

Sierra Distribution Facility Project

Draft Environmental Impact Report

State Clearinghouse No. 2023030788

Prepared for:

City of Fontana
Planning Department
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1.0

Executive Summary

1.0 EXECUTIVE SUMMARY

1.1 Introduction

The California Environmental Quality Act (CEQA) Guidelines require the preparation of an Environmental Impact Report (EIR) to be produced as a full disclosure document. In order to comply with CEQA Guidelines, the EIR must (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 Section 15168 of the State CEQA Guidelines (Title 14 of the California Code of Regulations [CCR]), this Draft EIR (State Clearinghouse No. 2023030788) that has been prepared for the Sierra Distribution Facility Project (Project) and has been prepared by the City of Fontana (City).

1.2 Environmental Procedures

This Draft EIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the Project, as well as anticipated future discretionary actions and approvals. CEQA established six main objectives for an EIR:

1. Disclose to decision-makers and the public the significant environmental effects of proposed activities.
2. Identify ways to avoid or reduce environmental damage.
3. Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
4. Disclose to the public reasons for agency approval of projects with significant environmental effects.
5. Foster interagency coordination in the review of projects.
6. Enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation in CEQA and the CEQA Guidelines; it is intended to provide an objective, factually supported analysis, and full disclosure of the environmental consequences of a project with the potential to result in significant, adverse environmental impacts.

An EIR is one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a project, the lead agency must consider the information in the EIR; determine whether the EIR was prepared in accordance with CEQA and the CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project's significant environmental impacts and alternatives; and adopt a statement of overriding considerations if significant impacts cannot be avoided.

1.3 Project Location

The Project site is located in northern Fontana, in San Bernardino County (County); refer to **Figure 3-1: Regional Vicinity**. The Project site is comprised of six parcels; refer to **Table 1-1: Assessor Parcel Numbers**. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill, see **Figure 3-2: Local Vicinity**.

Table 1-1: Assessor Parcel Numbers

| Parcel | APN Number |
|--------|-------------|
| 1 | 1119-241-10 |
| 2 | 1119-241-13 |
| 3 | 1119-241-18 |
| 4 | 1119-241-25 |
| 5 | 1119-241-26 |
| 6 | 1119-241-27 |

Source: County of San Bernardino. 2022. *Public San Bernardino County Parcel Viewer*.
<https://sbcounty.maps.arcgis.com/apps/webappviewer/index.html?id=87e70bb9b6994559ba7512792588d57a&marker=-116.34526321815805%2C34.11587161201653%2C%2C%2C&markertemplate=%7B%22title%22%3A%22%22%2C%22longitude%22%3A-116.34526321815805%2C%22latitude%22%3A34.11587161201653%2C%22isincludeShareUrl%22%3Atrue%7D&level=19> (accessed June 2022).

Project Setting

The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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 gravel and exposed soil, with AC or PCC pavements surrounding the buildings. Little to no vegetation exists on site. Few large trees are present between the northwest and northeast quadrants.

1.4 Project Description

The Project involves the development of a 398,514-square foot warehouse building within an approximately 18.3-acre site, with associated facilities and improvements including approximately 10,000 square feet of office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and related on-site improvements; refer to **Figure 3-5: Overall Site Plan**. The Project would have a Floor Area Ratio (FAR) of 0.5 and can have a maximum FAR of 0.60. Future occupant(s) of the building are not known at this time.

1.5 Areas of Controversy

The State CEQA Guidelines Section 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. No issues of concern were identified during the review period of the distribution of the Notice of Preparation (NOP) and public scoping meeting.

1.6 Issues to be Resolved

The State CEQA Guidelines require that an EIR present issues to be resolved by the Lead Agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City regarding the Project are whether:

- Recommended mitigation measures should be adopted or modified;
- Different mitigation measures need to be applied to the Project; and
- The Project or an alternative should or should not be approved.

1.7 Unavoidable Significant Impacts

The Project's potentially significant impacts are defined in **Section 4.1: Aesthetics** through **Section 4.20: Wildfire** of this Draft EIR. As noted in these sections, all of the potentially significant impacts identified can be reduced to a less than significant level by implementing feasible mitigation measures.

1.8 Alternatives to the Project

State CEQA Guidelines Section 15126.6(a) requires a Draft EIR to “describe the range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” In response to the potentially significant impacts that were identified, the EIR includes the following alternatives for consideration by decision-makers upon action related to the Project.

Alternative 1: No Project Alternative

The “No Project” Alternative allows decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project by leaving the Project site in its existing condition.

Alternative 2: Drop Lot/ Trailer Storage Alternative

The Drop Lot/Trailer Storage Alternative would utilize the Project site for drop lot and trailer storage, instead of warehouse uses.

Alternative 3: Reduced Footprint Alternative

The “Reduced Building Footprint” Alternative presents a project variation in which the proposed warehouse building would be developed at a smaller scale (approximately 298,886 square feet, or a

25 percent reduction in square footage when compared to the Project) and would be further distanced from Sierra Avenue. Other components of the Project would remain as feasible.

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 Section 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 3 was chosen as the Environmentally Superior Alternative. These alternatives are further discussed in **Section 6.0: Alternatives**.

1.9 Mitigation Monitoring and Reporting

CEQA requires public agencies to adopt monitoring and reporting programs to ensure compliance with mitigation measures adopted or made conditions of Project approval in order to mitigate or avoid the significant environmental effects identified in EIRs. A Mitigation Monitoring and Reporting Program (MMRP) incorporating the mitigation measures set forth in this EIR will be prepared and presented for consideration concurrently with the findings of this EIR and prior to approval of the Project.

1.10 Summary of Environmental Impacts and Mitigation Measures

Table 1-2: Summary of Project Impacts and Proposed Mitigation Measures below provides a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this EIR. Refer to **Section 4.1: Aesthetics** through **Section 4.20: Wildfire** 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.

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

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|--|---|--|--|
| Section 4.3, Air Quality | | | |
| Impact 4.3-2 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 | Potentially Significant | MM AQ-1 Low VOC Paint (Construction). During construction, the Project shall utilize “Super-Compliant) low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of building permits, the City of Fontana Building and Safety Department shall confirm that plans include the following specifications: <ul style="list-style-type: none"> • All architectural coatings will be super-compliant low VOC paints. • Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. • Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. • For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). • Use compliant low-VOC cleaning solvents to clean paint application equipment. • Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. • Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable. • Use high-pressure/low volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency. | Less than Significant with Mitigation Incorporated |
| Section 4.4, Biological Resources | | | |
| Impact 4.4-1 Would the project have a substantial adverse effect, either directly or through | Potentially Significant | 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 | Less than Significant with Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|--|--|
| 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? | | 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. | |
| Section 4.5, Cultural Resources | | | |
| Impact 4.5-2 Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | Potentially Significant | 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 and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. MM CUL-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. | Less than Significant with Mitigation Incorporated |
| Impact 4.5-3 Would the Project disturb any human remains, including those interred outside of dedicated cemeteries? | Potentially Significant | 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. | Less than Significant with Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|--|
| Section 4.9, Hazards and Hazardous Materials | | | |
| Impact 4.9-1 Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | Potentially Significant | <p>MM HAZ-1 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 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, Site Developer or Lead Agency, as applicable, shall contact representatives of the San Bernardino County Fire Department and/or DTSC for guidance and oversight and shall comply with all performance standards and requirements of the respective agency for proper removal and disposal of contaminated materials.</p> <p>MM HAZ-2 Prior to the issuance of a demolition permit for any buildings or structures on-site, if hazardous substances are used and/or stored greater than as specified by the applicable health and safety code, the Project applicant shall prepare and implement a Hazardous Materials Management Plan in accordance with all applicable standards set forth by the Hazardous Material Division of the San Bernardino County Fire Department, for facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code Section 25532 in excess of threshold quantities, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill. This plan shall be prepared by a qualified person, firm, or corporation and submitted to Fontana Building & Safety and reviewed and approved by the San Bernardino County Fire Department through the Certified Unified Program Agencies (CUPA) process prior to implementation as required by the California Accidental Release Prevention (CalARP) Program.</p> | Less than Significant with Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|--|--|
| Impact 4.9-2 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? | Potentially Significant | <p>MM HAZ-3 Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive asbestos containing materials (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 South Coast Air Quality Management District (SCAQMD's) Rule 1403.</p> <p>MM HAZ-4 All developments within 1000 feet of the Mid-Valley Sanitary Landfill, shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building as per 27 CCR Section 21190(g):</p> <ol style="list-style-type: none"> 1. a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade; 2. a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab; 3. a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer; 4. perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging; 5. the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system; 6. automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and 7. periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (Section 20920 et seq.). | Less than Significant with Mitigation Incorporated |
| Section 4.18, Tribal Cultural Resources | | | |
| Impact 4.18-1 Would the project cause a substantial adverse change in the significance of a tribal | Potentially Significant | <p>MM TCR-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CUL-1, of any pre-contact and/or historic-era cultural resources</p> | Less than Significant with Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|--|--|
| <p>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>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p> | | <p>discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to 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> <p>MM TCR-3 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to</p> | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|-----------------|---|---|--|
| | | <p>the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p> <p>MM TCR-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects.</p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be</p> | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|-----------------|---|---|--|
| | | <p>immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p> <p>MM TCR-5 Procedures for Burials and Funerary Remains:</p> <p>A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|-----------------|---|--|--|
| | | <p>B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully,</p> | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|-----------------|---|---|--|
| | | ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. | |

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2.0

Introduction and Purpose

2.0 INTRODUCTION AND PURPOSE

This document is a Draft Environmental Impact Report (EIR) prepared for the Sierra Distribution Facility Project in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq, and the California Code of Regulations Section 15000 et seq. This Draft EIR has been prepared for the City of Fontana (herein referred to as the “City”) and evaluates the potential environmental impacts associated with planning, constructing, and operating of the proposed 398,514 square foot warehouse building project (Project) including approximately 10,000 square feet of office area. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill. The Project is consistent with the City’s General Plan Light Industrial Land Use Designations and the Light Industrial Zoning. The CEQA Guidelines are located within the California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, Section 15000-15387, while the CEQA Statute is codified as Public Resources Code (PRC) Section 21000-21189.57.

This Draft EIR evaluates the potential effects on the environment resulting from implementation of the Project. **Section 3.0: Project Description**, provides detailed descriptions of the construction and operation components of the Project. **Section 4.0: Environmental Impact Analysis**, discusses the regulatory environment, existing conditions, environmental impacts, and mitigation measures for the Project. Following public review of the Draft EIR, a Final EIR will be prepared, in which the City of Fontana will respond to public comments on the Draft EIR.

2.1 Purpose of the Environmental Impact Report

According to Section 15121 of the CEQA Guidelines, an EIR is an informational document which will inform public agency decision-makers and the public of the significant environmental effects of a project. The purpose of this draft EIR for the Project is to review the existing conditions at and in the vicinity of the Project site; identify and analyze the potential environmental impacts; and suggest feasible mitigation measures or alternatives to reduce significant adverse environmental effects as described in **Section 3.0: Project Description** and **Section 6.0: Alternatives**. The Potential impacts include both temporary construction-related effects and the long-term effects of the development, operation, and maintenance of the Project, as described in **Section 3.0: Project Description**.

The intent of this EIR is to address the potential Project impacts utilizing the most current and detailed plans, technical studies, and related information available. This EIR will be used by the 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 3.5: Discretionary Actions and Approvals**, for a list of anticipated responsible and trustee agencies and Project approvals).

2.2 Compliance with CEQA

According to the CEQA Guidelines (14 CCR Section 15064(f)(1)), preparation of an EIR is required whenever a project may result in a significant effect on the environment. An EIR is an informational document used

to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects.

This document 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, to determine the short-term and long-term effects associated with their implementation. This EIR discusses both direct and indirect impacts of the Project, as well as cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Based on significance criteria, the effects of the Project have been categorized as either “no impact,” “less than significant impact,” “less than significant with mitigation incorporated,” or “significant unavoidable impact” (refer to **Section 4.0: Environmental Impact Analysis**). Mitigation measures are recommended for potentially significant impacts, to avoid or lessen impacts. In 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 would require the decision-makers to balance the benefits of the Project to determine if they outweigh identified unavoidable impacts. The CEQA Guidelines Section 15093 provides in part the following:

- CEQA requires that the decision-makers balance the benefits of a project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the reason to support its action based on the Final EIR and/or other information on the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(3) of the CEQA Guidelines.
- 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.

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 website. The NOP was distributed on April 3, 2023, with a 30-day public review period ending on May 3, 2023. The NOP and comment letters received are provided in **Appendix A: Notice of Preparation and Scoping Meeting Notice**.

Public Scoping Meeting

The City included a notice of a public scoping meeting for the Project with the NOP referenced above. A public scoping meeting was held on April 19, 2023, virtually via Zoom 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 five comment letters were received in response to the NOP within the review period. The NOP, comment letters received, and Scoping Meeting Materials are included in **Appendix A: Notice of Preparation and Scoping Materials**.

Areas of concern identified during the scoping period include:

- Aesthetic Impacts
- Air quality impacts
- Drainage and flood susceptibility
- Greenhouse gas emissions
- Traffic and circulation
- Community health risks
- Bicycle transportation
- Utilities

Native American Consultation

Assembly Bill (AB) 52, further discussed in **Section 4.18: Tribal Cultural Resources** requires that the lead CEQA agency, the City of Fontana, 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 January 30, 2023:

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

PaleoWest (*Cultural Resources Assessment for the Sierra Distribution Facility Project*, August 2022, included in **Appendix D: Cultural Resources**) contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands File (SLF) on June 13, 2022. The NAHC responded on July 21, 2022, stating that the SLF search resulted in positive results and recommended that the Gabrieleno Band of Mission Indians – Kizh Nation be contacted to request information on known Native American cultural resources in the Project vicinity. In addition, the NAHC provided a list of 18 individuals representing 12 Native American tribal groups that may also have knowledge of cultural resources in the Project area. Outreach letters were sent to the Native American contacts on August 10, 2022, with follow-up correspondence conducted on August 25, 2022.

PaleoWest contacted the individuals and tribes provided by the NAHC and received the following requests. As of August 26, 2022, seven comments have been received. Arysa Gonzalez Romero, Cultural Resources Analyst at the Tribal Historic Preservation Office of the Agua Caliente Band of Cahuilla Indians (ACBCI) emailed on August 11, 2022, and stated that a record check of their cultural registry revealed that the Project is not located within the Tribe's Traditional Use Area. On August 22, 2022, Lacy Padilla also responded via email and confirmed the previous response and stated that the ACBCI would defer to the other tribes in the area. Ryan Nordness, Cultural Resource Analyst for the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), emailed on August 12, 2022, and stated that the Project is not located near any known cultural resources. Andrew Salas, Chairperson of the Gabrieleno Band of Mission Indians – Kizh Nation, was reached via telephone on August 25, 2022, and stated that the Project is located on the tribe's ancestral land and that they had concerns regarding the Project that they sent to the City of Fontana directly. Robert Dorame, Chairperson of the Gabrielino Tongva Indians of California Tribal Council, was reached via telephone on August 26, 2022, and stated that since most of the families in their tribe reside in coastal areas he would defer to the Tribal Consultant and Administrator, Christina Conley. Ms. Conley could not be reached for comment. Mark Cochrane, Co-Chairperson of the Serrano Nation of Mission Indians, was reached via telephone on August 25, 2022, and requested that he and Co-Chairperson Wayne Walker be contacted if any cultural materials are found during construction activities. Joseph Ontiveros, Cultural Resource Department Lead for the Soboba Band of Luiseno Indians was reached via telephone on August 25, 2022, and stated that he would defer to the San Manuel Band of Mission Indians.

The results of the Project's cultural resources studies, along with the information received through the AB 52 consultation process, are discussed in **Section 4.5: Cultural Resource** and **Section 4.18: Tribal Cultural Resources**.

2.4 CEQA Components

The Draft EIR is available to the public for review at the locations listed below and on the City of Fontana website at:

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

In accordance with CEQA Guidelines Sections 15087 and 15105, this draft EIR will be circulated for a 45-day public review period. The public is invited to comment in writing on the information contained in this

document. Interested agencies and members of the public are invited to provide written comments on the Draft EIR and are encouraged to provide information that they believe should be included in the EIR.

Comment letters should be sent to:

Salvador Quintanilla, Senior Planner
City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335
squintanilla@fontana.org

Final EIR

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

- The Draft EIR or a revision of the Draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

Additionally, pursuant to CEQA Guidelines Section 15088 (Evaluation of and Response to Comments), after the Final EIR is completed, the City of Fontana will provide a written proposed 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 City of Fontana City Council (the decision-making body for the Project) for certification, consistent with CEQA Guidelines Section 15090, which states:

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

- The final EIR has been completed in compliance with CEQA;
- The final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviews and considered the information contained in the final EIR prior to approving the project; and
- 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 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 the 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 City of Fontana City Council 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 and, if necessary, a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093.

2.5 Format of the EIR

The purpose of this EIR is to enable the City of Fontana and other responsible and trustee agencies and interested parties to evaluate the environmental impacts of the Project.

This Draft EIR is organized into seven sections:

- Section 1.0 Executive Summary**, provides a project summary and summary of environmental impacts, and the proposed mitigation measures and alternatives.
- Section 2.0 Introduction**, provides CEQA compliance information
- Section 3.0 Project Description**, provides Project overview, as well as the environmental setting, Project Purpose, and anticipated 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 construction and operational 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 the implementation of the Project.
- Section 5.0 Other CEQA Considerations**, summarizes Significant and Irreversible Environmental Changes and Growth-inducing Impacts.
- Section 6.0 Alternatives**, describes potential Project alternatives, including alternatives considered but rejected from further consideration, analysis of alternatives to the Project, comparison of the alternatives, and identifies the Environmentally Superior Alternative.
- Section 7.0 EIR Consultation and Preparation**, identifies the lead agency, public agencies, organizations, and interested parties involved in the EIR consultation. This section also identifies preparers of the EIR.

2.6 Responsible and Trustee Agencies

Lead Agency

City of Fontana

For this Project, the City of Fontana is the lead agency under CEQA. This Draft EIR has been prepared in accordance with PRC Section 21000 et seq. and the State CEQA Guidelines (CCR Section 15000 et seq.). 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 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 the project. Responsible and trustee agencies are consulted by the CEQA lead agency to ensure the opportunity for input and also review and comment on the Draft EIR. Responsible agencies also use the CEQA document in their decision-making. Several agencies other than the City of Fontana may require permits, approvals, and/or consultation in order to implement various elements of the project, as listed in **Section 3.5: Discretionary Actions and Approvals**.

2.7 Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with CEQA Guidelines Section 15148 or have been incorporate 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 and at the City. Information contained within these documents has been utilized for various sections of this EIR.

Fontana Forward General Plan Update 2015-2035. The City of Fontana adopted the Fontana Forward General Plan in 2003 and was updated in 2018. The sixteen chapters or elements summarize the 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 provisions: public safety, public facilities, and the many services provided by the Community Services Department.
- The Community Mobility and Circulation Element (CMC) expand the options for transit and “active transportation” (pedestrian and bicycle mobility) for Fontana. It is aligned with the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy concepts of Neighborhood Mobility Areas and Livable Corridors.
- The Infrastructure and Green Systems (IGS) Element focuses on maintenance of City property, including parks and trails, streets, sewer lines and lift stations, and City buildings; for stormwater management; and for maintaining the City fleet.
- The Noise and Safety (NS) Element’s goal is to combine the Goals and Policies of the Noise and Safety Elements of the 2003 General Plan into one Noise and Safety Element supported by 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 ensure that new infill development is compatible in scale and character with the existing neighborhood while ensuring that transportation and utility infrastructure keeps pace with the neighborhood character.
- The Land Use, Zoning, and Urban Design (LUZUD) element includes an amended Land Use Plan. The amendments will provide new development opportunities in targets areas and along corridors that can accommodate such development.
- The 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 General Plan was used throughout this EIR 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>.

Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report. The Fontana Forward General Plan Update Final Environmental Impact Report analyzes the potential environmental impacts that would result from implementation of the Fontana Forward General Plan Update Goals,

Policies, and Actions. The Fontana General Plan Final EIR is used in this EIR as a source of baseline data and cumulative impacts for the City's General Plan relevant to the Project.

The Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report is available for review on the City's website at:

<https://www.fontana.org/DocumentCenter/View/29525/Final-Environmental-Impact-Report-for-the-General-Plan-Update>

City of Fontana Municipal Code. The Fontana Municipal Code (Fontana MC) regulates land use and activities within the City's jurisdiction including, zoning and development regulations (codified in Chapter 30). Fontana MC Chapter 30 is the primary tool for implementing the City's General Plan's goals, objectives, and policies. The Fontana MC is referenced throughout this EIR to establish the Project's baseline requirements according to the City's municipal code regulations.

The Fontana MC can be accessed online at:

<https://library.municode.com/search?statId=5&clientId=2228&searchText=geology%20and%20soils&contentType=CODES>

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3.0

Project Description

3.0 PROJECT DESCRIPTION

3.1 Purpose

The City of Fontana (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Environmental Impact Report (EIR) for the Sierra Distribution Facility Project (Project). The following Project Description is provided in conformance with CEQA Guidelines Section 15124. It discusses the geographic setting, Project location, Project setting, current City land use and zoning designations, Project characteristics, Project objectives, and discretionary actions required to implement the Project. This information will be the basis for analyzing the Project's impacts on the existing physical environment in **Section 4.0: Environmental Impact Analysis** of this EIR. The Project Description contains the following:

1. The precise location and boundaries of the Project shown on a detailed map, along with a regional location map;
2. A statement of the objectives sought by the Project including the underlying purpose of the Project and Project benefits;
3. A description of the 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 list of all necessary approvals and permits, a list of agencies that may use the document in their decision-making, and a list of related consultation and environmental review necessary under local, state, and federal laws, regulations, and policies.

The information presented within the Project Description will both accurately describe the Project and assist in further review and assessment of its potential environmental impacts.

3.2 Project Overview

The Project includes the development of a 398,514 square foot warehouse building including approximately 10,000 square feet of office area on a total of 18.3 net acres in the northern portion of the City. Fifty-four dock-high doors would be constructed along the majority of the south building wall and 125 auto parking stalls and 118 trailer parking stalls would be provided. The proposed building is expected to be surrounded by asphalt concrete (AC) pavement in the parking and drive areas, with an included 30-foot-wide fire lane, Portland cement concrete (PCC) pavements in the loading dock area, and concrete flatwork and landscaped planters throughout the Project site. Development would include on-site stormwater infiltration. The infiltration system would consist of a below-grade chamber system located in the southeastern and southwestern portions of the Project site.

The Project is consistent with the City's General Plan land use designation and the zoning. The Project site's industrial land use designation is I-L: Light Industrial and the zoning is M-1: Light Industrial.¹ I-L: Light Industrial (0.1 to 0.6 FAR) allows for employee-intensive uses, including business parks, research and

¹ City of Fontana. 2022. *Zoning and General Land Use Designation Interactive Map*. <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92>. (accessed June 2022).

development, technology centers, corporate and support office uses, clean industry, supporting retail uses, truck and equipment sales and related services.

General uses permitted (either by right, minor use permit, or conditional use permit) under the industrial zoning districts (Light Industrial [M-1]) includes manufacturing, food processing, service and repair, storage and open yards, warehousing uses, retail sales, restaurants and bars, administrative and professional offices, educational, and miscellaneous uses. For a detailed list of permitted uses, see Table No. 30-530: Permitted Uses in Industrial Zoning Districts of the City's Zoning and Development Code here:

https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODE_CO_ARTVIIIINZODI.

3.3 Project Location, Setting, Surrounding Land Uses, and Land Use and Zoning Designations

Project Location

The Project site is located in northern Fontana, in San Bernardino County (County); refer to **Figure 3-1: Regional Vicinity**. The Project site is comprised of six parcels; refer to **Table 3-1: Assessor Parcel Numbers**. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill, see **Figure 3-2: Local Vicinity**.

Table 3-1: Assessor Parcel Numbers

| Parcel | APN Number |
|--------|-------------|
| 1 | 1119-241-10 |
| 2 | 1119-241-13 |
| 3 | 1119-241-18 |
| 4 | 1119-241-25 |
| 5 | 1119-241-26 |
| 6 | 1119-241-27 |

Source: County of San Bernardino. 2022. *Public San Bernardino County Parcel Viewer*.
<https://sbcounty.maps.arcgis.com/apps/webappviewer/index.html?id=87e70bb9b6994559ba7512792588d57a&marker=-116.34526321815805%2C34.11587161201653%2C%2C%2C%2C&markertemplate=%7B%22title%22%3A%22%22%2C%22longitude%22%3A-116.34526321815805%2C%22latitude%22%3A34.11587161201653%2C%22isIncludeShareUrl%22%3Atrue%7D&level=19>. (accessed June 2022).

Project Setting

The Project site is bound to the west by Sierra Avenue, to the east by Mango Avenue, and Windflower Avenue enters the Project site from Sierra Avenue. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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 gravel and exposed soil, with AC or PCC pavements surrounding the buildings. Little to no vegetation exists on site. Few large trees are present between the northwest and northeast quadrants.

