana's (City) General Plan Update 2015-2035 (Fontana GP) and the following technical report located in **Appendix K: Transportation**.

- Translutions, Inc. (2023). 11171 Cherry Avenue Warehouse – VMT Analysis.
- Translutions, Inc. (2023). Traffic Impact Analysis.

4.13.2 Environmental Setting

The Project site is an approximately 30-acre lot, located on the northeast corner of Cherry Avenue and Jurupa Avenue in the City of Fontana, San Bernardino County, California. The Project site is currently utilized largely as a staging yard for heavy building materials and construction equipment. Overall, the materials/equipment staged on-site are exposed to views from passerby traffic. Staged materials/equipment is generally composed of large cranes, wood, metal, and other building materials. The Project proposes to redevelop the site with two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 sf. Building 1 would total approximately 477,480 sf, of which approximately 10,000 sf is office space. Building 2 would total approximately 221,953 sf, of which approximately 6,000 sf is office space. The Project site would also include approximately 319 automobile parking stalls (185 parking stalls required) and approximately 105 trailer parking stalls, curb and gutter, security lighting, perimeter wall and gated access (refer to **Figure 3-5: Conceptual Site Plan**).

Existing Transportation Conditions

Existing Street System

Regional access to the site is provided primarily by Interstate 10 (I-10), located approximately 1.0 mile north of the Project site. In addition, State Route 60 (SR-60) is located approximately 1.5 miles south of the site. Local access would be provided via Cherry Avenue and Jurupa Avenue. The following provides a description of these roadways surrounding the Project site.

Cherry Avenue is a six-lane undivided roadway trending in a north-south direction. On-street parking on Cherry Avenue is prohibited. The posted speed limit is 35 miles per hour (mph) near the Project site. In the Fontana GP Circulation Master Plan, Cherry Avenue is designated as a Major Highway and as a Truck Route.

Jurupa Avenue is a four-lane divided roadway with raised media trending in an east-west direction. On-street parking on Jurupa Avenue is prohibited. The posted speed limit is 45 miles per hour (mph) near the Project site. In the Fontana GP Circulation Master Plan, Jurupa Avenue is designated as a Modified Major Highway and as a Truck Route.

Redwood Avenue is a two-lane undivided roadway trending in a north-south direction. On-street parking on Redwood Avenue is prohibited. There is no posted speed limit near the Project site. In the Fontana GP Circulation Master Plan, Redwood Avenue is designated as an Industrial Collector.

Existing Transit Service

Bus Service

Transit service to the Project area is provided via the OmniTrans transit lines, which serve many San Bernardino County cities in the area. Route 82 operates between the City of Fontana and the City of Rancho Cucamonga, traveling through Fontana along Sierra Avenue and Jurupa Avenue. Route 82 operates on weekdays from approximately 4:30 AM to 10:15 PM with approximately 15-minute headways (the time between bus arrivals), on Saturdays from approximately 6:15 AM to 7:30 PM with approximately 30-minute headways, and on Sundays from approximately 6:15 AM to 7:10 PM with approximately 30-minute headways. The Route 82 stop is located across the street from the Project site on the southeast corner of Cherry Avenue and Jurupa Avenue.

Commuter Rail Service

Commuter rail service is provided by Metrolink, which is operated by the Southern California Regional Rail Authority (SCRRA). Metrolink train service is available between the counties of Ventura, Los Angeles, San Bernardino, Orange, Riverside, and north San Diego. The area is served by the San Bernardino Line, which runs east-west between the San Bernardino Station and the Los Angeles Union Station. The Fontana Station is the nearest Metrolink station to the Project site and is approximately 4 miles from the Project area.

Pedestrian and Bicycle Facilities

The City's bikeway network includes three types of facilities and are discussed below:

- **Class I (Shared-Use Paths):** A Class I bikeway is a shared-use path that allows for two-way off-street bicycle use and may be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.
- **Class II (Bicycle Lanes):** A Class II bikeway is a bicycle lane that is a portion of the roadway that has been designated by striping, signing, and pavement markings for the preferential and exclusive use of bicyclists. Bicycle lanes are always located on both sides of the road (except one-way streets) and allow bicyclists to ride in the same direction as adjacent motor vehicle traffic.
- **Class III (Bike Routes):** Class III bikeways generally employ bikeway signage, and may also use pavement markings, to guide bicyclists to popular destinations on low-volume, bike-friendly roadways.

Cherry Avenue is designated as a Class II Bike Lane from Jurupa Avenue trending north up to Valley Boulevard. Jurupa Avenue does not contain any current bicycle facilities. The City of Fontana Active Transportation Plan (ATP 2017) shows that Jurupa Avenue is planned to include a Class II Bike Lane fronting the Project site in the future. The Project site has sidewalk along the western side, but no sidewalk on the southern portion of Redwood Avenue.

4.13.3 Regulatory Setting

Federal

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.

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.

State

Assembly Bill 1358 – Complete Streets Act of 2008

The California Complete Streets Act of 2008 was signed into law on September 30, 2008. Beginning January 1, 2011, Assembly Bill (AB) 1358 required circulation elements to address the transportation system from a multi-modal perspective. The Complete Streets Act also requires circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and people with disabilities.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

Signed into law on September 30, 2008, Senate Bill (SB) 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the greenhouse gas (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. The latest Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or the Connect SoCal was adopted in 2020.

Senate Bill 743 – Amending CEQA with Respect to Evaluating Transportation Impacts

On September 27, 2013, Governor Jerry Brown signed SB 743 into law. A key element of this law is the potential elimination or deemphasizing of auto delay, level of service (LOS), and other similar measures

of vehicular capacity or traffic congestion as a basis for determining significant impacts. According to the legislative intent contained in SB 743, these changes to current practice were necessary to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions.

As noted, SB 743 requires impacts to transportation network performance to be viewed through a filter that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and the diversification of land uses. Some alternative metrics were identified in the law, including vehicle miles traveled (VMT) or automobile trip generation rates. SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or ongoing network monitoring, but these metrics may no longer constitute the sole basis for determining CEQA impacts once SB 743 is ratified into CEQA Guidelines.

In December 2018, the California Natural Resources Agency finalized updates to the State CEQA Guidelines, which included SB 743. Section 15064.3 of the 2019 CEQA Guidelines provides that transportation impacts of projects are, in general, best measured by evaluating the project's VMT. Automobile delay is no longer considered to be an environmental impact under CEQA. Automobile delay can, however, still be used by agencies to determine local operational impacts. The provisions of this section became mandatory July 1, 2020.

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 (SHS), 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.

California Department of Transportation

The California Department of Transportation (Caltrans) owns and operates the SHS, which includes the freeways and State routes within California. In Fontana, Caltrans maintains SR-210 and Interstate 10

(I-10) and Interstate 15 (I-15). Although VMT are now used to assess projects in California pertaining to traffic, Caltrans recognizes that VMT will not apply to all projects on the SHS; however, they would apply to the Project. Caltrans also recognizes that VMT is the most appropriate primary measure of transportation impacts for capacity increasing transportation projects on the SHS.

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.”

Regional

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. The RTP/SCS is discussed further in **Section 4.10: Land Use and Planning**, of this DEIR.

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 authorize 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 include 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.

Local

City of Fontana Active Transportation Plan (ATP)

The Fontana ATP¹ 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 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

Municipal Code Section 11.2

The City of has adopted a DIF program pursuant to the requirements of Government Code Section 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.

Fontana General Plan 2015-2035

Community Mobility and Circulation Element

The Community Mobility and Circulation Element² is focused on connecting neighborhoods and city destinations by expanding transportation choice in Fontana. While the element supports continuing programs to improve travel by cars and trucks, it provides guidance on expanding the options for transit and "active transportation" (pedestrian and bicycle mobility) for Fontana. This element represents the City's overall transportation plan to accommodate the movement of people and goods. Goals and policies relevant to the Project are as follows:

Goal 3: *Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the City.*

Policy 3.1: Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops.

Goal 6: *The city has attractive and convenient parking facilities, including electric charging stations, for both motorized and nonmotorized vehicles that meet needs that fit the context.*

Policy 6.1: Provide sufficient motor vehicle and secure bicycle parking in commercial and employment centers to support vibrant economic activity.

Land Use, Zoning, and Urban Design Element

The Land Use and Zoning Element³ 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. Goals and policies relevant to the Project are as follows:

Goal 2: *Fontana development patterns support a high quality of life and economic prosperity.*

Policy 2.3: Locate high-quality industrial uses where there is appropriate access to regional transportation routes.

² City of Fontana. 2018. *Fontana Forward General Plan – Community Mobility and Circulation*.

<https://www.fontana.org/DocumentCenter/View/26748/Chapter-9---Community-Mobility-and-Circulation>. (accessed March 2023).

³ City of Fontana. 2018. *Fontana Forward General Plan – Land Use, Zoning, and Urban Design*.

<https://www.fontana.org/DocumentCenter/View/26754/Chapter-15---Land-Use-Zoning-and-Urban-Design> (accessed March 2023).

Goal 5: *High-quality job-producing industrial uses are located in proximity to regional transportation routes*

Policy 5.1: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.

Policy 5.2: Maintain but do not expand existing heavy industrial land use areas in proximity to one another and to services for industrial uses.

Southwest Industrial Park (SWIP) Specific Plan

The SWIP Specific Plan Update is a comprehensive policy and regulatory guidance document for the private use and development of all properties within the SWIP Specific Plan Update area. By providing the necessary regulatory and design guidance, the SWIP Specific Plan Update ensures that future development implements the goals and policies of the City of Fontana General Plan (General Plan). According to Table 1-1, Build-Out, of the SWIP Specific Plan, the SWIP Specific Plan Update area, is comprised of approximately 3,111 acres in the southwestern portion of the City within San Bernardino County, and is comprised of nine land use districts, one of which is the Jurupa North Research and Development District (JND), which is 515.1 acres in size.

The current City of Fontana General Plan was adopted in November 2018. The Specific Plan's regulations are consistent with the directives of the General Plan's goals, policies, and actions.

Guiding Principles

Guiding Principles are general statements of direction to guide decision-makers when evaluating development proposals and design concepts and determining if they support the overall intent of the SWIP SP.

Guiding Principle 5.0: Improve pedestrian accessibility, vehicular access, and parking to establish safety throughout the Specific Plan Area.

Guiding Principle 6.0: Enhance the streetscape as well as the parking and loading areas throughout the Specific Plan area.

Design Objectives

Objectives provide more explicit policy statements that implement the Specific Plan's Guiding Principles and provide consistency with policies contained in the Fontana General Plan.

Objective CIR-2: Provide work opportunities near existing housing to reduce traffic congestion along major freeways and local roads.

Objective CIR-3: Ensure potential transportation impacts on the Specific Plan are identified and mitigated to the greatest extent feasible.

4.13.4 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 Section 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/thresholds as the basis for determining the impact's level of significance concerning transportation resources. 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 Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on transportation 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 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 available documentation related to transportation conditions; 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 a Project component will or will not result in "substantial" adverse effects on transportation considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.13.5 Impacts and Mitigation Measures

Impact 4.13-1: **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 with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.9 that future development within the SWIP would result in a number of roadway and intersection deficiencies. Upon implementation the outlined mitigation measures noted below, identified facilities would operate at a satisfactory LOS based on agency criteria. However, since the majority of these recommended improvements are either currently unfunded or only partially funded and two of the recommendations are situated outside of the City of Fontana’s jurisdiction, implementation of these improvements cannot be assured. Thus, impacts in this regard were anticipated to be considered significant and unavoidable.

Project Construction

The Project would be consistent with SB 375 by complying with SCAG’s Connect SoCal and SBCTA’s CMP. **Table 4.13-1: CMP Goals Consistency Analysis** provides a determination of the Project’s consistency with the CMP Goals. The Project’s consistency analysis with SCAG’s 2020-2045 RTP/SCS goals is further discussed in **Table 4.10-2: Consistency with SCAG 2020-2045 RTP/SCS** in **Section 4.10: Land Use and Planning** of this EIR. The Project would also be consistent with SCBTA’s CMP goals which include, but are not limited to, adhering to the CMP by maintaining and enhancing the performance of Project area’s multimodal transportation system and minimizing travel delay refer to LOS analysis in **Appendix K**.

Table 4.13-1: CMP Goals Consistency Analysis

Goals of the CMP	
<p>Goal 1: Maintain or enhance the performance of the multimodal transportation system and minimize travel delay.</p>	<p>Consistent: The Project includes off-site improvements that are anticipated to maintain and/or enhance the performance of the multimodal transportation system while minimizing travel delay, as the Project would improve the following as part of the Project Design Features (PDFs):</p> <ul style="list-style-type: none"> • Curb and gutter along Jurupa Avenue and Redwood Avenue • Bus bay proposed along Jurupa Avenue • Pavement improvements to westbound Jurupa Avenue adjacent to the Project as well as a six-foot-wide proposed sidewalk along westbound Jurupa Avenue • Pavement improvements to southbound Redwood Avenue adjacent to the Project as well as a five-foot wide proposed sidewalk along southbound Redwood Avenue <p>The anticipated off-site improvements would enhance and improve pedestrian infrastructure, as well as public transit facilities, and would also improve existing roadways (as noted above) to facilitate vehicle and truck movement, to and from the site.</p>
<p>Goal 2: Assist in focusing available transportation funding on cost-effective responses to subregional and regional transportation needs.</p>	<p>Consistent: The Project includes off-site improvements that are anticipated to maintain and/or enhance the performance of the multimodal transportation system.</p>

Goals of the CMP	
Goal 3: Provide for technical consistency in multimodal transportation system analysis.	Consistent: The Project includes off-site improvements that are anticipated to maintain and/or enhance the performance of the multimodal transportation as noted above.
Goal 4: Help to coordinate development and implementation of subregional transportation strategies across jurisdictional boundaries.	No Applicable: The Project is not one that would have direct effect on the subregional transportation system. As such, this goal is not applicable.
Goal 5: Anticipate the impacts of proposed new development on the multimodal transportation system, provide consistent procedures to identify and evaluate the effectiveness of mitigation measures and provide for adequate funding of mitigations.	Consistent: The Project includes off-site improvements that are anticipated to maintain and/or enhance the performance of the multimodal transportation system as noted in Goal 1. These are not mitigation measures, but rather PDFs that are part of the Project's conditions of approval (COAs).
Goal 6: Promote air quality and improve mobility through implementation of land use and transportation alternatives or incentives that reduce both vehicle trips and miles traveled and vehicle emissions.	Consistent: The Project Traffic Analysis prepared a vehicle miles traveled (VMT) analysis which determined that the Project would not have a significant VMT impact. As such, the Project is consistent with Goal 6.

The Project would also comply with the Complete Streets Act of 2008 by being consistent with the Fontana GP. 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, and 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 GP's Community Mobility and Circulation Element that pertain to the Project's circulation system. **Table 4.13-2: Consistency Analysis**, below describes the Project's consistency with Fontana GP and Fontana ATP goals and policies relevant to the Project.

Table 4.13-2: Consistency Analysis

Fontana GP	
Community Mobility and Circulation Element	
Goal 3: Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the City.	
Policy 3.1: Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops.	Consistent: The Project is located within an area of the City designated for light industrial use, consistent with Project development. Regional Project access would be from I-10 via the officially designated local truck route, Cherry Avenue and from I-15 via the Jurupa Avenue, approximately 1.0 mile north of the Project site, and 3.0 miles west of the Project site, respectively. The Project would comply with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. Additionally, the necessary DIF would be paid prior to construction, as indicated in the Fontana MC Section 11.2.

Fontana GP	
Goal 6: The city has attractive and convenient parking facilities, including electric charging stations, for both motorized and nonmotorized vehicles that meet needs that fit the context.	
Policy 6.1: Provide sufficient motor vehicle and secure bicycle parking in commercial and employment centers to support vibrant economic activity.	Consistent: Per City MC, the Project would require 185 auto parking spaces and 105 trailer parking stalls. However, the Project would provide 319 parking stalls, 105 trailer stalls, and a total of 91 dock doors would be provided. Additionally, the Project would provide bike racks for those commuting by bicycling.
Land Use, Zoning, and Urban Design Element	
Goal 2: Fontana development patterns support a high quality of life and economic prosperity.	
Policy 2.3: Locate high-quality industrial uses where there is appropriate access to regional transportation routes.	Consistent: The Project is located within an area of the City designated for light industrial use, consistent with Project development. Regional Project access would be from I-10 via the officially designated local truck route, Cherry Avenue and from I-15 via the Jurupa Avenue, approximately 1.0 miles north of the Project site, and 3.0 miles west of the Project site, respectively.
Goal 5: High-quality job-producing industrial uses are located in proximity to regional transportation routes.	
Policy 5.1: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.	Consistent: The Project would be developed on an area that is designated for light industrial land use designations within the Southwest Industrial Park (SWIP). Further, the surrounding area includes industrial, institutional, and residential uses.
Policy 5.2: Maintain but do not expand existing heavy industrial land use areas in proximity to one another and to services for industrial uses.	Consistent: The Project would be developed on an area that is designated for light industrial land use designations within the SWIP. Further, the surrounding area includes industrial, institutional, and residential uses.
Fontana ATP	
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.	Consistent: The Project would provide continuous sidewalks along its frontages along Cherry, Jurupa, and Redwood Avenue. This would eliminate the discontinuous sidewalks along Cherry and Jurupa Avenues and provide a continuous networking connecting to the existing sidewalks beyond the Project site.
Objective 1.C: Work with transit providers to develop high quality pedestrian and bicycle accessible transit stops and stations.	

Fontana ATP	
<p>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.</p>	<p>Consistent: Transit service to the Project area is provided via the OmniTrans transit lines, which serve many San Bernardino County cities in the area. Route 82 operates between the City of Fontana and the City of Rancho Cucamonga, traveling through Fontana along Sierra Avenue and Jurupa Avenue. Route 82 operates on weekdays from approximately 4:30 AM to 10:15 PM with approximately 15-minute headways (the time between bus arrivals), on Saturdays from approximately 6:15 AM to 7:30 PM with approximately 30-minute headways, and on Sundays from approximately 6:15 AM to 7:10 PM with approximately 30-minute headways. The Route 82 stop is located across the street from the Project site on the southeast corner of Cherry Avenue and Jurupa Avenue.</p>
<p>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.</p>	
<p>Objective 3.A: Incorporate pedestrian and bicycle facilities and amenities into private and public development projects.</p>	
<p>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.</p>	<p>Consistent: The Project would provide new sidewalks along Cherry and Jurupa Avenues which would help encourage pedestrian mobility.</p>
<p>Sources: City of Fontana. 2018. Fontana General Plan Update 2015-2035. Available at: https://www.fontana.org/2632/General-Plan-Update-2015---2035; and City of Fontana. 2017. Fontana Active Transportation Plan. Available at https://www.fontana.org/3143/Active-Transportation-Plan-ATP.</p>	

As shown in **Table 4.13-2**, the Project’s circulation elements would be consistent with the Fontana GP and ATP elements pertaining to the circulation system, including transit, bicycle, and pedestrian facilities, resulting in a less than significant impact. For further details, see **Table 4.10-3: Consistency with the Fontana General Plan**, within **Section 4.10: Land Use and Planning** of this Draft EIR.

Project Trip Generation Assessment

Per the City’s TIA guidelines, “the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual is the preferred source for calculating trip generation in the City of Fontana.” However, ITE Trip Generation Manual (11th Edition) does not have a land use that would represent the existing land use that currently exists on the site. The Project site includes an existing land use with a driveway on Cherry Avenue that currently allows for all traffic trips (the Project would continue to utilize the driveway for auto traffic only). Therefore, the trip generation for the existing land use is shown in **Table 4.13-3: Existing Trip Generation**, which was based on survey data collected by Counts Unlimited (the data collection subconsultant) in October 2022.

Table 4.13-3: Existing Trip Generation

Land Use	Units	Peak Hour						Daily
		AM Peak Hour			PM Peak Hour			
		In	Out	Total	In	Out	Total	
Total Project Trip Generation (Trips, By Vehicle Type)								
Equipment	14.250	TSF						
Passenger Cars			3	0	3	0	8	8
2-Axle Trucks			1	0	1	0	1	1
3-Axle Trucks			0	0	0	0	0	0
4+ Axle Trucks			0	3	3	0	0	0
All Trucks			1	3	4	0	1	1
Total Vehicles¹			4	3	7	0	9	9
Total Project Trip Generation (Passenger Car Equivalent Trips, By Vehicle Type)								
Passenger Cars			3	0	3	0	8	8
Truck PCE ²								
2-Axle Trucks			2	0	2	0	2	2
3-Axle Trucks			0	0	0	0	0	0
4+ Axle Trucks			0	9	9	0	0	0
Total Truck PCE			2	9	11	0	2	2
Total PCE			5	9	14	0	10	131

Source: Translutions. 2023. Traffic Impact Analysis. Table A: Existing Trip Generation, page 7.
¹Trip Generation based on survey data collected by Counts Unlimited (October 2022).
²Recommended PCE Factor per City of Fontana Traffic Impact Study Guidelines, (October 2020).

Based on traffic data collected, it was concluded that the existing land use generates 14 PCE trips during the a.m. peak hour, 10 PCE trips in the p.m. peak hour, and 131 daily PCE trips. The survey data is included in Appendix B of the Traffic Impact Analysis (TIA), provided as **Appendix K** to this EIR. A trip credit for the existing land use was applied to the Project to develop the total net Project trip generation, shown in **Table 4.13-4: Total Net Project Trip Generation.**

Table 4.13-4: Total Net Project Trip Generation

Land Use	Peak Hour						Daily
	AM Peak Hour			PM Peak Hour			
	In	Out	Total	In	Out	Total	
Proposed PCE Trips							
Passenger Cars	47	14	61	20	51	71	848
Truck PCE	38	6	44	13	36	49	590
Total Vehicle Trips	85	20	105	33	87	120	1,438
Existing PCE Trips							
Passenger Cars	3	0	3	0	8	8	79
Truck PCE	2	9	11	0	2	2	52
Total Vehicle Trips	5	9	14	0	10	10	131

Land Use	Peak Hour						Daily
	AM Peak Hour			PM Peak Hour			
	In	Out	Total	In	Out	Total	
Net New PCE Trips							
Passenger Cars	44	14	58	20	43	63	769
Truck PCE	36	-3	33	13	34	47	538
Total Vehicle Trips	80	11	91	33	77	110	1,307

Source: Translutions. 2023. Traffic Impact Analysis. Table D: Total Net Project Trip Generation, Page 10.

As shown in **Table 4.13-4**, the total net Project trip generation is forecast to be 91 a.m. peak hour PCE trips, 110 p.m. peak hour PCE trips, and 1,307 daily PCE trips.

Level of Service Provided for Informational Purposes Only

The TIA (provided as **Appendix K**, to this EIR), analyzed LOS at seven locations which include the five proposed Project driveways; Driveway 1 located on Cherry Avenue; Driveways 2 and 3 located on Jurupa Avenue; Driveways 4 and 5 located on Redwood Avenue. Additionally, the following intersections were also analyzed: Cherry Avenue/Jurupa Avenue and Redwood Avenue/Jurupa Avenue. The intersections were analyzed based on City guidelines, assuming five scenarios: 1) Existing Conditions, 2) Opening Year (2024) Without Project Conditions, 3) Opening Year (2024) With Project Conditions, 4) Future Build-out Year (2045) Without Project Conditions, and 4) Future Build-out Year (2045) With Project Conditions.

The City of Fontana has established a LOS standard of LOS C as the minimum level of service standard for intersection operations. Therefore, study intersections which are forecast to operate at unsatisfactory conditions (i.e. at LOS worse than LOS C for City intersections) will be identified as cumulatively deficient intersections. The intersections exceeding the City's LOS C standard are included below.

Future Build-Out Year 2045 Without Project Conditions

The following intersection is forecast to operate at deficient LOS under future build-out year 2045 without Project conditions:

- **Cherry Avenue and Jurupa Avenue:** (LOS D in the a.m. and p.m. peak hours).

Future Build-Out Year 2045 With Project Conditions

The following intersection is forecast to operate at deficient LOS under future build-out year 2045 with Project conditions:

- **Cherry Avenue and Jurupa Avenue:** (LOS D in the a.m. and p.m. peak hours).

Based on City guidelines, the determination of deficient intersections is based on a comparison of without and with Project LOS. An intersection effect occurs if Project traffic increases the average delay at an intersection by more than 5.0 seconds for LOS D. Based on analysis data, the Project does not increase the average delay by more than 5.0 seconds on the Cherry Avenue and Jurupa Avenue intersection. Therefore, the intersection is anticipated to be a cumulatively deficient intersection, and not a deficient intersection due to Project-related impacts.

Although the delay to the Cherry Avenue/Jurupa Avenue intersection under the Future Build-Out year 2045 With Project Conditions is not a direct Project impact, to help offset the cumulative impacts to this intersection, Standard Condition (SC) TRANS-1 has been recommended.

Conclusion

As noted above, LOS is provided for informational purposes only. The Project would be consistent with applicable local agency operational LOS standards. Overall, the Project would not conflict with a program, plan, ordinance, or policy, addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. As noted above, the Project includes roadway improvements that would be designed in accordance with applicable federal, state, and local provisions, design requirements, and policies. To further minimize transportation impact, implementation of SC TRANS-1 and SWIP EIR MM 4.9-1r would be implemented.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of significant and unavoidable impact under this issue area.

Standard Conditions

SC TRANS-1: Cherry Avenue and Jurupa Avenue: Add a westbound through lane and add overlap phasing to the southbound right-turn lane. A project fair share calculation for this intersection included in Table J of the TIA. As shown in Table J of the TIA, the Project's fair share contribution to these improvements is 9.26 percent. Based on discussion with City staff, instead of paying a fair share towards this improvement, the Project will be conditioned to refresh/replace the crosswalk striping, update the ped-push buttons to current ADA/PROWAG standard, and add right-turn restriction indication for the Westbound and Southbound movements to restrict right-turns when ped-crossing is activated (either via a signal head modification or through blank-out signs). While this will not reduce vehicular delay, this will improve pedestrian safety and the perception of safety by pedestrians and children walking to school.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM 4.9-1a through -1q and 4.9-1s through -1ll do not apply to the Project as they are for improvements to intersections not associated with the proposed Project.

MM 4.9-1r Cherry Avenue/Jurupa Street—Widen the northbound Cherry Avenue approach from two left turn lanes, two through lanes, and one right turn lane to consist of two left turn lanes, three through lanes, and one right turn lane. Widen the southbound Cherry Avenue approach from two left turn lanes, two through lanes, and one right turn lane to consist of two left turn lanes, three through lanes, and two right turn lanes. Widen the eastbound Jurupa Avenue approach from two left turn lanes, two through lanes, and one shared through/right turn lane to consist of two left turn lanes, three through lanes, and one right turn lane. Widen the westbound Jurupa Street approach from two

~~left turn lanes, two through lanes, and one right turn lane to consist of two left turn lanes, three through lanes, and one right turn lane. (This mitigation measure is not applicable to the Project because the Project proposes to be conditioned to refresh/replace the crosswalk striping, update the ped-push buttons to current ADA/PROWAG standard, and add right-turn restriction indication for the Westbound and Southbound movements to restrict right-turns when ped-crossing is activated (either via a signal head modification or through blank-out signs). While this will not reduce vehicular delay, this will improve pedestrian safety and the perception of safety by pedestrians and children walking to school).~~

MM 4.9-1mm ~~Prior to issuance of a grading permit, applicants for future development associated with the proposed project shall prepare site-specific traffic studies, to the satisfaction of the City's Engineering Department. As determined by these subsequent traffic studies, traffic improvements identified as mitigation measures in this Program EIR shall be implemented as a condition of the approved future development project, either through direct construction by the project applicant and/or through development impact fees. (This mitigation measure is not applicable as Traffic Impact Analysis, dated November 2023, has been prepared for the Project and is included as **Appendix K.**)~~

MM 4.9-1nn ~~The City of Fontana shall perform monitoring of traffic generation and phasing of development within the project area to defer or eliminate identified improvements due to potential circulation impact changes or reduced land use intensities. This monitoring shall be achieved through project-specific traffic studies tied to future development within the Specific Plan Update area with land use in excess of 100,000 square feet of non-residential land use. (This mitigation measure is not applicable as a Traffic Impact Analysis, dated November 2023, has been prepared for the Project and is included as **Appendix K.**)~~

Project Mitigation Measures

No mitigation is required.

Impact 4.13-2: Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Level of Significance: Less Than Significant

SWIP EIR Findings

The SWIP EIR determined that the development of the SWIP was anticipated to generate 219,929 net daily trips above 2011 traffic conditions. The SWIP Specific Plan Update was anticipated to design a network of off-street pedestrian walkways and bicycle pathways linking each industrial area to commercial and residential uses to reduce daily vehicle trips and vehicle miles traveled (VMT). Less than significant impacts on VMT were anticipated to occur.⁴

⁴ SWIP EIR. 2011. *Other CEQA Considerations*, page 5-11.

Project Analysis

State CEQA Guidelines Section 15064.3 codifies the change from LOS to VMT as a metric for transportation impact analysis. On September 27, 2013, former Governor Jerry Brown signed SB 743 into law, which initiated a process to change transportation impact analyses completed in support of CEQA documentation. SB 743 eliminates LOS as a basis for determining significant transportation impacts under CEQA and establishes VMT as a new performance metric. As a result, the State is shifting from measuring a project's impact to drivers (LOS) to measuring 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 and forecasting through the San Bernardino Transportation Analysis Model (SBTAM) model was conducted to determine if the Project would have a significant VMT impact. The VMT analyzes the Project generated VMT and Project effect on VMT consistent with the City guidelines. Based on the City guidelines, the following scenarios were analyzed:

1. Baseline conditions.
2. Baseline with Project conditions.
3. Future Build-Out Year without Project conditions; and
4. Future Build-Out Year with Project conditions.

VMT Impact Thresholds

The City guidelines have established thresholds of significance for Project generated VMT for use as part of the environmental review process under CEQA. The following would result in a significant Project generated VMT, if:

1. The baseline Project-generated VMT per service population exceeds 15 percent below the baseline County of San Bernardino VMT per service population, or
2. The cumulative Project-generated VMT per service population exceeds 15 percent below the baseline County of San Bernardino VMT per service population.

The Project's effect on VMT would be considered significant if it resulted in either of the following conditions to be satisfied:

1. The baseline link-level boundary VMT per service population (City boundary) to increase under the with-Project condition compared to the No Project condition, or
2. The cumulative link-level boundary VMT per service population (City boundary) to increase under the with-Project condition compared to the No Project condition.

Project Generated VMT

Baseline Conditions

The baseline VMT conditions for the City is derived from a SBTAM model run for the without project conditions scenario. The baseline VMT per service population for the County is 28.9 miles.

Baseline With Project Conditions

The baseline with Project conditions were derived from a SBTAM model run by adding the Project related Socio-Economic Data (SED), which is based on SCAG’s employee forecast data to Traffic Analysis Zone (TAZ) 53713203 and moving the baseline no Project SED data to an adjacent TAZ. The Project was coded using a service population of 336. The Project generated VMT was extracted from the model using the origin-destination trip matrix. **Table 4.13-5: Project Generated VMT** shows the baseline with Project VMT per service population is 23.1 miles. Based on the City thresholds, a project would have a significant VMT impact if the baseline year with project generated VMT per service population is more than 24.565 miles. The baseline with Project VMT per service population is 23.1 miles, which is less than 24.565 miles, therefore, the Project **does not have a significant VMT impact** under baseline with Project conditions.

Table 4.13-5: Project Generated VMT

Baseline	Project
Population	-
Employment	336
Service Population	336
Homebased Work (HBW) VMT*	5,438
OD VMT*	7,752
HBW VMT per employee	16.2
OD VMT per service population	23.1
County Average	28.9
City Threshold** (15 percent Below County Average)	24.565
Impact Less Than Significant?	Yes
Future Buildout Year	Project
Population	-
Employment	336
Service Population	336
Homebased Work (HBW) VMT*	5,463
OD VMT*	8,233
HBW VMT per employee	16.3
OD VMT per service population	24.5
County Average	28.9
City Threshold** (15 percent Below County Average)	24.565
Impact Less Than Significant?	Yes
Source: Translutions. 2023. 11171 Cherry Avenue Warehouse – VMT Analysis. Table A: Project Generated VMT (Baseline) and Table B: Project Generated VMT (Future Build-Out), pages 2-3. *Derived from a SBTAM model run by adding project related SED, based on SCAG’s employee forecast data. **Obtained from SBTAM “No Project” model runs.	

Future Build-Out Year with Project Conditions

The future build-out year with project conditions was derived from a SBTAM model run by adding the Project related SED, which is based on SCAG’s employee forecast data to TAZ 53713203 and moving the future build-out year no project SED data to an adjacent TAZ. The Project was coded using a service population of 336. The Project generated VMT was extracted from the model using the origin-destination trip matrix. **Table 4.13-5** shows the future build-out year with project VMT per service population is 24.5 miles. Based on the City thresholds, a project would have a significant VMT impact if the future build-out year with project generated VMT per service population is more than 24.565 miles. The future buildout

with project VMT per service population is 24.5 miles, which is less than 24.565 miles, therefore, the Project **does not have a significant VMT impact** under future build-out year with project conditions.

Project Effect on VMT

Baseline With Project Conditions

Table 4.13-6 shows the baseline with Project VMT per service population within the City is 14.04 miles. The baseline year no Project VMT per service population is also 14.04 miles. Based on the City thresholds, a Project would have a significant VMT impact if the baseline VMT per service population within the City increases under the with Project condition compared to the no Project condition. The baseline with Project VMT per service population does not increase when compared to the no Project condition, therefore, the Project **does not have a significant VMT impact** under baseline plus Project conditions.

Future Build-Out Year with Project Conditions

Table 4.13-6 shows the future build-out year with Project VMT per service population within the City is 14.82 miles. The future build-out year no project VMT per service population is 14.83 miles. Based on the City thresholds, a project would have a significant VMT impact if the future build-out year VMT per service population within the City increases under the with-Project condition compared to the no Project condition. The future build-out year with Project VMT per service population does not increase when compared to the no Project condition, therefore, the Project **does not have a significant VMT impact** under future build-out year with project conditions.

Table 4.13-6: Project Effect on VMT

	Baseline With Project	Baseline Without Project	Future With Project	Future Without Project
Roadway VMT	3,807,745	3803,443	5,225,472	5,220,670
Service Population	271,223	270,887	352,483	352,147
VMT Per Service Population	14.04	14.04	14.82	14.83

Source: Translutions. 2023. 11171 Cherry Avenue Warehouse – VMT Analysis. Table C: Project Effect on VMT, page 3.

The Project generated VMT under both baseline and future conditions are less than the City's adopted threshold, and therefore, results in a less than significant impact. The Project effect on VMT also shows a less than significant impact as the VMT/service population does not increase with the Project. Therefore, the Project results in less than significant VMT impacts.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.13-3: 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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.9 that future development of the SWIP was anticipated to require considerable construction and demolition activities from specific projects. Anticipated SWIP developments and associated improvements were intended to alleviate traffic congestion and improve public safety, remove costly impediments to development, and upgrade infrastructure to current standards to stimulate private development. Development improvement to the SWIP were anticipated to be implemented in a manner that ensures pedestrian access and safety. Therefore, potential hazards due to a design feature of the SWIP were determined to be less than significant.

Project Construction and Operations

The Project site is currently accessible from Cherry Avenue via two right-in/right-out driveways, approximately 760 feet and 1,100 feet north of Jurupa Avenue. The Project would not include the use of any incompatible vehicles or equipment on-site, such as farm equipment. Project site ingress and egress would be provided via five driveways:

- Driveway No. 1 is a 35-foot-wide (right-in/right-out) driveway located on the northwest most corner of the site that will be used for automobile access only. There are no driveways serving the adjacent high school next to Driveway No. 1.
- Driveway No. 2 is a 35-foot-wide (right-in/right-out) driveway located on the southwest portion of the site along Jurupa Avenue that will be used for automobile access only.
- Driveway No. 3 is a 35-foot-wide (right-in/right-out) driveway located in the center of the site along Jurupa Avenue that will be used for automobile access only.
- Driveway No. 4 is a 35-foot-wide (full access) driveway located on southeast corner of the site along Redwood Avenue that will be used for automobile access only.
- Driveway No. 5 is a 46-foot-wide (full access) driveway located in the northeast corner of the site along Redwood Avenue that will be used for automobile and truck access. Driveway No. 5 would be designated as a private street.

Driveway Nos. 1 through 4 would accommodate passenger vehicles while Driveway No. 5 would accommodate both passenger vehicle and truck traffic. The truck circulation patterns have been designed to circulate away from sensitive receptors and in conformance with City Truck Route designation. Regional

Project access would be from SR-60, I-10, and I-15 via officially designated local truck routes; refer to **Figure 3-8: Local Truck Routes**. Local access would be provided via Cherry Avenue, Redwood Avenue, and Jurupa Avenue.

The anticipated roadway improvements would be compatible with the surrounding existing and future land uses. Construction impacts associated with the Project may temporarily restrict vehicular traffic or cause temporary hazards. Construction operations will be required to implement appropriate and feasible measures to facilitate the passage of people and vehicles through/around any required road or lane closures or implement detours if needed. Site-specific activities, such as temporary construction activities, are approved on a project-by-project basis by the City and are required to ensure adequate traffic flow. At the time of approval of any site-specific development plans required for the construction of infrastructure, the Project would be required to comply with the City requirements including obtaining a Lane Closure Permit, Encroachment Permit, and/or other measures that would maintain traffic flow and access through standard conditions of approval that would be placed on Project buildout. Furthermore, the traffic control measures as required by the City would be necessary to maintain adequate circulation. Roadway improvements in and around the Project site would be designed and constructed to meet all City requirements for street widths, corner radii, and intersection control as well as incorporate design standards tailored specifically to Project access requirements that would result in the safe and efficient flow of traffic within and throughout the Project site. Adhering to the City's regulatory requirements for general street alignments and circulation/mobility, would ensure that the Project would not include any sharp curves for the public and Project uses, or create dangerous intersections, or design hazards. The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.13-4: Would the Project result in inadequate emergency access?

Level of Significance: Less Than Significant

SWIP EIR Findings

The SWIP EIR concluded in Section 4.9 that future development projects within the SWIP would include a range of roadway infrastructure improvements (new roadway construction, widenings, intersection

improvements, and signalizations) where construction activities may create temporary, short-term obstacles to the free movement of traffic, including emergency vehicles. These temporary impacts could include temporary street closure, reduction in usable road width, movement of construction equipment and material delivery, open trenches, and other such hazards. Additionally, operational activities within the SWIP were anticipated to include improvements to the local transportation network, thereby improving local traffic circulation and public infrastructure systems. These anticipated improvements were intended to alleviate traffic congestion and improve public safety, remove costly impediments to development, and upgrade infrastructure to current standards to stimulate private development. These improvements were anticipated to be implemented in a manner that would improve local circulation and emergency access. Therefore, impacts in this regard were anticipated to be less than significant and no mitigation measures were required.

Project Construction and Operations

The Project is not anticipated to result in any significant emergency access impacts during construction. Roadway improvements could result in temporary disruption or slowing of traffic flows, but all roadways would remain open to emergency vehicles at all times. Local access would be provided via Cherry, Jurupa, and Redwood Avenues. Project site ingress and egress would be five driveways; refer to Impact 4.13-3, above for a description of the Project driveways.

In case of an emergency, the construction manager will have assigned staff to flag emergency response vehicles and direct them to the emergency location. Unimpeded access throughout the Project site would not be parked or placed in a manner that would impede access for emergency response vehicles. Emergency access to the Project site is not constrained due to its size and overall construction footprint. If the need would arise, all emergency vehicles would have unimpeded access to the Project site and mobility through the site as is feasible prior to installation of the interior driveways and drive isles. Because access for construction equipment and construction vehicles carrying supplies and materials would be provided, it is anticipated the same access points and interior roads would be used by emergency vehicles should the need arise. Further, construction equipment and materials would not be parked or placed in a manner that would impede access for emergency response vehicles. Site conditions, during and after the workday, would be maintained or left in a condition that adheres to Division of Occupational Safety and Health (better known as Cal/OSHA) safety standards to prevent hazardous conditions for construction staff and emergency responders. In addition, prior to any Project approval, all plans would be reviewed by the City fire department and City engineer to ensure all site access standards and internal emergency access circulation requirements are included to future plans. This would ensure needed emergency access is maintained. Therefore, the Project would not result in inadequate emergency access and a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.13.6 Cumulative Impacts

Like the proposed Project, future cumulative development sites would be subject to discretionary permits and require CEQA evaluation at the project-level. This means that each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential transportation impacts and identify necessary mitigation measures, where appropriate. The traffic analysis analyzes the 2045 with and without Project scenario described above as the cumulative scenario during which it was determined that impacts to the Cherry Avenue/Jurupa Avenue intersection would exist as this intersection would have a LOS D in the a.m. and p.m. peak hours. The analysis determined that the addition of the proposed Project would not increase the intersection delay by more than 5 seconds and the delay would remain at LOS D.

Consequently, future development on the cumulative development sites would not result in significant environmental transportation-related impacts, nor would future development on the cumulative development sites conflict with or obstruct a state or local plan or regulation related to transportation. However, in abundance of caution and to help offset cumulative impact to this intersection, the Project would implement SC TRANS-1. Therefore, the Project would not cause a cumulatively considerable transportation impact.

4.13.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.13.8 References

Translutions, Inc. (2023). Traffic Impact Analysis.

Translutions, Inc. (2023). VMT Analysis.

City of Fontana. General Plan Update 2015-2035. <https://www.fontanaca.gov/2632/General-Plan-Update-2015---2035>.

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR. <https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

4.14

Tribal Cultural Resources

4.14 TRIBAL CULTURAL RESOURCES

4.14.1 Introduction

This section of the Draft Subsequent Environmental Impact Report (EIR) identifies and analyzes the Tribal Cultural Resources impacts associated with the development of the Cherry Commerce Center 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:

- PaleoWest. 2023. *Cultural Resource Assessment (CRA) for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California* (located in Draft EIR **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.

4.14.2 Environmental Setting

Existing Conditions

The Project site is in southwestern Fontana, San Bernardino County, California, approximately 43 miles east of downtown Los Angeles, 12 miles west of downtown City of San Bernardino, and 30 miles northeast of central Orange County; refer to **Figure 3-1: Regional Location**. The Project site is located at 11171 Cherry Avenue on approximately 30 acres and is composed of two parcels (APNs: 0236-191-14 and 0236-191-25). The Project site is located approximately one mile south of the San Bernardino Freeway (I-10) and is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east, and a truck driving academy and recycling facility to the north; refer to **Figure 3-2: Project Location**. The Project site is in Section 26, Township 1 South, Range 6 West, San Bernardino Baseline and Meridian, as depicted on the Devore, CA 7.5-foot U.S. Geological Survey (USGS) topographic quadrangle. The elevation of the Project area is approximately 960 feet above mean sea level.¹

Ethnographic Context

Ethnography is the descriptive and analytic study of the culture of particular groups or communities. An ethnographer seeks to understand a community through interviews with its members and often through living in and observing it (a practice referred to as "participant observation").

¹ PaleoWest. 2023. *Cultural Resource Assessment for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California*. Page 4.

Ethnographic Setting²

Archival research and published reports suggest the Project area is situated where three traditional use territories of Native American groups meet. The traditional use territories of the Serrano, Cahuilla, and Gabrielino come together just southwest of the present-day city of San Bernardino near the Project area. These cultural groups all spoke languages belonging to the Takic branch of the Shoshonean family, a part of the larger Uto-Aztecan language stock. A brief synopsis of Serrano, Cahuilla, and Gabrielino ethnography is presented below.