According to available historical sources, the Project site was historically undeveloped vacant land as early as 1896 and was developed in phases from 1982 to 1990. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present). The Project site is currently occupied by the following active businesses:

- 1.) San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue. This portion of the Project site is located on the northwest and is used for manufacturing of wood molding and repair/sale of wooden pallets. This property was developed in late 1980s and houses a metal structure and a mobile office.
- 2.) 5975 Sierra Avenue/16899 Windflower Avenue. This parcel is located on the southwest portion and is currently unoccupied. This property was last occupied by Anderson Trucking Services for storage and distribution of furniture and was developed in early 1980s and houses a metal structure.
- 3.) Davis Partners, 17010 Windflower Avenue. This parcel is located on the northeast portion and is currently used for repair of carnival rides. This property was developed in the late 1980s and houses two attached metal structures.
- 4.) Aluma Systems, 17051 Windflower Avenue. This parcel is located on the southeast portion and is currently used for repair and rent of steel and aluminum scaffolding. This property was developed in 1990 and houses a large metal structure. Two stormwater catch basins are present at this property.

Topography

The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern portion of the site to 1,612 feet amsl in the southern portion.²

Biology

A Habitat Assessment was prepared for the Project by ELMT Consulting (September 2022). The Habitat Assessment is included as **Appendix C: Biological Resources**. As a part of the Habitat Assessment prepared for the Project, species and habitat information was gathered from relevant databases for the USGS quadrangle surrounding the Project site to determine which species and/or habitats would be expected to occur on-site. The literature review identified 20 special-status plant species, 42 special-status wildlife species, and three special-status plant communities as having the potential to occur in the Devore

² Southern California Geotechnical. 2021. *Infiltration Report*.

quadrangle. Based on habitat requirements for specific species and the lack of availability and quality of on-site habitats, and because the Project site already has been developed it was determined that the Project site does not have the potential to support species that are found regionally. Refer to **Section 4.4: Biological Resources**, for further discussion.

Hydrology

The Project site lies within the Chino Subbasin and is bound on the east by the Rialto-Colton fault; on the southeast by the contact with impermeable rocks forming the Jurupa Mountains and low divides connecting the exposures.³ On the south, the subbasin is bound by contact with impermeable rocks of the Puente Hills and by the Chino fault; on the northwest by the San Jose fault; and on the north by impermeable rocks of the San Gabriel Mountains and by the Cucamonga fault. San Antonio Creek and Cucamonga Creek drain the surface of the subbasin southward to join the Santa Ana River. Annual mean precipitation ranges from 13 to 29 inches across the surface of the subbasin and averages about 17 inches and the depth to groundwater is reported approximately at between 150 and 250 feet below ground surface (bgs) with a flow direction towards the south.⁴

Seismic Conditions

The Project site is located in an area which is subject to strong ground motions due to earthquakes. Numerous faults capable of producing significant ground motions are located near the Project site. However, the Project would be designed pursuant to the then current California Building Codes. Research of available maps indicates that the Project site is not located within an Alquist-Priolo Earthquake Fault Zone.⁵ Furthermore, Southern California Geotechnical did not identify any evidence of faulting during the geotechnical investigation.⁶

Flood Zone Information

According to the City of Fontana Flood Insurance Rate Map, published by the Federal Emergency Management Agency, Map Number 06071C7920H, dated August 27, 2008, the Project site is located in Zone X, an area of minimal flood hazard.⁷

Hazards and Hazardous Materials

A Phase I Environmental Site Assessment (ESA) was conducted for the Project site in January 2021. The site was historically undeveloped vacant land as early as 1896 and was developed with the existing improvements in phases from 1982 to 1990. From 1987 to present, the site has been occupied by light industrial businesses. The Phase I ESA for the site was conducted in accordance with the ASTM E1527-13 guidelines. There were no recognized environmental conditions (REC), Controlled RECs, or Historical RECs found as part of this assessment with the exception of:

- Poor housekeeping practices at Davis Partners property at 17010 Windflower Avenue; and,

³ Hazard Management Consulting. 2021. *Phase I Environmental Site Assessment*.

⁴ Ibid.

⁵ DOC. ND. *Earthquake Zones of Required Investigation*. <https://maps.conservation.ca.gov/cgs/EQZApp/app/> (accessed August 2022).

⁶ SCG. 2021. *Geotechnical Investigation*.

⁷ Federal Emergency Management Agency. 2022. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd> (accessed June 2022).

- The potential for landfill gases to be present beneath the site due to the presence of the Mid-Valley Landfill east of the Project site across Mango Avenue.

While not a REC per the ASTM guidelines, given the age of the on-site structures, there is a moderate likelihood that asbestos-containing materials are present in the building materials on site. Refer to **Section 4.9: Hazards and Hazardous Materials**, for further discussion.

Airport Influence Area

Rialto Municipal Airport

The Rialto Municipal Airport Comprehensive Land Use Plan (CLUP) was adopted by the Rialto City Council January 1991. The intent of a compatibility plan is to avoid conflicts between airport operations and surrounding land uses. The Project site is within Safety Zone III of the Rialto Municipal Airport Overlay.⁸ Safety Zone III is also known as the Traffic Pattern/Overflight Zone. The traffic pattern for general aviation airports is the envelope of aircraft flight paths associated with the pattern entry point, downwind, base, and final legs, while the overflight area is the larger area where aircraft are maneuvering to enter the pattern for landing. This is also detailed within the Airspace Restriction section of this report under “Horizontal Surface.”

Generally, ALUCs place few restrictions on residential uses within this area. Strong emphasis is still placed on limiting large assemblies of people in uses such as hospitals; stadiums and arenas; auditoriums and concert halls; outdoor amphitheaters and music shells; regional shopping centers; and jails and detention centers. Additionally, land use activities which may present visual, electronic, or physical hazards to aircraft in flight should be avoided in Safety Zone III and all other safety zones. Visual hazards include distracting lights (particularly lights which can be confused with airfield lights), glare, and sources of smoke. Electronic hazards include any uses which interfere with aircraft radio communications. The principal physical hazards, other than the height of structures, are bird strikes. Any land uses which can attract birds should be avoided. Particularly inappropriate uses are artificial attractors and sanitary landfills.

Surrounding Land Use Designations and Zoning

The City’s General Plan Update 2015 – 2035 (General Plan) Land Use Map was updated and adopted on September 10, 2019. The Project site’s existing land use designation is Light Industrial (I-L); the existing zoning is Light Industrial (M-1); refer to **Figure 3-3: General Plan Land Use Designations**, **Figure 3-4: Existing Zoning**, and **Table 3-2: Surrounding Land Use Designations and Zoning** As previously discussed, the Project is consistent with the City’s General Plan land use designation and the zoning.

⁸ Rialto Municipal Airport. 1991. Final Comprehensive Land Use Plan, Figure III-7. <http://www.sbcounty.gov/Uploads/lus/Airports/Rialto.pdf>. (accessed April 2023).

Table 3-2: Surrounding Land Use Designations and Zoning

| Location | General Plan Land Use Designation | Existing Zoning |
|--------------|---|---|
| Project Site | Light Industrial (I-L) | Light Industrial (M-1) |
| North | Light Industrial (I-L) | Light Industrial (M-1) |
| South | Light Industrial (I-L) | Light Industrial (M-1) |
| East | Public Facility with Specific Plan Overlay (City of Rialto) | Rialto Airport Specific Plan (City of Rialto) |
| West | Residential Planned Community (R-PC) – Sierra Lakes | Sierra Lakes Specific Plan |

Sources: City of Fontana. 2022. *Zoning and General Land Use Designation Interactive Map*. <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92> (accessed June 2022).
City of Rialto. 2013. *City of Rialto Official Zoning Map*. <https://www.yourrialto.com/DocumentCenter/View/1513/Zoning-Map---July-2013> (accessed June 2022).
City of Rialto. 2010. Rialto General Plan. Exhibit 2.2 – Land Use Policy Plan. <https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan> (accessed June 2022).

3.4 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 (2020-2045 RTP/SCS or Connect SoCal) in September 2020. The 2020-2045 RTP/SCS includes goals and policies applicable to transportation and land use projects. The Project's consistency with the 2020-2045 RTP/SCS goals and policies are discussed in **Section 4.3: Air Quality**, **Section 4.11: Land Use and Planning**, and in **Section 4.17: 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 (CAAQS). Refer to the proposed AQMP discussion within **Section 4.3: Air Quality**.

3.5 Proposed Project

The Project involves the development of a 398,514-square foot warehouse building within an approximately 18.3-acre site, with associated facilities and improvements including approximately 10,000 square feet of office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and related on-site improvements; refer to **Figure 3-5: Overall Site Plan**. The Project would have a Floor Area Ratio (FAR) of 0.5 and can have a maximum FAR of 0.6. Future occupant(s) of the building are not known at this time.

Building Design

The single building for the Project would maintain a typical height of 48 feet. The maximum building height allowed is 75 feet. The building elevations would be articulated with varying depths of recesses with

windows. 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 side (east and west) and rear (north) elevations of the building. The dock doors (54) would be centered on the south side of the building. **Figure 3-6: Building Design and Elevations**, shows the conceptual design, architecture, height, and scale as seen from different directions.

Landscaping

Landscaping would be provided on approximately 21.4 percent (85,181 square feet) of the Project site. Refer to **Figure 3-7: Conceptual Landscape Plan**. 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.

Project Circulation and Parking

Currently, the Project site is accessible from Windflower Avenue via one right-in/right-out driveway along Sierra Avenue, approximately 400-feet north of Clubhouse Drive. There is currently no access between the Project site and Mango Avenue. Access to the Project site would be provided via one right-in/right-out driveway along Sierra Avenue (for auto traffic only) and two driveways along Mango Avenue (one full-access and one for auto traffic only).

Regional Project access would be from State Route 210 (SR-210) via Sierra Avenue. Local access would be provided via Sierra Avenue and Mango Avenue. Project site ingress and egress would be via three driveways: one 50-foot-wide driveway on Sierra Avenue and one approximately 54-foot-wide (southerly) driveway and one 35-foot-wide (northerly) driveway on Mango Avenue. Trucks would enter/exit the site via Mango Avenue. Mango Avenue intersects with Sierra Lakes Parkway which reconnects with Sierra Avenue. Trucks would access southbound Sierra Avenue from this point to reach SR-210 and regional destinations beyond. Truck access to the Project site via Sierra Avenue is prohibited and limited to access for auto traffic.

The Project would provide 125 parking stalls, 71 trailer stalls, 10 trailer tandem stalls, and 37 tractor trailer stalls. Additionally, a total of 54 dock doors would be provided. Parking stalls would be provided as follows:

- Standard = 93 stalls
- ADA Standard = 5 stalls
- ADA Van = 1 stall
- EV ADA Van = 1 stall
- EV Charging Only = 5 stalls
- EV ADA = 1 stall
- EV Capable = 19 stall

The Project would require a 34-foot right-of-way dedication for Mango Avenue.

Project Phasing and Construction

The Project is anticipated to be developed in one phase. Should the Project be approved, construction is anticipated to occur over a duration of approximately 15 months, commencing in summer of 2025; the facility would be operational in fall of 2026. New construction would include: (1) demolition,

(2) grading/removal of concrete, (3) building construction, (4) paving, (5) architectural coating, (6) landscaping, and the applicable off-site improvements conditioned by the City.

Off-Site Improvements

The Project applicant would dedicate 34 feet of right-of-way (ROW) for Mango Avenue. Within that 34-foot ROW, half width improvements would be conducted along southbound Mango Avenue where it runs adjacent to the Project site. Improvements would include new pavement for the southbound lane and a 12-foot-wide parkway with five-foot wide sidewalk.

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 downward to the south at a gradient of $3\pm$ percent. 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. With regard to earthwork volumes, cut would total 82,237 cubic yards and fill would total 87,574 cubic yards; a difference of 4,336 cubic yard short.

Overhead SCE powerlines are present along the northern, southern, and western property lines of the Project site. The overhead powerlines would be removed from their existing location and undergrounded. The applicant would work with SCE to tie into, relocate, and extend services into the site as required.

Site Utilities/Infrastructure

The Project site is minimally 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. Similarly, stormwater runoff would be captured and controlled on-site and released to the existing stormwater drainage facilities. The Project would be required to connect to the following utilities:

- Domestic water supply and distribution (West Valley Water District)
- Wastewater facilities (Fontana Department of Public Works and Inland Empire Utilities Agency [IEUA])
- Electricity (Southern California Edison [SCE])
- Natural gas (Southern California Gas Company [SoCal Gas])
- Communication systems (AT&T)
- Solid waste (Burrtec)

3.6 Project Objectives

The following objectives have been established for the Project:

- Objective 1:** Implement the City of Fontana’s desire to create a revenue generating use that capitalizes on nearby transportation corridors and truck routes, stimulates employment, and responds to current market opportunities.
- Objective 2:** Revitalize a section of the City with new industrial use(s) to create an economic engine to drive future growth in the City.
- Objective 3** Develop the site with a more efficient use of the Property, to enhance the value of the Property, generating increased property values.
- Objective 3:** Provide infrastructure and landscaping improvements to Sierra Avenue and Mango Avenue vicinity to enhance aesthetics as well as improve safety and traffic flow.
- Objective 4:** Facilitate goods movement for the benefit of local and regional economic growth.
- Objective 5:** Provide new development that will generate a positive fiscal balance increasing the City tax base and a potential for added point of sale tax base for the City moving forward.
- Objective 6:** Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.

3.7 Discretionary Actions and Approvals

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

- **Tentative Parcel Map (TPM No. 22-025):** The Tentative Parcel Map (TPM) would include a request to consolidate six existing parcels (APN 1119-241-10, 1119-241-13, 1119-241-18, 1119-241-25, 1119-241-26, and 1119-241-27) to create one new parcel for the development Project.

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 area lighting; demolition permits; building permits; grading permits; tenant improvement permits; and permits for new utility connections.

- **Design Review (DRP No. 22-051):** The Design Review of the site plan and architectural design for the development of the warehouse building on an 18.3-acre (797,033 sf) site with parking and landscaping improvements. The Project is being developed for a speculative end-user and the future occupant(s) of the Project are unknown at this time.
- **Water Quality Management Plan:** The Water Quality Management Plan (WQMP) for the Project would comply with the policies presented in the City’s municipal code. The WQMP also includes 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

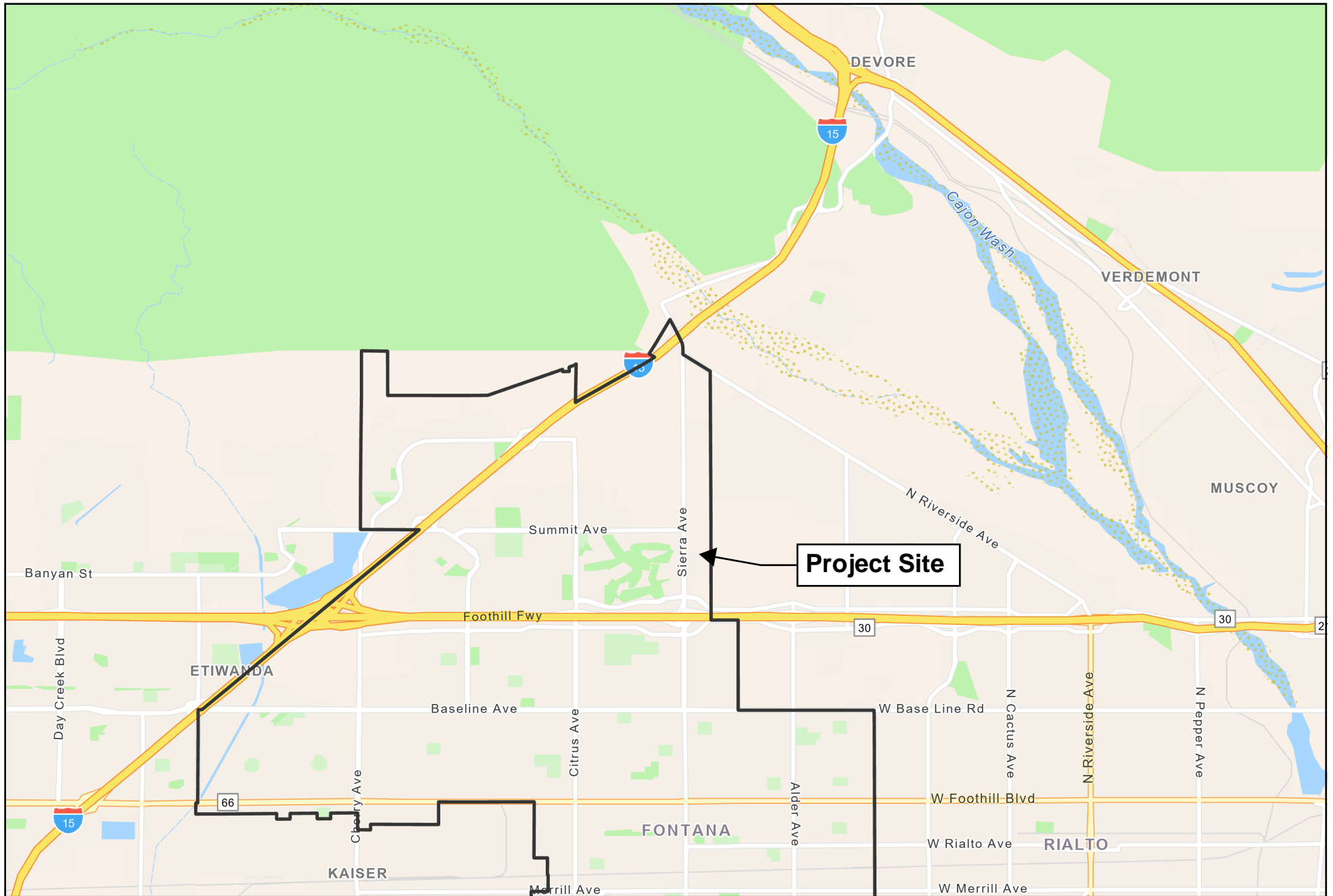
WQMP would apply in the construction phase of the Project and throughout the duration of its operation.

3.8 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 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 3-3: Agency Approvals for the Project**, by agency:

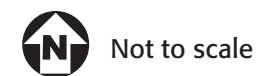
Table 3-3: Agency Approvals for the Project

| Agency | Approval/Permit |
|---|---|
| City of Fontana | <ul style="list-style-type: none"> • Final EIR Certification • Development Agreement • Tentative Parcel Map • 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 |
| West Valley Water District | <ul style="list-style-type: none"> • Approval of agreement for water facilities. |
| 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 District | <ul style="list-style-type: none"> • Dust Control Plan, and other permits as necessary. |
| Southern California Edison (SCE) | <ul style="list-style-type: none"> • Undergrounding of transmission poles. |
| Fontana Fire Protection District | <ul style="list-style-type: none"> • Fuel Modification Zone Plan and Fire Protection Plan |
| United States Fish and Wildlife Service (USFWS) | <ul style="list-style-type: none"> • Endangered Species Act (No consultation is necessary/No impact). |



Source: ESRI, 2022

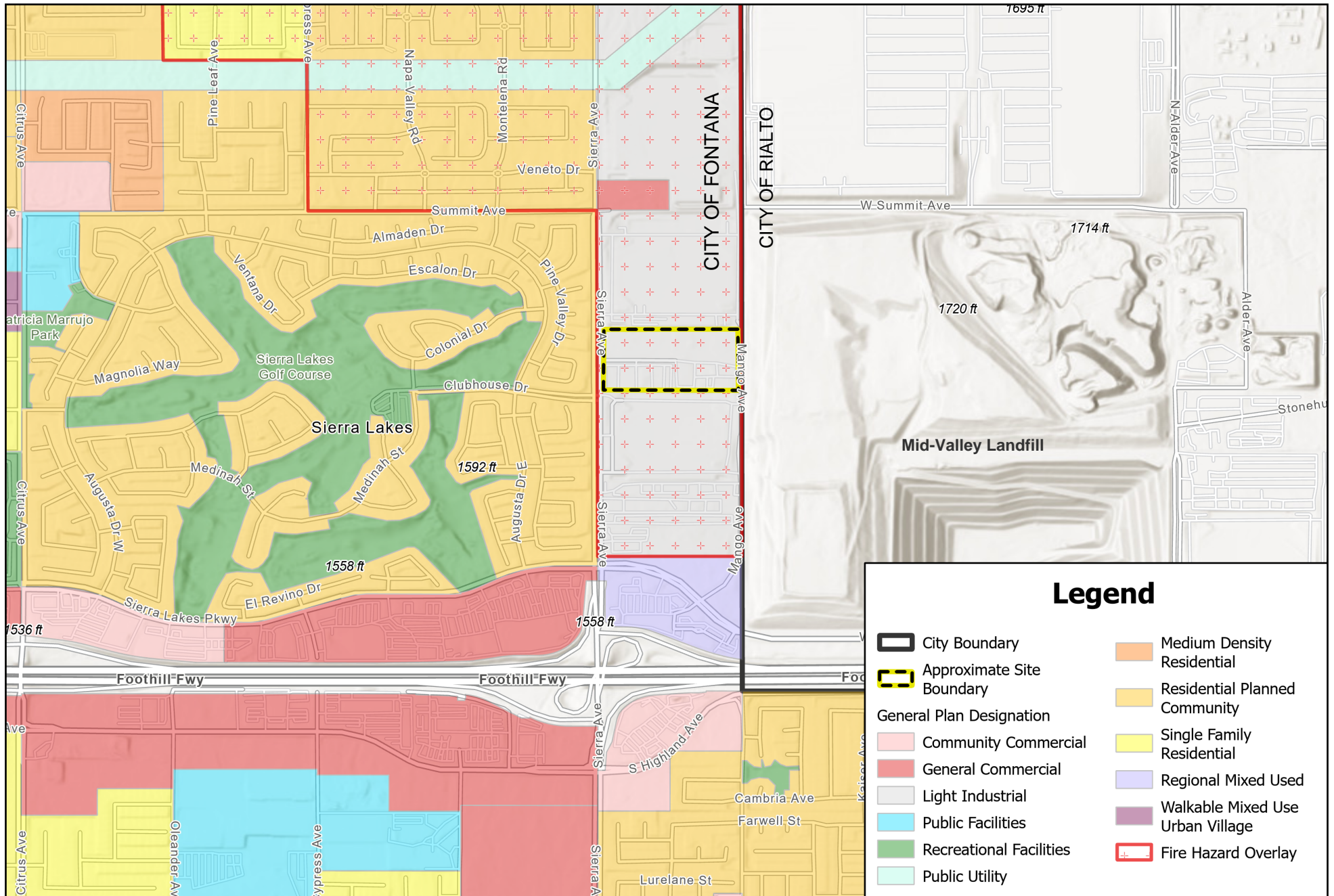
FIGURE 3-1: Regional Vicinity
Sierra Distribution Facility Project, City of Fontana





Source: ESRI, 2022

FIGURE 3-2: Local Vicinity
Sierra Distribution Facility Project, City of Fontana



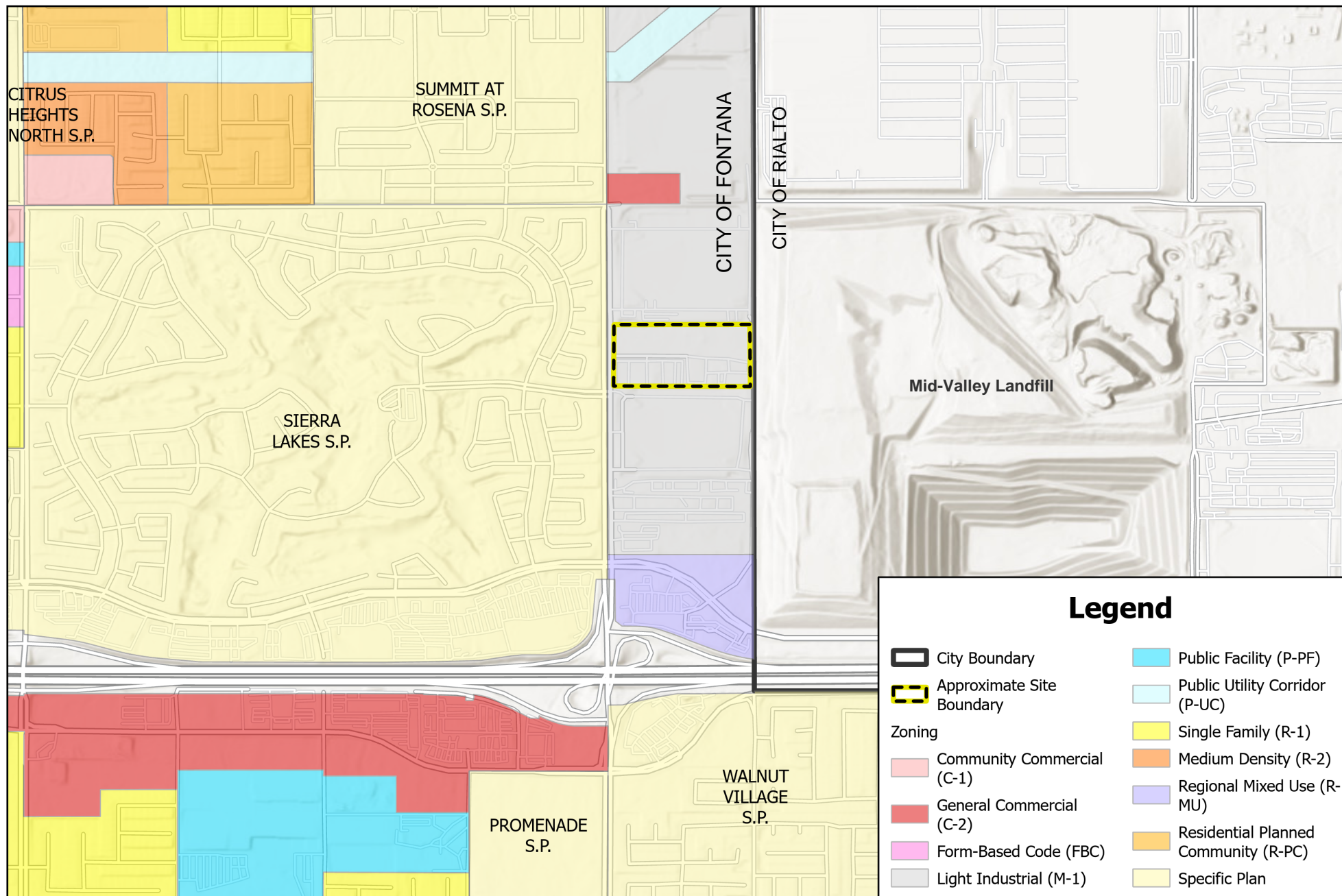
Source: City of Fontana, 4/20/2022

FIGURE 3-3: General Plan Land Use Designations
Sierra Distribution Facility Project, City of Fontana



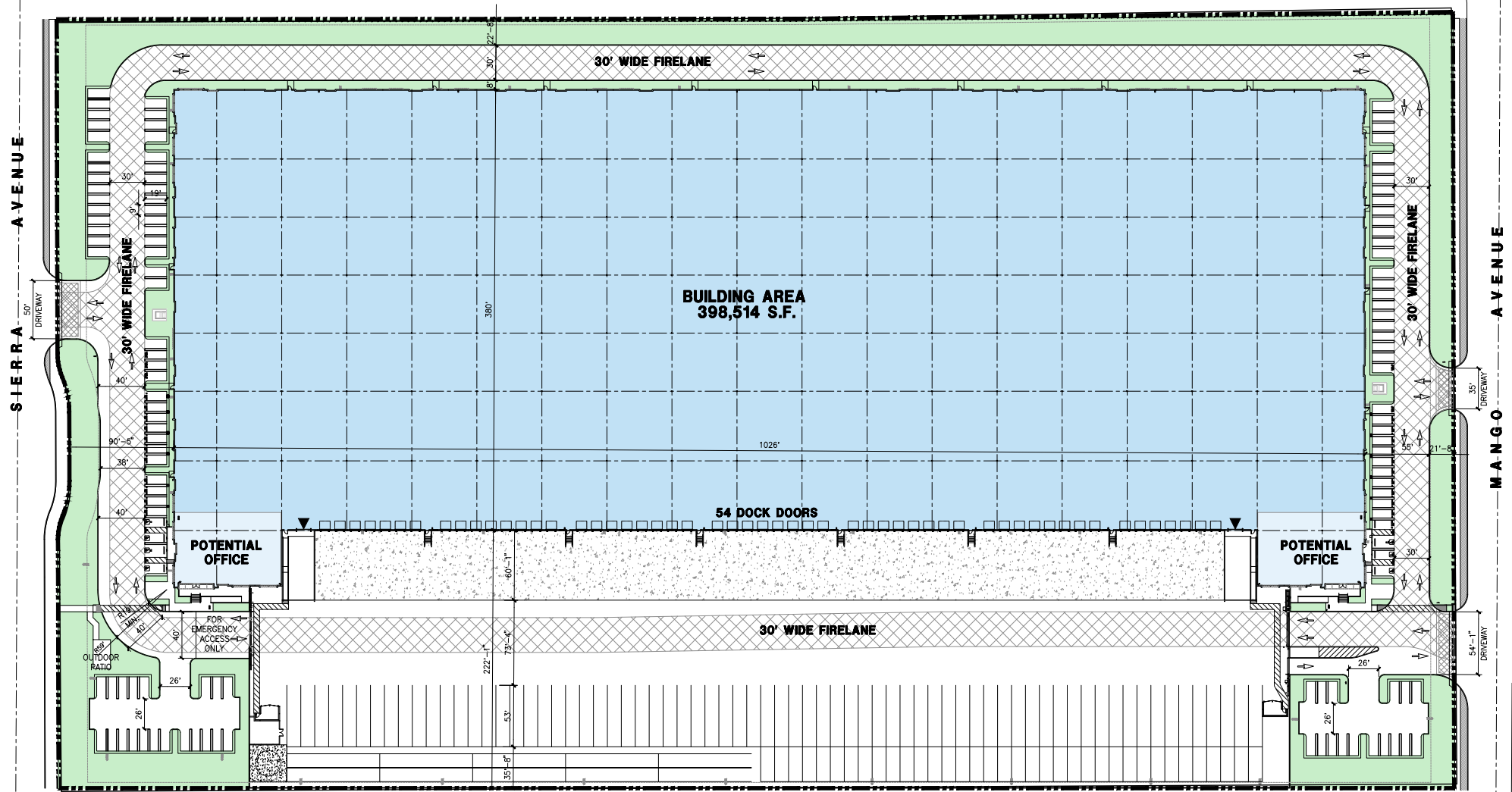
Not to scale

Kimley»Horn



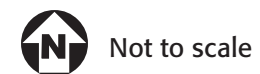
Source: City of Fontana, 6/13/2022

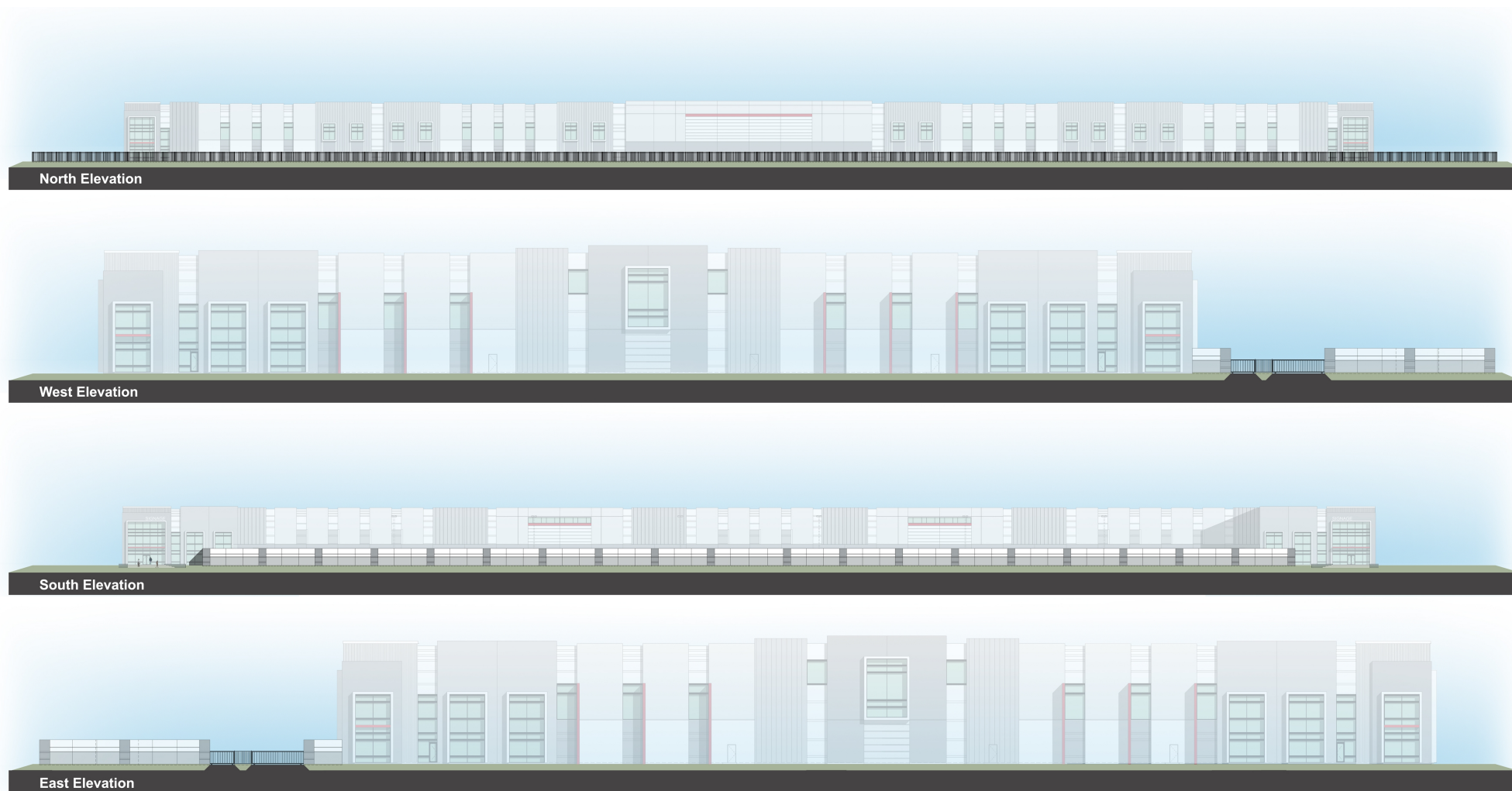
FIGURE 3-4: Existing Zoning
Sierra Distribution Facility Project, City of Fontana



Source: HPA Architecture, 05/06/2024

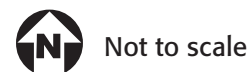
FIGURE 3-5: Overall Site Plan
Sierra Distribution Facility Project, City of Fontana

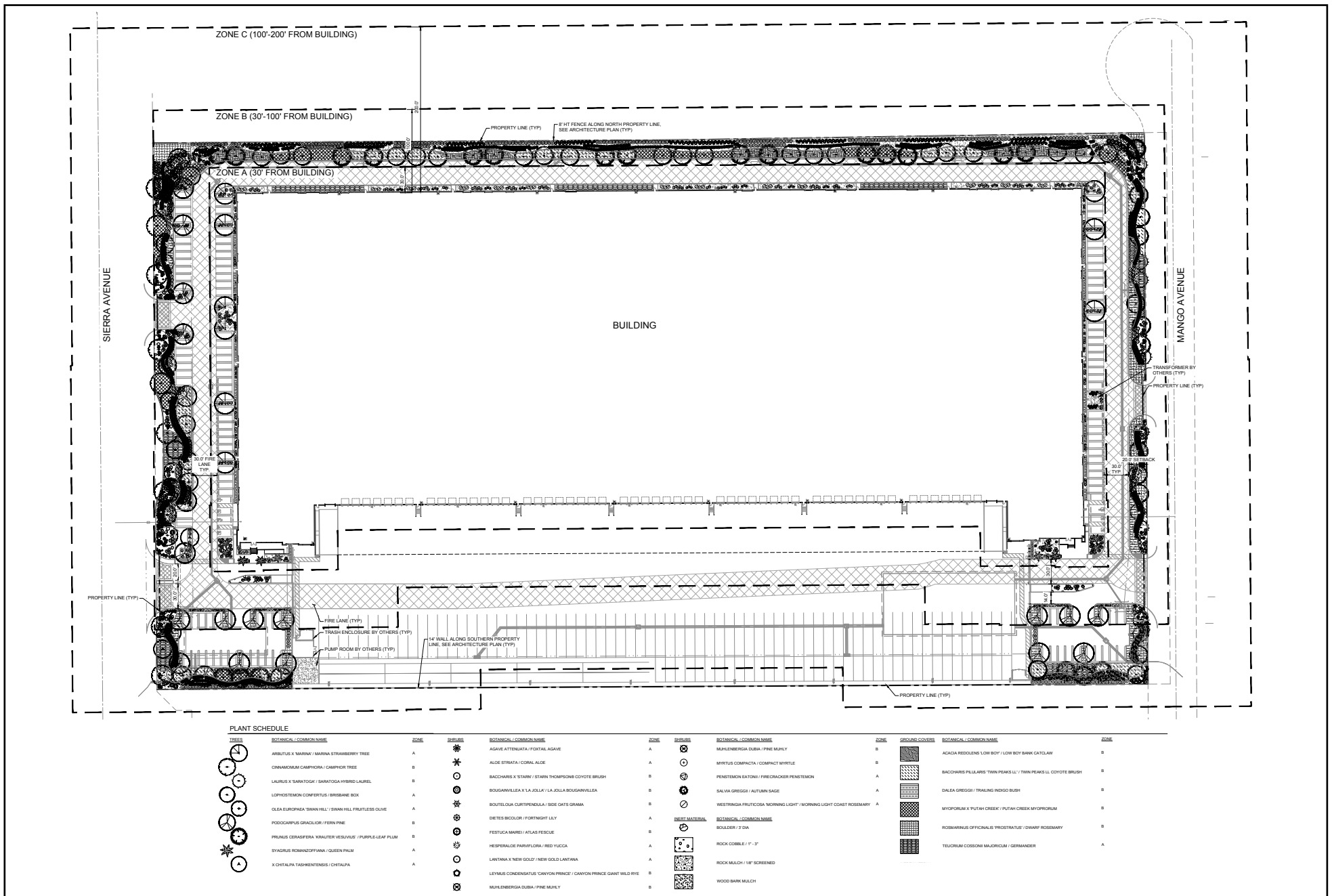




Source: HPA Architecture, 10/31/2023

FIGURE 3-6: Building Design and Elevations
Sierra Distribution Facility Project, City of Fontana





Source: HPA Architecture, 6/16/2023

FIGURE 3-7: Conceptual Landscape Plan and Fuel Modification Zone Plan
Sierra Distribution Facility Project, City of Fontana

Environmental Impact Analysis

4.0 ENVIRONMENTAL IMPACT ANALYSIS

4.0.1 Approach to Environmental 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 to reduce or potentially avoid 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 mandatory findings of significance and other required CEQA topics, and **Section 6.0: Alternatives** which describes and discusses the impacts associated with two alternatives to the Project.

4.0.2 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: Aesthetics** through **4.20: Wildfire**. **Section 4.0: Environmental Impact Analysis** is organized into the following environmental topic areas:

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

Each potentially significant environmental issue area is addressed in a separate EIR Section (4.1 through 4.20) 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. 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 regulation and laws.
- **“Cumulative Impacts”** identifies potential environmental impacts of past, present, and reasonably foreseeable future projects, in combination with the Project.
- **“Significant Unavoidable Impacts”** identifies potentially significant unavoidable Project impacts.
- **“References”** identifies sources cited.

“Mitigation Measures” are recommended where feasible to avoid, minimize, offset, or otherwise compensate for significant and potentially significant impacts of the Project, in accordance with the CEQA Guidelines Section 15126.4. Each mitigation measure is identified by resource area, numerically, and sequentially. For example, mitigation measures in **Section 4.3: Air Quality**, are numbered MM AQ-1, AQ 2, AQ-3, and so on. Pursuant to CEQA, the EIR provides a brief discussion of potential significant impacts of a given mitigation measure, if applicable.

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

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 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. CEQA Guidelines Section 15364 and PRC Section 21061.1 states that "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. A mitigation measure is determined to be feasible if it would avoid or substantially lessen a significant effect on a resource (PRC Section 21082.3). A "less than significant" impact is one that would not result in a substantial adverse change in the physical environment (applicable significance thresholds would not be exceeded in consideration of 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 action and occur at the same time and place. Indirect effects are reasonably foreseeable consequences that may occur at a later time or at a distance that is removed from the Project area, such as growth-inducing effects and other effects related to changes in land use patterns, population density, or growth rate, and related effects on the physical environment.

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

There are no mitigation measures proposed when there is no impact, or the impact is determined to be “less than significant” prior to mitigation (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.”

4.0.3 Cumulative Impact Methodology

CEQA Requirements

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts” (14 California Code of Regulations [CCR] Section 15130(a)(1)). According to CEQA, an EIR must discuss cumulative impacts if the incremental effects of a project, combined with the effects of other projects is “cumulatively considerable” (14 CCR Section 15130(a)). Together, these projects compose the cumulative scenario which forms the basis of the cumulative impact analysis.

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

For the 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 presents impacts and mitigation measures for the Project. Each section of the Draft EIR begins with a summary of the approach and the geographic area relevant to that environmental topic area. For most environmental topic areas, the list approach is used. The list of potentially relevant projects

as well as methodology and relevant planning documents are discussed in each impact section's discussion of "Cumulative Impacts."

The cumulative analysis must be in sufficient detail to be useful to the decision-maker in deciding whether, or how, to alter the Project to lessen cumulative impacts. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided, or minimized through the application and implementation of mitigation measures. 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.

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 all 20 resource topics.

Each of the cumulative impact categories (EIR **Section 4.0: Environmental Impact Analysis**) are analyzed and regulated by different agencies and associated regulatory or policy documents, in order to best protect the resource in question. The analysis of cumulative effects considers a number of variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of each analysis is based on the topography surrounding the Project site and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the project. The 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.

4.0.4 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 projects outside the control of the agency..." (14 CCR 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 contribution to the cumulative effect" (14 CCR Section 15130(b)(1)(B)).

The City of Fontana General Plan and other planning documents (such as recent City of Fontana CEQA documents) were used as additional reference points in establishing the cumulative scenario for the analysis. 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.

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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 Sierra Distribution Facility Project (Project), within the City of Fontana (City). This section of the Draft Environmental Impact Report (EIR) identifies potential impacts that could result from the Project including construction and operation of the warehouse, including office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and related on-site and off-site improvements. 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.

This section and environmental discussion use information from the following City documents:

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*.
- City of Fontana Municipal Code.

Visual Resource Terminology and Concepts

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

The visual sensitivity of a viewer also is affected by variables such as the viewing distances to the landscape. For example, a project feature or natural environment can be perceived differently by people

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

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

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

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

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

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

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

4.1.2 Environmental Setting

Visual Setting

The Project site is an 18.3-acre site comprised of six parcels. According to available historical sources, the Project site was historically undeveloped vacant land as early as 1896 and was developed in phases from 1982 to 1990. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present).

Aerial photographs covering the Project site were obtained from Environmental Data Resources, Inc. (EDR). Photographs were available from the period 1930 through 2016. A summary of the observations noted from the aerial photography is as follows¹:

| | |
|-----------|---|
| 1930-1975 | The photographs from this period show the Project site and site vicinity as undeveloped. |
| 1985-1995 | The photographs from this period show the site developed with the existing improvements. The surrounding properties are undeveloped. |
| 2002-2009 | The photographs from this period show the Project site developed with the existing improvements. The areas to the north and south are undeveloped. The area east of the Project site appears to be the boundary of a landfill. The area west of the Project site across Sierra Avenue is developed with residential buildings. |
| 2012-2016 | The photographs from this period show the Project site developed with the existing improvements. The area to the north is developed with a large industrial warehouse building. The area immediately south is undeveloped. The area east of the site appears to be part a landfill. The area west of the site across Sierra Avenue is developed with residential buildings. |

The Project site is currently occupied by the following operating businesses:

- 1.) San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue. This portion of the Project site is located on the northwest and is used for manufacturing of wood molding and repair/ sale of wooden pallets. This property was developed in late 1980s and houses a metal structure and a mobile office.
- 2.) 5975 Sierra Avenue/16899 Windflower Avenue. This parcel is located on the southwest portion and is currently unoccupied. This property was last occupied by Anderson Trucking Services for storage and distribution of furniture and was developed in early 1980s and houses a metal structure.
- 3.) Davis Partners, 17010 Windflower Avenue. This parcel is located on the northeast portion and is currently used for repair of carnival rides. This property was developed in the late 1980s and houses two attached metal structures.
- 4.) Aluma Systems, 17051 Windflower Avenue. This parcel is located on the southeast portion and is currently used for repair and rent of steel and aluminum scaffolding. This property was developed in 1990 and houses a large metal structure. Two stormwater catch basins are present at this property.

¹ Hazard Management Consulting Inc. *Phase I Environmental Site Assessment, 5975 and 6075 Sierra Avenue 16899, 17010 and 17051 Windflower Avenue Fontana, California 92336*. January 14, 2021.

The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region.²

The Project site is located at the northeast corner of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill. Views of the Project site are primarily available to travelers on Sierra Avenue and Mango Avenue. Existing trees and development block views of the San Gabriel Mountains from the Project site.

Scenic Vistas

A scenic vista can be defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. Within the City, views of elevated features with such scenic quality include the San Gabriel Mountains located approximately 2.5 miles northwest from the Project site, as well as the Jurupa Hills located approximately seven miles south from the Project site. Open space in Fontana generally consists of a mix of the foothills, utility corridors, parks, Lytle Creek, and other dry washes. Open space in the foothills can be seen to the north at the base of the San Gabriel Mountains and to the south in the Jurupa Hills.³

The Fontana General Plan (Fontana GP) does not officially 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 provided especially from the Jurupa Hills.

Scenic Highways

There are no scenic highways officially designated by California Department of Transportation (Caltrans) within or adjacent to the Project site. There are no roadways that are currently eligible for scenic highway designation in the City. The closest scenic highway is the segment of State Route (SR) 330 from SR 30 at North Highland to SR 18 in Running Springs. The closest point of this segment is approximately 8.8 miles to the east of the Project site.⁴

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 residential uses, warehouses, and roadways both from streetlights and vehicle headlights. Industrial 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. There is currently minimal light and glare being emitted from the Project site.

² Southern California Geotechnical. 2021. *Infiltration Report*.

³ City of Fontana. 2019. *Fontana Forward General Plan Update 2015-2035, page 5.1-1 – Draft Environmental Impact Report*.

⁴ California Department of Transportation. 2014. *California Scenic Highways – GIS*.
<https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize> (accessed June 2022).

4.1.3 Regulatory Setting

Federal

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

State⁵

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.

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.

⁵ County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft EIR. Aesthetics Element. Pages 5.1-1 through 5.1-2.* https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-01-AE.pdf (accessed August 2022).

Local

Fontana General Plan 2015-2035

There are no goals or policies in the General Plan that are pertinent to the Project and aesthetics.

City of Fontana Municipal Code

The Project site is 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).

The MC directs that all lights shall be directed and/or shielded to prevent the light from adversely affecting adjacent properties. No structure or lighting feature shall be permitted which creates adverse glare. A photometric plan shall be provided that indicates the amount of light emanating from the proposed/existing light fixtures.⁶

All lighting must have the following characteristics, as is outlined in Fontana MC Section 30-550 – Site plan design:

- 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 Chapter 28 – Vegetation, Article III Preservation of Heritage and Significant Specimen Trees⁷ was 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 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 Chapter 30 – Zoning and Development Code, Article X – General Landscape Requirements⁸ 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.

⁶ City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-544 – Light and Glare*. (accessed June 2022).

⁷ City of Fontana. 2022. *City of Fontana Municipal Code – Section 28-61 - Purpose*. (accessed June 2022).

⁸ City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-664 - Purpose*. (accessed June 2022).

4.1.4 Impact Thresholds and Significance Criteria

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

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

Methodology and Assumptions

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

Approach to Analysis

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

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

4.1.5 Impacts and Mitigation Measures

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

Level of Significance: Less Than Significant

Construction and Operations

Construction activities would result in temporary changes to the visual characteristics of the site as viewed from the surrounding uses from temporary grading, equipment staging, and associated building activities. Construction activities would be visible to area residents and passers-by along Sierra Avenue and Mango Avenue. The Project is anticipated to be constructed in one phase and construction activities are anticipated to last approximately 15 months, during which a certain level of aesthetic changes will occur on the site.

As noted in **Section 3.0: Project Description**, the Project site's existing land use designation is Light Industrial (I-L), and the existing zoning is Light Industrial (M-1). The Project is consistent with the City's General Plan land use designation and zoning. The maximum allowed building height is 75 feet under both the existing land use designation and zoning. The warehouse building would be approximately 45.5 feet in height and would be consistent with the existing land use, zoning, and allowed building height within the Fontana MC for the site. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility.

As previously discussed, the Fontana GP, the northern and southern portions of the City have direct lines of sight to the San Gabriel Mountains and the Jurupa Hills, two scenic vistas within the City. However, the Project would not significantly alter views of the San Gabriel Mountains and Jurupa Hills due to the nature of the surrounding buildings and compliance with the Fontana GP land use designation and zoning. Additionally, the Project would be constructed to not exceed the maximum of 75 feet height requirement set forth in the Fontana MC. Lastly, the Project would introduce a new, state of the art distribution facility, replacing the existing uses, such as the storage of pallets and trailers, which are of a less appealing visual character. As such, the Project would cause a less than significant impact to scenic vistas.

Mitigation Measures

No mitigation is necessary.

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

Level of Significance: No Impact

Construction and Operations

There are no state scenic highways within the City.⁹ The nearest State Scenic Highway, SR-330, is approximately 8.8 miles east of the Project site. 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.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-3 *Would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Level of Significance: Less Than Significant

Public Resources Code Section 21071 defines an urbanized area as:

- a) An incorporated city that meets either of the following criteria:
 - 1) Has a population of at least 100,000 persons.
 - 2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

According to the U.S. Census Bureau¹⁰, the 2020 population of Fontana was 208,393 and therefore meets criterion a-1. This discussion will analyze whether or not the Project would conflict with applicable zoning and other regulations governing scenic quality.

Construction and Operations

The Project applicant proposes the development of an approximately 398,514-square foot warehouse building within an 18.3-acre site, with associated facilities and improvements including approximately 10,000 square feet of office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and related on-site and off-site improvements; refer to **Figure 3-5: Overall Site Plan**. Additionally, the Project applicant proposes approximately 21.4 percent of landscape coverage. The Project site would be designed to provide landscape areas at all frontages. The landscape buffers would separate vehicle and truck parking areas from the sidewalks and streets. Additionally, off-site improvements would be implemented as part of the Project which include curb, gutter, underground utilities, sidewalks, and landscaping, as appropriate, along Mango Avenue.

⁹ City of Fontana. 2019. *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> (accessed June 2022).

¹⁰ U.S. Census Bureau. *Quickfacts*. <https://www.census.gov/quickfacts/fact/table/fontanacitycalifornia/PST045222> (accessed April 2023).