The Cahuilla and Serrano belonged to nonpolitical, nonterritorial patrimoieties that governed marriage patterns as well as patrilineal clans and lineages. Each clan, “political-ritual-corporate units” composed of 3 to 10 lineages, owned a large territory in which each lineage owned a village site with specific resource areas. Clan lineages cooperated in defense, in large communal subsistence activities, and in performing rituals. Clans were apt to own land in the valley, foothill, and mountain areas, providing them with the resources of many different ecological niches. Unlike their Cahuilla and Serrano neighbors, the Gabrielino had a hierarchically ordered social class that included groupings of elite, middle class, and commoners. Class membership played a major role in determining individual lifestyles, as it depended upon both ancestry and wealth.

In prehistoric times Cahuilla, Gabrielino, and Serrano shelters are believed to have been dome shaped; after contact they tended to be rectangular in shape. Cahuilla and Serrano shelters were often made of brush, palm fronds, or arrow weed while the Gabrielino utilized reed. Most of the Serrano and Cahuilla domestic activities were performed outside the shelters within the shade of large, expansive ramadas; windbreaks, made of vertical poles covered with rush mats, provided open-air food preparation, and cooking areas at Gabrielino settlements.

The Cahuilla, Gabrielino, and Serrano were, for the most part, hunting, collecting, harvesting, and proto-agricultural peoples. As in most of California, acorns were a major staple, but the roots, leaves, seeds, and fruit of many other plants also were used. Fish, birds, insects, and large and small mammals were also available.

To gather and prepare these food resources, the Cahuilla, Gabrielino, and Serrano had an extensive inventory of equipment including bows and arrows, traps, nets, disguises, blinds, spears, hooks and lines, poles for shaking down pine nuts and acorns, cactus pickers, seed beaters, digging sticks and weights, and pry bars. In addition, the Cahuilla also had an extensive inventory of food processing equipment including hammers and anvils, mortars, and pestles, manos and metates, winnowing shells and baskets, strainers, leaching baskets and bowls, knives (made of stone, bone, wood, and carrizo cane), bone saws, and drying racks made of wooden poles to dry fish.

Mountain tops, unusual rock formations, springs, and streams are held sacred to the Cahuilla, Gabrielino, and Serrano, as are rock art sites and burial and cremation sites. In addition, various birds are revered as

² PaleoWest. 2023. *Cultural Resource Assessment for the Hillwood Cherry Avenue Project, City of Fontana, San Bernardino County, California*. Pages 13-14.

sacred beings of great power and sometimes were killed ritually and mourned in mortuary ceremonies similar to those for important individuals. As such, bird cremation sites are sacred.

Pursuant to 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(s). Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on Traditional Cultural Resources (TCRs).

Records Search and Field Survey

As discussed in **Section 4.4: Cultural Resources** and the CRA (see **Appendix D**), a records search was conducted March 2023 at the South-Central Coastal Information System (SCCIC) at California State University, Fullerton to identify prior studies and previously recorded cultural resources within 0.5 mile of the Project site. Staff also examined historical maps and aerial images to characterize the developmental history of the Project site and surrounding area.

The records search results indicated that no fewer than 16 previous cultural resource investigations have been conducted within 0.5 mile of the Project site since 1973 (see Table 4-1 of the CRA, **Appendix D**). One of these previous studies included a small portion of the Project site. The records search results indicate that seven cultural resources, all of which date to the historic period, have been previously documented within 0.5 mile of the Project site: Declaz Ranch; two single-family residences; a railroad; two transmission lines; and a refuse scatter (see Table 4-2 of the CRA, **Appendix D**). None of these previously recorded resources are located within the Project site. No prehistoric archaeological resources were identified within the records search area. The results of the review of historical maps and aerial imagery of the Project site noted a warehouse was developed sometime before 1977, though the property did not appear in the record search results.

A pedestrian field survey of the Project site was conducted March 27, 2023. Surficial sediments across the Project site consisted of non-native soils and material, such as imported gravel. The warehouse noted during historical map and aerial imagery review was observed during survey. The property, identified as the building at 11171 Cherry Avenue, is more than 45 years old and, therefore, meets minimum age guidelines to be considered a cultural resource under CEQA. However, the property was evaluated and found to be ineligible for listing on the California Register of Historical Resources (CRHR) and it does not constitute a historical resource under CEQA. No other cultural resources, including archaeological resources, were identified as a result of the fieldwork.

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.

As part of the CRA of the Project area, PaleoWest requested a search of the Sacred Lands File (SLF) from the Native American Heritage Commission (NAHC) on March 9, 2023. Results of the SLF search were obtained on March 29, 2023. The NAHC stated that the SLF search resulted in negative results but recommended that the list of tribes provided as part of the SLF search be contacted as they may have knowledge of cultural resources in the Project area. Outreach letters were sent to the Native American contacts on April 4, 2023, with follow up correspondence conducted on April 19, 2023; refer to Appendix B of the Project's CRA, included as **Appendix D** to this Draft EIR, for correspondence and CRA Section 4.3.2 for a summarization of comments received.

Pursuant Assembly Bill (AB) 52, the following Native American tribes were contacted via mail on July 24, 2023.

- Gabrieleno Band of Mission Indians-Kizh Nation
- San Gabriel Band of Mission Indians
- Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians)
- Soboba Band of Luiseno Indians
- Torres Martinez Desert Cahuilla Indians

A representative from the Yuhaaviatam of San Manuel Nation (YSMN; formerly known as the San Manuel Band of Mission Indians), responded on July 27, 2023. They stated that the Project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the Project, and given the CRM Department's present state of knowledge, YSMN does not have any concerns with the Project's implementation, as planned, at this time. Cultural and Tribal Cultural mitigation measures were provided. They closed by stating that the July 27, 2023, communication concludes YSMN's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during Project implementation.

4.14.3 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.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

4.14.4 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.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the Project's level of significance concerning tribal cultural resources. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impacts. As applicable, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on cultural and tribal resources 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 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 field reconnaissance conducted by Paleo West personnel on March 27, 2023; confidential record search data from the SCCIC of the California Historical Resources Information System; 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 any components of the Project may result in "substantial" adverse effects on tribal cultural resources considers the existing site's resource value and the severity of the Project implementation on resources that may be considered significant tribal cultural resources.

4.14.5 Impacts and Mitigation Measures

Impact 4.14-1 *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)?

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?

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR pre-dates Assembly Bill 52, which created the tribal cultural resources category when it was signed into law in 2014. As such, the SWIP EIR did not consider impacts to tribal cultural resources nor does it include findings that are applicable to the Project.

Project Construction and Operations

No prehistoric resource sites, features, places, or landscapes were identified on the Project Site that are either listed or eligible for listing in the California Register of Historic Places (CRHR). To be eligible for the Register, a resource must include the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

A pedestrian cultural resource survey of the proposed Project area was conducted on March 27, 2023. The survey identified one historic built-environment resource (Building 1) at 11171 Cherry Avenue. Archival research indicates that the warehouse building was constructed in 1977 and is thus more than 45 years of age (historic period). The evaluation of significance concluded that the warehouse (Building 1) does not meet the eligibility criteria for listing on the CRHR. The other built-environment resources on the property, which include a second warehouse building (Building 2) and small portable structure (Building 3), are both less than 45 years old. As such, they do not require management consideration as potential historical resources under CEQA.

Tribal cultural resources (TCRs) as defined in PRC Section 5020.1(k) have not been previously identified within the Project area and are considered unlikely to be present given the historical use of the site. On July 24, 2023, correspondence in accordance with AB 52 was initiated. The letters were sent to individuals and organizations that had previously requested notification of projects within the City. As required, the letters briefly described the location and nature of the Project and requested the receiving party provide comment(s) by August 23, 2023.

As stated above, a representative from the YSMN responded on July 27, 2023. They stated that the Project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the Project, and given the CRM Department's present state of knowledge, YSMN does not have any concerns with the Project's implementation, as planned, at this time. They closed by stating that the July 27, 2023, communication concludes YSMN's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during Project implementation.

Additionally, the CRA did not identify any Native American archaeological resources on or within the vicinity of the Project site. Record search data obtained from the SCCIC indicate no prehistoric archaeological resources have been documented within 0.5-mile of the Project area. Furthermore, no evidence of prehistoric remains (e.g., areas of darker soil with concentrations of ash, charcoal, fragments of animal bone, shell, flaked stone, ground stone, or human bone) were identified during the pedestrian survey. Because the Project site has been heavily disturbed, it is unlikely to contain significant prehistoric period archaeological deposits. However, in abundance of caution, to limit impacts to unknown buried archaeological resources that qualify as TCRs to be encountered during Project-related ground-disturbing activities, implementation of SWIP EIR MM 4.4-2c and Project **MMs TCR-1** and **TCR-2** would further reduce impacts to any unknown or inadvertently discovered archaeological resources that are identified as TCRs. When there are conflicts between SWIP EIR MMs and Project specific mitigation, the Project MMs shall take precedence. All such finds would be required to be treated in accordance with all CEQA requirements and all other applicable laws and regulations. With implementation of these measures, impacts to tribal cultural resources would be less than significant.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

Refer to SWIP EIR MM 4.4-2c in Draft EIR **Section 4.4: Cultural Resources**.

Project Mitigation Measures

MM TCR-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact 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 resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This 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.

4.14.6 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-identified 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.

4.14.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.14.8 References

City of Fontana. 2011. SWIP Specific Plan Update and Annexation Public Review Draft EIR. <https://www.fontanaca.gov/DocumentCenter/View/36382/SWIP-Public-Review-Draft-Program-EIR> (accessed October 2023).

PaleoWest. 2023. *Cultural Resource Assessment for The Hillwood Cherry Avenue Project, San Bernardino County, California*.

4.15

Utilities and Service Systems

4.15 UTILITIES AND SERVICE SYSTEMS

4.15.1 Introduction

This section evaluates potential impacts of the Cherry Commerce Center Project (Project) on utilities and service systems within the City of Fontana (City), by identifying anticipated demand and evaluating its relationship to existing and planned utilities services facilities and availability. For abbreviation purposes, the general term “utilities and service systems” in this Draft Subsequent EIR includes the following: water, sewer, stormwater, electricity and natural gas, and solid waste. This section identifies potential impacts that could result from the Project, which includes construction and operation of two modern high-cube logistics buildings (warehouses).

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
- San Gabriel Valley Water Company Fire Flow and Will Serve Letters (attached as **Appendix L** to this Draft EIR)
- Water Supply Assessment. 2023. Stetson Engineers Inc. (attached as **Appendix M** to this Draft EIR)

4.15.2 Environmental Setting

The Project is approximately 30 acres and is within the southeastern portion of the City of Fontana. There are two existing warehouse style buildings on-site located along the northern portion of the site, while most of the site is utilized largely as a staging/storage yard for heavy building materials and construction equipment generally composed of large cranes, wood, metal, and other building materials. The existing buildings are single-story, metal-framed structures and are assumed to be supported on conventional shallow foundations with concrete slab-on-grade floors. Ground surface cover consists mainly of open graded exposed soil, with asphalt concrete (AC) or Portland cement concrete (PCC) pavements surrounding the buildings. Little to no vegetation exists on-site. Few large trees are present between the north and south parcels. The immediate surrounding properties consist of light industrial uses to the north and east, residential to the south, and the Henry J. Kaiser High School to the west. Local access would be provided via Cherry, Jurupa, and Redwood Avenues. As part of the Project development, all Project frontage roads would be improved to provide driveways and curb and gutter.

Water

*Fontana Water Company*¹

The Project site is within the service area of the Fontana Water Company District (FWC).² FWC water facilities produce, treat, store, and deliver drinking water to its customers. FWC is subject to the jurisdiction of the California Public Utilities Commission (CPUC), and serves most of the City of Fontana, portions of the cities of Rialto and Rancho Cucamonga, and unincorporated areas of San Bernardino County. FWC operates various pumping, transmission, and treatment facilities to provide water service to its customers. Both local surface water from Lytle Creek and imported State Water Project (SWP) water is treated at FWC's Summit Surface Water Treatment Plant (Summit Plant). Local groundwater is pumped from various wells and disinfected, and in some locations is treated at on-site treatment facilities to remove perchlorate or Volatile Organic Compounds (VOCs). FWC operates a network of water pipelines, reservoirs, and pumping facilities to deliver this treated drinking water to its customers.

FWC currently serves a population of approximately 237,000. It anticipates population growth and future planned development in its water service area, which would increase demand for water. Thorough and accurate accounting of current and future water demands is critical for FWC planning efforts. Projected future water demands have been estimated based on the anticipated growth, as defined by population projections for FWC's service area. FWC assumes per capita water use will remain substantially lower than the historical baseline (1999-2008) water use but will increase slightly from current recorded usage due to recovery from the 2012-2016 drought conservation efforts. Based on these factors, water demands in the FWC water service area are expected to increase approximately 42 percent (from 2020 levels) by 2045, which represents a more than 10 percent decrease in the 2040 projected water demand from FWC's 2015 Urban Water Management Plan (UWMP).³

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 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.⁴

The UWMP provided historical water supplies from 2016 to 2020 as well as projected supplies for consecutive five-year periods between 2025 and 2045. **Table 4.15-1: FWC Ground Water Pumped Last Five Years (AF)**, **Table 4.15-2: FWC Actual Water Supplies in 2020 (AF)**, and **Table 4.15-3: FWC Projected Water Supply (AF)**, below shows these volumes from each of the respective sources.

Additionally, FWC also provides anticipated water supplies for a normal year, single dry year, multiple dry years shown in **Table 4.15-4: FWC Normal Year Supply and Demand Comparison**; **Table 4.15-5: FWC**

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 March 2023).

² Fontana Water Company. 2021. *Fontana Water Company Service Area Map*. https://www.fontanawater.com/wp-content/uploads/2018/10/Service_Area_FONTANA.pdf (accessed March 2023).

³ Fontana Water Company. 2021. *Fontana Water Company, Fontana Water Use*, page ES-2. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

⁴ Fontana Water Company. 2021. *Fontana Water Company, Conservation Target Compliance*, page ES-3. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).

Single Dry Year Supply and Demand Comparison; and Table 4.15-6: FWC Multiple Dry Years Supply and Demand Comparisons.

Table 4.15-1: FWC Ground Water Pumped Last Five Years (AF)

Location or Basin Name	Year				
	2016	2017	2018	2019	2020
Chino	16,299	10,640	10,796	9,351	11,859
Rialto-Colton	2,563	2,378	2,679	2,469	2,538
No Man's Land Basin	4,341	4,533	4,069	3,143	2,633
Lytle Basin	2,649	4,111	5,148	6,046	6,422
Total	25,852	21,662	22,692	21,009	23,452

Source: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 6-4: Groundwater Volume Pumped.* <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf> (accessed March 2023).

Table 4.15-2: 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 March 2023).

Table 4.15-3: 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 4.15-4: 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 4.15-5: 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).

As shown in **Table 4.15-5**, with a reduction in demands as a result of water conservation, FWC's Single Dry Year supplies are adequate to meet projected Single Dry Year demands.

Table 4.15-6: FWC Multiple Dry Years Supply and Demand Comparisons

		2025	2030	2035	2040	2045
First Year	Supply Totals	42,886	44,124	45,776	47,447	48,859
	Demand Totals	42,886	44,124	45,776	47,447	48,859
	Difference	0	0	0	0	0
Second Year	Supply Totals	41,415	42,610	44,206	45,820	47,183
	Demand Totals	41,415	42,610	44,206	45,820	47,183
	Difference	0	0	0	0	0
Third Year	Supply Totals	34,074	35,057	36,369	37,697	38,819
	Demand Totals	34,074	35,057	36,369	37,697	38,819
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	34,006	34,987	36,297	37,623	38,742
	Demand Totals	34,006	34,987	36,297	37,623	38,742
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	36,526	37,580	38,987	40,411	41,613
	Demand Totals	36,526	37,580	38,987	40,411	41,613
	Difference	0	0	0	0	0

Notes: Fontana Water Company. 2021. *San Gabriel Valley Water Company/Fontana Water Company Division 2020 Urban Water Management Plan, Table 7-6: Multiple 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).

As shown in Table 4.15-6, FWC's Multiple Dry Year supplies are adequate to meet projected Multiple Dry Year demands. Based on 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 Project site is within the San Bernardino County Flood Control District (SBCFCD) Zone 2.5 Zone 2 covers an area of 318 square miles and includes the cities of Fontana, Rialto, Colton, Grand Terrace, San Bernardino, and Highland. Both the City and the SBCFCD provide flood control facilities for the City. SBCFCD is responsible for the construction of dams, containment basins, channels, and storm drains to intercept and convey flood flows through and away from developed areas. The City constructs and maintains local storm drains that feed into the County's area-wide system. In addition, the City has adopted a Master Drainage Plan.

As a permittee in the Santa Ana Regional Water Quality Control Board (RWQCB) Basin Plan, the City implements a Municipal Storm Water Management Plan, which prohibits certain discharges, and regulates flows and mandates inspections and public education. This also allows for the City to place controls on new development and redevelopment and specifies site-specific and construction site maintenance practices. Stormwater controls and water quality management strategies are included in additional detail 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 follows⁶:

- 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

⁵ San Bernardino County Flood Control District. ND. *Flood Control Zone 2 Map*. [Flood Control & Municipal Water Districts Map \(sbcounty.gov\)](https://www.sbcounty.gov/flood-control/) (accessed March 2023).

⁶ 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).

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 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).⁷ 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.⁸

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.⁹ The landfill has a capacity of 7,500 tons of solid waste per day and a total capacity of 101,300,000 cubic yards.¹⁰ 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, 2045.¹¹ 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.

⁷ 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).

⁸ Ibid.

⁹ City of Fontana. 2020. *Trash and Recycling Services*. <https://www.fontana.org/541/Trash-and-Recycling-Services> (accessed March 2023).

¹⁰ 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).

¹¹ Ibid.

Gas and Electricity

The Project would continue to be served by Southern California Gas Company (SoCalGas) through the existing gas lines serving the site¹² and Southern California Edison (SCE). As shown in the SCE Power Site Search Tool, the Project site is currently served electricity.¹³ Overhead powerlines are present along the east side of Cherry Avenue and along the north side of Jurupa Avenue within existing right-of-way. There are currently six existing wood poles along Jurupa Avenue, seven wood poles along Cherry Avenue and one Light Weight Steel (LWS) pole at the corner of Jurupa Avenue and Cherry Avenue. The overhead lines continue overhead north of the site and east and west of the site. The applicant would work with SCE to tie into, relocate, and extend services into the site as required.

4.15.3 Regulatory Setting

Federal

Safe Drinking Water Act (Federal)

The U.S. Environmental Protection Agency (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

Pursuant to Section 404 of the Clean Water Act (33 U.S. Code [USC] Section 1251 et seq.; CWA), the U.S. Army Corps of Engineers (USACE) is authorized to regulate any activity that would result in the discharge of dredged or fill material into waters of the U.S. (including wetlands), which include those waters listed in 33 Code of Federal Regulations (CFR) 328.3 (a) (as amended at 85 Federal Register 22250, April 21, 2020; Navigable Waters Protection Rule).

The Regional Water Quality Control Board (RWQCB), a division of the State Water Resources Control Board (SWRCB), is required to provide “certification that there is reasonable assurance that an activity that may result in the discharge to waters of the U.S. will not violate water quality standards.” Water Quality Certification must be based on the finding that proposed discharge will comply with applicable water quality standards.

The National Pollutant Discharge Elimination System (NPDES) is the permitting program for discharge of pollutants into surface waters of the U.S. under CWA Section 402.

¹² SoCalGas. ND. *Gas Transmission Pipeline Interactive Map – San Bernardino*. <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=faeed481312f4e5fb056f739ff169e02> (accessed March 2023).

¹³ Southern California Edison. 2022. *Southern California Edison Power Site Search Tool*. <https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888>. (accessed March 2023).

State

Safe Drinking Water Act

California enacted its own Safe Drinking Water Act (SDWA, Health and Safety Code [HSC] Section 116350–116405) with the California DHS granted primary enforcement responsibility. Title 22 of the California Code of Regulations (CCR) (Division 4, Chapter 15, “Domestic Water Quality and Monitoring Regulations”) established DHS authority and provides drinking water quality and monitoring requirements, which are equal to or more stringent than Federal standards.

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 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 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 RWQCB.

State Water Resources Control Board

The SWRCB is the California 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 consumption for irrigation and drinking, as well as water discharges from construction, municipal uses, stormwater, 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 five 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 (SB) 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.

The UWMP (July 2021), was prepared pursuant to CWC Division 6, Part 2.55, Section 10608 (Sustainable Water Use and Demand Reduction) and CWC Division 6, Part 2.6, Sections 10610-10657 (Urban Water Management Planning). The UWMP describes future water demands and future availability of the water supply sources used by FWC.

Sustainable Groundwater Management Act (2014)

The Sustainable Groundwater Management Act of 2014 (SGMA) consists of three legislative bills, SB 1168 (Pavley), Assembly Bill (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 Bill 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 California Department of Water Resources (DWR) 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.

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 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 1668 and Senate Bill 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.¹⁴

Solid Waste

Integrated Waste Management Act – AB 939

AB 939, known as the California Integrated Waste Management Act of 1989, required all California cities and counties to divert 50 percent of the waste generated within their boundaries by the year 2000. The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle), a Source Reduction and Recycling Element (SRRE) that demonstrates how the jurisdiction will meet the California Integrated Waste Management Act’s mandated diversion goals. Each jurisdiction’s SRRE must include specific components, as defined in California Public Resources Code (PRC) Sections 41003 and 41303. Additionally, the SRRE must include a program for the management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction, (2) recycling and composting, (3) environmentally safe transformation; and (4) land disposal.

Mandatory Commercial Recycling – AB 341

AB 341, approved in October 2011, is intended to reduce greenhouse gas (GHG) emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in the state. It is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020. This law

¹⁴ State Water Resources Control Board. 2020. *California Statutes Making Conservation a California Way of Life*. https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/california_statutes.html. (accessed March 2023).

requires California commercial businesses and public entities, which generate four or more cubic yards of commercial solid waste per week or is a multi-family residential dwelling with five or more units, to arrange for recycling services.

Each local jurisdiction is required to inform businesses about the recycling requirement and to keep track of the level of recycling within the business community. In addition, each jurisdiction is required to report to CalRecycle, the state agency that oversees recycling and solid waste, on progress in the business community.¹⁵

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

AB 1826 (2014) requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate on a weekly basis. Additionally, AB 1826 requires that, after January 1, 2016, all local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses, including multi-family residential dwellings with five or more units. Organic waste includes food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time.

Because the minimum threshold of organic waste generation by businesses will be decreased over time (e.g., in 2016, affected businesses were those generating eight cubic yards or more of organic waste per week; in 2019, affected businesses will be those generating four or more cubic yards of organic waste per week), an increasing proportion of the commercial sector will be required to comply. AB 1826 is part of California's efforts intended to achieve its recycling and GHG emissions reduction goals. Reducing the amount of organic materials sent to landfills and increasing the production of compost and mulch are part of the AB 32 Scoping Plan.

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

¹⁵ California Legislative Information. 2011. *Assembly Bill 341*.
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341. (accessed March 2023).

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 Element¹⁶ 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 GP element addresses possible impacts to the utilities' infrastructure with policies intended to maintain and provide adequate service levels with new development projects.

Goal 3: *The City continues to have an effective water conservation program.*

Policy 3.1: Support landscaping in public and private spaces with drought-resistant plants.

Goal 7: *Fontana is becoming 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.

Goal 8: *All residences, businesses, and institutions have a dependable, environmentally safe means to dispose of solid waste.*

Policy 8.1: Continue to use best practices for environmentally safe collection, transport, and disposal of hazardous wastes.

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.¹⁷

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.¹⁸

¹⁶ City of Fontana. 2018. *Fontana Forward General Plan – Infrastructure and Green Systems Element*. <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems>. (accessed March 2023).

¹⁷ City of Fontana. 2023. *City of Fontana Municipal Code – Section 24 – Solid Waste and Recycling*.

¹⁸ City of Fontana. 2023. *City of Fontana Municipal Code – Section 27 – Utilities*.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

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:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction 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 wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- 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.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact level of significance concerning utilities and service systems. In addition to the Project, 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 Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on utilities and service systems 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 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-site conditions at the time the Notice of Preparation (NOP) was released (July 7, 2023); 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 a Project component would or would not result in "substantial"

adverse effects on utilities and service systems considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.15.5 Impacts and Mitigation Measures

Impact 4.15-1 *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Level of Significance: Less than Significant

SWIP EIR Findings

Wastewater

The SWIP EIR concluded in Section 4.8 that future development associated with the SWIP would result in an increase in demand for wastewater services and facilities. However, a less than significant impact was anticipated to occur with implementation of the mitigation measures outlined below.

Stormwater

The SWIP EIR concluded in Section 4.8 that future development associated with the SWIP would result in a less than significant impacts upon the environment due to the construction of new stormwater drainage facilities.

Electricity and Natural Gas

The SWIP EIR concluded in Section 4.8 that future development associated with the SWIP would not significantly increase the demand for electricity and natural gas supply above existing conditions was anticipated to occur with implementation of the mitigation measures outlined below.

Existing Conditions

The Project site is presently developed with two industrial buildings ranging approximately from 15,000 to 20,000 square feet in size. The existing buildings are single-story, metal-framed structures and are assumed to be supported on conventional shallow foundations with concrete slab-on-grade floors. Ground surface cover consists mainly of open graded exposed soil. The Project site historically was in agricultural use, as evidenced by the presence of eucalyptus windrows on the Project site. Native vegetation and open, undisturbed habitat are no longer present within the Project Site. The immediate surrounding properties consist of light industrial uses to the north and east, residential to the south, and the Henry J. Kaiser High School to the west. Local access would be provided via Cherry, Jurupa, and Redwood Avenues.

Existing utilities would be extended and upgraded as needed during construction of Project to serve the anticipated demands and to accommodate operation of the two modern high-cube logistics buildings (warehouses). All required improvements to existing electrical, natural gas, or telecommunications

utilities would occur within the existing roadways adjacent to the Project site, including Cherry, Jurupa, and Redwood Avenues. Upgrades to existing utilities are already evaluated as part of the overall Project. Therefore, impacts associated with extension of services in these areas and within the site, are less than significant. Services provided by each utility are discussed in additional detail below.

Project Construction and Operations

Water

Water to the Project site would be provided by FWC. 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 to meet all the water demands of the entire Project through 2045, including during single and multiple dry years as shown in **Table 4.15-5** and **Table 4.15-6**, above. In all cases through year 2045, even during single and multiple dry year conditions, water supplies available to FWC will be sufficient to meet all present and future water supply requirements of the Project and the City.

A water use rate of 3,500 gallons per day (gpd) per acre derived from average recorded water use data for large logistics buildings within FWC's service area was assumed for the Project.¹⁹ Based on this, the Project would generate a potable water demand of approximately 63 AFY (or 699,433 sf/43,560 sf) x 3,500 gpd per acre x 0.00112 afy), which would be accommodated by FWC based on its existing water supply projections without the construction of new or expanded facilities. Further discussion of water resources is included in Impact 4.15-2, below.

Therefore, based on the incremental increase in demand that would result from implementation of the Project, impacts would be less than significant.

Wastewater

The City of Fontana 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. Construction of the Project site would total approximately 699,433 sf of logistics use.

The IEUA has previously used wastewater generation rates for industrial uses of approximately 2,500 gallons per day per acre.²⁰ Based on this value, wastewater generated by the approximately 30-acre proposed logistics site would be approximately 75,000 gallons per day. This represents approximately 0.5 percent of the total daily capacity of the IEUA's 14 million gallon per day (mgd) RP-4 treatment capacity. The IEUA's RP-4 facilities currently treat an average of 10 mgd. The Project would therefore represent approximately 1.9 percent of the remaining treatment capacity. Therefore, the increase in the daily wastewater generated by the Project site would be minimal and result in a less than significant impact. Additionally, water recycling involves treatment of wastewater to create a high quality, safe source of

¹⁹ 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).

²⁰ City of Fontana. 2020. *Fontana Foothills Commerce Center Project Initial Study*. https://files.ceganet.opr.ca.gov/261144-2/attachment/ev4f54xbJR8QKPTPlY8FbtGuxQ-hLDQpF6MhYPK_YFzhBptO8Ao-DfiNe1alwVqq9FGdSpsl807K9TPo0. (accessed March 2023).

water for landscape irrigation, industrial uses, and groundwater recharge. Moreover, IEUA is planning and developing the Chino Basin Program to provide up to 15,000 AYF of advanced treated wastewater for storage in the Chino Basin. As such, the Project would not require new or expanded wastewater treatment facilities. All areas needed for improvement would occur in previously disturbed or areas already proposed to be disturbed. Impacts would be less than significant.

Electric Power

SCE currently operates electric power in the City through electricity distribution lines both aboveground and buried. SCE also operates at least six substations within the City and no power plants. The existing buildings located within the Project site are currently occupied and are provided electricity by SCE. As discussed previously, overhead powerlines are present along the Project site boundary and are located within existing right-of-way. The Project would require the relocation of these powerlines. Power service is provided to the Project site under existing conditions. The applicant would work with SCE to tie into, relocate, and extend services into the site as required. The power poles would be relocated within existing disturbed right-of-way and therefore would not cause a significant environmental impact due to the relocation. This would represent a less than significant impact and mitigation is not required.

Natural Gas

The SoCalGas Company provides gas services to most of southern California. It is anticipated that the Project site would require some amount of natural gas to support future operations. Like electrical services, natural gas lines already exist in the area to enable service to surrounding uses. Existing natural gas lines exist within current rights-of-way adjacent to or within the vicinity of the Project. These areas are anticipated to be heavily disturbed and would not contain any pristine resources. Additionally, it is not anticipated that new or expanded gas supply facilities would be required to serve the Project. As such, all required improvements would be made as part of the proposed improvements in areas that would be disturbed as part of Project implementation or in the previously disturbed areas. Therefore, these impacts would be less than significant.

Telecommunication

The Project site would require telecommunication services to be provided. As discussed above, existing telecommunication lines would be located within existing adjacent rights-of-ways needed to serve the existing surrounding development. Service to the Project site would require tying into these lines but these improvements would occur within existing areas of disturbance such as those adjacent to existing roadways. The construction of substantial new telecommunication infrastructures would not be required. These impacts would be less than significant.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigations under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-7a through -7c; 4.8-8a through -8d; and 4.8-6a through -6c are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.15-2 ***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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that future developed associated with the SWIP would not significantly increase the demand for water and related facilities. A less than significant impact was anticipated to occur with implementation of the mitigation measures outlined below.

Project Construction and Operations

A water use rate of 3,500 gallons per day (gpd) per acre derived from average recorded water use data for large logistics buildings within FWC's service area was assumed for the Project.²¹ Based on this, the potable water demand for the Project would be approximately 63 AFY. On-site and off-site irrigation demands for the Project were estimated by the Master Developer at approximately 570 AFY of recycled water. Pursuant to Water Loss Audits prepared by FWC (pursuant to the California Water Code), FWC's water system losses have averaged approximately 7.8 percent from calendar year 2016 to calendar year 2020.²² Accounting for this average water loss, FWC would need to provide approximately 70.5 AFY of potable water.

Additionally, according to the WSA, FWC's 2020 UWMP includes current and projected future water demands for its service area over the next 25 years. It is anticipated construction of the Project will be completed by September 2025. The additional water demands (70.5 AFY) for the proposed Project are incorporated within the existing and projected water demands (potable and recycled) presented in FWC's adopted 2020 UWMP over a 20-year period and through 2045, as shown in Table 9 of the WSA²³. Sufficient waters supplies would exist to supply the Project. Accordingly, implementation of the Project in this regard would not substantially deplete or decrease groundwater.

The Project, along with other future industrial projects, have been incorporated into the projected water demands for the FWC 2020 UWMP²⁴ and were reasonably accommodated into future water supplies for

²¹ 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).

²² California Department of Water Resources. 2020. *Water Audit Data Reports*. https://wuedata.water.ca.gov/awwa_plans (accessed March 2023).

²³ Stetson Engineers Inc. August 2023. *Water Supply Assessment, Section 4.0 – FWC's Future Water Demands With the Project*, pages 29 and 30.

²⁴ 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).

the FWC during normal, dry-, and multiple dry-years. Projections (refer to **Tables 4.15-3 through 4.15-5** of this section) included in the UWMP are based on potential buildout facilitated by land use designations within the service area.

The FWC 2020 UWMP therefore included the buildout of the Project area based on its maximum allowable development density. Since these water demands have been incorporated and accounted for, and do not directly necessitate the further development of water infrastructure, a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-7a through -7e are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.15-3 ***Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

Level of Significance: Less than Significant

SWIP EIR Findings

Refer to Impact 4.15-1 determination regarding wastewater.

Project Construction and Operations

Average nonresidential wastewater generation in 2019 was calculated to be 1,500 gallons per acre per day (gpd) for the County.²⁵ The Project would be comprised exclusively of nonresidential uses totaling approximately 699,433 square feet of industrial development on an approximately 30 acres site. With the average daily wastewater generation rate from 2019 applied, the Project is anticipated to generate approximately 45,000 gpd, or 0.045 MGD. As previously stated, the City of Fontana 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 of 38 MGD. The Project's 0.045 MGD would comprise 0.1 percent of the systems treatment capacity, and 1.125 percent of the local RP-4's remaining capacity of 4 MGD. However, as previously stated, if a RP is at or near capacity, wastewater flows can be diverted to other RPs in the service area. As previously noted, the Project's water demand has been incorporated into the

²⁵ County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft PEIR*. Page 5.18-15. http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-18-USS.pdf (accessed March 2023).

FWC 2020 UWMP, which did not conclude that further wastewater infrastructure would be required due to Project implementation.²⁶ Therefore, impacts to wastewater treatment flows would be less than significant with no mitigation required.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigations under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-8a through -8d are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.15-4 ***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

SWIP EIR Findings

The SWIP EIR concluded in Section 4.8 that future development associated with the SWIP would result in an increased solid waste generation and demand for landfill capacity. However, a less than significant impact was anticipated to occur with implementation of the mitigation measures outlined below.

Project Construction and Operations

Solid waste produced by the Project would be collected through partnerships with the Burrtec and sent to the Mid-Valley Landfill. As shown in **Section 4.15.2: Environmental Setting**, Solid Waste 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.²⁷ The Project would generate waste at a rate of 0.010 pounds per square foot per day which, when applied to the approximately 699,433 square foot building area of the Project would be equal to approximately 6,994 pounds per day, or approximately 3.5 tons per day.²⁸ The Project's waste generation would be 0.05 percent of the Mid-Valley daily throughput. The Project would comply with state and local solid waste standards and reduction goals as discussed in Impact 4.15-5, below. Additionally, the Phase I ESA concluded that a recognized environmental condition (RECs or Controlled RECs (CRECs) which include recognized/documented hazardous or petroleum products release were not identified in connection with

²⁶ 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).

²⁷ CalRecycle. 2019. *SWIS Facility/Site Activity Details: Mid-Valley Sanitary Landfill (36-AA-0055)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed March 2023).

²⁸ County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft PEIR*. Pages 5.18-62 through 5.18-69. http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-18-USS.pdf (accessed November 2021).

the site.²⁹ Because no RECs or CRECs were identified, the disposal of hazardous materials is not anticipated. The Project would therefore pose a less than significant increase to the landfills' capacities and a less than significant impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigations under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-9a through -9d are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

Impact 4.15-5 ***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

SWIP EIR Findings

Refer to Impact 4.15-4. The SWIP EIR determined that a less than significant impact with mitigation measures would occur.

Project Construction and Operations

Solid waste generated by construction and operation of the Project would be collected and handled in compliance with any applicable regulation including those in Section 24 of the City's Municipal Code, through service provided by Burrtec Waste Industries, Inc. All solid wastes would be deposited at the Mid-Valley Landfill, operated by the San Bernardino County Department of Public Works. As noted above, the Mid-Valley Landfill has a daily throughput of 7,500 tons of solid waste per day and a total capacity of 101,300,000 cubic yards.³⁰ 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, 2045.³¹ Additionally, as noted above, no RECs or CRECs were observed on-site. As such, the disposal of hazardous materials is not anticipated.

Buildout of the Project is estimated to generate 6,994 pounds per day (ppd) of solid waste, as shown in **Table 4.15-7: Estimated Solid Waste Generation.**

²⁹ Terracon. 2022. Phase I Environmental Site Assessment. Conclusions, page V.

³⁰ 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).

³¹ Ibid.

Table 4.15-7: Estimated Solid Waste Generation

Land Use	Buildout (sf)	Solid Waste Generation Rate (ppd)	Solid Waste Generation (ppd)
Industrial	699,433 sf	0.010	6,994

Source: CalRecycle 2019. *Estimated Solid Waste Generation Rates*. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. (accessed March 2023).
Notes: sf = square feet; ppd = pounds per day

The estimated 6,994 ppd or 3.5 tons per day generated by the Project would be adequately served by the Mid-Valley Landfill.

Overall, sufficient landfill capacity is available in the region for the estimated solid waste generated by the Project during operations, and Project development would not require an expansion of landfill capacity. Impacts would be less than significant for the operational phase.

Regulatory Compliance

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 1989.³² A construction waste 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.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant impact with mitigations under this issue area.

³² City of Fontana. *Municipal Code Chapter 24 – Solid Waste and Recycling*. https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH24SOWARE. (accessed March 2023).

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None. SWIP EIR MMs 4.8-9a through -9d are not applicable as they are not Project specific.

Project Mitigation Measures

No mitigation is required.

4.15.6 Cumulative Impacts

For purposes of public utilities and service systems, cumulative impacts are considered for projects located within Fontana. As discussed above, all impacts from the Project site to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. In addition, the Project site would recycle and implement measures on-site to reduce the waste stream to landfill(s). The Project applicant would pay the applicable development impact and service fees. Impacts related to stormwater drainage facilities are addressed in **Section 4.9: Hydrology and Water Quality**. Therefore, impacts are not anticipated to be cumulatively considerable. Other past, present, and reasonably foreseeable projects would be anticipated to implement similar measures or implement mitigation to fully mitigate their contribution to cumulative impacts. Therefore, there are no significant cumulative impacts anticipated relative to utility and service systems, and the Project's contribution toward potential future utility and service system impacts in the City is not cumulatively considerable.

4.15.7 Significant Unavoidable Impacts

No significant or unavoidable impacts were identified.

4.15.8 References

- CalRecycle. 2019. *SWIS Facility/Site Activity Details: Mid-Valley Sanitary Landfill (36-AA-0055)*.
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed March 2023).
- , 2022. *SWIS Facility Detail – Mid-Valley Sanitary Landfill (36-AA-0055)*.
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https://files.ceqanet.opr.ca.gov/261144-2/attachment/ev4fS4xbJR8QKPTPlY8FbtGuxQ-hLDQpF6MhYPK_YFzhBptO8Ao-DfINe1alwVqq9FGdSpsI807K9TPo0. (accessed March 2023).

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- , *Municipal Code Chapter 24 – Solid Waste and Recycling*. https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodemd=CO_CH24SOWAR E. (accessed March 2023).
- California Legislative Information. 2011. *Assembly Bill 341*. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341. (accessed March 2023).
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- County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft PEIR*. Pages 5.18-62 through 5.18-69. http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-18-USS.pdf (accessed November 2021).
- , 2019. *San Bernardino Countywide Plan Draft PEIR*. Page 5.18-15. http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-18-USS.pdf (accessed March 2023).
- 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).
- , 2021. *Fontana Water Company Service Area Map*. https://www.fontanawater.com/wp-content/uploads/2018/10/Service_Area_FONTANA.pdf (accessed March 2023).
- , 2021. *Fontana Water Company, Fontana Water Use, page ES-2*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).
- , 2021. *Fontana Water Company, Conservation Target Compliance, page ES-3*. <https://www.fontanawater.com/wp-content/uploads/2021/10/FWC-2020-UWMP-June-2021-Final.pdf>. (accessed March 2023).
- , 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).
- , 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).

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<https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=faced481312f4e5fb056f739ff169e02> (accessed March 2023).

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4.16

Wildfire

4.16 WILDFIRE

4.16.1 Introduction

This section evaluates potential wildfire hazard impacts that may result from the implementation of the proposed Cherry Commerce Center Project (Project). This section identifies existing wildfire hazard conditions of the Project and surrounding areas; considers applicable federal, state, and local goals and policies; identifies and analyzes environmental impacts; and recommends measures to minimize or avoid potential adverse impacts as a result of Project implementation.

Information presented in this wildfire hazards impact analysis is derived largely from the following:

- City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035.
- City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan (LHMP).
- City of Fontana Municipal Code (MC).

4.16.2 Environmental Setting

The Project site is located at the northeast corner of Cherry Avenue and Jurupa Avenue and is bound to the north by existing commercial/industrial developments, bound to the west by Cherry Avenue with a high school beyond, bound to the south by Jurupa Avenue with residential development beyond, and bound to the east by Redwood Avenue and an existing commercial/industrial development. The Project site is presently developed as the Tutor Perini Corporation Equipment Yard. Two metal-sided buildings are located in the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for heavy equipment storage. The Project site is comprised of two parcels and is approximately 30 acres (refer to **Figure 3-5: Conceptual Site Plan**). The northern parcel is currently developed with two industrial buildings and the southern parcel is currently developed with a few steel-framed canopies with ground surface cover consisting of open-graded gravel areas, and exposed soil.

The Project site is approximately 960 feet above mean sea level with the site sloping toward the southwest.¹ Soil types at the Project site are composed of Delhi fine sand and Tujunga loamy sand.² According to the soil type characteristics, the Delhi fine sand is somewhat excessively drained. Tujunga loamy sand is somewhat excessively drained. Depth to groundwater is estimated to be at approximately 225 feet below ground surface.³

Existing Fire Designations

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas of significant fire hazards in the state through its Fire and Resources Assessment Program (FRAP). These maps place areas of the state into different Fire Hazard Severity Zones (FHSZs) based on a hazard scoring system using subjective criteria for fuels, fire history, terrain influences, housing density, and occurrence of severe fire

¹ Terracon. 2022. *Phase I Site Assessment*. Page 4.

² Ibid.

³ SCG. 2023. *Geotechnical Investigation*. Page 8.

weather where urban conflagration could result in catastrophic losses. As part of this mapping system, land where CAL FIRE is responsible for wildland fire protection and generally located in unincorporated areas is classified as a State Responsibility Area (SRA). Where local fire protection agencies are responsible for wildfire protection, the land is classified as a Local Responsibility Area (LRA). In addition to establishing local or state responsibility for wildfire protection in a specific area, CAL FIRE designates areas as very high fire hazard severity zones (VHFHSZ), High (HFHSZ), and Moderate (MFHSZ). According to the State of California Fire Hazard Severity Zone viewer, the entire Project site is designated as an LRA.⁴ And it is not located within a VHFHSZ.⁵

The City is located in a LRA, therefore, fire protection for the City is the responsibility of the City. Emergency services to the Project would be provided by the San Bernardino County Fire Department (SBCFD) through the Fontana Fire Protection District (FFPD). The FFPD in collaboration with the SBCFD, is comprised of 33 staff members and emergency response personnel are deployed from seven fire stations located strategically throughout the City.⁶ The Project site would be immediately accessible via Cherry Avenue, Jurupa Avenue, and Redwood Avenue. The two closest stations to the Project site are Fire Stations 72 and 74. Station 72 is located at 15380 San Bernardino Avenue, Fontana, CA 92335 and is approximately two miles northeast of the Project site. Station 74 is located at 11500 Live Oak Avenue, Fontana, CA 92337 and is approximately 0.3 mile southeast of the Project site.