Construction activities would involve earthmoving and grading activities and views from off-site areas of the work and construction equipment. In addition, building of the structure and interior site elements such as paving, installation of utilities, and installation of landscaping, among others would be visible during the temporary construction time frame. However, because the Project site already is developed and does not contain substantial variation in landforms, these activities would not result in substantial alteration of existing grades or any slopes that represent areas of substantial scenic quality. Project site grading would comply with City standards, ordinance, and codes, including City codes related to grading and other construction work including but not limited to Article IV of Chapter 28 - Vegetation, Section 28-95 – which requires a Landscape Documentation Package, and Section 28-102, which requires a Grading Design Plan. Construction activities also would have to comply with all other applicable requirements. Conformance to these codes would help reduce the potential stark changes to the visual environment during construction.

Project construction activities would temporarily affect the visual character of the surrounding area. However, as previously discussed, the Project is located in an urbanized area and in close proximity to other industrial uses. Furthermore, the Project adheres to the Fontana GP land use designation and zoning, as well as the Fontana MC, meaning the Project corresponds with the vision for the future for the City. Construction activities would be temporary in nature and would not create a lasting impact to the surrounding visual character.

Project implementation and operation would allow for new development within an existing developed area, including the Project site, which would not significantly alter the developed existing landforms and visual quality in the area. The Project would involve grading, landform alteration, and the development of a high-cube warehousing building. High quality development with visually appealing elements including landscaping and natural-like building materials would create cohesive designs with other similar facilities in the general vicinity.

The development would not substantially degrade the existing visual character of the site or public views. To further reduce changes in the visual environment, the Project would incorporate perimeter landscaping, trees, and ground covers to visually buffer the structures. For this reason, it is anticipated that implementation of the Project would not degrade the visual characteristics that are already considered low. Impacts in this regard would be less than significant.

Mitigation Measures

No mitigation is necessary.

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

Level of Significance: Less Than Significant

Construction and Operations

Existing sources of light and glare exist in the Project's immediate vicinity. Existing lighting sources include streetlights, outdoor safety and security lighting from adjacent developments including the residential

developments to the west and warehouses to the north and south, and vehicle headlights from adjacent roadways. Construction of the warehouse building would be limited to the daytime hours of construction permitted in the Fontana MC (unless otherwise approved by the City), and nighttime lighting would not be required until the site is operational. Therefore, no short-term impacts associated with light and glare would occur.

Once operational, the building would use interior and exterior security lighting. Consistent with Section No. 30-544 (Light and Glare) of the City's Zoning and Development Code,¹¹ all lighting used on the Project site is required to be directed and/or shielded to prevent the light from adversely affecting adjacent properties, and no structures or features that create adverse glare effects are permitted. Thus, all exterior lighting would be shielded/hooded to prevent light trespass onto nearby properties. Additionally, the single warehouse building 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 warehouse building would not be a source of glare in the area. Therefore, long-term impacts associated with light and glare would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.1.6 Cumulative Impacts

When evaluating cumulative aesthetic impacts, several factors must be considered. The context in which the Project is being viewed would also influence the potential significance of a cumulative aesthetic impact. The Project is consistent with the existing Land Use and Zoning of the site and would reflect the existing and surrounding development. The Project, taken in sum with other past, present, and reasonably foreseeable projects would not substantially affect the already diminished and limited views of the San Gabriel Mountains. The City is becoming more urbanized and the contrast of the potential development, in comparison to the surrounding natural environment would be minimal.

In order for a cumulative aesthetic impact to occur, the cumulative nature of the Project site taken with other projects, as seen together or in proximity to each other must be cumulatively considerable. In the case of the Project, the potential aesthetic impacts related to views, aesthetics, and light and glare are less than significant. Mitigation measures beyond the required conformance to applicable policies and guidance in the Fontana MC and Fontana GP, are not required. As discussed above, Project-related impacts would be less than significant.

4.1.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

¹¹ City of Fontana. 2019. *Chapter 30 – Zoning and Development Code*.
https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIIIINZODI_DIV6PEST_S30-544LIGL (accessed June 2022).

4.1.8 References

- California Department of Transportation. 2014. *California Scenic Highways*.
<https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a#visualize>.
- City of Fontana. 2019. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.
- City of Fontana. 2019. *Chapter 30 – Zoning and Development Code*.
https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH30ZODECO.
- City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-544 – Light and Glare*.
- City of Fontana. 2022. *City of Fontana Municipal Code – Section 28-61 – Purpose*.
- City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-664 – Purpose*.
- County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft EIR. Aesthetics Element. Pages 5.11 through 5.1-2*. https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-01-AE.pdf.
- Hazard Management Consulting Inc. 2021. *Phase I Environmental Site Assessment, 5975 and 6075 Sierra Avenue 16899, 17010 and 17051 Windflower Avenue Fontana, California 92336*.
- Southern California Geotechnical. 2021. *Infiltration Report*.
- U.S. Census Bureau. Quickfacts.
<https://www.census.gov/quickfacts/fact/table/fontanacitycalifornia/PST045222>.

4.2

Agriculture and Forestry

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Sierra Distribution Facility Project (Project) and its potential impacts to agricultural and forestry resources. This section will describe the environmental setting of the Project along with any applicable federal, state, regional and local regulations. Any identified environmental impacts on agricultural and forestry resources will be assessed for their significance along with any potentially cumulative impacts associated with the Project development. The current condition was used as the baseline against which to compare potential impacts associated with the implementation of the Project. As necessary, mitigation measures may be provided to minimize any potentially significant environmental impact to less than significant levels.

The following sources were reviewed to prepare this section:

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015 – 2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015 – 2035 Draft Environmental Impact Report*.
- California Department of Conservation (DOC). 2016. *Farmland Mapping and Monitoring Program (FMMP)*.
- Other sources found in **Section 4.2.8: References**.

4.2.2 Environmental Setting

Project Site

The Project site is bound to the west by Sierra Avenue, to the east by Mango Avenue, and Windflower Avenue enters the Project site from Sierra Avenue. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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. Little to no vegetation exists on site. Few large trees are present between the northwest and northeast quadrants. The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region.¹

¹ Southern California Geotechnical. 2021. *Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California*.

The Project site is currently occupied by the following businesses:

- 1.) San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue. This portion of the Project site is located on the northwest and is used for manufacturing of wood molding and repair/sale of wooden pallets. This property was developed in late 1980s and houses a metal structure and a mobile office.
- 2.) 5975 Sierra Ave./ 16899 Windflower Avenue. This parcel is located on the southwest portion and is currently unoccupied. This property was last occupied by Anderson Trucking Services for storage and distribution of furniture & was developed in early 1980s and houses a metal structure.
- 3.) Davis Partners, 17010 Windflower Avenue. This parcel is located on the northeast portion and is currently used for repair of carnival rides. This property was developed in the late 1980s and houses two attached metal structures.
- 4.) Aluma Systems, 17051 Windflower Avenue. This parcel is located on the southeast portion and is currently used for repair and rent of steel and aluminum scaffolding. This property was developed in 1990 and houses a large metal structure. Two stormwater catch basins are present at this property.

The City of Fontana (City) is an urbanized city and has few small agricultural enterprises.² Additionally, the Angeles Forest is located about 28 miles from the Project site and the San Bernardino Natural Forests are about 20 miles from the Project site. Both forests are located adjacent to the City of Fontana but are outside the boundary of the City and its Sphere of Influence.³ The City has Open Space Zones (OS-R) that are intended to remain as open space and only structures related to the management of resources are permitted, with some exceptions.⁴ The Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.⁵ There are no Williamson Act Contract-designated parcels within the Project site or within the Fontana Sphere of Influence surrounding the Project Site.⁶ There were 4,993 acres of Williamson Act lands in San Bernardino County in 2016.⁷ The Valley Region, where the Project is located, contributed 854 acres to that total.⁸

Regional

According to the most recent California Department of Conservation Farmland Conversion Report, the state has experienced a net loss of 44,869 acres of Prime Farmland and Farmland of Statewide Significance.⁹ During this same period, the state added 33,704 acres of Unique farmland.¹⁰ Urban and

² City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035. Chapter 7 – Conservation, Open Space, Parks, and Trails*. <https://www.fontana.org/DocumentCenter/View/26746/Chapter-7---Conservation-Open-Space-Parks-and-Trails> (accessed June 2022).

³ Ibid.

⁴ Ibid.

⁵ California Department of Conservation. 2019. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed June 2022).

⁶ County of San Bernardino. 2019. *Draft Environmental Impact Report. Section 5.2: Agriculture and Forestry Resources. Page 5.2-6*. https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-02-AG.pdf (accessed August 2022).

⁷ Ibid.

⁸ Ibid.

⁹ California Department of Conservation. 2019. *2014-2016 Farmland Conversion Report. Appendix B. Table B-1*. Retrieved from: https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx (accessed August 02, 2022).

¹⁰ Ibid.

Build-Up land remained generally consistent from the previous observation period (2012 through 2014) at 44,942 acres.¹¹

Currently, the California DOC regularly reviews and reports on the status of farmland by county jurisdiction. **Table 4.2-1: San Bernardino County 2014-2016 Land Use Conversion**, presents information from the 2014-2016 California Farmland Conversion Report for the County, the most recent data available.

Table 4.2-1: San Bernardino County 2014-2016 Land Use Conversion

| Land Use Category | Total Acreage Inventoried | | 2014 – 2016 Acreage Changes | | | |
|---|---------------------------|------------------|-----------------------------|--------------|-----------------------|---------------------|
| | 2014 | 2016 | Acres Lost | Acres Gained | Total Acreage Changed | Net Acreage Changed |
| Prime Farmland | 11,715 | 11,323 | 850 | 458 | 1,308 | -392 |
| Farmland of Statewide Importance | 5,702 | 5,770 | 184 | 252 | 436 | 68 |
| Unique Farmland | 2,675 | 2,738 | 92 | 155 | 247 | 63 |
| Farmland of Local Importance | 605 | 562 | 118 | 75 | 193 | -43 |
| Important Farmland Subtotal | 20,697 | 20,393 | 1,244 | 940 | 2,184 | -304 |
| Grazing Land | 900,735 | 898,633 | 3,629 | 1,527 | 5,156 | -2,102 |
| Agricultural Land Subtotal | 921,432 | 919,026 | 4,873 | 2,467 | 7,340 | -2,406 |
| Urban and Built-up Land | 282,905 | 286,407 | 419 | 3,921 | 4,340 | 3,502 |
| Other Land | 244,700 | 243,604 | 2,540 | 1,444 | 3,984 | -1,096 |
| Water Area | 510 | 510 | 0 | 0 | 0 | 0 |
| Total Area Inventoried | 1,449,547 | 1,449,547 | 7,832 | 7,832 | 15,664 | 0 |
| Source: California Department of Conservation. 2019. <i>California Farmland Conversion Report 2014-2016</i> . Table A-28. https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx (accessed August 2022). | | | | | | |

In addition, the San Bernardino County Department of Agriculture/Weights & Measures (SBCDA) 2020 Crop Report provides an overview of agricultural production in the County, pursuant to the provisions of Sections 2272 and 2279 of the California Food and Agriculture Code.¹² This report provides the estimated production, acreage, and gross value of the agricultural industry in the County for the year 2020. **Table 4.2-2: San Bernardino County Top Ten Agricultural Products (by dollar value)** represents information from the SBCDA 2020 Crop Report summarizing primary sources of County agricultural production by dollar value.

In 2020, the total value of agricultural commodities in the County was \$420,251,000, representing a \$36,028,000 increase in value from 2019.¹³ This increase is primarily due to an increase in prices for navel oranges, milk, turf, and strawberries, and an increase in egg production due to recovery from Exotic Newcastle Disease, a deadly bird disease.¹⁴ Agriculture remains a critical part of the economy in San Bernardino County.¹⁵

¹¹ Ibid.

¹² County of San Bernardino Department of Agriculture/Weights & Measures. 2022. *2020 Crop Report*. <https://awm.sbcounty.gov/wp-content/uploads/sites/84/2022/04/AWM-CROP-REPORT-2020-080521-1.pdf> (accessed August 2022).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Table 4.2-2: San Bernardino County Top Ten Agricultural Products (by dollar value)

| 2020 Rank | Product | Value | % of Total | 2019 Rank |
|--|------------------------------|---------------|------------|-----------|
| 1 | Milk & Milk Products | \$112,451,000 | 26.76% | 1 |
| 2 | Cattle, Calves & Dairy Cull | \$64,937,000 | 15.45% | 2 |
| 3 | Eggs | \$50,526,000 | 12.02% | 3 |
| 4 | Replacement Heifers | \$25,266,000 | 6.01% | 4 |
| 5 | Citrus Fruit | \$19,130,000 | 4.55% | 8 |
| 6 | Indoor Decorative | \$18,127,000 | 4.31% | 6 |
| 7 | Trees & Shrubs (Incl. Roses) | \$17,161,000 | 4.08% | 5 |
| 8 | Alfalfa (All Types) | \$15,612,000 | 3.71% | 10 |
| 9 | Turf | \$12,427,000 | 2.96% | 7 |
| 10 | Groundcover/Bedding Plants | \$8,198,000 | 1.95% | 9 |
| Total Top Ten: \$343,835,000 | | | | |
| Source: County of San Bernardino Department of Agriculture/Weights & Measures. 2022. 2020 Crop Report. https://awm.sbcounty.gov/wp-content/uploads/sites/84/2022/04/AWM-CROP-REPORT-2020-080521-1.pdf (accessed August 2022). | | | | |

4.2.3 Regulatory Setting

Federal

Farmland Protection and Policy Act

The Farmland Protection and Policy Act (FPPA), United States Code (USC) Title 7 Section 4201, was enacted in 1981 to minimize the loss of prime and unique farmlands due to federal actions converting these lands to nonagricultural uses. It ensures that federal programs are consistent with state, local, and private programs and policies to protect farmland.

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. Disruptions of natural soil functions and function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) requirements, through the National Pollution Discharge Elimination System (NPDES) permitting process, provide guidance for protection of soil resources.

State

California Government Code Sections 51290-51295

The acquisition and use of agricultural preserve lands for any local, state, or federal public improvements and public utility improvements are regulated by these sections. Notification of the Director of Conservation by the public agency and/or person acquiring land is required if the use of agricultural preserve land is deemed necessary for public use or if agriculture preserve land has been acquired. Exceptions to a public agency and/or person locating public improvements on agricultural preserve land are (1) when the location is not based primarily on lowering the cost of acquiring land in an agricultural preserve, and (2) if the land is under a contract for any public improvement and there is no other land

within the preserve on which it is feasible to locate the public improvement. Because the Project site is not located within the County's designated Agricultural Preserves or the City's Open-Space Zone (refer to the EIR **Section 4.11: Land Use and Planning; Table 4.11-2: Surrounding Land Use Designations and Zoning**), Government Code Sections 51290-51295 are not applicable to the Project.

California Government Code Section 65570

California Government Code (Section 65570) requires the Farmland Mapping and Monitoring Program (FMMP) to report the conversion of grazing land and farmland, and to provide the data and maps to the public and local government on a biennial schedule. To create the maps, the FMMP utilizes data from the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) soil survey and current land use information. Maps and statistics are produced using a process that integrates current and historic aerial photo imagery, field verification, a computerized mapping system, and public review. Additional data on land management and land use conversion may also be provided by other federal, state, and local government agencies. These maps delineate land use in eight mapping categories (and one overlay category) and represent an inventory of agricultural soil resources within San Bernardino County. The categories of land shown, as defined on these maps, are listed as follows:

- **Prime Farmland (P).** Prime Farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. The Project site does not contain Prime Farmland.
- **Farmland of Statewide Importance (S).** Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. The Project site does not contain Farmland of Statewide Importance.
- **Unique Farmland (U).** Unique Farmland consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. The Project site does not contain Unique Farmland.
- **Farmland of Local Importance (L).** Farmland of Local Importance is defined by each county's local advisory committee and adopted by its board of supervisors. This refers to all farmable lands in the county that do not meet the definitions of Prime, Statewide, or Unique. This includes land that is or has been used for irrigated pasture, dryland farming, confined livestock and dairy, poultry facilities, aquaculture, and grazing land.
- **Grazing Land (G).** Land on which the existing vegetation is suited to the grazing of livestock. The Project site does not contain Grazing Land.
- **Urban and Built-up Land (D).** Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.

- **Other Land (X):** Land not included in any of the other mapping category. Common examples include low-density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
- **Water (W):** Perennial water bodies with an extent of at least 40 acres.
- **Land Committed to Nonagricultural Use:** This category was developed in cooperation with local government planning departments and county boards of supervisors during the public workshop phase of the FMMP's development in 1982. Land Committed to Nonagricultural Use information is available both statistically and as an overlay to the important farmland information. Land Committed to Nonagricultural Use is defined as existing farmland, grazing land, and vacant areas which have a permanent commitment for development.

Note that CEQA focuses on impacts to three categories of mapped farmland – Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.

California Land Conservation Act (Williamson Act)

Also known as the California Land Conservation Act of 1965, the Williamson Act is a nonmandated state program administered by local governments for the preservation of agricultural land. This program enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agriculture or related open space use. In return, the landowners receive substantially reduced property tax assessments because the assessments are based on generated income rather than the potential market value of the property.

Participation is voluntary on the part of both landowners and local governments, and it is implemented through the establishment of Agricultural Preserves and the execution of Williamson Act contracts. Individual landowners enter into a contract that restricts the uses of agricultural and open space lands to farming/ranching uses during the term of the contract in return for lower property taxes. Initially signed for a minimum 10-year period, the contracts are automatically renewed on each anniversary date of the contract unless a notice of nonrenewal is filed, or a contract cancellation is approved by the local government. The Project site is not subject to a Williamson Act Conservation contract.

State Forestry Laws

Division 1.5 of Title 14 of the California Public Resources Code governs the designation and monitoring of forests and forest resources within the state. In addition, the State Board of Forestry and Fire Protection administers the “Forest Practice Rules” for professional foresters and their activities in the state.

Local

Fontana General Plan 2015-2035

Conservation, Open Space, Parks and Trails

The Conservation, Open Space, Parks and Trails chapter of the City of Fontana’s General Plan (Fontana GP) provides guidance to promote the City’s goals of conserving sensitive lands. This chapter also focuses

on the City's vision of valuing their system of parks and natural open spaces, community centers, and recreational opportunities.

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

Policy 3.1: Support tree conservation and planting that enhances shade and drought resistance.

Policy 3.2: Expand Fontana's tree canopy.

City of Fontana Municipal Code

Fontana Municipal Code Section 30-1

The City of Fontana Municipal code (Fontana MC) Section 30-1 summarizes the City's various land use zones and zoning districts and describes their development standards and purposes. Fontana MC Section 30-609 explains that Open Space-Natural and Open Space-Resource Zone's allows for Open Space, Flood Control and Utility Corridor, low-intensity development, and recreational activities. The Project site is not located in either the Open Space-Natural or Open Space-Resource Zoning District.

4.2.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning agriculture and forestry. 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:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agriculture use;
- Conflict with existing zones for agriculture use, or a Williamson Act contract;
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 122200(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agriculture use or conversion of forest land to non-forest use.

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 agriculture and forestry 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 from agriculture and forestry examines the Project's 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) construction impacts and (2) operational impacts. 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 conducted by Kimley-Horn, review of Project maps and drawings, analysis of aerial and ground-level photographs, and review of various data available in public records, including review of relevant local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on agriculture and forestry resources 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.

4.2.5 Impacts and Mitigation Measures

Impact 4.2-1 *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Level of Significance: No Impact

Construction and Operations

Prime farmland is land that has the best combination of physical and chemical attributes that is conducive to sustained agricultural uses and production of the nation's short and long term needs for food and fiber. Prime farmland is limited and therefore requires conservation when able. Unique farmland is classified as any farmland other than prime farmland that is used to generate high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. Like prime farmland, unique farmland contains an adequate combination of physical and chemical attributes that is conducive to the growth of those high-value crops. Farmland of statewide importance is delineated by individual states and includes land that may not meet the standards of prime or unique farmland but is still able to be an area of significant production for a state.¹⁶

The City's land use map shows that there are no zones which allow agricultural uses within or nearby the Project site.¹⁷ The Project would occupy a portion of the City which has been classified for Light Industrial land use and zoning. The Project, being a warehousing development with some office uses, would be consistent with the goals and standards intended for these zones. Additionally, the entire Project site is

¹⁶ United States Department of Agriculture. 2020. *Prime & Other Important Farmlands Definitions*. https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/pr/soils/?cid=nrcs141p2_037285 (accessed June 2022).

¹⁷ City of Fontana. 2022. *Land Use Map*. <https://www.fontana.org/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed June 2022).

categorized as Urban and Built-Up Land according to the California Important Farmland Finder.¹⁸ Due to the lack of agricultural uses and land classifications, the Project would not impact or convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance. No impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.2-2 *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Level of Significance: No Impact

Construction and Operations

See response to Impact 4.2-1 above. The Project site contains Light Industrial land use designations, and the California Department of Conservation lists the area as Urban and Built-Up Land which would preclude it from being agriculturally active. Additionally, there are no Williamson Act Contract-designated parcels within the Project site or within the Fontana Sphere of Influence surrounding the Project Site.¹⁹ Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and no impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.2-3 *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

Construction and Operations

See Impact 4.2-1 and 4.2-2 above. The Project is consistent with the City's General Plan and would be located on land with a Light Industrial zoning.²⁰ The City does not contain areas with land use designations for either Forest Land or Timberland.²¹ Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland and no impacts would occur.

¹⁸ California Department of Conservation. 2019. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed June 2022).

¹⁹ County of San Bernardino. 2019. *Draft Environmental Impact Report. Section 5.2: Agriculture and Forestry Resources. Page 5.2-6*. https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-02-AG.pdf (accessed August 2022).

²⁰ City of Fontana. 2022. *Zoning and General Land Use Designation Interactive Map*. <https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92> (accessed June 2022).

²¹ City of Fontana. 2022. *Land Use Map*. <https://www.fontana.org/DocumentCenter/View/28163/General-Plan-Land-Use-Map-04-20-2022?bidId=> (accessed June 2022).

Mitigation Measure

No mitigation is necessary.

Impact 4.2-4 *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

Level of Significance: No Impact

Construction and Operations

Refer to Impact discussion 4.2-3. Because this area of the City is developed, it is not conducive to forest land or forestry activities. Further, the City has zoned the area for Light Industrial use which would be consistent with the proposed developments associated with the Project. The Project's location in a previously developed, urbanized area would lead to no impacts on forest land. Therefore, no impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.2-5 *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

Construction and Operations

Refer to Impact discussions, 4.2-1, 4.2-2, and 4.2-3. The location of the Project is currently designated as a Light Industrial land use zone. The California Department of Conservation also classifies the Project's location as Urban Built-Up Land which is not Unique Farmland, Prime Farmland, or Farmland of Statewide Importance. Therefore, no impacts related to the conversion of farmland or forest land would occur.

Mitigation Measures

No mitigation is necessary.

4.2.6 Cumulative Impacts

As concluded above, implementation of the Project would have no impact on agricultural or forestry resources. The Project site is within light industrial zoned land within the City and there are no agricultural, forest land, or timberland zoning designated resources in the City of Fontana. Further, the redevelopment of the Project site would not pose an impact to the County's agricultural economy since the land is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, this land would not be considerable for sustained agriculture activities. The Project site is classified instead as Urban Build-Up Land by the California Department of Conservation. Land of this type is commonly developed with structures for residential, commercial, infrastructure, or other developmental purposes. While the conversion of farmland may have an adverse cumulative effect on the County's agricultural

economy, the incremental loss of this Project site's potential as farmland would not be considered cumulatively considerable.

4.2.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.2.8 References

California Department of Conservation. 2019. *California Important Farmland Finder*.

<https://maps.conservation.ca.gov/DLRP/CIFF/>.

California Department of Conservation. 2019. *2014-2016 Farmland Conversion Report. Appendix B.*

Table B-1. https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx.

City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035. Chapter 7 – Conservation, Open Space, Parks, and Trails.*

<https://www.fontana.org/DocumentCenter/View/26746/Chapter-7---Conservation-Open-Space-Parks-and-Trails>.

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

City of Fontana. 2022. *Zoning and General Land Use Designation Interactive Map.*

<https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92>.

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Southern California Geotechnical. 2021. *Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California.*

United States Department of Agriculture. 2020. *Prime & Other Important Farmlands Definitions.*

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4.3

Air Quality

4.3 AIR QUALITY

4.3.1 Introduction

This section of the Draft Environmental Impact Report (EIR) discusses potential air quality impacts associated with development and implementation of the Fontana Sierra Business 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 following found in Draft EIR **Appendix B**:

- Kimley-Horn and Associates, Inc. 2023. *Air Quality Assessment*.
- Kimley-Horn and Associates, Inc. 2023. *Health Risk Assessment*.

See Appendix A of Draft EIR **Appendices B1** and **B2** for modeling data.

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

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

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

Air Pollutants of Concern

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

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead are primary air pollutants. Of these, CO, NO_x, SO₂, PM₁₀, and PM_{2.5} are criteria pollutants. ROG and NO_x are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O₃) is formed by a chemical reaction between ROG and NO_x in the presence of sunlight. O₃ and nitrogen dioxide (NO₂) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4.3-1: Air Contaminants and Associated Public Health Concerns**.

Table 4.3-1: 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 | 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 |

| Pollutant | Major Man-Made Sources | Human Health Effects |
|--|---|---|
| | exhaust industrial emissions, gasoline storage and transport, solvents, paints, and landfills. | heart problems. 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 and Associates, Inc. 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. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a 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 4.5 miles to the southwest). Local air quality data from 2019 to 2021 are provided in **Table 4.3-2: Ambient Air Quality Data**, which lists the monitored maximum concentrations and number of exceedances of state or federal air quality standards for each year.

Table 4.3-2: 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) | 67 | 89 | 81 |
| Carbon Monoxide (CO)¹ | | | |
| 1-hour Maximum Concentration (ppm) | 2.75 | 1.01 | 1.10 |
| <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) | 0.088 | 0.094 | 0.057 |
| <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 | 0 | 0 |
| 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> | | | |

| Criteria Pollutant | 2019 | 2020 | 2021 |
|---|------|------|------|
| NAAQS 24-hour (>35 µg/m ³) | 3 | 12.3 | 5.9 |
| 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 and Associates, Inc. 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, a middle school, and a high school. Sensitive land uses nearest to the Project are shown in **Table 4.3-3: Sensitive Receptors**.

Table 4.3-3: Sensitive Receptors

| Receptor Description | Distance and Direction from the Project |
|---|---|
| Single-Family Residences | 130 feet to the west |
| Single-Family Residences | 1,385 feet to the north |
| Single-Family Residences | 3,440 feet to the south |
| Wayne Ruble Middle School | 4,880 feet to the southwest |
| A.B. Miller High School | 5,000 feet to the southwest |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i> , Table 3. | |

4.3.3 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 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 4.3-4: 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. 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 4.3-4**, 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 State Implementation Plan 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 4.3-4**.

Table 4.3-4: 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) |

| Pollutant | Averaging Time | State Standards ¹ | Federal Standards ² |
|--|-------------------------|------------------------------------|--------------------------------|
| 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 equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. Measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

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

³ Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM₁₀ is met if the 3-year average falls below the standard at every site. The annual PM_{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.

NAAQS are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

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

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

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

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

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

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

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

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

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

Diesel Risk Reduction Plan (DRRP)

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.

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 ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to diesel particulate matter 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) limits 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.

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 the nearest residences to the northeast are located within Census Tract 6071002704, which is within the 80th percentile. 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. The AQMP incorporates the latest scientific and technological information and planning assumptions, including the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories. As part of its air quality planning, SCAG has prepared the Regional Comprehensive Plan and Guide and the Connect SoCal – The 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS was determined to conform to the federally mandated state implementation plan (SIP) for the attainment and maintenance of the NAAQS. The 2020-2045 RTP/SCS will be incorporated into the forthcoming 2022 AQMP. Both the Regional Comprehensive Plan and AQMP are based, in part, on projections originating with county and city general plans.

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 4.3-5: 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 4.3-5: 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 (Moderate) |
| Particulate Matter (PM ₁₀) (24 Hour Standard) | Non-Attainment | Attainment (Maintenance) |
| Particulate Matter (PM ₁₀) (Annual Standard) | Non-Attainment | – |
| Carbon Monoxide (CO) (1 Hour Standard) | Attainment | Attainment (Maintenance) |
| Carbon Monoxide (CO) (8 Hour Standard) | Attainment | Attainment (Maintenance) |
| Nitrogen Dioxide (NO ₂) (1 Hour Standard) | Attainment | Unclassifiable/Attainment |
| Nitrogen Dioxide (NO ₂) (Annual Standard) | Attainment | Attainment (Maintenance) |
| Sulfur Dioxide (SO ₂) (1 Hour Standard) | Attainment | Unclassifiable/Attainment |
| Sulfur Dioxide (SO ₂) (24 Hour Standard) | Attainment | – |
| Lead (Pb) (30 Day Standard) | – | Unclassifiable/Attainment |
| Lead (Pb) (3 Month Standard) | Attainment | – |
| Sulfates (SO ₄₋₂) (24 Hour Standard) | Attainment | – |
| Hydrogen Sulfide (H ₂ S) (1 Hour Standard) | Unclassified | – |

Source: Kimley-Horn and Associates, Inc. 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 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 particulate matter 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 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.

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 and 84 percent lower than the average in MATES II.

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 Update¹ 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 standard and would foster the balancing of public health and quality of life issues with the economic and

¹ City of Fontana. 2018. *Chapter 6: Building a Healthier Fontana*. <https://www.fontana.org/DocumentCenter/View/26745/Chapter-6---Building-a-Healthier-Fontana> (accessed October 2022).

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.

4.3.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning air quality. 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:

- 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 in nonattainment under an applicable state or federal ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- 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 4.3-6: South Coast Air Quality Management District Emissions Thresholds**.

Table 4.3-6: 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 and Associates, Inc. 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). LSTs represent the maximum emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent 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 4.3-7: 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 receptor is a residential property located at approximately 40 meters to the west. 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 4.3-7** for informational purposes. **Table 4.3-7** 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 as it assumes the pollutants are concentrated in a smaller area.

Table 4.3-7: 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 | 1,720/1,720 | 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 and Associates, Inc. 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 serves to determine whether or not a given project has a potentially significant development-specific and cumulative 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.

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 Project's Trip Generation Assessment and Traffic Scoping prepared by Kimley-Horn (August 2022, 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 B2** for HRA methodology.

4.3.5 Impacts and Mitigation Measures

Impact 4.3-1 *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Level of Significance: Less than Significant

Construction and Operations

As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a State Implementation Plan that demonstrates the means to attain the federal standards. The State Implementation Plan 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 AQMP. The 2016 AQMP establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving state (California) and national air quality standards. The 2016 AQMP is 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 growth projections and 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 AQMP.

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 4.3-8: Construction-Related Emissions** and **Table 4.3-9: Operational Emissions** below, the Project, with mitigation employed, would not exceed the 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.

Concerning 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 City's General Plan Update 2015 – 2035 (General Plan) Land Use Map was updated and adopted on September 10, 2019. The Project site's existing land use designation is Light Industrial (I-L); the existing zoning is Light Industrial (M-1). 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.

Mitigation Measures

No mitigation is necessary.

Impact 4.3-2 *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

Construction Emissions

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 NO_x) and PM₁₀ and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

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

The duration of construction activities associated with the Project is estimated to last approximately 15 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 Draft EIR (Appendix B1)** for more information regarding the construction assumptions used in this analysis. Predicted maximum daily construction-generated emissions for the Project are summarized in **Table 4.3-8**.

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 4.3-8: 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}) |
| Unmitigated Emissions¹ | | | | | | |
| 2024 | 1.71 | 12.30 | 33.65 | 0.09 | 7.99 | 3.86 |
| 2025 | 91.00 | 9.72 | 51.19 | 0.11 | 5.38 | 1.57 |
| <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? | Yes | No | No | No | No | No |
| Mitigated Emissions^{1,2} | | | | | | |
| 2024 | 1.71 | 12.30 | 33.65 | 0.09 | 7.99 | 3.86 |
| 2025 | 11.45 | 9.72 | 51.19 | 0.11 | 5.38 | 1.57 |
| <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 |

| 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}) |
| <p>Notes:</p> <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. Tier IV Final compliant equipment was assumed for all construction equipment greater than 50 horsepower. Refer to Appendix A: Air Quality Modeling Data of Draft EIR Appendix B1 for Model Data Outputs. Mitigation includes the incorporation of MM AQ-1, which requires super-compliant low VOC paints. <p>Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i>, Table 8.</p> | | | | | | |

Table 4.3-8 shows that unmitigated construction emissions would exceed the SCAQMD threshold for ROG. The majority of ROG emissions occur from architectural coating activity. Mitigation Measure (MM) AQ-1 requires that all architectural coatings be super-compliant low VOC paints, consisting of no more than 10 grams per liter (g/L) of VOC. Implementation of MM AQ-1 would reduce construction impacts to below the SCAQMD's thresholds. Impacts would be less than significant with mitigation incorporated.

Operational Emissions

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 4.3-9**. The operational emissions sources are described below.

- Area Source Emissions.** Area source emissions would be generated due to on-site equipment, architectural coating, and landscaping 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 Trip Generation Assessment and Traffic Scoping and incorporated into CalEEMod as recommended by the SCAQMD. Per the Project Trip Generation and VMT Screening Memorandum, the Project would generate a total of 682 daily vehicle trips.

- **Off-Road Equipment Emissions.** 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.

Existing site conditions include approximately 48,000 square feet of warehouse space that generates 395 daily trips. The Project would generate a total of 682 daily vehicle trips (not passenger car equivalent trips), resulting in an increase of 287 daily trips over existing conditions. Existing emissions were calculated utilizing CalEEMod and subtracted from project emissions to obtain net new emissions associated with the Project.

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 approval prior to issuance of applicable permits. See **Appendix G** of 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. Conservatively, this analysis does not take credit for these potential reductions. Compliance with the Ordinance may reduce emissions below what is currently analyzed.

In addition, Rule 2305 requires the Project operator to directly reduce NO_x and PM 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 Warehouse Actions and Investments to Reduce Emissions (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, NZE and/or ZE 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 4.3-9: Operational Emissions

| Source | 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}) |
| Area Source Emissions | 9.07 | <0.01 | 0.08 | <0.01 | <0.01 | <0.01 |
| Energy Emissions | 0.02 | 0.22 | 0.18 | <0.01 | 0.02 | 0.02 |
| Mobile Emissions | 0.75 | 13.77 | 13.27 | 0.10 | 6.85 | 1.93 |
| <i>Total Project Emissions</i> | <i>9.85</i> | <i>13.99</i> | <i>13.53</i> | <i>0.10</i> | <i>6.87</i> | <i>1.95</i> |
| <i>Existing Emissions</i> | <i>2.00</i> | <i>23.36</i> | <i>9.59</i> | <i>0.10</i> | <i>4.50</i> | <i>1.40</i> |
| Total Net New Emissions | 7.85 | -9.38¹ | 3.94 | -0.01 | 2.37 | 0.55 |
| <i>SCAQMD Threshold</i> | <i>55</i> | <i>55</i> | <i>550</i> | <i>150</i> | <i>150</i> | <i>55</i> |
| Exceeds Threshold? | No | No | No | No | No | No |
| Notes: 1. Although the Project would result in an increase of trips, the Project would result in a net decrease in truck trips. 2. Totals may not add up due to rounding. Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i> , Table 9. | | | | | | |

Standard Conditions and Requirements:

Standard Conditions are existing requirements and standard conditions that are based on local, state, or federal regulations or laws that are frequently required independently of CEQA review. Typical standard conditions and requirements include compliance with the provisions of the Building Code, SCAQMD Rules, etc. The City may impose additional conditions during the approval process, as appropriate. Because Standard Conditions 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.

SC 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 workday to remove soil tracked onto the paved surface.

- SC 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.
- SC 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.
- SC AQ-4** Pursuant to SCAQMD Rule 445, the installation of any open or enclosed permanently installed wood burning device is prohibited.
- SC 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.
- SC 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.

SC AQ-6

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.

Mitigation Measures

MM AQ-1

Low VOC Paint (Construction). During construction, the Project shall utilize “Super-Compliant) low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of building permits, the City of Fontana Building and Safety Department shall confirm that plans include the following specifications:

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

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

Impact 4.3-3 *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Level of Significance: Less than Significant

Localized Construction Significance Analysis

The nearest sensitive receptor is the single-family residences located 130 feet (40 meters) to the west of the Project site. 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 4.3-10: 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 five acres in size. Project construction is anticipated to disturb a maximum of four 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 four-acre threshold were interpolated and utilized for this analysis.

Table 4.3-10: 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 | 2 | 0.5 | 8 | 1 |
| | Graders | 1 | 0.5 | 8 | 0.5 |
| | Dozers | 1 | 0.5 | 8 | 0.5 |
| | Scrapers | 2 | 1 | 8 | 2 |
| Total Acres Graded per Day | | | | | 4 |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i> , Table 10. Refer to Appendix A of Draft EIR Appendix B1 for model outputs. | | | | | |

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 single-family residences

located 130 feet (40 meters) west of the Project. 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 4.3-11: Localized Significance of Construction Emissions**, shows the results of localized emissions during construction. This table represents the worst-case scenario and are based on peak earthwork volumes anticipated. As shown, localized Project construction emissions would not exceed SCAQMD thresholds. Impacts would be less than significant. No mitigation is required.

Table 4.3-11: Localized Significance of Construction Emissions

| Construction Activity | Pollutant (Maximum Pounds per Day) | | | |
|--|------------------------------------|----------------------|---|--|
| | Nitrogen Oxide (NO _x) | Carbon Monoxide (CO) | Coarse Particulate Matter (PM ₁₀) | Fine Particulate Matter (PM _{2.5}) |
| Demolition (2024) | 2.00 | 23.28 | 6.43 | 1.03 |
| Site Preparation (2024) | 2.02 | 20.87 | 7.35 | 3.81 |
| Grading (2024) | 3.30 | 33.00 | 3.51 | 1.46 |
| Infrastructure (2024) | 2.61 | 17.63 | 0.09 | 0.09 |
| Building Construction (2025) | 2.57 | 17.62 | 0.08 | 0.08 |
| Paving (2025) | 1.22 | 17.30 | 0.04 | 0.04 |
| Architectural Coating (2025) | 0.13 | 1.83 | 0.00 | 0.00 |
| Building Construction + Paving + Architectural Coating (2025) | 3.92 | 36.74 | 0.12 | 0.12 |
| SCAQMD Localized Screening Threshold (adjusted for 4 acres at 25 meters) | 237 | 1,488 | 12 | 7 |
| Exceed SCAQMD Threshold? | No | No | No | No |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i> , Table 11. Refer to Appendix A: Air Quality Modeling Data of Draft EIR Appendix B1 for model outputs. Note: Totals may not add up due to rounding. | | | | |

Localized Operational Significance Analysis

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 is a warehouse, the operational phase LST protocol is conservatively applied to both the area source and all the mobile source emissions. As the nearest receptor is located approximately 130 feet (40 meters) from the Project site, LSTs for 25 meters for SRA 34 were used in this analysis. Although the Project site is 18.3 acres, the 5-acre LST threshold was conservatively assumed for the Project, as the LSTs increase with the size of the site. Therefore, the 5-acre LSTs are conservative for evaluation of an 18.3-acre site.

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 4.3-12: Localized Significance of Operational Emissions**, conservatively include all on-site Project-related stationary sources and 10 percent of the Project-related new mobile sources, since a portion of mobile sources could include trucks idling on-site. **Table 4.3-12** shows that net new daily emissions of these pollutants during operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts would not occur concerning LSTs during operational activities.

Table 4.3-12: 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 | 1.60 | 1.59 | 0.70 | 0.21 |
| SCAQMD Localized Screening Threshold (5 acres at 25 meters) ² | 270 | 1,746 | 4 | 2 |
| Exceed SCAQMD Threshold? | No | No | No | No |
| 1. Conservatively assumes 10 percent of mobile emissions are on-site. 2. SRA Zone 34 – Central San Bernardino Valley; 5-acre area, 25 meters to receptor. Source: Kimley-Horn and Associates, Inc. 2023. <i>Air Quality Assessment</i> , Table 12. Refer to Appendix A: Air Quality Modeling Data of Draft EIR Appendix B1 for model outputs. | | | | |

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

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

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 proposed 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.”²

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.”³ 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 proposed 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 4.3-8** and **Table 4.3-9**). Localized effects of on-site Project emissions on nearby receptors were also found to be less than significant (refer to **Table 4.3-11** and **Table 4.3-12**). 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

² South Coast Air Quality Management District, *Amicus Brief in Support of Neither Party, Sierra Club v. County of Fresno*, 2015.

³ Ibid.

when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. 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 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 286 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

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 course particulate matter 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 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 residences approximately 130 feet west of the Project site.

Table 4.3-13: 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; the exposure duration for workers is 25 years. 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 nine 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 1.20 in one million, which would not exceed the SCAQMD threshold of 10 in one million; refer to **Table 4.3-13**. Therefore, impacts associated with carcinogenic risk would be less than significant.

Table 4.3-13: Carcinogenic Risk Assessment

| Exposure Scenario | Cancer Risk (Risk per Million) ^{1, 2} | Significance Threshold (Risk per Million) | Exceeds Significance Threshold? |
|--|---|--|------------------------------------|
| Residential Receptors along the west of Sierra Avenue | 1.20 | 10 | No |
| ¹ Refer to Appendix A of HRA in Draft EIR Appendix B2 . ² The reported annual pollutant concentration is at the closest maximally exposed individual resident (MEIR) to the Project site. Source: Kimley-Horn and Associates, Inc. 2023. <i>Health Risk Assessment</i> , Table 3. | | | |

As described above, PM₁₀ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. Risk levels were calculated based on the OEHHa guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines.

Non-Carcinogenic Hazard

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 five and the target organ is the respiratory system.

Chronic non-carcinogenic impacts are shown in **Table 4.3-14: 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 and the acute hazard is based on the 1-hour concentration. The highest maximum chronic index associated with unmitigated DPM emissions from the Project would be 0.0007. It should be noted that there is no acute REL for 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 4.3-14: Chronic Hazard Assessment

| Emissions Sources | Annual Concentration (µg/m ³) ^{1, 2} | Chronic Hazard ¹ | 1-Hour Concentration (µg/m ³) ^{1, 2} |
|---|--|-----------------------------|--|
| Construction | 0.0035 | 0.0007 | 0.11664 |
| Operations | 0.0006 | 0.0001 | 0.14579 |
| SCAQMD Threshold | N/A | 1.0 | N/A |
| Threshold Exceeded? | N/A | No | N/A |
| ¹ Refer to Appendix A of Draft EIR Appendix B2 . 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). Source: Kimley-Horn and Associates, Inc. 2023. <i>Health Risk Assessment</i> , Table 4. | | | |

Mitigation Measures

No mitigation is necessary.

Impact 4.3-4 *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

Construction and Operations

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.

Mitigation Measures

No mitigation is necessary.

4.3.6 Cumulative Impacts

Cumulative Setting

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 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 4.3-8** 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 4.3-9**, 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.

Conclusion

The SCAQMD's approach to assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with requirements of the FCAA and CCAA. As discussed above, the Project would be consistent with the AQMP, which is intended to bring SCAB into attainment for all criteria pollutants. Since the Project's estimated construction and operational emissions would not exceed the applicable SCAQMD daily significance thresholds that are designed to assist the region in attaining both NAAQS and CAAQS, cumulative impacts would be less than significant with mitigation incorporated.

4.3.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.3.8 References

City of Fontana. 2018. *Chapter 6: Building a Healthier Fontana*.

<https://www.fontana.org/DocumentCenter/View/26745/Chapter-6---Building-a-Healthier-Fontana>.

Kimley-Horn and Associates, Inc. 2023. *Air Quality Assessment*.

Kimley-Horn and Associates, Inc. 2023. *Health Risk Assessment*.

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Biological Resources

4.4 BIOLOGICAL RESOURCES

4.4.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and evaluates potential impacts related to biological resources with the development of the Sierra Distribution Facility Project (Project) located within the City of Fontana (City). This analysis describes the of existing biological resources on the Project site and identifies any potentially significant impacts that may occur to sensitive biological resources through Project implementation. This analysis is based primarily on a biological resources study conducted by ELMT Consulting, Inc (ELMT) and included as **Appendix C** of this document:

- ELMT Consulting, Inc. (ELMT). 2022. Sierra Distribution Facility Literature Review and Habitat Assessment.

Additional sources used in this analysis include:

- City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035.
- City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report.

4.4.2 Environmental Setting

A Habitat Assessment (HA) was conducted by ELMT biologists on August 17, 2022, to document baseline conditions and assess the potential for special-status plant and wildlife species to occur within the Project site that could pose a constraint to Project. “Special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates. The data collected through the literature search, review of existing data, and site surveys provided information on the baseline conditions in the Project area. Note that a survey buffer was not surveyed since the Project site is almost entirely developed and is surrounded by existing development.¹

Existing Conditions

Site Conditions

The Project encompasses approximately 18.3 acres and is almost entirely developed. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. Adjacent parcels to the north and south are developed with warehouse/industrial buildings. Beyond Sierra Avenue to the west, lies residential development, and beyond Mango Avenue to the east, lies a landfill.

¹ ELMT Consulting, Inc. 2022. *Sierra Distribution Facility Literature Review and Habitat Assessment*.

Topography and Soils

The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region. There are no areas of topographic relief. Soils on-site have been mechanically disturbed and compacted from historic grading and stockpiling activities, and on-site and surrounding development. Based on the Natural Resources Conservation Service (NRCS) United States Department of Agriculture (USDA) Web Soil Survey, the Project site is historically underlain by Soboba gravelly loamy sand (0 to 9 percent slopes).²

Vegetation and Land Cover

The majority of the Project site is developed or disturbed. Due to historic and existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the Project site. The Project site consists almost entirely of developed land that is used for the previously described uses. These disturbances have eliminated the natural plant communities that once occurred on and surrounding the Project site. Ground surface cover consists mainly of open graded gravel and 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 northwest and northeast quadrants. Two land cover types that would be classified as disturbed and developed, cover the majority of the Project site. These areas are not plant community classifications, but rather land cover types. Refer to **Appendix C** for more information regarding vegetation communities and land cover types.

Disturbed

Disturbed areas are generally areas that are unpaved, have been subject to a high level of human disturbances from anthropogenic activities, support minimal vegetation, and no longer comprise a native plant community. Disturbed land occurs in the northern western portion of the site. The Project site has been subject to a routine grading activities and storage use, which continue to persist on-site. These areas support minimal plant species. Plant species observed during the investigation include puncture vine (*Tribulus terrestris*), shortpod mustard (*Herschfeldia incana*), ripgut brome (*Bromus diandrus*), oleander (*Nerium oleander*) and tree tobacco (*Nicotina glauca*).³

Developed

Developed areas generally encompass all buildings/structures, parks, ornamental landscaping, and other paved, impervious surfaces; and such areas are dominant throughout the site. The majority of the Project site supports developed land associated with existing land uses. Windflower Avenue currently crosses the Project site from the west but would be vacated as part of the Project.

² Southern California Geotechnical. 2021. *Infiltration Report*.

³ Ibid, Page 4.

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

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

Birds

The Project site does not provide suitable foraging and nesting habitat for a variety of bird species, except those adapted to a high degree of anthropogenic disturbance. Bird species detected during the field investigation included mourning dove (*Zenaidura macroura*), northern mockingbird (*Mimus polyglottos*), Anna's hummingbird (*Calypte anna*), and rock pigeon (*Columba livia*).

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during breeding season. The vegetation found on-site has very little potential to provide suitable nesting habitat for year-round and seasonal avian residents or migrating songbirds. No raptors are expected to nest on-site due to lack of suitable nesting opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513) prohibit the take, possession, or destruction of birds, their nests, or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds would be disturbed during construction.

Mammals

The Project site provides no foraging and cover habitat for a mammalian species, except those 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 California ground squirrel (*Otospermophilus beecheyi*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*).⁴

Burrowing Owl

The burrowing owl is currently listed as a California Species of Special Concern. During the field investigation, ELMT looked for recent signs (i.e., pellets, feathers, castings, or whitewash) for the burrowing owl (*Athene cunicularia*) and no suitable habitat areas were identified within the Project site. Further, no suitable burrows (>4 inches) were observed during the field investigation. In addition, tall fences, powerlines, and ornamental trees surround the Project site which decrease the likelihood that burrowing owls would occur on the Project site as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls.

Based on the results of the field investigation, it was determined that the Project site does not have the potential to provide suitable habitat for burrowing owls and focused surveys are not recommended.⁵

Special-Status Biological Resources

Special-Status Plants

According to the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS), 20 special-status plant species have potential to occur within the Devore United States Geological Survey (USGS) 7.5-minute quadrangle, which encompass the Project site.⁶

No special-status plant species were observed on-site during the HA. All special-status plant species included in the study were presumed absent due to no suitable habitat being present on-site. Disturbances on-site have reduced, if not eliminated, the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the Project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the Project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the Project site. No focused surveys are recommended.

Special-Status Wildlife

According to the CNDDDB, 42 special-status wildlife species have been reported in the Devore quadrangle. No special-status wildlife species were observed on-site during the HA.⁷ The Project site consists 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/denning opportunities for wildlife species. 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 habitat for Cooper's hawk (*Accipiter cooperii*) and California horned lark (*Eremophila alpestris actia*). It was

⁴ Ibid, Page 5.

⁵ Ibid, Page 8.

⁶ Ibid, Page 7.

⁷ Ibid, Page 7.

further determined that the Project site does not have the potential to support any of the other special-status wildlife species known to occur in the area since the site has been heavily impacted by on-site disturbances/development and surrounding development. None of the aforementioned species are federally or state listed as endangered or threatened. In order to ensure impacts to the aforementioned species do not occur from implementation of the Project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to the aforementioned species would be less than significant and no mitigation will be required. Special-status wildlife species with the potential to occur on the Project site are presented in **Table 4.4-1** below. All special-status wildlife species not presented in the table were presumed absent due to lack of suitable habitat and can be found in Attachment D of **Appendix C** of this Draft EIR.⁸

Table 4.4-1: Special-Status Wildlife

| Scientific Name Common Name | Status | Habitat | Observed On-site | Potential to Occur |
|--|------------------------|---|---------------------|---|
| <i>Accipiter cooperii</i> Cooper's hawk | Fed: None CA: WL | Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests, but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season. | No | Low There is minimal foraging habitat on-site, but no suitable nesting opportunities are present. |
| <i>Eremophila alpestris actia</i> California horned lark | Fed: None CA: WL | Generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types along the coast or in deserts. Trees and shrubs are usually scarce or absent. Generally rare in montane, coniferous, or chaparral habitats. Forms large flocks outside of the breeding season. | No | Low There is minimal foraging habitat on-site, but no suitable nesting opportunities are present. |
| Source: ELMT. 2022. <i>Sierra and Windflower Habitat Assessment. Attachment D – Potentially Occurring Special-Status Biological Resources.</i> | | | | |

Special-Status Plant Communities

According to the CNDDDB, three special-status plant communities have been reported in the Devore USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub, southern riparian forest, and Southern Sycamore Alder Riparian Woodland. Based on the results of the field investigation, no special-status plant communities were observed on-site. The Project site does not include suitable habitat for these communities to occur. Therefore, no special-status plant communities would be impacted by Project implementation.