Wildfire Characteristics

According to the National Park Service (NPS), a wildfire, or wildland fire, is described as a non-structure fire that occurs in vegetation such as trees, grasses, and shrubs, and is not a prescribed fire.⁷ Wildfires have differing causes including lightning strikes, wind-blown embers, but are most commonly caused by human activities. Wildfires may originate in undeveloped areas and spread to developed or urban areas where the landscape and structures are not designed and maintained to be ignition or fire resistant. The International Association of Fire Chiefs' Ready, Set, Go! website defines a Wildland-Urban Interface (WUI) as areas where homes are built near or among lands prone to wildland fire.⁸ The potential for wildland fires represents a hazard where development is adjacent to open space or in proximity to wildland fuels or FHSZ. Fires that occur in WUI areas may affect natural resources as well as life and property.

A wildfire [or "wildland" fire] is a type of fire that spreads through open land, burning all types of vegetation and threatening buildings and structures. It often begins unnoticed, spreads quickly, and is usually signaled by dense smoke that may be visible from miles around. Wildfires can be caused by human activities (such as arson or campfires) or by natural events, such as lightning. Wildfires often occur in undeveloped forests, grasslands or other such areas with ample vegetation and spread to developed areas, threatening life, safety, and property. If wildfires are not promptly controlled, they may quickly grow into a small or large-scale disaster. Even small fires can threaten lives and resources and destroy

⁴ CAL FIRE. 2022. <https://egis.fire.ca.gov/FHSZ/>. (accessed October 2023).

⁵ CAL FIRE, 2008. Very High Fire Hazard Severity Zones in LRA – Fontana. <https://osfm.fire.ca.gov/media/5943/fontana.pdf> (accessed October 2023).

⁶ City of Fontana. 2017. Local Hazard Mitigation Plan. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed October 2023).

⁷ National Park Service. 2018. Types of Wildland Fire. <https://www.nps.gov/subjects/fire/types-of-wildland-fire.htm>. (accessed October 2023).

⁸ International Association of Fire Chiefs. 2019. Wildland Urban Interface. https://www.wildlandfirersg.org/s/iafc2/what-is-the-wildland-urban-interface-MCVXRWBHESZFCQ7IV6PER5CF6UVUQ?language=en_US (accessed October 2023).

improved properties. The indirect effects of wildfires to the citizens and businesses in the City can also be catastrophic.⁹

4.16.3 Regulatory Setting

Federal

Federal Emergency Management Act (FEMA)

In March 2003, 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.

Disaster Mitigation Act of 2000

This Act (42 United States Code [U.S.C.] Section 5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 U.S.C. Sections 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 develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

National Fire Plan¹⁰

In 2000, the National Fire Plan was developed by the Secretaries of the Departments of Agriculture and Interior as a report on how to respond to severe, ongoing fire activity, reduce impacts of fires on rural communities and the environment, and ensure sufficient firefighting resources in the future. This report,

⁹ City of Fontana. 2017. Local Hazard Mitigation Plan. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed October 2023).

¹⁰ US Department of the Interior and USDA Forest Service. 2002. National Fire Plan. https://www.fs.fed.us/database/budgetoffice/NFP_final32601.pdf (accessed October 2023).

entitled *Managing the Impacts of Wildfire on Communities and the Environment: A Report to the President in Response to the Wildfires of 2000*, became the basis of the National Fire Plan. The National Fire Plan addresses five objectives: Firefighting, Rehabilitation, Hazardous Fuels Reduction, Community Assistance, and Accountability (FAR NFP). The National Fire Plan developed its implementation strategy via its 10-Year Comprehensive Strategy and its Implementation Plan. Based on these two reports, in 2002 the President at the time (George W. Bush) announced the Healthy Forest Initiative to implement the National Fire Plan; this became the Healthy Forests Restoration Act of 2003. The National Fire Plan, as enacted under the Healthy Forests Restoration Act of 2003, works towards the goals of reducing the devastation of wildland fires and improving the health of forests and rangelands.

The National Cohesive Wildland Fire Management Strategy¹¹

Under the direction of the Federal Land Assistance, Management, and Enhancement Act of 2009 (the FLAME Act), the Secretary of the Interior and the Secretary of Agriculture created the National Cohesive Wildland Fire Management Strategy Report. This report contains a cohesive wildfire management strategy as directed by the FLAME Act and under the advisement of the intergovernmental Wildland Fire Leadership Council. The most recent version of this report is 2014's *The National Strategy: The Final Phase in the Development of the National Cohesive Wildland Fire Management Strategy*.

State

California Department of Forestry and Fire Protection

CAL FIRE protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens. Another major responsibility of CAL FIRE's is to use their firefighters, fire engines, and aircraft to respond to wildland fires. In 2022 (between January 1 and December 29), there were a total of 6,114 wildfires in the state. As of October 2, 2023, there have been a total of 5,741 wildfires in the state.¹²

The Office of the State Fire Marshal supports CAL FIRE's mission by focusing on fire prevention. It provides support through a wide variety of fire safety responsibilities including by regulating buildings in which people live, congregate, or are confined; by controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; by providing statewide direction for fire prevention in wildland areas; by regulating hazardous liquid pipelines; by reviewing regulations and building standards; and by providing training and education in fire protection methods and responsibilities.

State Fire Regulations

Fire regulations for California are established in Section 13000 et seq. of the California Health and Services Code and include regulations for structural standards (similar to those identified in the California Building Code (CBC)); 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.

¹¹ US Department of the Interior and USDA Forest Service. ND. National Cohesive Wildland Fire Management Strategy. <https://www.fs.usda.gov/restoration/cohesivestrategy.shtml> (accessed October 2023).

¹² CALFIRE. 2022. <https://www.fire.ca.gov/stats-events/> (accessed October 2023).

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 within California.

California Fire Plan

The California Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and CAL FIRE. By placing the emphasis on what needs to be done long before a fire starts, the Fire Plan looks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health. The Multiyear Strategic Fire Plan for California is the most current plan.¹³

California Public Resources Code (PRC) Sections 4290 and 4291

These regulations, which implement minimum fire safety standards related to defensible space, apply to the perimeters and access to all commercial, industrial, and residential building construction with an SRA (approved after January 1, 1991), and within lands classified and designated as VHFHSZ (after July 1, 2021). The person(s) who control, lease, maintain, operate, or own said building in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable materials is required to preserve a defensible space of 100 feet from the perimeter of the building. The regulations shall include the following:

1. Road standards for fire equipment access.
2. Standards for signs identifying streets, roads, and buildings.
3. Minimum private water supply reserves for emergency fire use.
4. Fuel breaks and greenbelts.

These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

California Building Code, Chapter 7A

Chapter 7A of the CBC focuses primarily on preventing ember penetration into homes, a leading cause of structure loss from wildfires. These codes have been developed through decades of after fire structure “save” and “loss” evaluations to determine what causes buildings to ignite or avoid ignition during wildfires. The resulting fire codes now focus on mitigating former structural vulnerabilities through construction techniques and materials so that the buildings are resistant to ignitions from direct flames, heat, and embers, as indicated in the CBC (Chapter 7A, Section 701A Scope, Purpose and Application).

California Fire Code, Chapter 49 Requirements for WUI Fire Areas

This code 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. Buildings and structures located on unincorporated land designated as an SRA MFHSZ, HFHSZ, and VHFHSZ and land

¹³ 2018-2023 Strategic Fire Plan for California. 2019. <https://www.paperturn-view.com/cal-fire-communications/strategicplan2019-final?pid=MjU253660&p=5> (accessed October 2023).

designated as VHFHSZ by a city or other local agency shall maintain the required hazardous vegetation and fuel management standards.

Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and WUI locations. Projects situated in HFHSZ's require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities in these WUI locations.

California Fire Code

CCR Title 24, Part 9 (2022 California Fire Code) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of WUI areas, among other issues. The California Fire Code is updated every three years by the California Building Standards Commission and was last updated in 2022 (effective January 1, 2023). The Fire Code 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. It contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code also include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Development under the Project would be subject to applicable regulations of the California Fire Code.

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.

California Building Standards Code

California building standards are published in the CCR, Title 24, also known as the California Building Standards Code (CBSC). The CBSC, which applies to all applications for building permits, consists of 12 parts that contain administrative regulations for the California Building Standards Commission and for all state agencies that implement or enforce building standards. Local agencies must ensure the development complies with the guidelines contained in the CBSC. Cities and counties can adopt additional building standards beyond the CBSC including the CBSC Part 2, named the CBC which is based upon the 2021 International Building Code, and Part 11, named the California Green Building Standards Code, also called the CalGreen Code.

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.

Emergency Mutual Aid Agreements (EMAA)

The 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 EMMA, 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 (Cal-EMA)

In 2009, the State of California passed legislation creating the 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.

Local

Fontana General Plan 2015-2035

The City of Fontana General Plan (Fontana GP) discusses fire hazards and uses the CAL FIRE fire threat potential mapping. Based on the location within the City and proximity to the fire threat areas, the City recognizes that some developments may be subject to significant risk from wildfire. Specifically, the City recognizes that some of its area is within the HFHSZ and VHFHSZ. The Project is not within a Fire Hazard Overlay.¹⁴ Areas within the Fire Hazard Overlay are required to adhere to applicable fire codes for buildings and structures, fire access, and other standards in accordance with the Fire Hazard Overlay

¹⁴ City of Fontana. 2022. General Plan Land Use Map. <https://www.fontana.org/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed October 2023).

District,¹⁵ California Fire Code, and the Fontana MC, and encourage the retrofit of non-conforming land uses.

Based on fire hazards and proximity of the WUI the City addresses Fire Access standards which notes that clear emergency vehicle access to buildings is important and is regulated by the adopted and amended California Fire Code (CFC), which the City has adopted, and Fontana Land Development Engineering standards. More specifically, the Fontana GP notes all portions of a building must be within 150 feet of a serviceable fire access road, road grades must be less than 12 percent grade, support 75,000 pounds; roads must be 26 feet wide, and project perimeters adjacent to fuel modification zones and fire hazard areas must have adequate vehicular access for fire fighting vehicles.

In relation to vegetation management, the Fontana GP requires all new development within high fire severity zones to have a fire protection plan (FPP) approved by the fire code official. The FPP is required to include mitigation measures consistent with the unique problems within a given area and account for geology, topography, flammable vegetation, and localized climate. In addition, the FPPs must address water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space, and vegetation management, and must be consistent with the requirements of California Building Code Chapter 7A, the International Wildland-Urban Interface Code, and the Fontana MC.

In consideration of the above, the Fontana GP lists goals and policies related to wildland fire and fire safety. Although most of these items are related to actions on the part of the City, they are listed below as a reference for the Project and implementing and maintaining a project that is respectful of the potential for wildfire.

Public and Community Services Element¹⁶

Goal 2: *Fontana's Fire Department meets or exceeds state and national benchmarks for protection and responsiveness.*

Policy 2.1: Continue the City's successful partnership with the San Bernardino County Fire Department.

Noise and Safety Element¹⁷

Goal 7: *Threats to public and private property from urban and wildland fire hazards are reduced in Fontana.*

Policy 7.1: The City shall continue to require residential, commercial, and industrial structures to implement fire hazard-reducing designs and features.

¹⁵ City of Fontana. 2022. Division 8 – Fire Hazard Overlay District Section 30-656. https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTIXOVDI_DIV8FIHAOVDI (accessed October 2023).

¹⁶ City of Fontana. 2018. Fontana Forward General Plan – Public and Community Services Element. <https://www.fontana.org/DocumentCenter/View/26747/Chapter-8---Public-and-Community-Services> (accessed October 2023).

¹⁷ City of Fontana. 2018. Fontana Forward General Plan – Noise and Safety. <https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed October 2023).

City of Fontana Local Hazard Mitigation Plan

The City's LHMP was last updated in June 2017. The intent of the LHMP is to demonstrate the plan for reducing and/or eliminating risk in the City. 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. Section 4.4, Wildfire Hazard Profile¹⁸, of the LHMP includes a discussion on the existing wildfire regulatory environment, past wildfire occurrences, location/geographic extent of wildfire, wildfire magnitude/severity, frequency/probability of future occurrences of wildfire, and information regarding future development within high fire hazard severity zones.

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 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.

Fontana Municipal Code Chapter 30, Article IX – Overlay Districts, Division 8 – Fire Hazard Overlay District

The fire hazard overlay provisions apply to areas designated on the Fontana GP land use map. The fire hazard overlay district is created to provide greater public safety to City residents and structures in areas prone to wildfires, by establishing development standards for these areas. Projects within the overlay district, required a fuel modification zone plan to be prepared for each new tentative tract map, parcel map or design review application. The Project is not located within the overlay.

Southwest Industrial Park (SWIP) Specific Plan

No guiding principles or objectives from the SWIP Specific Plan are applicable to this resource area.

4.16.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning wildfire. 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:

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
 - Substantially impair an adopted emergency response plan or emergency evacuation plan;
 - Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;

¹⁸ City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan 2017 -- 4.4 Wildfire Hazard Profile. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed October 2023).

- 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; or
- 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.

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 wildfire. 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 site.

Approach to Analysis

This analysis of impacts from wildfire hazards examines the proposed Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds 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 components that share similar 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 field observations; 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 a Project component would or would not result in "substantial" adverse effects on wildfire hazards standards considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.16.5 Project Impacts and Mitigation

Impact 4.16-1 *If located in or near SRA or lands classified as Very High FHSZ, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Level of Significance: Less than Significant with Mitigation Incorporated

SWIP EIR Findings

The SWIP EIR concluded in Section 4.5 that future development within the SWIP would not interfere with an adopted emergency response plan or evacuation plan with implementation of the outlined mitigation measures noted below.

Project Construction and Operations

According to CAL FIRE's FHSZ viewer, the Project resides in a Non-VHFHSZ Zone and is not identified as a SRA.¹⁹ The nearest local VHFHSZ is located approximately 0.3 mile south of the site associated with the Jurupa Hills and the Henry J. Kaiser High School is identified as having a moderate potential for fire hazards.²⁰ However, no portion of the Project site is identified within a FHSZ, the Project is designated as an LRA. Emergency services to the Project would be provided by the SBCFD through the FFPD, which would serve as first responders in case of any structural fire and medical emergency response service, as well as other diverse emergency management and response programs. Although urban structural fire conflagration is relatively low in the City, the SBCFD can provide rapid response through the implementation of programs such as their Emergency Medical Services (EMS) that consists of certified paramedics who are trained to provide Advanced Life Support (ALS) services to treat a variety of injuries and illnesses. The two closest stations to the Project site are Fire Stations 72 and 74. Station 72 is located at 15380 San Bernardino Avenue, Fontana, CA 92335 and is approximately two miles northeast of the Project site. Station 74 is located at 11500 Live Oak Avenue, Fontana, CA 92337 and is approximately 0.3 mile southeast of the Project site. Existing roadways and emergency routes would not require closures due to Project implementation. All surrounding roadways would continue to operate in a typical manner in support of emergency vehicles and for the Project to provide adequate site access for emergency vehicles.

As described previously in **Section 4.13: Transportation**, the plan checks and building permit process by the FFPD and SBCFD includes review of access for emergency vehicles, in accordance with the CFC. Compliance with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. The Project site is also within an existing developed area of the City where roadways already exist; as such, no new roadways would be required. Additionally, the developer is expected to pay any applicable development fees prior to construction, as indicated in the Fontana MC Section 11.2. As such, no impacts are anticipated to occur to the SBCFD's emergency response plan and evacuation plan. Note, however, that SWIP EIR MM s4.5-6a and 6b, which would minimize or reduce interference with an emergency evacuation plan, would be followed.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of less than significant with mitigation incorporated under this issue area.

¹⁹ CAL FIRE. ND. FHSZ Viewer. <https://egis.fire.ca.gov/FHSZ/>. (accessed October 2023).

²⁰ County of San Bernardino. October 2020. HZ-5 Fire Hazard Severity Zones. <https://www.arcgis.com/apps/webappviewer/index.html?id=355f9beb4a8f446e8869459e91d58431>. (accessed October 2023).

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

MM A 4.5-6a Prior to the issuance of grading permits, future developers shall prepare a Traffic Control Plan for implementation during the construction phase. The Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.

MM 4.5-6b Prior to construction, the City of Fontana Engineering Department shall consult with the City of Fontana Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.

Project Mitigation Measures

No mitigation is required.

Impact 4.16-2 *If located in or near SRA or lands classified as Very High FHSZ, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Level of Significance: No Impact

SWIP EIR Findings

As noted in Impact 4.8-7 in the SWIP EIR, the SWIP is not located in or near an SRA and does not contain lands classified as a VHFHSZ. The nearest SRA lands and VHFHSZs to the development site are located approximately 10 miles to the northeast. No impacts from fires were anticipated in the SWIP.

Project Construction and Operations

As noted in Impact 4.16-1, the Project site is in a Non-VHFHSZ Zone and is not identified as a SRA. The City identifies factors contributing to the high, widespread wildfire risk in the City; these include narrow and often one-lane and/or dead-end roads complicating evacuation and emergency response; nature and frequency of ignitions and increasing population density leading to more ignitions; slope of the foothills; and residential development along the foothills. The Project site is not located in areas with steep slopes that could exacerbate the spread of wildfire and it is listed as a Non-VHFHSZ site and wildfire risk is anticipated to be minimal. The site's surroundings areas contain little to no vegetation and do not contain

tall trees that would experience a crown fire. Due to the existing urbanized setting of the Project, wildfire risk is minimal due to lack of fuel on site.

Therefore, due to the presence of surrounding development, presence of area roadways, lack of steep slopes, and concrete construction of the Project, it is not likely to be affected by a wildfire during construction or operations and it is not likely that the Project would exacerbate wildfire risks. Lastly, the two modern high-cube logistics buildings (warehouses) would be predominantly concrete which is not typically susceptible to fire. As a result, no impact would occur.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.16-3 *If located in or near SRA or lands classified as Very High FHSZ, 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

SWIP EIR Findings

Refer to Impact 4.16-2 above. No impacts to infrastructure were anticipated from fires in the SWIP.

Project Construction and Operations

As noted in Impacts 4.16-1 and 4.16-2, and according to CAL FIRE, the Project is in a Non-VHFHSZ Zone and is not identified as a SRA. Additionally, the Project would be located in an area of the City that is fully built out with roads and water sources and power lines/utilities serving the site. The Project would not require that new roads, fuel breaks, emergency water sources, power lines or other utilities be installed that could exacerbate fire risks. As such, no impacts are anticipated to occur related to fire protection or wildfire.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could

not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 4.16-4 *If located in or near SRA or lands classified as Very High FHSZ, 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

SWIP EIR Findings

Refer to Impact 4.16-2 above. No impacts to infrastructure were anticipated from fires in the SWIP.

Project Construction and Operations

As noted in Impacts 4.16-1 and 4.16-2, and according to CAL FIRE, the Project is in a Non-VHFHSZ Zone and is not identified as a SRA. The Project site is leveled and currently used as a staging site for heavy construction equipment. The redevelopment of the site with the Project would maintain the site leveled; as such, no downstream flooding, or landslides, because of runoff, post-fire slope instability, or drainage changes would occur. As such, no impacts are anticipated to occur.

Finally, the Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no impact under this issue area.

Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

4.16.6 Cumulative Impacts

Projects have the potential to be cumulatively considerable, when evaluated in the context of other past, present, or reasonably foreseeable projects that make a cumulative contribution to impacts. Cumulative development occurring within the vicinity and similar FHSZs would be subject to risk of wildfire hazards. Cumulative projects also would be subject to compliance with the CBC and California Fire Code, as well as

local regulations (Fontana MC), and all proposed construction would be required to meet minimum standards for fire safety. Development occurring within the City, or those future projects adjacent to and near the Project site would be subject to review by the City to ensure cumulative development is designed to provide a minimum of fire safety and support fire suppression activities. This would include compliance with state and local fire codes, inclusion of fire sprinklers if required, proper fire hydrant system, paved access, and secondary emergency access routes. Implementation of these plans and policies, in conjunction with compliance with the local fire code and City standards, would ensure cumulative impacts with respect to wildfire hazards are less than significant.

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5.0

Other CEQA Considerations

5.0 OTHER CEQA CONSIDERATIONS

This section of the Draft Subsequent 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 Significant and Unavoidable Environmental Impacts

Section 15126.2(b) of the CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels. The environmental effects of the Project are addressed in **Sections 4.1** through **4.16** of this EIR. Alternatives to the Project are addressed in **Section 5.0** and growth inducing effects of the Project are addressed in **Section 5.3**. Implementation of the Project would result in potentially significant impacts in some areas of the following topical issues: Air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, tribal and cultural resources. Where needed, implementation of standard conditions and requirements (SCs) and mitigation measures (MMs) provided in **Sections 4.1** through **4.16** would reduce many of these impacts to levels considered less than significant. Other environmental issues would have no impacts because SCs and requirements are mandated. Significant, unavoidable impacts are noted below.

- Greenhouse Gas Emissions
 - The Project would generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment (Impact 4.7-1).

5.2 Significant and Irreversible Environmental Changes

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Generally, the section states that a project will 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.
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The project would not involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely.

The Project would not involve the utilization of nonrenewable resources in a manner that would make their nonuse or removal unlikely. Nonrenewable resources associated with the development of the Project would include fossil fuels. Fossil fuels would serve as energy sources during both Project construction and operations. Fossil fuels would act as transportation energy sources for construction vehicles and heavy equipment during the construction period and by vehicles and equipment used during

Project operations. Though the Project would endeavor to utilize fossil fuels efficiently, their use would be vital for construction and operations activities, making their nonuse unlikely. However, the Project would not require the continued use of fossil fuels at the end of its operational life.

By nature of being a nonrenewable resource, fossil fuels, once consumed, cannot be replaced. Those fuels, once spent, may be transformed into another form of matter such as exhaust or smoke. Standard vehicles and equipment used by the Project in both construction and operational phases would likely utilize fossil fuels. Some construction and operational equipment such as forklifts may be electrified and therefore not rely on fossil fuels. Energy-efficient equipment would be utilized according to their availability and in order to comply with energy regulations and policies.

The Project does not propose any fueling stations and would not likely store significant amounts of fossil fuels on the site. Fossil fuels on-site would not be stored in a manner that would make their removal unlikely. No infrastructure is proposed to store fossil fuels in large amounts or without the ability of removal.