State and Federal Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California: one federal agency and two State agencies. The United States Army Corps of Engineers (USACE) Regulatory Branch is the federal agency that regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The California Department of Fish and Wildlife (CDFW) is a State agency which regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Santa Ana Regional Water Quality Control Board (Regional Board) is a State agency which regulates

⁸ ELMT Consulting, Inc. 2022. *Sierra Distribution Facility Literature Review and Habitat Assessment. Attachment D – Potentially Occurring Special-Status Biological Resources.*

discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. No jurisdictional drainage and/or wetland features were observed on the Project site during the HA that would be considered jurisdictional by USACE, Regional Board, or CDFW. A query of the National Wetlands Inventory (NWI) database found no potential blueline streams, riverine, or other aquatic resources within or adjacent to the Project site.

4.4.3 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 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 U.S., 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.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an EIR. A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. 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 (CESA)

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

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.

Natural Community Conservation Planning Act

The Natural Community Conservation Planning (NCCP) program of the CDFW takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program, established pursuant to the 1991 NCCP Act (FGC, 2003) is broader in its orientation and objectives than the CESA or FESA. While the CESA and FESA are designed to identify and protect species that have already declined significantly in numbers, the NCCP program seeks to prevent species listing by focusing on the long-term stability of wildlife and plant communities.

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).

Local

City of Fontana General Plan Update 2015 – 2035

The General Plan is the guiding document that provides residents, elected officials, business owners, and other stakeholders with direction on how to meet the needs of a growing city and provides a greater quality of life for its current and future residents. All of this can be accomplished by carrying out the policies within the plan.

On November 13, 2018, the City adopted its most recent General Plan, which can be thought of as the City's constitution or long-range blueprint for its physical development. The State of California mandates that every city and county adopt a general plan. The General Plan details the community's vision by identifying goals and objectives over the next 20 years. The below goal and policy can be found in the Conservation, Open Space, Parks and Trails element, located in chapter seven of the GP.

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

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

North Fontana Conservation Program

The North Fontana Conservation Program (previously referred to as the North Fontana Interim Multiple Species Habitat Conservation Plan) was prepared to address lands in north Fontana and the listed and special-status species that have the potential to occur on these lands.

City of Fontana Tree Ordinance

Chapter 28.61-.75 of the Fontana Municipal Code (Fontana MC) addresses tree protection, maintenance, and replacement policies. It outlines the definition of a “heritage tree,” “significant tree,” and “specimen tree” and the procedures necessary to replacing them within a property. As stated in the City’s Code, “Except as provided in Section 28-65, no person shall remove or cause the removal of any heritage, significant or specimen tree unless a tree removal permit is first obtained.”

Heritage tree means any tree which:

1. Is of historical value because of its association with a place, building, natural feature, or event of local, regional, or national historical significance as identified by city council resolution; or
2. Is representative of a significant period of the city's growth or development (windrow tree, European Olive tree); or
3. Is a protected or endangered species as specified by federal or state statute; or
4. Is deemed historically or culturally significant by the city manager or his or her designee because of size, condition, location, or aesthetic qualities.

Windrow means a series of trees (minimum of four), usually a variety of eucalyptus, planted in a closely spaced line no more than ten feet apart to provide a windbreak for the protection of property and/or agricultural crops.

Significant tree means any tree that is one of the following species (Genus/species Common name):

- Southern California black walnut (*Juglans californica*)
- Coast live oak (*Quercus agrifolia*)
- Deodora cedar (*Cedrus deodora*)
- California (western) sycamore (*Platanus racemose*)
- London plane (*Platanus acerifolia*)

Specimen tree is defined as a mature tree (which is not a heritage or significant tree) which is an excellent example of its species in structure and aesthetics and warrants preservation, relocation, or replacement as provided in sections 28.66, 28.67 and 28.68. Specimen trees shall not include any tree located on a private parcel of property of less than one acre zoned for residential use.

4.4.4 Impact Thresholds and Significance Criteria

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

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

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.

4.4.5 Impacts and Mitigation Measures

Impact 4.4-1 *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

Construction and Operations

Special Status Plant Species

No special-status plant species were observed during the HA. 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. 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, and no additional surveys are recommended.

Special-Status Wildlife Species

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.

No special-status wildlife species were observed during the HA. It was further determined that the Project site does not have the potential to support any of the other special-status wildlife species known to occur in the vicinity of the Project site. Based on habitat requirements for special-status 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 habitat for Cooper’s hawk (*Accipiter cooperii*), and California horned lark (*Eremophila alpestris actia*).⁹ Neither of the aforementioned species are federally- or state-listed as endangered or threatened.

Based on the results of the field investigation, it was determined that the project site does not have the potential to provide suitable habitat for burrowing owls. Field visit observations identified no signs of San Bernardino kangaroo rats (kangaroo rats) on the Project site. Additionally, no sign of kangaroo rat activity was found within the Project site or neighboring areas. Burrowing owls and kangaroo rats were therefore presumed absent according to the HA, and no further studies are recommended.¹⁰

In order to minimize potential impacts to bird nesting sites **Mitigation Measure (MM) BIO-1** would require the completion of a pre-construction nesting bird clearance survey. Therefore, impacts to the

⁹ Ibid, Page 7.

¹⁰ Ibid, Page 8-9.

aforementioned common and special-status wildlife or plant species would be less than significant with mitigation measures applied.

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 4.4-2 *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

Construction and Operations

The Project would be confined to areas that have been heavily disturbed previously. No sensitive habitats were identified within the Project site during field visit conducted on August 17, 2022. Southern Riparian Forest communities are found along streams and rivers and consists of western sycamores, cottonwoods, and many other wetland plants. This plant community was not observed on-site (refer to Attachment D of **Appendix C** of this Draft EIR). No Riparian habitat is present on the Project site, and no members of the Riparian Forest plant community were observed on-site. Therefore, the presence of riparian habitat is deemed absent, and no sensitive natural communities would be impacted from Project implementation and a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.4-3 *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

Construction and Operations

Aerial photography was reviewed in conjunction with a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the USACE, Regional Board, or CDFW. No jurisdictional drainage and/or wetland features were observed on the Project side during the HA that would be considered jurisdictional by the Corps, Regional Board, or CDFW. As a result, implementation of the Project would not result in any impacts or have a substantial adverse effect on protected wetlands.

Mitigation Measures

No mitigation is necessary.

Impact 4.4-4 *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

Construction and Operations

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

Mitigation Measures

No mitigation is necessary.

Impact 4.4-5 *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Level of Significance: No Impact

Construction and Operations

The Fontana MC Chapter 28.61 addresses how to preserve and protect heritage, significant, and specimen trees and procedures to replace them within the City. Section 28-65 prevents removal of these trees without first obtaining a tree removal permit.¹¹ No heritage, significant, or specimen trees are located on the Project site and therefore, impacts to local policies or ordinances are not expected to occur from development of the Project, and mitigation is not required.

Mitigation Measures

No mitigation is necessary.

¹¹ City of Fontana. 2022. *Municipal Code*. https://library.municode.com/ca/fontana/codes/code_of_ordinances (accessed October 2022).

Impact 4.4-6 *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

Level of Significance: Less than Significant

Construction and Operations

The literature search identified 20 special-status plant species, 42 special-status wildlife species, and three special-status plant communities as having potential to occur within the Devore USGS 7.5-minute quadrangle. However, no special-status plant species, wildlife species, or plant communities were observed on-site during the HA due to the disturbed nature of the site and lack of suitable habitat. No special-status species will be impacted by Project implementation and no mitigation is required. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the Project, and mitigation is not required.

Mitigation Measures

No mitigation is necessary.

4.4.6 Cumulative Impacts

Future development in accordance with the Project, in conjunction with cumulative development in the City, would increase development in a developed area and could result in impacts to biological resources. The Project site provides limited value as a wildlife corridor due to its proximity to previous developments and transportation corridors; however, cumulative Project sites adjacent to the Jurupa Hills and San Gabriel Mountains foothills, which functions as wildlife corridors/habitat could be impacted by future development. Therefore, potential biological impacts would require evaluation on a case-by-case basis at the project level when future development is proposed. Each cumulative project would require separate discretionary permit approval and evaluation under CEQA, which would address potential biological resource impacts and identify necessary mitigation measures, where appropriate.

Consequently, the Project would not result in significant environmental impacts from the violation of biological resource requirements, the taking of special-status plants or wildlife, or degradation of wildlife corridors. Therefore, with the implementation of mitigation and compliance with regulatory requirements, the Project's contribution to cumulatively considerable impacts on biological resources would be less than significant.

4.4.7 Significant Unavoidable Impacts

No significant and unavoidable impacts were identified.

4.4.8 References

City of Fontana. 2018. *Fontana Forward General Plan Update 2015 -2035 Draft Environmental Impact Report (SCH 2016021099)*. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>)

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

City of Fontana. Resolution NO. 2018-096. 2018. *A Resolution of the City Council of the City of Fontana, Certifying the Environmental Impact Report (SCH #2016021099) for the Fontana General Plan Update 2015 – 2035; Adopting Environmental Findings Under the California Environmental Quality Act; and Adopting a Mitigation Monitoring and Reporting Program*.

<https://www.fontana.org/DocumentCenter/View/28273/CC-Resolution-2018-096>.

ELMT Consulting, Inc. (ELMT). 2022. *Sierra Distribution Facility Literature Review and Habitat Assessment*. Southern California Geotechnical. 2021. *Infiltration Report*.

Cultural Resources

4.5 CULTURAL RESOURCES

4.5.1 Introduction

This section of the EIR identifies and analyzes the environmental and regulatory settings for cultural resources, as they relate to archaeological remains, historic buildings, traditional customs, tangible artifacts, historical documents, and public records, and assesses whether the Sierra Distribution Facility Project (Project) would cause any potentially significant impacts to cultural resources. Cultural resources can also include traditional cultural properties and places, including ceremonial and gathering areas, landmarks, and ethnographic locations. Cultural resources also relate to archaeological remains, historic buildings, traditional customs, tangible artifacts, historical documents, and public records, which 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 4.7**). Cultural resources are also discussed in **Section 4.18: Tribal Cultural Resources**.

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

- PaleoWest LLC. 2022. *Cultural Resource Assessment (CRA) for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California (Appendix D)*.

The cultural evaluations were conducted in compliance with California Public Resources Code (PRC) Section 5024.1 to identify prehistoric archaeological and historical resources in the Project site 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.

4.5.2 Environmental Setting

Existing Conditions

The Project lies at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive, in the City of Fontana, approximately 0.6 mile north of State Route 210 and 2.8 miles east of Interstate 15. The Project site encompasses approximately 18 acres of land on six contiguous parcels (Assessor Parcel Numbers 1119-241-10, -13, -18, -25, -26, and -27). The Project site is in Section 29, Township 1 North, Range 5 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 1,625 feet above mean sea level.¹

¹ PaleoWest. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California*. Page 4.

Ethnographic Setting

Please refer to **Section 4.18: Tribal Cultural Resources**, regarding the ethnography of Native American tribes within the Project site.

Prehistoric Setting²

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 warming after ca. 2100 B.P. likely extracted a toll on expanding populations, influencing changes in

² PaleoWest. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California*. Pages 11 - 13.

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 non-native 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 Setting³

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 Sevaire. 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 Sevaire creeks in 1882 and formed the Etiwanda Water Company and a

³ PaleoWest. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility 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 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 since 1978, no fewer than 17 previous cultural resource investigations have been conducted within 0.5-mile of the Project site (see Table 4-1 of the CRA, **Appendix D**). Three of these previous studies included a portion or entirety of the current Project site. None of these previous studies identified any cultural resources within the current Project site.

The review of the record search data indicates that seven cultural resources, all of which date to the historic period, have been previously documented within 0.5-mile of the Project site: historic remains of a single-family residence; historic Adams Residential Complex; historic remains of a cabin and corral; historic refuse scatter; historic Juniper Avenue North; historic Sierra Cutoff; and historic Summit Avenue (see Table 4-2 of the CRA, **Appendix D**). No prehistoric archaeological resources were identified within the record search area. None of the previously documented resources are located within the Project site.

Native American Heritage Commission Sacred Lands File Search

Please refer to **Section 4.18: Tribal Cultural Resources**, for information regarding the Native American Heritage Commission (NAHC) results.

Field Investigation

A cultural resources survey of the Project site was conducted on August 17, 2022. During the survey, the archaeologist carefully inspected any exposed areas of ground surface to identify areas likely to contain or exhibit sensitive cultural resources. Results of the survey indicate that the Project site is fully developed. No cultural resources were identified as a result of the fieldwork effort. Surficial sediments across the Project site have been disturbed by the development of four industrial buildings in the 1980s. As these buildings are less than 45 years old, they do not require management consideration as potential historical resources under CEQA. Further, the data indicates that there is a low potential for encountering intact buried prehistoric or historic archaeological deposits in the Project site. As such, there is a low potential for encountering intact buried archaeological deposits in the Project site.

4.5.3 Regulatory Setting

Federal

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the National Historic Preservation Act (NHPA) declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the federal, state, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of State Historic Preservation Officer (SHPO), provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

Natural Register of Historic Places

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

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

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

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

Section 106 of the National Historic Protection Act

It is unlikely that the Project would be subject to the federal permitting processes under “Section 106 review,” as no federal action or approval is anticipated. Under Section 106 of the NHPA, federal agencies are required to consider the effects of their actions on places that are listed in, or eligible for listing in, the NRHP.

National Register Bulletin 38

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

Archaeological Resources Protection Act

The purpose of the Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S. Code [USC] Section 470aa et. seq.) is to ensure preservation and protection of archaeological resources on public and Native American lands. ARPA places primary emphasis on a Federal permitting process in order to control the disturbance and investigation of archaeological sites on these lands. In addition, ARPA's protective provisions are enforced by civil penalties for violation of the Act.

Under this regulation, the term “archaeological resources” includes but is not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

ARPA mandates consultation procedures before initiation of archaeological research on Native American lands or involving Native American archaeological resources. 16 USC Section 470cc(c) requires Native American tribes be notified of possible harm to, or destruction of, sites having religious or cultural significance to that group. The federal land manager must notify affected tribes before issuing the permit for archaeological work. 16 USC Section 470cc(g)(2) specifies that permits to excavate or remove archaeological resources from Indian lands require consent of the Native American or Native American tribe owning or having jurisdiction over such lands. The permit, it is also stipulated, must include such terms and conditions as may be requested by the affected Native Americans.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

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*⁴ 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 standards for work, Section 5-362 maintenance; as well as Section 5-363 Preservation easements.

Of note is Section 5-365 Designated Local historic resources which names 22 local historic resources. None of these sites are within the Project site.

4.5.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning cultural resources. 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:

⁴ 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 September 2022).

- 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 formal 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 August 17, 2022; 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.

4.5.5 Impacts and Mitigation Measures

Impact 4.5-1 *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

Construction

Construction of the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. As discussed under Methodology 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. Staff also examined historical maps and aerial images to characterize the developmental history of the Project site and surrounding area. The records search conducted indicated that since 1978, no fewer than 17 previous cultural resource investigations have been conducted within 0.5-mile of the Project site. Three

of these studies encompassed a portion or entirety of the Project area. None of these previous studies identified any cultural resources within the current Project area.

The review of the record search data indicate that seven cultural resources have been previously documented within 0.5-mile of the Project site. All of these resources date to the historic period and include three road segments, the archaeological remains of single-family residence and a cabin with corral, a homestead complex, and a refuse scatter. None of the previously documented resources are located within the Project site.

Results of the field survey confirmed that the Project area is fully developed. The Alumna Systems property (17051 Windflower Avenue) that covers the southeast corner of the Project area contains an industrial, metal building with a paved and graveled area that is currently used for staging and material storage. The Anderson Trucking Company (5975 North Sierra Avenue) in the southwest corner of the Project area contains an industrial metal building with a paved and graveled parking lot that currently houses container trailers. The Land Star Pallets property in the northwest corner (6075 North Sierra Avenue) of the Project area contains a single building with a gravel and asphalt parking area that is also currently being used to store container trailers. Finally, the northeast corner of the Project area (17017 Windflower Avenue) is vacant and contains a single building with a parking area covered with gravel and asphalt. The entirety of the Project area is highly disturbed with no native intact sediments observed. The four standing buildings appear to have been constructed within the last 45 years, 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. While lead agencies are afforded flexibility to consider younger properties as cultural resources, the four standing buildings are not qualified for special consideration as cultural resources.

Operations

Following completion of construction of the Project and disturbances of the site, the Project would include use for a distribution facility. This land use operation would not impact any known or unknown historical resources. Therefore, operation of the Project would have no impact on historical cultural resources.

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

Mitigation Measures

No mitigation is necessary.

Impact 4.5-2 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

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)).

The cultural resources assessment completed for the Project identified no archaeological resources in the Project area. Results of the site visit revealed surficial sediments have been disturbed across the Project property by the development four industrial buildings in the 1980s. The extant data indicate that there is a low potential for encountering intact buried prehistoric or historic archaeological deposits in the Project site. No prehistoric archaeological resources have been identified within 0.5-mile of the Project site. Furthermore, the absence of any major water source in the vicinity of the Project suggests the area would not have been attractive to prehistoric groups as either a habitation locale or for resource procurement. Review of historical topographic maps and aerial photographs indicates that the Project site remained undeveloped until the mid-twentieth century. As such, it is unlikely that significant historic period archaeological remains would be present within the Project area. However, in the event that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, **SC-CUL-1** and **MMs CUL-1** and **CUL-2** would apply to further minimize potential impacts to archaeological resources. While the City of Fontana maintains standard conditions of approval regarding cultural resources for Projects within their jurisdiction, **MM CUL-1** 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 and Project specific mitigation, the MM’s shall take precedence. With implementation of **SC CUL-1** and **MMs CUL-1** and **CUL-2**, impacts regarding a substantial adverse change of an archaeological resource would be less than significant.

Operations

Following completion of construction of the Project and disturbances of the site, the Project would include use for a distribution facility. This land use operation would not impact any known or unknown

archaeological resources. Therefore, operation of the Project would have no impact on archaeological cultural resources.

Based on these findings, no further cultural resources management is recommended for construction and operation of the Project.

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 parts of the project while evaluation takes place.

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

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 and/or historic-era finds and be provided

information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

MM CUL-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 4.5-3 *Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction

The Project site is located in an area mainly developed with industrial and residential uses and is not located near a formal cemetery. The Project site was previously and is actively used for industrial uses by Alumna Systems, Anderson Trucking Company, and Land Star Pallets. If human remains are discovered, however, those remains would require proper treatment in accordance with applicable laws, including HSC Sections 7050.5-7055 and PRC Section 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 site. HSC Section 7050.5 also requires that all activities cease immediately, and a qualified archaeologist and Native American monitor be contacted immediately. As required by state law, the procedures set forth in PRC Section 5087.98 would be implemented, including evaluation by the County Coroner and notification of the NAHC. The NAHC would then designate the Most Likely Descendant of the unearthened human remains.

It is unlikely that any human remains would be encountered given that the Project site is already disturbed. However, previously undiscovered human remains could be encountered during construction activities. If human remains are found during excavation, excavation would be halted in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with the established regulatory framework (i.e., HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99) and the application of **SC CUL-2** and **MM CUL-3**, the Project's impacts concerning potential to disturb human remains, would be reduced to a less than significant.

Operations

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

Standard Condition

SC CUL-2 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours, which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

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.

4.5.6 Cumulative Impacts

For purposes of cumulative cultural impacts analysis, cumulative impacts are considered in connection with the anticipated future development projects in the City. Future cumulative development projects could encounter or impact cultural resources. The analysis is focused on the Project's potential for resulting in site-specific impacts 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 in consideration, the cumulative analyses for cultural resources consider 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, **SC CUL-1** and **MM CUL-1** 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 **SC CUL-1** and **MM CUL-1**, 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 and area have a low archaeological sensitivity. No historic-era resources were identified on the Project site. Therefore, the Project would not considerably contribute to cumulative impacts to historical resources.

As discussed above, Project-level impacts to human remains would be less than significant. Standard regulatory requirements and procedures will also apply to other present and reasonably foreseeable future projects, and cumulative impacts would be less than significant.

4.5.7 Significant Unavoidable Impacts

No significant and unavoidable impacts were identified.

4.5.8 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?nodeId=CO_CH5BUBURE_ARTXIIIPRHIRE

PaleoWest LLC. 2022. *Cultural Resource Assessment (CRA) for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California (Appendix D)*.

4.6

Energy

4.6 ENERGY

4.6.1 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 proposed as they relate to 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 following found in Draft EIR **Appendix E**:

- Kimley-Horn and Associates, Inc. 2023. *Sierra Distribution Facility – Energy Assessment*.

See Appendix A of **Appendix E** for energy data.

4.6.2 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 and 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 34.0 percent transportation, 24.6 percent industrial, 19.6 percent commercial, and 21.8 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 2010 to 2020 is shown in **Table 4.6-1: Electricity Consumption in San Bernardino County 2010-2020**. As indicated in **Table 4.6-1**, energy consumption in the County increased steadily between 2010 and 2020 with a slight decrease in 2019.

Table 4.6-1: Electricity Consumption in San Bernardino County 2010-2020

| Year | Electricity Consumption (in millions of kilowatt hours) |
|------|---|
| 2010 | 13,481 |
| 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 |

Source: Kimley-Horn and Associates, Inc. 2023. *Sierra Distribution Facility – Energy Assessment*, Table 1.

The natural gas consumption attributable to the County from 2010 to 2020 is shown in **Table 4.6-2: Natural Gas Consumption in San Bernardino County 2010-2020**. Natural gas consumption in the County fluctuated with increases and decreases occurring annually.

Table 4.6-2: Natural Gas Consumption in San Bernardino County 2010-2020

| Year | Natural Gas Consumption (in millions of therms) |
|------|---|
| 2010 | 492 |
| 2011 | 504 |
| 2012 | 486 |
| 2013 | 503 |
| 2014 | 453 |
| 2015 | 470 |
| 2016 | 494 |
| 2017 | 493 |
| 2018 | 500 |
| 2019 | 547 |
| 2020 | 527 |

Source: Kimley-Horn and Associates, Inc. 2023. *Sierra Distribution Facility – Energy Assessment*, Table 2.

Automotive fuel consumption in the County from 2011 to 2021 is shown in **Table 4.6-3: Automotive Fuel Consumption in San Bernardino County 2011-2021**. As shown in **Table 4.6-3**, 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 slight decrease in 2018.

Table 4.6-3: 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 and Associates, Inc. 2023. *Sierra Distribution Facility – Energy Assessment*, Table 3.

4.6.3 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 key ways:

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

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

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

State

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 will take 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 greenhouse gases. 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 California Public Utilities Commission

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

Sustainability and Resilience Element

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

Policy 5.1 Promote green building through guidelines, awards, and nonfinancial incentives.

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 June 2022).

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

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.²*

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.³

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.

4.6.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning energy. 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:

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

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

² City of Fontana. 2018. *Chapter 10: Infrastructure and Green Systems*. <https://www.fontana.org/DocumentCenter/View/26749/Chapter-10---Infrastructure-and-Green-Systems> (accessed October 2022).

³ 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_ARTVIIIINZODI_DIV2DEST_S30-528RECO (accessed September 2022).

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.

4.6.5 Impacts and Mitigation Measures

Impact 4.6-1 *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

Energy consumption associated with the Project is summarized in **Table 4.6-4: Project and Countywide Energy Consumption**. **Table 4.6-4** demonstrates that the Project's net increase in electricity usage (subtracting estimated energy use from existing uses) would constitute approximately 0.0113 percent of typical annual electricity usage, and approximately 0.0014 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 0.0303 percent of diesel and 0.0047 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 0.0388 percent of diesel and 0.0086 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 grading, paving, and building construction. 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 4.6-4: 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 | 2,065,903 kWh | | |
| Existing Consumption | 255,893 kWh | | |
| Net Consumption | 1,810,010 | 15,968,515,536 kWh | 0.0113% |
| <i>Natural Gas</i> | | | |
| Project Consumption | 8,142 therms | | |
| Existing Consumption | 965 therms | | |
| Net Consumption | 7,177 therms | 527,236,428 therms | 0.0014% |
| Automotive Fuel Consumption³ | | | |
| <i>Project Construction^{4,5}</i> | | | |
| Diesel | 83,747 gallons | 276,240,500 gallons | 0.0303% |
| Gasoline | 40,578 gallons | 867,249,800 gallons | 0.0047% |
| <i>Operations</i> | | | |
| Diesel | | | |
| Project | 268,681 gallons | | |
| Existing | 161,399 gallons | | |
| Net Diesel | 107,282 gallons | 276,240,500 gallons | 0.0388% |
| Gasoline | | | |
| Project | 93,973 gallons | | |
| Existing | 19,781 gallons | | |
| Net Gasoline | 74,192 gallons | 867,249,800 gallons | 0.0086% |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Sierra Distribution Facility – Energy Assessment</i> , Table 4. | | | |
| Notes: | | | |
| 1. The Project increases in electricity and natural gas consumption are compared with the total consumption in San Bernardino County in 2020. | | | |
| 2. The Project increases in automotive fuel consumption are compared with the countywide fuel consumption (projected) in 2022. | | | |
| 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 2020.4.0). | | | |
| 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. | | | |

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 4.6-4**, the overall diesel fuel consumption during construction of the Project would be 83,747 gallons and gasoline consumption would be 40,578 gallons, which would constitute a nominal percentage (0.0303 percent and 0.0047 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

Energy Demand

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 4.6-4** provides an estimate of the daily fuel consumed by vehicles traveling to and from the Project site. As indicated in **Table 4.6-4**, Project operations are estimated to consume approximately 107,282 additional gallons of diesel fuel and 74,192 additional gallons of gasoline fuel per year in comparison to existing uses, which would constitute approximately 0.0388 percent and 0.0086 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 and not require the use of fossil fuel), pursuant to the Fontana Industrial Commerce Center Sustainability Standards Ordinance. Supporting the State's goal of zero emissions on-road vehicles, and pursuant to the Fontana Industrial Commerce Center Sustainability Standards Ordinance, the Project would install a total of 23 EV parking spaces. 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 1,810,010 kWh of electricity per year and approximately 7,177 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. Implementation of the Title 24 standards and compliance with the Fontana Industrial Commerce Center Sustainability Standards Ordinance significantly reduces energy usage. Furthermore, 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 50 percent of total procurement by 2030. 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 increase in reliance of such energy resources further ensures projects will not result in the waste of the finite energy resources.