The Project would also require the continued commitment of the land on which the Project would continue to be developed with light industrial use. Land is another finite resource in that once developed and in active use it removes the ability for that land to be used for other uses and developments. However, land developments associated with the Project would not remove the possibility of redevelopment in the future. The land development would not, therefore, make the nonuse of the land unlikely.

The primary and secondary impacts would not generally commit future generations to similar uses.

Even with the implementation of Mitigation Measures, the Project would generate significant and unavoidable impacts from greenhouse gas emissions. There were no other significant and unavoidable impacts identified for the Project. The uses associated with the Project would not modify the land in a way that required future developments to be developed similarly.

Hazardous waste usage would be minimal; mostly used for cleaning and operational maintenance. Compliance with federal, state, and local regulations would ensure that the usage and storage of any hazardous materials and waste would be completed in the safest and most efficient manner. Similarly, the Project would comply with any federal, state, and local air quality and water quality regulations to further ensure the least amount of environmental impact. The logistics nature of the Project is unlikely to lead to impacts that would relegate future generations and developments to similar uses.

The Project would be developed in a portion of the City of Fontana (City) identified as the SWIP within the JND, an area that has a Light Industrial and General Industrial land use and zoning designations and that by right allows logistics uses. The Project would not modify these land use designations. Therefore, the Project would not influence future development in that land area as the existing land use designations would be unchanged.

The project would not involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

The Project proposes the construction of two modern high-cube logistics buildings (warehouses) on the same site and is not anticipated to release hazardous materials into the environment. Construction and operation of the Project would utilize chemical substances common with typical construction and logistics activities and do not generally pose a significant hazard to the public or environment. However, in the event that hazardous materials are either used or stored on the Project site, mitigation measures are proposed, which would both reduce the significant of any impacts and ensure the Project's compliance with any federal, state, and local policy regarding hazardous materials and accidents. As shown in **Table 4.7-3**, mitigated GHG emissions would exceed the 3,000 MTCO₂e per year threshold despite implementation of all feasible mitigation. Therefore, Project-related GHG emissions would be significant and unavoidable, and impact would be irreversible.

The proposed consumption of resources is justified (e.g., the project involves the wasteful use of energy).

The Project would comply with any applicable federal, state, and local regulation and law regarding the use of resources during both construction and operations. As established in **Section 4.15: Utilities and Service Systems**, development of the Project would not significantly impact water, electricity, solid waste, and telecommunications resources. It was found that the Fontana Water Company (FWC), the water supplier for the City and Project site, has adequate supplies to serve the Project's expanded demand. Further, development of the Project would include the use of energy-efficient vehicles and equipment in accordance with the most recent federal, state, and local regulations. Therefore, resources used for the Project, including energy, would be done in an efficient, justifiable manner.

5.3 Growth Inducing Impacts

State CEQA Guidelines Section 15126.2(e) requires that EIRs include a discussion of ways in which a project could induce growth. The State 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 a 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.

A project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, nor is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the Project examined in the preceding sections of this Draft EIR.

Direct Growth-Inducing Impacts in the Surrounding Environment

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? No

Population and Employment

The California Department of Finance (DOF) recorded the City's population at 212,809 people in January 2022, with an average household size of 3.79 persons per household.¹

The California Employment Development Department (EDD) provided an annual average unemployment rate of 3.3 percent for the City in December 2022. This translated to an average of 3,500 people unemployed in 2022.² This is their most recent annual average. This current rate is their most recent estimate.

The Southern California Association of Governments (SCAG) produced an employment density report that contained average employee generation rates for various land uses within its member counties. The report estimated that for warehousing uses, one employee is generated for every 2,111 square feet of building space.³ The Project's totaling approximately 699,433 square feet of modern high-cube logistics building (warehouse) space would generate approximately 333 new employees. This would not directly generate unanticipated economic growth since the City's unemployed population would be suitable to meet the employment needs of the Project.

Assuming that each new employee would enter the City along with a new household, each home would be anticipated to generate 3.79-person household and would comprise a total population increase of approximately 1,263 persons. According to the General Plan Update (GPU), the City is anticipated to reach 260,000 residents by 2035. As such, consistent with the GPU, the Project could introduce population in line with the City's projection and based on the intended use of the Project site. This potential growth could mean approximately 2.7 percent of the City's estimated population growth as it relates to the difference between the 2022 City's population and the projected population by 2035. Therefore, although

¹ California Department of Finance. 2022. *Population and Housing Estimates for Cities, Counties, and the State, January 1, 2021-2022, with 2020 Benchmark*. <https://dof.ca.gov/forecasting/Demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>. (accessed March 2023).

² Employment Development Department. 2023. *Current Month Unemployment Rate and Labor Force Summary – Cities and Sub-County Places*. Available at <https://www.labormarketinfo.edd.ca.gov/data/unemployment-and-labor-force.html#collapseUno>. (accessed March 2023).

³ Southern California Association of Governments. 2001. *Employment Density Study Summary Report*. Page 4. Yorba Linda, CA: The Natelson Company, Inc.

the Project could foster population growth, the projected population growth would not exceed average rates of growth already experienced by the City.

Housing

The DOF estimates that the City contains 57,483 housing units in 2022, of which 56,041 are occupied. Assuming one housing unit per household induced by the Project, a total of approximately 333 housing units would be required to house the Project's potential employees. The 1,442 vacant housing units would be able to adequately serve the households and residents generated by the Project. Therefore, this would not necessitate growth within the City. Senate Bill 330 (SB 330) requires that cities maintain no net loss policy for their housing in which housing potential in the City may not be reduced, only maintained, or increased. The Project site does not contain housing and is zoned for industrial uses.

Would the project remove obstacles to population growth? No

The Project site currently consists of developed parcels, which are currently improved with industrial structures (see **Section 3.0: Project Description** for more information). The demolition of these structures would not generate or induce population growth since they would be replaced with the two modern high-cube logistics buildings (warehouses). Additionally, the zoning and General Plan designation for the Project site is Light Industrial and would not allow for residential development without a Zone Change or General Plan Amendment to a residential designation. The Project would be use that is by-right permitted on the site within this land use and zone and would therefore not create or remove an obstacle for growth.

The Project's development is localized to the Project site. The construction of the new infrastructure would not amend the Land Use or increase density on the parcels adjacent or north of the Project site. The development of the Project would involve the expansion and updating of utility facilities such as electricity and water connections. The Project would also involve the improvement of sidewalks along Cherry Avenue and Jurupa Avenue. These improvements would benefit the City's connectivity. Roadway improvements included in the Project are discussed in **Section 4.13: Transportation** and analyzed in the Traffic Impact Analysis (TIA) (see **Appendix K**). Substantial upgrades to the roadway system outside of the general Project area, which would promote further development are not included as components of the Project.

Would the project require the construction of new or expanded facilities that could cause significant environmental effects? No

The Project site was previously disturbed and developed with industrial uses. These uses required utility and infrastructure improvements in order to function. The Project would include infrastructure improvements and connections to existing facilities to allow for the efficient use of resources such as natural gas, electricity, and water. Improvements to the Project adjacent streets would also include underground dry utility facilities (e.g., cable, electric, telephone, natural gas, television, and fiber optics) along the Project's frontage streets: Cherry Avenue and Jurupa Avenue. The environmental impacts associated with the facility improvements associated with the Project have been analyzed in **Section 4.1: Aesthetics** through **Section 4.15: Utilities and Service Systems** of this EIR. In the presence of potentially significant impacts which were not minimized by the Project design features, mitigation measures have been proposed which, when implemented, would reduce potential impacts stemming from the Project's

development to less than significant levels, with the exception of impacts associated with greenhouse gas emissions, which would remain significant and unavoidable. Further, the Project would not require the expansion of utility facilities such as water treatment plants or landfills. Adequate capacity was concluded for each of those facilities.

Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Refer to **Section 4.1: Aesthetics** through **Section 4.15: Utilities and Service Systems** of this EIR. No cumulative impacts were discovered during the analysis of the Project.

5.4 Mandatory Significance of Findings

CEQA Guidelines Section 15065(a)(1)-(4) requires preparation of an EIR when certain specified impacts may result from construction or implementation of a project.

A finding of significance is determined if a project “has the potential to substantially degrade the quality of the environment.” In practice, this is the same standard as a significant effect on the environment, which is defined in CEQA Guidelines Section 15382 as “a substantial or potentially 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 EIR has been prepared for the Project, which fully addresses all of the Mandatory Findings of Significance.

This EIR in its entirety addresses and discloses all known potential environmental effects associated with the development of the Project including direct, indirect, and cumulative impacts in the following resource areas:

- 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
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

A summary of all potential environmental impacts, level of significance and mitigation measures is provided in **Section 1.0: Executive Summary**.

The EIR concludes a finding of significance if the project:

Has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

Endemic and endangered animals within California and the Project's potential effect on those species are fully discussed in **Section 4.3: Biological Resources** of this EIR. The section found that the Project site had a low capability to harbor special status plants. No special-status wildlife species were observed during the September 29, 2022, field investigation. Based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the Project site does not have the potential to support any of the special-status wildlife species known to occur in the vicinity of the site. Nevertheless, mitigation was proposed in the section to further reduce the risk to special status species.

Section 4.4: Cultural Resources and **Section 4.14: Tribal Cultural Resources** of the EIR analyzed the potential historic and prehistoric resource impacts that could occur due to the implementation of the Project and found no recorded historic or prehistoric resources in the Project site. Further, mitigation proposed within the section provides guidance in the event that unexpected archaeological, historical, or tribal cultural resources are discovered on-site during construction to further minimize potential effects to the City's historical and prehistorical resources, in the unlikely event that cultural or paleontological resources are exposed during construction of the Project. The mitigation presented in the section further mitigated the significance of the potential impacts to less than significant levels.

The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

The Project would occupy an area that is currently completely developed and occupied. This would assist with the six objectives identified for the Project in **Section 3.0: Project Description** that include the following: maximize the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles and Long Beach; develop industrial buildings that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area; develop and operate attractive industrial buildings in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area; enhance Project identity through architecture, landscaping, walls, fencing, and signage; develop and operate industrial buildings that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions; and develop and operate industrial buildings that positively contributes to the economy of Fontana through new capital investment, creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.

Section 5.2: Significant and Irreversible Environmental Changes, of this document addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. Lastly, **Section 5.3: Growth-Inducing Impacts** identifies any long-term environmental impacts associated with economic and population growth that are associated with the Project.

The project has possible environmental effects that are individually limited but cumulatively considerable.

CEQA Guidelines Section 15065(a)(3) defines “cumulatively considerable” to mean that “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” This EIR provides a cumulative impact analysis only for all thresholds that result in a less than significant impact, a potentially significant impact unless mitigated, or a significant and unavoidable impact. Cumulative impacts are addressed for each of the environmental topics listed above and are provided in **Sections 4.1** through **4.16** of this EIR.

The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

As required by CEQA Guidelines Section 15065(a)(4), “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This standard relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could directly or indirectly affect human beings would be possible in all of the CEQA issue areas previously listed, those that could directly affect human beings include aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, land use and planning, public services and utilities, transportation, water resources, wildfire hazards, and climate change, all of which are addressed in the appropriate sections of this EIR; refer to Table of Contents for specific section numbers. The Project has the potential to create impacts that could cause adverse effects on human beings. The majority of these effects are created during the construction phase of the Project and would be temporary in nature and would mostly occur over the relatively short-term construction phase. Direct impacts to humans during the construction phase as well as effects associated with operation of the Project site would be less than significant or would be mitigated to less than significant levels. Mitigation measures created for the potential impacts of the Project are detailed in **Sections 4.1** through **4.16** of this EIR. Similarly, most operational impacts foreseen for the Project would be mitigated to a level of less than significant. Significant impacts were found in the analysis of the Project after implementation of mitigation, refer to **Sections 4.1** through **4.16**.

6.0
Alternatives

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” (State CEQA Guidelines Section 15126.6). The State CEQA Guidelines require that the EIR include sufficient information about each Alternative to allow meaningful evaluation, analysis, and comparison with the 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 (CCR Section 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 not required to consider alternatives which are infeasible. Section 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 (Section 15126.6(a) through (f)) are summarized below to explain the foundation and legal requirements for the alternative’s analysis in the Draft EIR.

- “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” (Section 15126.6(b)).
- “The specific alternative of ‘no project’ shall also be evaluated along with its impact” (Section 15126.6(e)(1)). “The no project analysis shall discuss the existing conditions at the time the Notice of Preparation (NOP) is published, or if no Notice of Preparation was published, at the time the environmental analysis is commenced, as well as what would reasonably be 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” (Section 15126.6(e)(2)).
- “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that require an 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” (Section 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 (projects with a regionally significant impact should consider the regional context), 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)” (Section 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” (Section 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” (Section 15126.6(f)(3)).

6.2 Range of Alternatives

The lead agency is responsible for selecting this range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. This section describes four alternatives to the Project. These alternatives include the No Project/No Build Alternative, Single Building/Cross Dock Alternative, Reduced Build/Cold Storage Alternative, and the Alternate Site Alternative. The Alternative Site Alternative was considered but rejected; see **Section 6.6** 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 Section 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 Impacts Analysis**, there are unavoidable significant impacts associated with greenhouse gas (GHG) emissions.

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 Section 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.

6.3 Project Objectives

The Project implements the goals and policies of the City’s General Plan and the Southwest Industrial Park Specific Plan. The Project would increase the City’s production capacity and further fortify the economic

base of the City. The Project would also revitalize a portion of the City with new industry and production. The Project would be developed to accomplish the following objectives:

- Objective 1:** Maximize the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles and Long Beach.
- Objective 2:** Develop industrial buildings that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area.
- Objective 3:** Develop and operate attractive industrial buildings in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area.
- Objective 4:** Enhance Project identity through architecture, landscaping, walls, fencing, and signage.
- Objective 5:** Develop and operate industrial buildings that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions.
- Objective 6:** Develop and operate industrial buildings that positively contributes to the economy of Fontana through new capital investment, creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.

6.4 Significant and Unavoidable Project Impact

Impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed Project; see CEQA Guidelines Section 15126.6. As concluded in **Section 4.1** through **Section 4.15** of this EIR, the Project would result in significant and unavoidable GHG emissions impacts.

6.5 Criteria for Selecting Alternatives

Per Section 15126.6(b) of the CEQA Guidelines, the discussion of alternatives shall focus on alternatives to a project, or its location that are capable of avoiding or substantially lessening significant impacts of a project, even if the alternatives would impede to some degree the attainment of the project objectives or would be more costly. This alternatives analysis therefore focuses on project alternatives that could avoid or substantially lessen environmental impacts of the Project related to the environmental categories listed in Appendix G of the CEQA Guidelines.

Comments received during the NOP process included issues related to the potential impacts to air quality; greenhouse gas emissions; public health risks; nearby sensitive receptors such as schools; traffic circulation cumulative projects; and tribal consultation. While all of these considerations are addressed throughout this Draft EIR and in the respective sections, they also were considered to develop the reasonable range of alternatives and to address the concerns. The alternatives listed below, specifically those that are evaluated, represent a reasonable range, and at least partially fulfill the Project objectives the City is seeking and/or alleviate some of the potential impacts that would occur upon implementation of the Project as proposed.

The discussion in this EIR focuses on four alternatives:

1. No Project/No Build Alternative
2. Reduced Build
3. Single Building/Cross Dock Alternative
4. Alternative Sites Alternative

Based on criteria described above, three alternatives, including the No Project/No Build Alternative, were carried forward. These alternatives are described in **Section 6.8: Comparison of Alternatives**. The following subsection (**Section 6.6: Alternatives Considered but Rejected**), describes the Alternative Sites Alternative that was considered, but rejected, and provides reasoning for not carrying this Alternative forward for evaluation in this EIR.

6.6 Alternatives Considered but Rejected

CEQA Guidelines Section 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 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.

Alternative 4: Alternative Site Alternative

CEQA Guidelines Section 15126.6(f)(2)(A) notes the following concerning alternative project locations:

- The key question and first step in (alternative location) analysis is whether any of the significant effects of the Project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.
- CEQA Guidelines Section 15126.6(f) requires consideration of an Alternative Site that the Project Applicant would be reasonably able to acquire, control, or gain access to develop. The CEQA Guidelines section also posits that the alternative location chosen should substantially reduce or avoid potential environmental impacts. In the case of the proposed Project, an alternative site is not considered applicable or feasible, as the Project Applicant does not control other undeveloped property of similar size within the City or in the immediate area. Additionally, there are minimal remaining developable sites in the urban portions of the City that are approximately commensurate in size to the Project. For the above reasons, the Alternative Site Alternative (Alternative 4) was rejected from further consideration and is not discussed further.

6.7 Alternatives to the Project Selected for Analysis

The three 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/No Build Alternative

The No Project/No Build 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. No development would occur under this alternative.

Alternative 2: Reduced Build

The Reduced Build Alternative focuses on redesigning the Project to reduce the modern high-cube logistics building (warehouse) area by 25 percent.

Alternative 3: Single Building/Cross Dock Alternative

The Single Building/Cross Dock Alternative focuses on redesigning the Project to a single modern high-cube logistics building (warehouse) with a cross dock format.

6.8 Comparison of Alternatives

Pursuant to CEQA Guidelines Section 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 describe 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/No Build Alternative

State CEQA Guidelines Section 15126.6, requires an evaluation of the "No Project" alternative for decision-makers the ability to compare the impacts of approving the Project with impacts or not approving the Project, thus leaving the Project site in its current developed condition. The No Project analysis is required to discuss the existing conditions as they were at the time of publication of the Notice of Preparation (July 7, 2023) and analyze the potential impacts of the Project site if the land were to continue under applicable existing plans, policies, and designations. Alternative 1: No Project/No Build Alternative (Alternative 1) assumes that the Project would remain developed with the existing industrial warehouse buildings and storage uses and not be developed with the proposed two modern high-cube logistics buildings (warehouses), landscape improvements, or surface lot improvements developed on the Project site. However, the existing environmental conditions would not be necessarily preserved, as some form of redevelopment of the site for future industrial development could still occur pursuant to the City of Fontana General Plan, SWIP, and Municipal Code. Alternative 1 Impact Comparison to the Project

Alternative 1 would avoid potential significant impacts that could occur from Project construction and operation as, by definition, it assumes that no development would occur and therefore no grading, construction or operational traffic and related impacts such as GHG emissions would occur. There would

be impacts associated with the continued use as an outdoor storage yard and a staging yard for heavy building materials and construction equipment and therefore Alternative 1 would not remove all impacts associated with development of the Project site.

Aesthetics

No significant and unavoidable impacts were identified to aesthetics in relation to the proposed Project. Under Alternative 1, the Project site would remain in its current developed state. However, as previously discussed, the land use designation for the Project site is light industrial and the zoning is Southwest Industrial Park (SWIP), and as such, those uses could be developed on the site in the future. Until such a time, Alternative 1 assumes that the Project site would remain developed with the existing industrial buildings, outdoor storage, paved asphalt areas, and staging yard for heavy building materials and construction equipment. However, the Project would provide for two new state of the art modern high-cube logistics buildings (warehouses) with enhanced landscaping, enhanced architectural articulation and elements, screen walls, indoor storage of materials and screened truck courts/dock doors.

Air Quality

No significant and unavoidable impacts were identified to air quality in relation to the proposed Project. Under Alternative 1, the site would continue to operate with its current development. The existing warehouse buildings would continue to produce operational emissions associated with mechanical equipment and truck trips. Under Alternative 1, construction activities would not be conducted on site. Due to the lack of construction-related emissions, impacts under this alternative would be reduced compared to the proposed Project given temporary construction-related impacts only.

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 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 remove the application of construction efforts on the Project site which may disturb birds' nests. Therefore, impacts under this alternative would be reduced compared to the proposed Project.

Cultural Resources

No significant and unavoidable impacts were identified to cultural resources in relation to the proposed Project. The potential presence of unknown culturally significant resources exists. These resources may be encountered during construction activities. 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. Alternative 1 would not include construction activities which would potentially aggravate cultural resources. Therefore, impacts under this alternative would be reduced compared to the proposed Project.

Energy

No significant and unavoidable impacts were identified to energy resources in relation to the proposed Project. Under the Alternative 1, the Project would not be developed. The Project site is currently developed with industrial buildings, outdoor storage, paved asphalt areas, and staging yard for heavy building materials. Under this Alternative, energy use associated with operations of the existing uses on-site would continue. However, when compared to the Project, it is assumed that this Alternative would consume less energy for operational use given the smaller square footage of existing structures.

Geology and Soils

No significant and unavoidable impacts were identified to geological or soil resources in relation to the proposed Project. The Project was not found to generate significant impacts to geology and soil resources and was not found to require mitigation. Potential impacts to geological and soil resources or associated hazards due to Project implementation were largely correlated to the construction activities which would occur on the Project site. However, construction and demolition activities included in Project development would be forgone in Alternative 1 and would therefore further reduce potential exasperation of soil features. 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 no Project improvements would be constructed under Alternative 1, this Alternative would avoid the Project's potential for unique paleontological or geologic resources to be impacted from ground disturbing activities. No impact to geological resources would occur. Therefore, impacts under this alternative would be reduced compared to the proposed Project.

Greenhouse Gas Emissions

The Project is anticipated to generate GHG emissions, either directly or indirectly, that are not mitigable to a less than significant level. Under Alternative 1, any new emissions that would have been generated by the Project would no longer apply, and the site would continue to function as it does currently. However, because the site is currently developed and active for light industrial uses, GHG emissions are currently generated on site. However, these emissions were not identified as exceeding SCAQMD thresholds. Therefore, impacts under this alternative would be reduced compared to the proposed Project.

Hazards and Hazardous Materials

No significant and unavoidable impacts were identified due to hazards or hazardous materials in relation to the proposed Project. The potential for accidental exposure to harmful hazardous materials exists. These resources may be encountered during construction activities. Out of an abundance of caution, mitigation geared towards best practices upon identification would be implemented; effectively reducing impacts to less than significant levels. Under Alternative 1, the site would continue to operate with the existing uses and would not conduct construction activities. Construction hazards would therefore be removed. However, under this Alternative, operation of the site for the existing industrial buildings, outdoor storage, paved asphalt areas, and staging yard for heavy building materials and construction equipment would continue. Therefore, impacts under this alternative would be similar compared to the proposed Project.

Hydrology and Water Quality

No significant and unavoidable impacts were identified to hydrology and water quality in relation to the proposed Project. Alternative 1 would eliminate the short-term impacts to water quality, since grading, excavation, or construction activities associated with the Project would not occur.

This Alternative would leave the Project area with permeable surfaces which would facilitate more groundwater infiltration and would not substantially change current hydrologic conditions when compared to the development of the Project components nor increase the rate of stormwater runoff that would negatively affect the water quality. However, the existing permeable surfaces have the potential for increased contamination compared to the Project, as best practices would not be implemented which would prevent the potential for contamination of storm water. Therefore, impacts under this alternative would be increased compared to those of the proposed Project.

Land Use and Planning

No significant and unavoidable impacts were identified to land use or planning regulations in relation to the proposed Project. Under Alternative 1, the Project site would be retained in its current condition, and as such, existing uses would be maintained, and no warehousing and associated Project components would be developed. The current uses as well as the Project are consistent with the current General Plan land use designation and zoning, and as such, either condition would be consistent with this designation. Therefore, impacts under this alternative would be similar to those of the proposed Project.

Noise

No significant and unavoidable impacts were identified due to acoustic levels in relation to the proposed Project and the Project is within the City standards for acceptable noise. Under the Alternative 1, the Project would not be developed. The Project site is currently developed with industrial buildings, outdoor storage, paved asphalt areas, and staging yard for heavy building materials. Under this Alternative, noise associated with operations of the existing uses on-site would continue. When compared to the Project, it is assumed that this Alternative would emit less noise for operational uses given the smaller square footage of existing structures. Therefore, impacts under this alternative would be less when compared to the proposed Project.

Public Services

No significant and unavoidable impacts were identified due to public services in relation to the proposed Project. Under Alternative 1, no logistics or associated improvements would be developed, and as such, no new Development Impact Fees would be paid to the City of Fontana for various City services. Additionally, because the Project site is currently developed and in use, there would not be an increased need for police and fire services to account for the lack of new development.

Transportation

No significant and unavoidable impacts were identified to transportation in relation to the proposed Project. Overall, the Project would not conflict with a program, plan, ordinance, or policy, addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project includes

roadway improvements that would be designed in accordance with applicable federal, state, and local provisions, design requirements, and policies. Therefore, the Project would have a less than significant impact with implementation of **MM TRANS-1**.

Under Alternative 1, site specific trips would remain at their current levels, removing the additional trips associated with Project implementation. However, roadway and pedestrian improvements would not be implemented as proposed by the Project.

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 its current uses and would not conduct ground moving activities. Alternative 1 would not involve the construction of uses that could potentially disturb tribal cultural resources. Therefore, impacts under this alternative would be reduced when compared to the proposed Project.

Utilities and Service Systems

No significant and unavoidable impacts were identified to utility resources in relation to the proposed Project. Given the Project's scope and nature (i.e., two modern high-cube logistics buildings (warehouses) construction and landscape maintenance), Project operations would create a demand for water, and increase wastewater and solid waste generation. Alternative 1 would, however, retain the Project site in its current developed and in-use condition. Under Alternative 1, utilities and service system demand during Project construction and operations would not occur. Utility demand would remain consistent as no new uses would be developed. Therefore, impacts under this alternative would be reduced when compared to the proposed Project.

Wildfire

No significant and unavoidable impacts were identified due to wildfire hazards in relation to the proposed Project. Due to the existing urbanized setting of the Project site, wildfire risk is determined to be minimal. Additionally, proposed roadway improvements would increase accessibility to the Project site and reduce wildfire-related hazards. Under Alternative 1, the Project site would continue with its current use. However, planned roadways improvements would not occur which could alleviate potential hazards. Therefore, impacts under this alternative would be greater when compared to those found for the proposed Project.

Ability to Meet Project Objectives

Alternative 1 would not meet any of the Project objectives identified above. The No Project/No Build Alternative Fails to meet the Project objectives such as maximizing the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles, I-10 and other major transportation arterials, as the site would remain in its current condition and would not undergo any development.

Alternative 1 Summary

Alternative 1 would not meet any of the objectives of the Project. The Project site consists of developed, actively used light industrial uses.

As discussed above, Alternative 1 would avoid all potential significant impacts that could occur from Project construction and operation. “No Project,” by definition, assumes that no development would occur and therefore no grading, construction or operational traffic and related impacts such as air quality, greenhouse gas emissions, and noise would occur. The lack of significant impacts associated with the “No Project” Alternative would be mostly consistent with the conclusions made for the Project.

All impact areas which were anticipated to be less than significant with mitigation measures, and significant and unavoidable, due to implementation of the Project would be eliminated under Alternative 1. For this reason, Alternative 1 is considered the environmentally superior Alternative. Pursuant to State CEQA Guidelines, where the “No Project” Alternative is identified as environmentally superior to the Project, the EIR needs to identify a separate “environmentally superior” alternative (described further below).

Alternative 2: Reduced Build Alternative

The Reduced Footprint Alternative (Alternative 2) focuses on redesigning the Project to reduce the building area by 25 percent. Building 2 would be removed and the square footage absorbed by Building 1, resulting in an L-shaped building. The total approximately 699,433 square feet of logistics use that would be constructed under the Project would be reduced by 174,858 square feet to 524,575 square feet. The approximately 16,000 square feet of office space use would be reduced by 4,000 square feet to 12,000 square feet. In total, the square footage of the modern high-cube logistics building (warehouse) would be 539,575 square feet.

Alternative 2 would result in a single modern high-cube logistics building (warehouse), which would be located in the same general location as proposed with the Project, just with a smaller footprint. It is assumed that where building sizes are reduced/removed, the remaining portion of the site would be paved for additional parking.

Alternative 2 Impact Comparison to the Project

An evaluation of the potential environmental impacts of Alternative 2, as compared to those of 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 be altered similar to the Project since the existing uses would be removed and replaced with logistics. With Alternative 2, the degree of visual alteration during construction and operations would be slightly less than with the Project, because this Alternative would result in a smaller building area within a reduced Project footprint.

This Alternative would reduce the logistics space 25 percent; thus, aesthetic impacts from light and glare would be proportionately less 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.

Air Quality

Impacts to air quality under the Project for both construction and operation would not exceed applicable thresholds for ROG, NO_x, CO, SO₂, PM_{2.5}, and PM₁₀ emissions and impacts would be less than significant. Under this Alternative, the short-term construction impacts would be reduced with the reduced footprint of the modern high-cube logistics building (warehouse), which would result in reduced emissions. This Alternative would not exceed air quality thresholds (regional of LST). This Alternative would create lower concentrations of air contaminants, odor, and particulate matter than the Project due to a 25 percent reduction in size.

Therefore, the Reduced Build Alternative would generate a reduced amount of air pollutants associated with construction and operation and impacts would be less when compared to the 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 Project development and footprint by 25 percent, 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 would have similar impacts on biological resources as 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, standard conditions and mitigation measures would continue to be required for development under this Alternative. SC CUL-1 and SWIP MMs 4.42-a through 4.4-2c and Project **MMs CUL-1** through **CUL-3**, and **TCR-1** 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 have similar impacts as 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 building square footage would be

reduced. This Alternative would result in reduced impacts compared to the proposed Project due to the reduction in total square footage.

Geology and Soils

Alternative 2 would generally cover a similar area for parking, landscape, and infrastructure improvements as the Project but reduce the building coverage area by 25 percent; thus, similar impacts compared to the Project for soil erosion or loss of topsoil from grading and excavation operations would occur. 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 the site would be developed. Out of an abundance of caution, mitigation geared towards best practices would be implemented; effectively reducing impacts to less than significant levels.

Therefore, this alternative would have similar impacts to geology and soils as the proposed Project.

Greenhouse Gas Emissions

Project-related GHG emissions would be significant and unavoidable despite implementation of PDFs, LORs, SCs, GHG Reduction Measures, SWIP EIR MM-4.2-5a, and Project **MMs GHG-1** through **GHG-4**. Since this Alternative would construct a smaller logistics facility, incrementally less GHG emissions would occur during construction of this Alternative. These logistics uses would continue to generate vehicle trips and corresponding GHG emissions, but during operations, this Alternative would generate proportionately less GHG as the development footprint would be reduced. In addition, the Project's mitigated GHG emissions would exceed the City's 3,000 MTCO_{2e} per year review standard. Even if the emissions were reduced 25 percent under this Alternative, it would still exceed the City's review standard.

Alternative 2 would have less impacts than the Project but would still exceed the City's review standard for GHG emissions in both construction and operations phases.

Hazards and Hazardous Materials

The Project's potential construction-related impacts involving increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste, were considered to be less than significant with SWIP EIR MMs 4.5-1a and -1c and Project **MMs HAZ-1** through **HAZ-4** incorporated out of an abundance of caution. Under the Reduced Footprint Alternative, impacts would be similar because construction improvements to the entire site would still occur. The Project's potential construction-related impacts involving demolition of buildings or structures with asbestos or lead-based paint were also considered to be less than significant with **MM HAZ-3** incorporated. Under this Alternative the impacts would be the same and SWIP EIR MMs 4.5-1a and -1c, 4.5-2b and -2d, 4.5-6a and -6b, and Project **MMs HAZ-1** through **HAZ-4** would still be implemented to reduce the impact to less than significant.

While the operation of the Project site is not anticipated to generate significant impacts, mitigation proposed for the Project's construction phase would reduce potential impacts to less than significant levels. The Project's potential operational impacts from transport, handling, and disposal of hazardous

materials and waste would be similar with this Alternative as the uses permitted within the high cube/warehouse would be similar.

Alternative 2 would result in similar hazards and hazardous materials impacts as compared to the Project.

Hydrology and Water Quality

Alternative 2 would reduce the total building square footage by 25 percent; however, the area of impervious surfaces would be similar compared to the proposed Project as the area would be paved. Therefore, this alternative would result in similar runoff and potential for impacts to drainage, erosion, and water quality. Like the Project, this alternative would introduce new sources of water pollutants from construction and operation activities. Additionally, this alternative would be required to include storm drain facility improvements, LID, source control, site design, a SWPPP, and treatment control BMPs. As with the Project, mitigation measures would not be required to reduce hydrology and water quality impacts to a level of less than significant. Therefore, Alternative 2 would have similar impacts to hydrology and water quality as the proposed Project.

Land Use and Planning

Alternative 2 assumes similar development as the Project; however, this Alternative would result in a reduced overall building square footage when compared to the Project but would still include similar paved surfaces. Project impacts were determined to be less than significant.

Same as the Project, this Alternative would also require the same land use approvals by the City. This Alternative would similarly be consistent with the City General Plan policies and development code standards.

Alternative 2 would have similar land use and planning impacts as the Project. The same general use would occur on the Project site and be similarly consistent with the City General Plan policies.

Noise

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 would also occur under Alternative 2, associated with new development. Due to a smaller development footprint, operational noise is anticipated to be reduced compared to the proposed Project. This alternative would have less noise impacts than the proposed Project.

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 square footage would be reduced by 25 percent. As a result of a reduced square footage, property taxes would be less which

decreases pay for services. Therefore, this Alternative would have more impacts to public services than the proposed Project.

Transportation

During Project construction, the Project would generate construction-related traffic resulting in a less than significant impact.

Under this Alternative, operational traffic impacts including VMT and trip generation would be less than the Project due to the smaller Project size and corresponding reduction in vehicle trips. This Alternative would not introduce any new curves or dangerous roadway segments and all intersections would be appropriately signalized and/or controlled to ensure safe vehicle movements, the same as the Project. Lastly, this Alternative would 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, this Alternative would result in reduced construction and operational transportation impacts. Alternative 2 would result in reduced transportation impacts as compared to the Project.

Tribal Cultural Resources

Under Alternative 2, impacts to undiscovered tribal cultural resources would be similar to those of the Project. Similar to the Project, mitigation measures would continue to be required for development under this Alternative. Project **MMs TCR-1** and **TCR-2** pertaining to undiscovered tribal cultural resources, would still be required to reduce potential impacts to a less than significant level. Therefore, Alternative 2 would have similar impacts as the Project regarding tribal cultural resources.

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, water, wastewater treatment, and solid waste disposal would be less than that of the Project. Electricity use is estimated to be less given the 25 percent reduction in building square footage. Existing utilities would be extended and upgraded as needed during construction of the Project or this Alternative to serve the anticipated demands and to accommodate operation of each. While the Project and this Alternative would increase the overall demand for services, adequate capacity to serve this Alternative and the Project is anticipated. This Alternative would tie into existing utility lines within the existing roadways and within the existing already disturbed rights-of-way adjacent to the site, similar to the Project. No additional impacts to listed resources, including electricity, natural gas, sewer, water, and telecommunications infrastructure would occur. Impacts under this Alternative would be similar compared to the Project.

Wildfire

No significant and unavoidable impacts due to wildfire hazards were identified in relation to the proposed Project. Both the Reduced Build Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar wildfire impacts. As with the Project, development of the Reduced Build Alternative would include fire suppression methods that would reduce the potential

for fire as well as roadway improvements to increase emergency mobility. Therefore, impacts under this alternative would be similar to those found for the proposed Project.

Ability to Meet Project Objectives

Alternative 2 would generally meet the Project objectives, including: (2) Develop industrial buildings that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area; (3) Develop and operate attractive industrial buildings in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area; (4) Enhance Project identity through architecture, landscaping, walls, fencing, and signage; (5) Develop and operate industrial buildings that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions; and (6) develop and operate industrial buildings that positively contributes to the economy of Fontana through new capital investment, creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.

However, Alternative 2 would not allow for the level of development of the larger two modern high-cube logistics buildings (warehouses) and still require the same level of infrastructure costs, and therefore would not fully meet Project objectives. Specifically, this Alternative with smaller buildout of logistics uses would not meet Project objectives including: would partially meet (1) Maximize the efficient movement of goods throughout the region by locating industrial buildings in close proximity to the Ports of Los Angeles and Long Beach.

Alternative 2 Summary

Alternative 2 includes a smaller development which would allow for a reduced intensity of use than the Project. This decrease in Project footprint would result in a potential reduction of environmental impacts to the adjacent residential, institutional, and industrial uses of the surrounding area. The land use type contemplated under Alternative 2 would not conflict with the City General Plan or Development Code, similar to the Project. As described above, this Alternative would meet the Project Objectives to a lesser degree than the Project because the Alternative 2 would not allow for the same level of development of the two modern high-cube logistics buildings (warehouses) and would still require the same level of infrastructure costs; therefore, the Alternative would not fully meet all the project objectives.

Alternative 3: Single Building/Cross Dock Alternative

The Single Building/Cross Dock Alternative (Alternative 3) would develop a single building that is approximately 40 percent smaller (approximately 438,000 square feet), oriented with the primary elevation/frontage along Jurupa Avenue. The building would include dock doors would be on both elevations of the building, facing both Jurupa Avenue and internal to the site. A truck and trailer parking area would be located in the approximate location of Building No. 2. Truck access would be similar to the Project and would be provided from Redwood Ave to serve the building and the parking/drop lot area. Auto parking would be provided from two access driveways from Redwood Avenue and Cherry Avenue. The Cross Dock facility would be dedicated to unpacking, processing, and repackaging contents from

trailers on the east side of the building to trailers on the west side of the building. These trucks would then transport contents to their final destination. Building No. 1 of Alternative 3 would be developed with additional auto mobile parking to the northern and southern borders of the building.

The single modern high-cube logistics building (warehouse) and additional auto and trailer parking proposed under Alternative 3 would have a reduce lot coverage from the Project. Although the building size and lot coverage is smaller, the cross-dock operations of the building and additional drop lot, would increase truck traffic/trips related to the efficient loading and unloading of goods and additional drop lot to support additional truck trips. Overall, Alternative 3 would be slightly less construction intensive but has the potential to be more traffic intensive and thus generate similar impacts on air quality, GHG, noise, and transportation to the Project.

Alternative 3 Impact Comparison to the Project

An evaluation of the potential environmental impacts of Alternative 3, as compared to those of the Project, is provided below.

Aesthetics

Under Alternative 3, the site would be developed with one modern high-cube logistics building (warehouse) with a cross dock format, and additional auto and trailer parking. With this Alternative, visual changes to the site as seen from off-site viewers including residents to the south or drivers around the site, would be of similar intensity compared to the Project but would include the dock doors on the south side of the building which abuts the residential neighborhood to the south across Jurupa Avenue. Building No. 1 of Alternative 3 would be reduced in size compared to the Project, but this Alternative would include more truck and trailer parking. Due to the placement of Building No.1 for Alternative 3, there is potential for increased light and glare impacts to the sensitive receptors located west and south of the site due to the truck and auto headlights from the configurations of the truck and auto parking areas along Cherry and Jurupa Avenues. There is potential for additional light and glare impacts from more glazing for windows, wall lighting, dock doors, and screen walls elevation along Jurupa Avenue to screen the dock doors. It is anticipated that with this Alternative there would be an increase in nighttime lighting from security lights and parking lot lighting which is expected to be greater than the Project because of the location of Building No.1 and the additional parking area near sensitive receptors (adjacent to the school). Impacts associated with visual changes to the site with regard to building height would be less than the Project, but elevations/visual impacts (dock doors, vehicular movement, headlights, and trailer parking) and potential light and glare would be potentially greater than the Project requiring mitigation to reduce impacts associated with light and glare.

Air Quality

Under Alternative 3, both short-term construction-related air quality emissions and long-term operational air emissions are anticipated to be greater than the Project due to the increased trailer parking square footage and traffic associated with patrons, additional parking, and delivery trucks. Alternative 3 would be environmentally inferior to the Project regarding air quality impacts, due to an anticipated increase in both short-term and long-term emissions from increased trailer parking adjacent to residential neighbors and a school and associated vehicular movement.

Biological Resources

Under Alternative 3, the Project site would introduce similar impacts to special bird species, nesting birds, and habitats as the Project. 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. Therefore, 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.

Cultural Resources

Under Alternative 3, 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, standard conditions and mitigation measures would continue to be required for development under this Alternative. Standard Condition **SC CUL-1**, SWIP EIR MMs 4.4-1a, -1b, 4.4-2a through -2c, and Project **MMs CUL-1** through **CUL-3** and **TCR-1** pertaining to undiscovered archaeological resource and human remains, would still be required to reduce potential impacts to a less than significant level.

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 this Alternative, energy use associated with operations of a single 438,095 square foot of logistics space would likely be less than the Project, due to the smaller project size compared to the Project's up to approximately 699,433 square feet of logistics use.

Geology and Soils

The soil erosion or loss of topsoil from grading and excavation operations that would occur with the Project would also occur with this Alternative, since the entire site would be fully improved with either a building, site paving, walkways, parking, or landscaping. This Alternative would utilize the same mitigation as that associated with the Project and would similarly result in a less than significant impact.

This Alternative would likely introduce more people to the area that could be impacted by hazardous geologic conditions. As such, this Alternative would be required to implement enhanced mitigation measures to reduce significant impacts, similar to the Project. In terms of exacerbating geologic hazards, construction and operation of this Alternative would not increase the risk of or from hazards including faults and seismicity, liquefaction, subsidence, collapse, expansive soils, landslides, soil stability, or slopes, compared to the Project. This Alternative would not exacerbate any of the listed existing geologic conditions. With regard to soil disturbance and erosion, this Alternative also would implement an approved SWPPP and BMPs which would ensure these impacts remain less than significant. Ultimately, this Alternative would not change the existing geologic conditions under which the site would be developed.

Therefore, Alternative 3 would result in similar impacts regarding seismicity, geology, and soils as compared to the Project.

Greenhouse Gas Emissions

Project-related GHG emissions would be significant and unavoidable despite implementation of PDFs, LORs, SCs, GHG Reduction Measures, SWIP EIR MM 4.2-5a, and **MMs GHG-1** through **GHG-4**. Under this Alternative, GHG emissions are anticipated to be greater than the Project during long-term operations due to the operations and traffic associated with the cross-dock facility. This Alternative is anticipated to promote increased production of GHG emissions and increased vehicular emissions from an increase of employees and truck traffic when compared to the Project.

Hazards and Hazardous Materials

The Project's potential construction-related impacts involving increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste, were considered to be less than significant with SWIP EIR MMs 4.5-1a and -1c and Project **MM HAZ-1** through **HAZ-4** incorporated. Similar to the proposed Project, Alternative 3 is not anticipated to export significant quantities of soil from the site, disposal or transport of demolition materials and any graded soils from the site may therefore increase the potential for the exposure of hazardous materials. Implementation of **MM HAZ-1** and **HAZ-2** would ensure proper handling of contaminated soils and substances which may be encountered and implement assistance in the management of soil during planned future development due to the Project site's historical industrial use. Additionally, **MMs HAZ-3** and **HAZ-4** would be implemented to reduce risks due to potential exposure from asbestos, ACMs, and LBP. SWIP EIR MMs 4.5-2b and -2d would be implemented to further minimize impacts from hazards/hazardous materials. Impacts compared to the Project would be equivalent.

Hydrology and Water Quality

Alternative 3 would be subject to the same hydrology and water quality regulations as the Project. This alternative would result in similar short-term impacts to water quality, since grading, excavation, and construction activities would occur. Similar to the Project Impacts to hydrology and water quality would be less than significant and no mitigation measures would be required.

Both Alternative 3 and the Project would change the hydrologic conditions of the site through development of the Project site. However, the development of Alternative 3 would result in a decrease of the rate and amount of stormwater runoff and change its quality, by adding pervious surfaces and land uses in the form of auto and trailer parking areas compared to the proposed Project. The Project's potential long-term hydrology and water quality impacts, which were concluded to be less than significant, would be the same with this Alternative. Any development under this Alternative would be subject to a water quality management plan and SWPPP with BMPs to minimize impacts from erosion and run-off water.