As indicated in **Table 4.6-4**, operational energy consumption would represent approximately 0.0113 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.

Conclusion. As shown in **Table 4.6-4**, 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.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-2 *Would the Project conflict with or obstruct a state or Local plan for renewable energy or energy efficiency?*

Level of Significance: Less than Significant

Construction and Operations

Title 24 of the CCR contains energy efficiency standards for residential and non-residential 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, AB 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 five percent of all passenger vehicle parking spaces to be equipped with working electric vehicle charging stations. 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 RGHGRP 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.

Mitigation Measures

No mitigation is necessary.

4.6.6 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 conservations 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.

4.6.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.6.8 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.

Kimley-Horn and Associates, Inc. 2023. *Sierra Distribution Facility – Energy Assessment*.

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4.7

Geology and Soils

4.7 GEOLOGY AND SOILS

4.7.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the potential environmental impacts of the Sierra Distribution Facility Project (Project) as they relate to geological and soil resources, paleontological resources, or unique geologic features in the City of Fontana (City) within San Bernardino County (County). The environmental setting will be discussed for the Project, along with any applicable federal, state, regional, and local policies and regulations. Additionally, this section will describe the specific mitigation measures that would be used to minimize any significant environmental impact, if any are identified. The data collected provides information on existing conditions in the Project region from literature search, review of existing data, and site surveys.

This evaluation of the Project site and the potential impacts to geology and soils is largely based on the following sources:

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- Southern California Geotechnical. 2021. *Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California (Appendix F)*.
- PaleoWest. 2022. *Paleontological Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California (Appendix F)*.

4.7.2 Environmental Setting

Existing Conditions

The following provides a basic description of the overall environmental setting of the Project site. Additional details related to site geology is provided in the local geologic setting further below. The Project site is comprised of six total parcels and consists of a total 18.3 acres. The Project involves the development of a 398,514-square foot warehouse building with associated facilities and improvements including 10,000 square feet of office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and other on-site and off-site improvements. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill.

The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region.¹

¹ Southern California Geotechnical. 2021. *Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California*.

Near- and Sub-surface Conditions

As a part the geotechnical investigation, six borings (identified as Boring Nos. B-1 through B-6) were advanced to depths of 2.5 to 15.5 feet below existing site grades and four exploratory trenches (identified as Trench Nos. T-1 through T-4) were excavated using a rubber-tire backhoe to depths of 8.5 to 10 feet.² Artificial fill soils were encountered at the ground surface at Boring Nos. B-3, B-5, and B-6, and at all of the trench locations, extending to depths of 1 to 3 feet. The fill soils consist of loose to dense silty fine to coarse sands, fine to coarse sands, and silty fine sands. Occasional cobbles and variable gravel content were encountered throughout the artificial fill. Boring No. B-6 was terminated within the artificial fill at a depth of 2.5 feet due to very dense materials and extensive cobble content. Native alluvium was encountered at the ground surface or below the fill soils at all of the boring and trench locations, extending to at least the maximum depth explored of 15.5 feet. The alluvium generally consists of medium dense to very dense fine to coarse sands and gravelly fine to coarse sands. Extensive cobble content and variable silt content were encountered throughout the alluvial strata. In addition, occasional boulder content was encountered as shallow as 2.5 feet from the ground surface.³ According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) web soil survey, the Project site soils consist of Soboba gravelly loamy sand, 0 to 9 percent slopes.⁴ The Soboba series consists of deep, excessively drained soils that formed in alluvium from predominantly granitic rock sources. Soboba soils are on alluvial fans and flood plains and have slopes of 0 to 30 percent.⁵

Artificial Fill

Artificial fill soils were encountered at the ground surface of B-3 and B-5 infiltration boring locations, extending to depths of three feet below existing site grades. The fill soils consist of medium dense silty fine sands with some fine to coarse gravel content and extensive cobbles. The fill soils contained a disturbed appearance, resulting in the classification of artificial fill.

Alluvium

Native alluvial soils were encountered beneath the fill soils surface at all of the infiltration boring and trench locations, extending to at least the maximum depth explored of 15.5 feet below existing site grades, with the exception of No. B-6. The alluvium generally consists of medium dense to very dense fine to coarse sands and gravelly fine to coarse sands. Extensive cobble content and variable silt content were encountered throughout the alluvial strata. In addition, occasional boulder content was encountered in Trench Nos. T-3 and T-4 as shallow as 2.5 feet from the ground surface.

Groundwater

Free water was not encountered during drilling or trenching at any location. Based on the moisture contents of the recovered soil samples, the static groundwater table is considered to have existed at a depth in excess of 15.5 feet below existing site grades, at the time of the geotechnical investigation.

² Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California, prepared by Southern California Geotechnical, Inc. (SCG) for Seefried Industrial Properties, Inc., SCG Project No. 20G250-1, dated February 5, 2021.

³ Ibid.

⁴ USDA NRCS. 2022. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> (accessed June 2022).

⁵ USDA. 1971. *Soboba Series*. https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SOBOBA.html (accessed June 2022).

Available groundwater data was reviewed in order to determine groundwater levels for the Project site. Recent water level data was obtained from the California Department of Water Resources Water Data Library website, <https://wdl.water.ca.gov/waterdatalibrary/>. The nearest monitoring well on record is located 3,180 feet southeast of the Project site. Water level readings within this monitoring well indicate a groundwater level of 320± feet below the ground surface in March 1994.

As part of SCG's research, available groundwater data was reviewed in order to determine the historic high groundwater level for the site. The primary reference used to determine the historic groundwater depths in area of the Project site is Watermaster Support Services, Western Municipal Water District, and the San Bernardino Valley Water Conservation District Cooperative Well Measuring Program, dated Fall 2015. A well titled Mid-Valley (Fontana) F-07 exists 1,500 feet southeast of the site and indicates a high groundwater level of 330± feet below the ground surface in April 2000.

Geologic Conditions

Regional Geological Setting⁶

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.

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 Geologic Setting

The Project area is south of the foothills of the San Gabriel Mountains, which are part of the Transverse Ranges geomorphic province of Southern California. The San Gabriel Mountains extend approximately 60 miles west to the Verdugo Hills, San Fernando Valley, and Soledad Basin. Active uplift and erosion in the

⁶ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Page 5.5-1.* <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

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 vertical slip along several influential faults, including 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. 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 by Quaternary alluvial fan deposits eroded from the San Gabriel Mountains to the north.⁷

Faulting and Seismicity⁸

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.

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; refer to **Table 4.7-1: Modified Mercalli Intensity (MMI) Scale**.

Table 4.7-1: Modified Mercalli Intensity (MMI) Scale

| MMI | Description |
|-----|---|
| I | Detected by only sensitive instruments |
| II | Felt by a few people at rest |
| III | Felt noticeably indoors, but not always recognized as a quake; vibration like a passing truck |
| IV | Felt indoors by many and outdoors by few |
| V | Felt by most people. Some breakage of windows, dishes, and plaster |
| VI | Felt by all; falling plaster and chimneys; damage small |
| VII | Damage to buildings varies; depends on quality of construction |

⁷ Paleontological Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California, PaoloWest, September 15, 2022. Page 7.

⁸ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.5-2. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

| MMI | Description |
|--|--|
| VIII | Walls, monuments, chimneys fall; panel walls thrown out of frames |
| IX | Buildings shift off foundations; foundations crack; ground cracks; underground pipes break |
| X | Most masonry and frame structures destroyed; ground cracks; landslides |
| XI | Ground fissures; pipes break; landslides; rails bent; new structures remain standing |
| XII | Damage total; waves seen on ground surface; objects thrown into the air |
| Source: United States Atomic Energy Commission 1963, as cited in City of Fontana, Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report, 2018. | |

As discussed above, the faulting and seismicity of southern California including the Project area is dominated by the San Andreas Fault zone. The Project site lies within the Chino Subbasin and is bound on the east by the Rialto-Colton fault; on the southeast by the contact with impermeable rocks forming the Jurupa Mountains and low divides connecting the exposures. On the south the subbasin is bound by contact with impermeable rocks of the Puente Hills and by the Chino fault; on the northwest by the San Jose fault; and on the north by impermeable rocks of the San Gabriel Mountains and by the Cucamonga fault.⁹

Major active faults in the City and its vicinity are listed in **Table 4.7-2: Major Fault Zones Near Fontana**. Although there are no major active faults within the City boundaries, there are a number of faults that border the Lytle Creek alluvial basin, including the Chino, Cucamonga, San Andreas, and San Jacinto faults, as described below.¹⁰

Table 4.7-2: Major Fault Zones Near Fontana

| Fault Zone | M _w Magnitude |
|--|--------------------------|
| San Jacinto | 7.2 |
| Chino | -- |
| Whittier-Elsinore | 6.8-7.1 |
| San Andreas (southern) | 7.8 |
| Cucamonga | -- |
| Source: United States Atomic Energy Commission 1963, as cited in City of Fontana, Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Page 5.5-3. | |

The San Jacinto Fault Zone. The San Jacinto Fault is a young, right lateral zone of seismic strain that has dominated fault movement in southern California for a least a century. The closest portion of the fault zone is located approximately 3.6 miles east of the Project Site. Notwithstanding the notoriety of the San Andreas Fault, since 1857 there have been thirty-six major earthquakes identified to faults in the San Jacinto system.

Chino Fault. The Chino-Central Avenue Fault branches away from the Elsinore (Glen Ivy) Fault and extends northwest for approximately 13 miles through the Prado Basin and into the Puente Hills. Dominant movement along the fault is right-reverse oblique slip.

Whittier-Elsinore Fault System. The Whittier-Elsinore Fault system consists of several steep to near-vertical faults along a zone as much as one-half-mile wide. The closest portion of the fault is located

⁹ Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California, prepared by Southern California Geotechnical, Inc. (SCG) for Seefried Industrial Properties, Inc., SCG Project No. 20G250-1, dated February 5, 2021.

¹⁰ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Page 5.5-3.* <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

approximately 22 miles southwest of the Project site. The inferred sense of movement along these faults is predominately reverse slip west of the Chino area, and right lateral strike-slip to the east. Historic seismicity indicates that the fault system is active.

San Andreas Fault. Extending more than 700 miles, the San Andreas Fault is the longest and most significant system in California. The closest portion of the fault zone is located approximately 7.5 miles north of the Project site. Within and south of the Transverse Ranges, the strike of the fault trends west-northwest within a nearly vertical dip. Motion along the fault is right lateral with post-Oligocene (i.e., less than 22 million years) offset of more than 150 miles. Historic seismicity, sag ponds, offset channels, and linear geomorphic features indicate that this fault system is active.¹¹

The most common method for measuring earthquakes is magnitude. The majority of scientists currently use either the Mw Scale or Modified Mercalli Intensity (MMI) Scale. The effects of an earthquake in a particular location are measured by intensity. Earthquake intensity decreases with increasing distance from the epicenter of the earthquake.

The magnitude of an earthquake is related to the total area of the fault that ruptured, as well as the amount of offset (displacement) across the fault. As shown in **Table 4.7-3: Earthquake Magnitude Classes**, there are seven earthquake magnitude classes, ranging from great to micro. A magnitude class of great can cause tremendous damage to infrastructure in the City compared to a micro class, which results in minor damage to infrastructure.¹²

Cucamonga Fault/Sierra Madre Fault Zone. This fault system is northwest-trending and generally right lateral and is located approximately three miles northwest of the Project site. The fault consists of several near-vertical breaks marking the southern boundary of the San Gabriel Mountains. The Cucamonga Fault is part of the Sierra Madre Fault Zone. Based on historic earthquakes and evidence of Holocene activity, the fault zone is considered active.

Table 4.7-3: Earthquake Magnitude Classes

| Magnitude Class | Magnitude Range (M = Magnitude) | Description |
|---|------------------------------------|-------------------------|
| Great | M > 8 | Tremendous damage |
| Major | 7 ≤ M < 7.9 | Widespread heavy damage |
| Strong | 6 ≤ M < 6.9 | Severe damage |
| Moderate | 5 ≤ M < 5.9 | Considerable damage |
| Light | 4 ≤ M < 4.9 | Moderate damage |
| Minor | 3 ≤ M < 3.9 | Rarely causes damage |
| Micro | M < 3 | Minor damage |
| Source: City of Fontana. 2017. <i>City of Fontana Local Hazard Mitigation Plan</i> . Table 4-5. https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan (accessed June 2022). | | |

The MMI Scale measures earthquake intensity as shown in **Table 4.7-4: Earthquake Magnitude and Intensity**, describes how various magnitudes of earthquakes may be felt. The MMI Scale has 12 intensity

¹¹ Ibid.

¹² City of Fontana. 2017. *City of Fontana Local Hazard Mitigation Plan*. Page 71. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed June 2022).

levels. Each level is defined by a group of observable earthquake effects, such as ground shaking and/or damage to infrastructure. Levels I through VI describe what people see and feel during a small to moderate earthquake. Levels VII through XII describe damage to infrastructure during a moderate to catastrophic earthquake.¹³

Table 4.7-4: Earthquake Magnitude and Intensity

| Magnitude (Mw) | Intensity (Modified Mercalli Scale) | Description |
|----------------|-------------------------------------|---|
| 1.0 – 3.0 | I | I. Not felt except by very few people under especially favorable conditions. |
| 3.0 – 3.9 | II – III | II. Felt by a few people, especially those on upper floors of buildings. Suspended objects may swing. |
| | | III. Felt quite noticeably indoors. Many do not recognize it as an earthquake. Standing motorcars may rock slightly. |
| 4.0 – 4.9 | IV – V | IV. Felt by many who are indoors; felt by a few outdoors. At night, some awakened. Dishes, windows, and doors rattle. |
| | | V. Felt by nearly everyone; many awakened. Some dishes and windows broken; some cracked plaster; unstable objects overturned |
| 5.0 – 5.9 | VI – VII | VI. Felt by everyone; many frightened and run outdoors. Some heavy furniture moved; some fallen plaster or damaged chimneys. |
| | | VII. Most people alarmed and run outside. Damage negligible in well-constructed buildings; considerable damage in poorly constructed buildings. |
| 6.0 – 6.9 | VIII – IX | VIII. Damage slight in special designed structures; considerable in ordinary buildings; great in poorly built structures. Heavy furniture overturned. Chimneys, monuments, etc. may topple. |
| | | IX. Damage considerable in specially designed structures. Buildings shift from foundations and collapse. Ground cracked. Underground pipes broken. |
| 7.0 and Higher | VIII and Higher | X. Some well-built wooden structures destroyed. Most masonry structures destroyed. Ground badly cracked. Landslides on steep slopes. |
| | | XI. Few, if any, masonry structures remain standing. Railroad rails bent; bridges destroyed. Broad fissure in ground. |
| | | XII. Virtually total destruction. Waves seen on ground. Objects thrown into the air. |

Source: City of Fontana. 2017. *City of Fontana Local Hazard Mitigation Plan*. Table 4-6.
<https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan> (accessed June 2022).

Ground Shaking

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions. Magnitude is a measure of the energy released by an earthquake; it is assessed by seismographs. Intensity is a subjective measure of the perceptible effects of seismic energy at a given point and varies with distance from the epicenter and local geologic conditions.

Ground shaking is the primary cause of damage and injury during earthquakes and can result in surface rupture, liquefaction, landslides, lateral spreading, differential settlement, tsunamis, building failure, and broken gas and other utility lines, leading to fire and other collateral damage. The intensity and severity of ground motion is dependent on the earthquake's magnitude, distance from the epicenter and

¹³ Ibid.

underlying soil and rock properties. Areas underlain by thick, saturated, unconsolidated soils will experience greater shaking motion than areas underlain by firm bedrock.¹⁴

Secondary Seismic Hazards

Secondary seismic hazards generally associated with severe ground shaking during an earthquake include ground rupture, lurching, ridgetop shatter, landslides and rockfall, and liquefaction and dynamic settlement.

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.¹⁵ 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 located in close proximity to a Alquist-Priolo Fault zone or zone of required investigation.¹⁶

Lurching

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

Ridgetop Shatter

Ridgetop fissuring and shattering is thought to be the result of intense amplification or focusing of seismic energy due to local topographic features. Linear fault-like fissures and shattering of surface soils on the crests of steep, narrow ridgelines occurred during the 1989 Loma Prieta and 1994 Northridge earthquakes. This phenomenon can result in severe structural damage, particularly if it occurs on relatively high (greater than 100 feet), narrow (typically less than 300 feet wide) ridges flanked by slopes steeper than about 2.5:1 (horizontal: vertical). The Project site is flat and is not located on or near a ridge.

Landslides and Rockfall¹⁷

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

¹⁴ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 61. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

¹⁵ Ibid, Page 5.5-4.

¹⁶ California Department of Conservation. 2016. *Earthquake Zones of Required Investigation*. <https://maps.conservation.ca.gov/cgs/EQZApp/>. (accessed June 2022).

¹⁷ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.5-6. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

mechanisms include earthquakes, saturation from rainfall, and erosion. Post-fire erosion rates may be 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 1.5 miles to the south.¹⁸

Liquefaction and Dynamic Settlement

Liquefaction of free-running type soils, such as sand and gravel, can be caused by strong ground shaking motion due to earthquakes. Liquefaction is characterized by a loss of shear strength in the affected soil layers, causing the soil to behave like a syrupy liquid. When insufficient confining pressure is present, liquefaction may be manifested at the ground surface by settlement or sand volcanoes. For the potential effects of liquefaction to be demonstrated at the ground surface, the soils generally have to be granular, loose to medium dense, saturated relatively near the ground surface and must be subjected to a sufficient magnitude and duration of ground shaking. Ground accelerations generated from a seismic event can produce settlements in sands or granular earth materials both above and below the water table, posing a potential hazard to land uses on the surface. The Project site is not located in a low, medium, or high generalized liquefaction susceptibility area.¹⁹

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.

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 7 to 17 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. The subsidence is estimated to be 0.10 feet. These estimates are based on

¹⁸ San Bernardino County. 1994. *Geologic Hazard Overlays – FH29 C Fontana Map*.
<http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed June 2022).

¹⁹ Ibid.

previous experience and the subsurface conditions encountered at the boring locations. The actual amount of subsidence is expected to be variable and would be dependent on the type of machinery used, repetitions of use, and dynamic effects, all of which are difficult to assess precisely.

Settlement

The remedial grading will be performed to remove the existing undocumented fill soils as well as 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

The results of the soluble sulfate testing, as discussed in the geotechnical investigation report, indicate soluble sulfate concentrations between 0.002 and 0.032 percent. These concentrations are considered to be negligible 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. Additional soluble sulfate testing will be conducted during the design-level geotechnical investigation and at the completion of rough grading to verify the soluble sulfate concentrations of the soils which are present at the proposed building pad grades.

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.

Paleontological Setting

Although younger fan deposits do not have the potential to contain significant paleontological resources the City also contains areas of Pleistocene older fan deposits exposed at surface levels that have been mapped along the western area of the City near the intersection of 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. Due to their age, within the older Pleistocene deposits, the potential for paleontological resources is considered to be high.²⁰ However, the Project site does not contain Pleistocene older deposit. Almost the entire City is classified as having late

²⁰ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report. Page 5.4-8.* <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed June 2022).

Holocene surficial deposits by the California Department of Conservation.²¹ The entire Project site is composed of Soboba loamy sand, 0 to 9 percent slopes.²²

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 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 Sensitivity:** 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

²¹ California Department of Conservation. 2016. *Compilation of Quaternary Surficial Deposits*. <https://maps.conservation.ca.gov/cgs/QSD/> (accessed June 2022).

²² USDA NRCS. 2020. *Web Soil Survey*. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> (accessed June 2022).

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 alluvial fan deposits from the Holocene Epoch. The source material for these alluvial fan deposits originates from the eastern San Gabriel Mountains, north of the Project area. The young alluvial fan deposits consist of unconsolidated to moderately consolidated, boulder to coarse-grained sand, with slightly dissected surfaces. The Holocene alluvium likely grades into older high sensitivity Pleistocene deposits at depth. Pleistocene deposits in San Bernardino County are highly fossiliferous and have yielded preserved remains of deer, mammoth, camel, horse, bison, badger, mole, rabbit, gray fox, and coyote. However, fossil localities have not been identified in the immediate vicinity of the Project area.²³

Records Search Results

The SBCM records search did not produce any fossil localities from within the Project area or from the same geologic unit within five miles. Searches of online databases and other literature did not produce any additional fossil localities within one mile.

4.7.3 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.²⁴

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

²³ Paleontological Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California, Paolo West, September 15, 2022. Page 7.

²⁴ Occupational Health and Safety Administration. 2015. *Trenching and Excavation Safety*. <https://www.osha.gov/sites/default/files/publications/osh2226.pdf#:~:text=Trenching%20and%20Excavation%20Safety%20%20Introduction%20Excavation%20and,contain%20requirements%20for%20excavation%20and%20trenching%20operations.%20This> (accessed September 2021).

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 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.²⁵

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

²⁵ National Earthquake Hazards Reduction Program. 2008. *Earthquake Hazards Reduction Act of 1977*. <https://www.nehrp.gov/about/PL108-360.htm> (accessed September 2021).

the removal of paleontological resources from federal land without a permit issued under the PRPA, establishes penalties for violation of the PRPA, and establishes a program to increase public awareness about such resources. As of May 18, 2015, the U.S. Department of Agriculture has implemented a new rule that “provides for the preservation, management, and protection of paleontological resources on National Forest System (NFS) lands and ensures that these resources are available for current and future generations to enjoy as part of America’s national heritage. The rule addresses the management, collection, and curation of paleontological resources from NFS lands including management using scientific principles and expertise, collecting of resources with and without a permit, curation in an approved repository, maintaining confidentiality of specific locality data, and authorizing penalties for illegal collecting, sale, damaging, or otherwise altering or defacing paleontological resources.”

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that public agencies and private interests identify the potential environmental consequences of their Projects on any object or site of significance to the scientific annals of California (Division I, California Public Resources Code [PRC] Section 5020.1 [b]). Appendix G in Section 15023 provides an Environmental Checklist of questions (PRC Section 15023, Appendix G, Section VII, Part f) that includes the following: “Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?”

CEQA does not define “a unique paleontological resource or site.” However, the SVP has provided guidance specifically designed to support state and Federal environmental review. The SVP broadly defines significant paleontological resources as follows:

“Fossils and fossiliferous deposits consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years).”

Significant paleontological resources are determined to be fossils or assemblages of fossils that are unique, unusual, rare, diagnostically important, or are common but have the potential to provide valuable scientific information for evaluating evolutionary patterns and processes, or which could improve our understanding of paleo chronology, 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.²⁶

²⁶ PaleoWest. 2022. *Paleontological Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California*.

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.²⁷

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

²⁷ California Legislative Information. 1994. *Chapter 7.5. Earthquake Fault Zoning [2621 - 2630]*.
https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC (accessed September 2021).

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 Standards Code

The California Building Standards Code (CBSC) is part of the official compilation and publication of the California Code of Regulations (CCR), Title 24. The California Building Code (CBC) is part two of thirteen parts and applies to all applications for building permits. The purpose of the CBSC is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.²⁸

Given the regional susceptibility to seismic events, CBC's seismic standards are heavily regarded by local agencies. CBC Chapter 16 addresses structural design requirements governing seismically resistant construction (CBC Section 1604), including (but not limited to) factors and coefficients used to establish seismic site class and seismic occupancy category for the soil/rock at the building location and the proposed building design (CBC Sections 1613.5 through 1613.7). CBC Chapter 18 includes (but is not limited to) the requirements for foundation and soil investigations (CBC Section 1803); excavation, grading, and fill (CBC Section 1804); allowable load-bearing values of soils (CBC Section 1806); and the design of footings, foundations, and slope clearances (CBC Sections 1808 and 1809), retaining walls (CBC Section 1807), and pier, pile, driven, and cast-in-place foundation support systems (CBC Section 1810). CBC Chapter 33 includes, but is not limited to, requirements for safeguards at worksites to ensure stable excavations and cut or fill slopes (CBC Section 3304). Project construction and operations are subject to occupational safety standards as specified in California OSHA regulations (Title 8 of CCR) and Chapter 33 of the 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

²⁸ ICC Digital Codes. 2021. *2019 California Building Code, Title 24, Part 2 (Vol 1 & 2) with July 2021 Supplement*. <https://codes.iccsafe.org/content/CBC2019P4> (accessed September 2021).