Land Use and Planning

Project impacts were determined to be less than significant. Under Alternative 3, the Project site would be developed consistent with the allowed uses in the Development Code. Similar to the Project, approval

of land use entitlements by the City would still be necessary to ensure logical and consistent development of the site. Additionally, the Project would be required to comply with any applicable state, regional, and local land use plans, policies, and regulations. Therefore, impacts under this alternative would be similar to those of the proposed Project.

Noise

The Project's construction-related noise impacts would be less than significant. The Project's construction-related vibration impacts are also anticipated to be less than significant. The Project's construction-related noise and vibration impacts would similarly occur with the Alternative 3, albeit to a lesser extent, as construction of the one building as opposed to two with a decrease total square footage compared to that of the Project would occur.

The major noise sources associated with the Project include the following: mechanical equipment (i.e., trash compactors, air conditioners, etc.); slow-moving trucks on the Project site, approaching and leaving the loading areas; activities at the loading areas (i.e., maneuvering and idling trucks, equipment noise); parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise. Noise associated with slow-moving trucks and activities at loading areas would be increased under Alternative 3, including noise associated with parking areas and off-site traffic are assumed to be increased. Additionally, increased noise is anticipated along Cherry and Jurupa Avenues as opposed to the Project since the Project does not have a truck court abutting the residential neighbors, nor trailer parking abutting the neighbors along Jurupa and Cherry Avenues. Therefore, Alternative 3 is anticipated to result in similar operational noise impacts when compared to the Project.

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. Under Alternative 3, the development of the Project site would occur similar to the Project. 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 square footage would be reduced. As a result of a reduced square footage, property taxes would be less which decreases pay for services.

Transportation

During Project construction, the Project would generate construction-related traffic.

Under this Alternative, operational traffic impacts including VMT and trip generation would be greater than the Project due to the increased traffic volume associated with trailer parking. However, this Alternative would be required to be evaluated by the City to ensure that it would not introduce any new curves or dangerous roadway segments and all intersections would be appropriately signalized and/or controlled to ensure safe vehicle movements, similar to the Project. Lastly, this Alternative would conform to all design requirements ensuring safe access for emergency responses, fire lanes, and needed radius for turning large vehicles. Therefore, this Alternative would result in increased impacts associated with transportation, but with appropriate planning and design it is anticipated that impacts would remain less

than significant. Therefore, Alternative 3 would result in increased impacts to transportation as compared to the Project.

Tribal Cultural Resources

The Project would result in less than significant impacts to undiscovered tribal cultural resources, with Project **MMs TCR-1** through **TCR-2** incorporated. Under this Alternative, similar to the Project, development would be subject to the same mitigation as this Alternative would have similar impacts to tribal cultural resources. This Alternative would have the same impacts to tribal cultural resources as the proposed Project and require the same mitigation measures.

Utilities and Service Systems

Both this Alternative and the Project would result in an increased demand for utilities. However, this Alternative's demands for services including natural gas, electricity, water, wastewater treatment, and solid waste disposal are anticipated to be less than that of the Project. Existing utilities would be extended and upgraded as needed during construction of the Project and this Alternative to serve the anticipated demands and to accommodate operation of each. While the Project and this Alternative would increase the overall demand for services, adequate capacity to serve this Alternative and the Project is anticipated. Project impacts to utilities and service systems would be less than significant in compliance with existing laws, ordinances, regulations, and standards. No additional unmitigated impacts to utilities and service systems including, electricity, natural gas, sewer, water, and telecommunications infrastructure, are anticipated to occur. It is anticipated that the Alternative would tie into existing utility lines within close proximity to the Project site. Therefore, this Alternative would result in decreased impacts to utilities and service systems as compared to the Project.

Wildfire

No significant and unavoidable impacts due to wildfire hazards were identified in relation to the proposed Project. Both this Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar wildfire impacts. As with the Project, development of the Single Building/Cross Dock Alternative would include fire suppression methods that would reduce the potential for fire as well as roadway improvements to increase emergency mobility. Therefore, impacts under this alternative would be similar to those found for the proposed Project.

Ability to Meet Project Objectives

Alternative 3 is not anticipated to meet all Project objectives, as identified above, to the same degree as the Project. Alternative 3 would not meet all Project objectives including: (2) Develop modern high-cube logistics buildings (warehouses) that are in close proximity to I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding area; (5) Develop and operate modern high-cube logistics buildings (warehouses) that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions; and (6) Develop and operate modern high-cube logistics buildings (warehouses) that limits truck traffic disruption to residential areas within southwestern Fontana and neighboring jurisdictions.

Alternative 3 would generally meet the Project objectives, including: (1) Maximize the efficient movement of good through the region; and (3) Develop and operate attractive modern high-cube logistics buildings (warehouses) in southwestern Fontana that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the area.

Alternative 3 Summary

The single modern high-cube logistics building (warehouse) and additional auto and trailer parking proposed under Alternative 3 would have a reduced lot coverage from the Project. The decreased building size and additional parking area for truck/trailer parking would likely create similar or greater impacts on air quality, GHG, noise, and transportation. Although the building size and lot coverage is smaller, the cross-dock operations of the building and additional drop lot, would increase truck traffic/trips related to the efficient loading and unloading of goods and additional drop lot to support additional truck trips. There are less impacts to energy, utilities and service systems impacts due to the decreased building footprint and size.

6.9 Environmentally Superior Alternative

An EIR is required to identify the environmentally superior Alternative from among the range of reasonable alternatives that are evaluated. CEQA Guidelines Section 15126.6(e)(2) requires that an Environmentally Superior Alternative be designated and states that if the Environmentally Superior Alternative is the No Project/No Build Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the summary of information presented in **Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project**, the Environmentally Superior Alternative is Alternative 1: No Project/No Build Alternative. Because Alternative 1 would leave the Project site essentially unchanged and would not have the construction or operational impacts that would be associated with the Project, this Alternative would avoid impacts of the Project or any of the other alternatives. Note, however, that environmental impacts associated with existing operations would continue.

State CEQA Guidelines Section 15126.6(e)(2) states that if the No Project/No Build Alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives.” Aside from the No Project/No Build Alternative, Alternative 2: Reduced Alternative would have the least environmental impacts because it would develop less of the Project area, resulting in a reduction in construction and operation-related impacts and would incrementally reduce impacts to resource areas, such as aesthetics, noise, 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**, the No Project/No Build Alternative would be the Environmentally Superior Alternative because it would eliminate all of the potentially significant impacts of the Project. However, while the No Project/No Build Alternative is the Environmentally Superior Alternative, it is not capable of meeting the basic objectives of the Project. Based on the evaluation, Alternative 3: Reduced

Footprint Alternative is the Environmentally Superior Alternative. This is the environmentally superior alternative because it is a less intense development as compared to the Project. Further, Alternative 2 would not produce more severe environmentally significant effects while allowing for the development of the modern high-cube logistics building (warehouse). While this Alternative would meet the Project Objectives to a lesser degree than the Project because the Reduced Footprint Alternative would not allow for the same level of development of the larger two modern high-cube logistics buildings (warehouses) and would still require the same level of infrastructure costs. While this Alternative would meet some of the Project objectives such as objectives 2, 3, 4, 5, and 6 and implement the objectives of the General Plan, this Alternative would not fully leverage use of the site to encourage investment or serve the area and region with additional distribution capacity, and it would not accomplish this to the same degree as would be accomplished by the proposed Project. Specifically, the smaller building development footprint included under this Alternative would not meet Project objective 1 which is to maximize the efficient movement of goods through the region. Accordingly, this Alternative would not support the same degree of economic development as proposed by the Project, would not create as much tax revenue, City fees (Development Impact fees, etc.), and would not create as many jobs in the City.

Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project

EIR Section	Project-Level Impacts	Alternatives		
		Alternative 1: No Project	Alternative 2: Reduced Intensity	Alternative 3: Single Building/Cross Dock
4.1 Aesthetics	Less than Significant	+	-	+
4.2 Air Quality	Less than Significant with Mitigation Incorporated	-	-	+
4.3 Biological Resources	Less than Significant with Mitigation Incorporated	-	=	=
4.4 Cultural Resources	Less than Significant with Mitigation Incorporated	-	=	=
4.5 Energy	Less than Significant	-	-	-
4.6 Geology and Soils	Less than Significant with Mitigation Incorporated	-	=	=
4.7 Greenhouse Gas Emissions	Significant and Unavoidable	-	-	+
4.8 Hazards and Hazardous Materials	Less than Significant with Mitigation Incorporated	=	=	=
4.9 Hydrology and Water Quality	Less than Significant	+	=	=
4.10 Land Use and Planning	Less than Significant	=	=	=
4.11 Noise	Less than Significant with Mitigation Incorporated	-	-	=
4.12 Public Services	Less than Significant	=	+	+

EIR Section	Project-Level Impacts	Alternatives		
		Alternative 1: No Project	Alternative 2: Reduced Intensity	Alternative 3: Single Building/ Cross Dock
4.13 Transportation	Less than Significant with Mitigation Incorporated	=	-	+
4.14 Tribal Cultural Resources	Less than Significant with Mitigation Incorporated	-	=	=
4.15 Utilities and Service Systems	Less than Significant	-	=	=
4.16 Wildfire	Less than Significant with Mitigation Incorporated	+	=	=
Attainment of Project Objectives	Meets all of the Project Objectives	Meets none of the Project Objectives	Meets most of the Project Objectives, but not to the same degree as the Project	Meets some of the Project Objective
<p>A plus (+) sign means the Project Alternative has more impacts compared to the Project. A minus (-) sign means the Project Alternative has less impact compared to the Project. An equal sign (=) means the Project Alternative has similar impact compared to the Project.</p>				

7.0

Effects Found Not to be Significant

7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 Introduction

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15128, “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.”

A Notice of Preparation was circulated for the Cherry Commerce Center Project (Project) by the Lead Agency, the City of Fontana. It was determined that detailed discussion and analysis for all environmental resource areas included in the State CEQA Guidelines, Appendix G would be evaluated in this Draft EIR. Therefore, an Initial Study was not prepared for the Project.

The potential environmental impacts associated with the Project are discussed in **Sections 4.1** through **4.16** of this Draft EIR. As identified through the analysis and summarized in **Section 1.0: Executive Summary** of this Draft EIR, the Project would result in no impacts, less than significant impacts, and less than significant impacts with incorporation of Project-specific mitigation measures for all resources, with the exception of greenhouse gas emissions, which would remain significant and unavoidable, regardless of the implementation of mitigation and laws, ordinances and regulations.

7.2 Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation (DOC) as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

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

SWIP EIR Findings

The SWIP EIR concluded that there are no prime farmland, unique farmland, or farmland of statewide important within SWIP boundaries. The only area where these types of farmlands occur are located within the northwestern portion of the City. Thus, no impacts were anticipated to occur in this regard.

Project 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 uses are designated as Urban and Built-Up Land.¹ As such, the Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, and no impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP Final EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the Final EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 7.2-2: *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR concluded that there are currently no Williamson Act contracts for any parcels within the SWIP. Therefore, no impacts in this regard were expected to occur.

Project 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 City of Fontana Zoning Viewer Map (2023), no portion of the Project site is zoned or designated for agricultural use, but instead is designated Southwest Industrial Park Specific Plan (SWIP) which allows for industrial uses such as the Project.³ The Project site is presently fully used and developed as the Tutor Perini Corporation Equipment Yard, which includes two metal-sided buildings which are located in the northern portion of the Project site, with the area surrounding the buildings and southern portion of the Project site used for equipment storage. No portion of the site is used for agricultural activities and no

¹ California Dept. of Conservation. 2016. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/dlrp/ciff/> (accessed February 2023).

² California Department of Conservation. 2023. *Williamson Act Program*. Retrieved from: <https://www.conservation.ca.gov/dlrp/wa>. (accessed February 2023).

³ City of Fontana Zoning Viewer. 2023. *Zoning Viewer (arcgis.com)*. (accessed February 2023).

portion of the City is documented as being part of a Williamson Act contract.⁴ Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and no impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the Final EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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 Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Level of Significance: No Impact

SWIP EIR Findings

The SWIP EIR concluded that there are no areas zoned for forest land, timberland, or Timberland Production exist within SWIP vicinity. No impacts were anticipated to occur in this regard.

Project Construction and Operations

According to the City's Official Zoning Map Viewer (2023), the Project site is entirely zoned SWIP. Additionally, the corresponding land use designation of the Project site is currently Light Industrial (I-L).⁵ Therefore, no portion of the Project site is zoned forest land, timberland, or timberland zoned for timberland production and no impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP EIR was certified is available that would impact the prior finding of no impact under this issue area.

⁴ City of Fontana. General Plan Update 2015-2035, Draft Environmental Impact Report. <https://www.fontanaca.gov/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (access July 2023).

⁵ City of Fontana. 2022. General Plan Land Use Map. [General-Plan-Land-Use-Map-04-20-2022 \(fontana.org\)](https://www.arcgis.com/apps/webappviewer/index.html?id=f23f04b0f7ac42e987099444b2f46bc2) (accessed February 2023). <https://www.arcgis.com/apps/webappviewer/index.html?id=f23f04b0f7ac42e987099444b2f46bc2>. (accessed August 2021).

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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

SWIP EIR Findings

The SWIP EIR concluded that no forest land exists within the SWIP vicinity. No impacts were anticipated to occur in this regard.

Project Construction and Operations

According to the Land Cover layer in the California Department of Fish and Wildlife's BIO Viewer⁶, the Project site is not identified as containing any biological resources. This, in combination with 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, and no impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 7.2-5: 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 land to non-forest use?

Level of Significance: No Impact

⁶ CDFW. ND. BIOS, NLCD 2023 Land Cover layer. <https://apps.wildlife.ca.gov/bios/?bookmark=940> (accessed February 2023).

SWIP EIR Findings

The SWIP EIR concluded that no forest land or farmland exists within the SWIP vicinity. No impacts were anticipated to occur in this regard.

Project Construction and Operations

As discussed above under Impacts 7.2-1 and 7.2-4, neither the Project site nor adjacent properties are designated for agriculture, forest land, or timberland. The City does not have land use designations specific to these resources. Therefore, impacts related to the conversion of farmland or forest land would not occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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 a value to the region and the residents of the state?*

Level of Significance: *No Impact*

SWIP EIR Findings

The SWIP EIR concluded that no known deposits of precious gemstones, ores, or unique, or rare minerals have been identified within the SWIP or its vicinity. Thus, no impacts were anticipated to occur in this regard.

Project Construction and Operations

The Project site is located on lands designated as MRZ-3 by the County of San Bernardino, 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, and any proposed mineral resource extraction would require a Conditional Use Permit from the City. Additionally, the Project site has previously been developed and did not contain any known

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 February 2023).

mineral resources or require extraction of any mineral resources. 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. As the Project site does not currently contain mineral extraction facilities, consists of previously disturbed land, and has not been designated as containing confirmed mineral resources of significance, 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. Therefore, the Project would not result in the loss of a known mineral resource that would be of value to the region and the state. As such, there would be no impacts due to Project implementation.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

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

SWIP EIR Findings

The SWIP EIR had the same conclusion as Impact 7.3-1, above. No Impacts were anticipated to occur.

Project Construction and Operations

There are many mineral resource recovery sites within the County of San Bernardino, but not in the City of Fontana. The closest mineral recovery site is in the City of San Bernardino approximately 16 miles northeast. Additionally, the Project site has been developed for land uses that do not contain known mineral resources or require extraction of any mineral resources. The Project site is currently developed for industrial uses that utilize the site for staging and parking. Implementation of the Project would be consistent with the County's policy NR-6.1 for lands with mineral significance, which would ensure projects designate 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. As such, there would be no impacts due to Project implementation.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR

would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of no impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

7.4 Population and Housing

Impact 7.4-1: 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: No Impact

SWIP EIR Findings

The SWIP EIR concluded that development of the SWIP would not result in any direct impacts to existing residential units on-site. Should future development proposals result in the potential for displacement of residential uses, each development application would be reviewed on a case-by-case basis for impacts. In addition, any potential impacts to existing on-site housing is anticipated to occur over a long period of time, and the construction of replacement housing would not be required. As such, impacts in this regard were determined to be less than significant.

Project Construction and Operations

The Project would not introduce new population or housing to the Project site. Development would include two modern high-cube logistics buildings (warehouses) totaling approximately 699,433 square feet (sf). The Project would result in approximately 336 jobs for residents in the surrounding area but would not directly generate additional housing. The Project is proposed to be developed on land that has been previously disturbed and is currently developed for light industrial purposes. No residential dwelling units exist on-site.

Construction of the Project would generate temporary employment opportunities, including short-term design, engineering, and construction jobs. Construction related jobs would not result in a significant population increase because those jobs are temporary in nature and are expected to be filled by workforce that provides job-by-job consulting, design, and construction services and the nature of their jobs is to go where the work is. Additionally, proposed Project operational staff/workers are anticipated to be filled within the local workforce. This expectation is based, among other things, on the latest data for the City's 6.2 percent unemployment rate, as of February 2021⁸, which is higher than the California

⁸ US Bureau of Labor Statistics. American Community Survey. *DP03 Economic Characteristics*. <https://data.census.gov/table?q=1600000US0624680&tid=ACSDP1Y2021.DP03>. (February 2023).

unemployment rate of 4.6 percent as of August 2023.⁹ Therefore, Project construction would not directly or indirectly induce substantial, unplanned population growth in the City resulting in no impact. Additionally, the SCAG's Connect SoCal notes that it is anticipated that the population would grow to 286,700 residents by 2045.¹⁰ As such, population growth in the City is anticipated and developments such as the Project which are by right permitted in the Project site have been considered in the City's General Plan Update 2015-2035. For this reason, the Project is anticipated to have no impact on unplanned population growth.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

Impact 7.4-2: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Level of Significance: No Impact

SWIP EIR Findings

Refer to Impact 7.4-1 above. A less than significant impact to housing or people necessitating housing was anticipated to occur.

Project Construction and Operations

As noted in **Section 3.0: Project Description**, the Project site is currently a light industrial site used for staging construction equipment and materials. No housing of any kind exists on-site and as such, no home or residents would be displaced with the implementation of the Project. No impact to people or housing would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could

⁹ US Bureau of Labor Statistics. August 2023.

¹⁰ SCAG. 2020. Connect SoCal Demographics and Growth Forecast. Page 39.
https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579#:~:text=While%20the%20region's%20growth%20rate,%2C%20domestic%20migration%2C%20and%20immigration (accessed July 2023).

not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of less than significant impact under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

7.5 Recreation

Impact 7.5-1: 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: No Impact

SWIP EIR Findings

The SWIP EIR concluded that future industrial, commercial, and office development in the SWIP would create substantial employment opportunities which could lead to a population increase within the City and an associated increase in demand for parks and recreational facilities. Additionally, development of the SWIP was anticipated to not directly result in the payment of any Park Development fees that would ensure that impacts are mitigated. Therefore, at a program level of analysis, future park and recreational facility impacts resulting from future development in the SWIP would be significant and unavoidable and mitigations were imposed.

Project Construction and Operations

The Project consists of two modern high-cube logistics buildings (warehouses) and associated light industrial amenities. The Project does not propose any residential, recreational uses, or other land uses that may directly generate population requiring access to recreational facilities. The nearest parks to the Project site are Shadow Park located at 14250 Shadow Drive, Fontana, CA 92337, approximately 0.3 mile southwest of the Project site; Southridge Park located at 14501 Live Oak Avenue, Fontana, CA 92337, approximately 0.5 mile south of the Project site; and Oak Park located at 14180 Live Oak Avenue, Fontana, CA 92337, approximately one mile southwest of the Project site. Additionally, the Martin Tudor Jurupa Hills Regional Park is located approximately 2.8 miles southeast from the site. No other parks are located within one mile of the Project site. Because the Project does not propose uses that would increase the use of existing neighborhood and regional parks or other recreational facilities, the Project is anticipated to have no impact on such uses.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None

Project Mitigation Measures

No mitigation is required.

Impact 7.5-2: ***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: No Impact

SWIP EIR Findings

Refer to Impact 7.5-1 above.

Project Construction and Operations

As noted in **Section 3.0: Project Description**, and in response 7.5-1, above, the Project does not include recreational facilities and does not require the construction or expansion of recreational facilities because the Project involves the construction of two modern high-cube logistics buildings (warehouses) and no uses that are known to require recreational facilities. No impact would occur.

The Project is consistent with the impact findings disclosed in the SWIP EIR. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the SWIP EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the SWIP Final EIR was certified is available that would impact the prior finding of significant and unavoidable under this issue area.

Applicable Mitigation Measures from the SWIP Specific Plan Environmental Impact Report

None.

Project Mitigation Measures

No mitigation is required.

7.6 References

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https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579#:~:text=While%20the%20region's%20growth%20rate,%2C%20domestic%20migration%2C%20and%20immigration.

US Bureau of Labor Statistics. American Community Survey. DP03 Economic Characteristics. 2023.

<https://data.census.gov/table?g=1600000US0624680&tid=ACSDP1Y2021.DP03>.

8.0

EIR Consultation and Preparation

8.0 EIR CONSULTATION AND PREPARATION

This section is consistent with the requirements set forth in Section 21153 of the Public Resources Code (PRC) and Section 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.”

The NOP and NOP comment letters are provided in **Appendix A: Notice of Preparation and Scoping Materials**. The City 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 consultation with Native American Tribes pursuant to Assembly Bill (AB) 52, as discussed further in **Section 4.14: Tribal Cultural Resources**. The following tribes were included in the Project notification and opportunity to consult letters pursuant to AB 52: San Gabriel Band of Mission Indians; San Manuel Band of Mission Indians; Gabrieleno Band of Mission Indians – Kizh Nation; Soboba Band of Luiseno Indians; and Torres Martinez Desert Cahuilla Indians.

8.1 EIR Consultation

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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.

- Californians Allied for a Responsible Economy (CARECA), Jeff Modrzejewski, Executive Director
- Center for Community Action and Environmental Justice (CCA EJ), Marven E. Norman, MPA, Policy Coordinator
- South Coast Air Quality Management District, Sam Wang, Program Supervisor, CEQA IGR Planning, Rule Development & Implementation
- Native American Heritage Commission, Cameron Vela, Cultural Resource Analyst

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