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 State Water Resources Control Board (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 best management practices (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 Element²⁹

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.

²⁹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035, Chapter 11 Noise and Safety Element*. Pg. 222-236. <https://www.fontana.org/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018>. (accessed June 2022).

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.

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 ongoing. 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.³⁰

4.7.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning geology and soils. 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:

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

³⁰ City of Fontana. 2017. *City of Fontana Local Hazard Mitigation Plan*. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed June 2022).

- 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 waste 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 would or would 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.

4.7.5 Impacts and Mitigation Measures

Impact 4.7-1 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Level of Significance: Less than Significant

Construction and Operations

There are no known active faults crossing or projecting through the Project site. The Project site is not located in an Alquist-Priolo Earthquake Fault Zone. Furthermore, the geotechnical investigation did not identify any evidence of faulting. Therefore, the possibility of ground rupture at the site is considered to be low. Impacts for the Project site would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-2 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

ii) Strong seismic ground shaking?

Level of Significance: Less than Significant

Construction and Operations

The Project site is not within an Alquist-Priolo Earthquake Fault Zone, and no evidence of faulting was identified during the geotechnical investigation. The Project site is not subject to surface rupture of a known active fault, as the nearest fault is approximately three miles northwest of the Project site. The possibility of significant ground shaking on the site is considered to be low. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-3 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iii) Seismic-related ground failure, including liquefaction?

Level of Significance: Less than Significant

Construction and Operations

Ground Shaking

Southern California is considered a seismically active region and the regional vicinity of the Project site contains a number of known earthquake faults. The Project site is located in the southern California region, which is prone to seismically induced ground shaking. The Project site would be developed with a 398,514-square foot facility. All Project site components would be constructed to the then current CBC and International Building Code standards. All structures would be designed in conformance with all applicable standards to resist the effects of seismic ground shaking. As part of the Geotechnical Feasibility Study, 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 2022 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 Feasibility Study, which would reduce impacts from seismic ground shaking to a less than significant level.

Liquefaction

Soil liquefaction is a phenomenon in which saturated cohesionless soils undergo a temporary loss of strength during severe ground shaking and acquire a degree of mobility sufficient to permit ground deformation. In extreme cases, the soil particles can become suspended in groundwater, resulting in the soil deposit becoming mobile and fluid-like. Liquefaction is generally considered to occur primarily in loose to medium dense deposits of saturated soils. Thus, three conditions are required for liquefaction to occur: (1) a cohesionless soil of loose to medium density; (2) a saturated condition; and (3) rapid large strain, cyclic loading, normally provided by earthquake motions.

The Project site is not located within a zone identified as having a potential for liquefaction by the County.³¹ According to the geotechnical investigation, groundwater was not encountered during Project explorations. Impacts in relation to these hazards for the Project site would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-4 ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

iv) Landslides?

Level of Significance: Less than Significant

Construction and Operations

Landslides and other forms of mass wasting, including mudflows, debris flows, soil slips, and rock falls occur as soil or rock moves downslope under the influence of gravity. Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The susceptibility of a geologic unit to landslides is dependent upon various factors, primarily: 1) the presence and orientation of weak structures, such as fractures, faults, and joints; 2) the height and steepness of the pertinent natural or cut slope; 3) the presence and quantity of groundwater; and 4) the occurrence of strong seismic shaking. The Project site is not located in an area subject to landslides.³² The Project site is located on relatively flat ground and is not adjacent to any areas with steep slopes such that if ground shaking occurred the site would experience damage from a landslide. Therefore, impacts related to landslides for the Project site would be less than significant.

³¹ San Bernardino County. 2021. *Geologic Hazard Maps, FH29C*.

<http://cms.sbcounty.gov/lus/planning/zoningoverlaymaps/geologicazardmaps.aspx#Valley>. (accessed June 2022).

³² Ibid.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-5 Would the Project result in substantial soil erosion or the loss of topsoil?

Level of Significance: Less than Significant

Construction

Construction activities such as excavation and grading would be minimal given that the Project site is relatively flat. No major grading or excavation would be needed to substantially alter the slope of the site, create or remove steep slopes, create retaining walls, or make other landform modifications. Nevertheless, grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. During construction, the Project site would be required to comply with erosion and siltation control measures. This would include measures such as sandbagging, placement of silt fencing, erosion control blankets, straw wattles, mulching, etc., to reduce runoff from the site and to hold topsoil in place during all grading activities. As mass grading proceeds, finish grading commence, and construction begins, the erosion measures would be removed or relocated as necessary. Additionally, the construction on the Project site would be required to comply with the NPDES; refer to **Section 4.10: Hydrology and Water Quality** for discussion of the anticipated NPDES permitting process. Construction impacts on the Project site would be minimized through compliance with the Construction General Permit (CGP). The NPDES permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and monitoring plan, which must include erosion-control and sediment-control Best Management Practices (BMPs). The BMPs would be required to meet or exceed measures required by the CGP to control potential construction-related pollutants and would comply with the Fontana Municipal Code Section 28.111 – Stormwater Management and Rainwater Retention. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. All required permits and the erosion control plan would be verified by the City prior to initiation of any construction and prior to the issuance of any grading permit. Conformance to these requirements and verification by the City as part of the development approval process would ensure that potential impacts from construction of the Project are less than significant.

Operations

Operation of the Project site would not involve procedures which would result in substantial soil erosion. Following construction of the Project site, the site would be covered with hardscape which would not contribute to erosion. The Project site also would contain some landscaping, and these areas would include ground covers to reduce erosion or loss of on-site soils post-construction. This would ensure that operation of the Project site would not result in the loss of topsoil or sedimentation into local drainage facilities and water bodies; refer to **Section 4.10**. In addition, a network of storm drains and gutters would be installed, improved as needed, and maintained as necessary throughout the site. Therefore, the potential for substantial soil erosion or the loss of topsoil is considered less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-6 *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Level of Significance: Less than Significant

Construction and Operations

The Project site is not included within an Earthquake Fault Zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act. As discussed for Impact 4.7-1 through 4.7-4, the Project site and the surrounding area is relatively flat and/or developed which indicates that the Project would not be susceptible to landslides nor cause significant erosion that would result in a landslide. Additionally, the City's LHMP lists the types of geologic hazards known to occur in the City regarding slope instability, leading to possible mudflow, liquefaction, and collapsible or expansive soils. The Project site is not located in an area identified as susceptible to slope instability or landslides.³³

As discussed under Impact 4.7-3, above, the primary factors which influence the potential for liquefaction include shallow groundwater table elevation, soil type and plasticity characteristics, relative density of the soil, initial confining pressure, and intensity and duration of ground shaking. Although the Project site is located in a seismically active region, the Project site is not located within a zone identified as having a potential for liquefaction by the County. Furthermore, groundwater was not encountered during Project explorations. Therefore, liquefaction and landslides are not considered to be a design concern for the Project, and potential for lateral spreading would be low to negligible since the Project's topography does not contain steep slopes and the Project site and the immediate area are not within a zone of generalized landslide susceptibility.

The major cause of ground subsidence is the excessive withdrawal of groundwater. Based on the conditions encountered in the borings and trenches conducted for the geotechnical investigation, groundwater was not encountered and is estimated to be at a depth greater than 320 feet below ground surface. The Project does not propose or require additional groundwater wells within the area and therefore the risk of ground subsidence as result of excessive groundwater withdrawal is low. Additionally, based on anticipated groundwater depths, it is not expected that groundwater would affect excavations for the foundations and utilities and subsidence is unlikely due to the distance to groundwater. Furthermore, all structures would comply with CBC requirements to mitigate the possibility of subsidence. Lastly, soil liquefaction is not likely to occur at this site primarily because the groundwater level is deep. The Project site is relatively flat and is not located adjacent to any potentially unstable topographical feature, such as a hillside or riverbank. Therefore, impacts associated with these hazards would be less than significant.

Mitigation Measures

No mitigation is necessary.

³³ Ibid.

Impact 4.7-7 *Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Level of Significance: Less Than Significant

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. According to the geotechnical investigation, the near-surface soils consist of sands, silty sands, and gravelly sands with no appreciable clay content. These materials have been visually classified as non-expansive. As such, the geotechnical investigation does not anticipate expansive soils to adversely impact the design, construction, or operation of the Project. Therefore, the Project site would not be impacted by significant soil expansion and a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-8 *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Level of Significance: No Impact

Construction and Operations

No septic tanks or other alternative wastewater disposal systems are proposed. The Project site would not use an alternative wastewater disposal system and is proposed to tie into the existing sewer line. Impacts in this regard for the Project site would not occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.7-9 *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Level of Significance: Less than Significant

Construction and Operations

The Project site occurs on alluvial soils deposited during the Holocene Epoch (within the last 11,700 years). This reduces the potential for the disturbance of any unknown buried paleontological resources and makes the likelihood of damage or destruction to such resources remote. Additionally, the Paleontological Assessment concluded that the records search did not produce any fossil localities from within the Project

area or from the same geologic unit within five miles. Searches of online databases and other literature did not produce any additional fossil localities within one mile.

Excavation for construction could result in significant paleontological resources being encountered; however, the underlying sediment is likely to be from the Holocene Epoch and located at a significant depth. Therefore, and ground disturbing activities are not anticipated to impact paleontological resources. The Project would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.7.6 Cumulative Impacts

Geology and soil-related impacts are generally site-specific and are determined by a particular site's soil characteristics, topography, and proposed land uses. Development projects are analyzed on an individual basis and must comply with established requirements of the applicable jurisdiction's development requirements and the CBC as they pertain to protection against known geologic hazards and potential geologic and soil-related impacts.

Cumulative effects related to geology resulting from the implementation of future development of the warehouse site, as well as surrounding areas, could expose more persons and property to potential impacts due to seismic activity. Long-term impacts related to geology include the exposure of people to the potential for seismically induced ground shaking. Implementation of other cumulative projects would incrementally increase the number of people and structures subject to a seismic event. Seismic and geologic significance is considered on a project-by-project basis through the preparation of design-level geotechnical studies. The potential for any project to be affected by or any project to exacerbate an existing geotechnical hazard would be minimized or not occur through strict engineering guidelines as they pertain to protection against known geologic hazards and potential geologic and soil-related impacts.

Development of the Project, as well as all past, present, and future projects would be required to be constructed in accordance with the latest edition of the CBC 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. Therefore, cumulative effects of increased seismic risk would be less than significant.

4.7.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.7.8 References

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Greenhouse Gas Emissions

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Introduction

This section of the EIR discusses potential greenhouse gas (GHG) impacts associated with the development of the Sierra Distribution Facility 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 following found in Draft EIR **Appendix G**:

- Kimley-Horn and Associates, Inc. 2023. *Greenhouse Gas Emissions Assessment*.

See Appendix A of **Appendix G** for greenhouse gas emissions data.

4.8.2 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 4.8-1: Description of Greenhouse Gases** describes the primary GHGs attributed to global climate change, including their physical properties.

Table 4.8-1: Description of Greenhouse Gases

| Greenhouse Gas | Description |
|--|---|
| Carbon Dioxide (CO ₂) | CO ₂ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO ₂ is variable because it is readily exchanged in the atmosphere. CO ₂ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs. |
| Nitrous Oxide (N ₂ O) | N ₂ O is largely attributable to agricultural practices and soil management. Primary human-related sources of N ₂ O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N ₂ O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. The Global Warming Potential of N ₂ O is 298. |
| Methane (CH ₄) | CH ₄ , a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH ₄ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH ₄ is about 12 years and the Global Warming Potential is 25. |
| Hydrofluorocarbons (HFCs) | HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23. |
| Perfluorocarbons (PFCs) | PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200. |
| Chlorofluorocarbons (CFCs) | CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400. |
| Sulfur Hexafluoride (SF ₆) | SF ₆ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF ₆ is 23,900. |
| Hydrochlorofluorocarbons (HCFCs) | HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b. |
| 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 and Associates, Inc. 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 1. | |

4.8.3 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 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

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.

of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a Statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California's freight transport system is essential to supporting the state's economic development in coming decades while reducing pollution.
- CARB's Mobile Source Strategy demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing new zero emission vehicles (ZEV) buses and trucks.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 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, and funding priorities to help California meet the GHG reduction goals established by AB 32. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

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 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.

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, 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 (CalGEM), 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 non-residential 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 metric tons of CO₂e (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.

Southern California Association of Governments

On September 3, 2020, SCAG's Regional Council adopted Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy [2020 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.**

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.

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).

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.

4.8.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning greenhouse gas emissions. 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:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

South Coast Air Quality Management District Thresholds

On December 5, 2008, the SCAQMD Governing Board adopted a 10,000 MTCO₂e industrial threshold for projects where SCAQMD is the lead agency. The SCAQMD GHG CEQA Significance Threshold Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.) during Meeting #8. Additionally, the SCAQMD GHG Significance Threshold Stakeholder Working Group has specified that a warehouse is considered to be an industrial project.⁵ During the GHG CEQA Significance Threshold Working Group Meeting #15, the SCAQMD noted that it was considering extending the industrial GHG significance threshold for use by all lead agencies. Furthermore, 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,

⁵ South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #8*, 2009.

water use, etc.). The SCAQMD has not announced when staff is expecting to present GHG thresholds for land use projects where the SCAQMD is not the lead agency to the governing board.

The City of Fontana has not adopted project-specific significance thresholds. The City has opted to use a non-zero threshold approach based on Approach 2 of the CAPCOA CEQA and Climate Change handbook, which is the Tier 3 screening value of 3,000 MTCO₂e per year that is recommended by SCAQMD staff for residential and commercial projects. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) of the CAPCOA CEQA and Climate Change handbook establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development. The latest threshold developed by SCAQMD using this method is the 3,000 MTCO₂e/yr screening threshold.

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.

Methodology

The Project's construction and operational emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod). 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.

4.8.5 Impacts and Mitigation Measures

Impact 4.8-1 *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Level of Significance: Less than Significant

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 4.8-2: Construction-Related Greenhouse Gas Emissions**.

Table 4.8-2: Construction-Related Greenhouse Gas Emissions

| Category | MTCO ₂ e |
|--|---------------------|
| 2024 Construction | 496 |
| 2025 Construction | 711 |
| Total Construction Emissions | 1,207 |
| 30-Year Amortized Construction | 40 |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 2. | |

As shown, the Project would result in the generation of approximately 1,207 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. The amortized Project construction emissions would be 40 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 4.8-3: Project Greenhouse Gas Emissions**. As shown in **Table 4.8-3**, the Project would generate approximately 2,528 MTCO₂e annually from both construction and operations and the Project. The existing approximately 48,000 square feet of warehouse use located on the Project site generates approximately 1,985 MTCO₂e annually and will be removed and replaced by the Project. Existing emissions have been estimated based on CalEEMod default emissions factors for building operations and estimated trip generation. Therefore, the development of the Project would generate approximately 543 MTCO₂e net new emissions annually. The net Project-related GHG emissions would not exceed the City's 3,000 MTCO₂e per year threshold. Therefore, the Project impacts would be less than significant, and no mitigation measures are required.

Table 4.8-3: Project Greenhouse Gas Emissions

| Emissions Source | MTCO ₂ e per Year |
|--|------------------------------|
| Proposed Emissions | |
| Construction Amortized Over 30 Years | 40 |
| Area Source | <1 |
| Energy | 240 |
| Mobile | 1,729 |
| Waste | 94 |
| Water and Wastewater | 272 |
| Off-road Equipment (Electric Equipment) | 153 |
| Proposed Total | 2,528 |
| <i>Existing Emissions</i> | <i>1,985</i> |
| Net New Emissions | 543 |
| <i>City of Fontana Project Threshold</i> | <i>3,000</i> |
| Exceeds Threshold? | No |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 3. | |

Mitigation Measures

No mitigation is necessary.

Impact 4.8-2 *Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Level of Significance: Less than Significant

Construction and Operations

Regional Transportation Plan/Sustainable Communities Strategy Consistency

On September 3, 2020, SCAG's Regional Council adopted Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy [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 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 4.8-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency**.

Table 4.8-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency

| SCAG Goals | | Compliance | |
|------------|---|------------|---|
| Goal 1: | Encourage regional economic prosperity and global competitiveness. | N/A: | 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. |
| Goal 2: | Improve mobility, accessibility, reliability, and travel safety for people and goods. | N/A: | This is not a transportation improvement project and is therefore not applicable. |
| Goal 3: | Enhance the preservation, security, and resilience of the regional transportation system. | N/A: | This is not a transportation improvement project and is therefore not applicable. |
| Goal 4: | Increase person and goods movement and travel choices within the transportation system. | N/A: | This is not a transportation improvement project and is therefore not applicable. However, the Project includes a warehouse use that would support goods movement. |
| Goal 5: | Reduce greenhouse gas emissions and improve air quality. | N/A: | The Project is located within a developed area in proximity to existing truck routes and freeways, which would reduce trip lengths and reduce GHG and air quality emissions. |
| Goal 6: | Support healthy and equitable communities | N/A: | As discussed in the Air Quality Assessment (Appendix B) and the Health Risk Assessment |

| SCAG Goals | | Compliance | |
|--|--|---|---|
| | | (Appendix B), 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. | N/A: | This is not a project-specific policy and is therefore not applicable. |
| Goal 8: | Leverage new transportation technologies and data-driven solutions that result in more efficient travel. | N/A: | 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. The 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. | N/A: | The Project involves development of a warehouse and does not include housing. |
| Goal 10: | Promote conservation of natural and agricultural lands and restoration of habitats. | N/A | This the Project is not located on agricultural or habitat lands. |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 4. | | | |

The goals stated in the RTP/SCS were used to determine consistency with the planning efforts previously stated. As shown in **Table 4.8-4**, 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 4.8-3**, approximately 83 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 4.8-5: Consistency with the City of Fontana General Plan Update**. As shown in **Table 4.8-5**, the Project would be consistent with the General Plan Update.

Table 4.8-5: 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 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. 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. 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 and Associates, Inc. 2023. <i>Greenhouse Gas Emissions Assessment</i> , Table 5. | |

The Project is estimated to emit an additional approximately 390 MTCO₂e per year directly from on-site activities and indirectly from off-site motor vehicles, see **Table 4.8-3**. As discussed above, the net new GHG emissions caused by long-term operation of the Project would not exceed the City's 3,000 MTCO₂e per year screening threshold, and impacts would be less than significant.

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 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.

See **Appendix G** of 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 because the Project would generate low levels 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. Therefore, the impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.8.6 Cumulative Impacts

Cumulative Setting

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe.

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 4.8-4** through **Table 4.8-5**, the Project would not conflict with the Fontana General Plan Update, the RTP/SCS, or the CARB Scoping Plan. 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.

4.8.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.8.8 References

California Air Resources Board. 2022. *2022 Scoping Plan for Achieving Carbon Neutrality*.

<https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>.

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Hazards and Hazardous Materials

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Introduction

This section evaluates the potential impacts of the Sierra Distribution Facility Project (Project) on human health and the environment due to exposure to hazardous materials or conditions associated with the Project site, Project construction, and Project operations. Potential Project impacts and appropriate mitigation measures are included as necessary. The analysis in this section is based, in part, upon the following sources, which are contained in **Appendix H** of this Draft EIR:

- Hazard Management Consulting. 2021. Phase I Environmental Site Assessment, 5975 and 6075 Sierra Avenue, 16899, 17010 and 17051 Windflower Avenue, Fontana, California 92336.
- Hazard Management Consulting. 2020. Results of a Soil and Soil Gas Investigation, 17010 and 17051 Windflower Avenue, Fontana, California.

Analysis of area cumulative impacts and identification of appropriate and feasible mitigation measures are also included in the discussion portions of this section.

4.9.2 Environmental Setting

Existing Conditions

Current Uses of Property

The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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 gravel and exposed soil, with asphaltic 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 northwest and northeast quadrants.

The Project site is currently occupied by the following businesses:

- 1.) San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue. This portion of the Project site is located on the northwest and is used for manufacturing of wood molding and repair/sale of wooden pallets. This property was developed in late 1980s and houses a metal structure and a mobile office. Limited volume of potentially hazardous substances is used/stored at this facility. Stringent housekeeping practices appeared to be implemented at this property.
- 2.) 5975 Sierra Avenue/16899 Windflower Avenue. This parcel is located on the southwest portion and is currently unoccupied. This property was last occupied by Anderson Trucking Services for

storage and distribution of furniture and was developed in early 1980s and houses a metal structure. No visual evidence of subsurface features and/or significant staining was identified.

- 3.) Davis Partners, 17010 Windflower Avenue. This parcel is located on the northeast portion and is currently used for repair of carnival rides. This property was developed in the late 1980s and houses two attached metal structures. Potentially hazardous substances are used/generated at this facility. Poor housekeeping practices were observed at this facility. There are no designated areas of hazardous substances storage at this Project site, and no secondary containments were utilized.
- 4.) Aluma Systems, 17051 Windflower Avenue. This parcel is located on the southeast portion and is currently used for repair and rent of steel and aluminum scaffolding. This property was developed in 1990 and houses a large metal structure. Two stormwater catch basins are present at this property. Stringent housekeeping practices are implemented at this facility.

Surrounding Uses

The Project site is in an area currently zoned for Light Industrial (M-1) and is bound:

- on the north by Federal Express Supply facility (5885 Sierra Avenue);
- on the east by Mango Avenue beyond which is the boundary of Mid-Valley (Burrtec Services) Municipal Landfill;
- on the south by Williams-Sonoma Warehouse (6101 Sierra Avenue); and,
- on the west by Sierra Avenue beyond which is residential development.

Historical Uses of Property

According to available historical sources, the Project site was historically undeveloped vacant land as early as 1896 and was developed in phases from 1982 to 1990. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present). The Project site is located in an area that has had been historically undeveloped vacant land.

Environmental Conditions

In accordance with the American Society for Testing and Materials (ASTM) Standard of Practice E1527-13, the objective of the Phase I ESA is to assess, to the extent feasible under the standard, the likelihood that a Recognized Environmental Conditions (RECs), as defined by ASTM, are present at the Project site. An REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

A controlled REC (CREC) is a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example,

as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

A historical REC (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the Project site and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the Project site to any required controls (e.g., use restrictions, activity and use limitations, institutional controls, or engineering controls).

There was no evidence of CREC or HRECs in connection with the Project site. However, poor housekeeping practices were noted to be implemented at the Davis Partners facility and constitutes as a REC. There are no designated areas of hazardous substances storage at this Project site, no secondary containments were utilized, and unlabeled 55-gallon drums were identified on the western building. Additionally, due to the potential for landfill gas to migrate towards the Project site, the Mid Valley Landfill is considered an REC to the Project site.

A Phase II ESA was conducted for the Project. The objective of the Phase II ESA was to assess whether elevated concentrations of selected chemicals were present in soil in the vicinity of the chemical uses, and to assess whether elevated concentrations of Volatile Organic Compounds (VOCs) and methane gas were present in soil vapor due to the off-site landfill. Laboratory results indicated no detectable concentrations of petroleum hydrocarbons, VOCs, and hexavalent chromium, and no detectable to low concentrations of Title 22 metals, well below the state and/or federal screening levels for human health, and background concentrations of arsenic. Based on these results, there is a low likelihood that elevated concentrations of selected chemicals are present in soil in the vicinity of the chemical uses.

Regulatory Agency Database Research

A Phase I ESA (see **Appendix H**) was completed in January 2021. The Project site was identified on the databases listed below. Regulatory agency database information was obtained from a standard radius Site Assessment report by Environmental Data Resources, Inc. The center of the search was in the approximate center of the Project site. Search distances for specific databases were one-quarter to one mile as specified in the ASTM 1527-13 standard. The database search includes over 70 federal, State, local, and proprietary records.

Database Records Concerning the Project Site

Davis Enterprises, 17010 Windflower Avenue

This Project site occupant is listed in HAZNET, Enforcement and Compliance History Online (ECHO), Hazardous Waste Tracking System (HWTS), National Pollutant Discharge Elimination System (NPDES) and Resource Conservation and Recovery Act (RCRA)-Non-Generators (NonGen) databases. According to the records, state-regulated wastes including other organic solids were generated in 2011 and disposed off-site of the Project site. No violations or releases were reported for that time period.

S.J. Steel Inc., 17010 Windflower Avenue

This former occupant is listed in Aboveground Storage Tanks (AST), California Environmental Reporting System (CERS) Haz Waste, Emergency Management Institute (EMI), and San Bernardino County Permit databases. According to the records, this former occupant was permitted by San Bernardino County Fire Department (SBCFD) to handle hazardous substances. It appears that they have utilized ASTs for storage of chemicals. They also have had a permit from the South Coast Air Quality Management District (AQMD) in 1987. No violations or releases were reported.

Active Steel Inc., 17010 Windflower Avenue

This former occupant is listed in Haznet and HWTS databases. According to the records, state-regulated wastes including an unspecified solvent mixture were generated and disposed off-site for the Project site in 1992. No violations or releases were reported.

All American Pipe & Steel, 17051 Windflower Avenue

This former occupant is listed in San Bernardino County Permit database. According to the records, this facility had a permit from SBCFD to handle hazardous substances. The permit expired in 2012.

National Pallets/San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue

This Project site occupant is listed in San Bernardino County Permit, Haznet, CERS Haz Waste, and CERS databases. According to the records, state-regulated wastes including waste oil/mixed oil and unspecified oil containing wastes were generated from 2013 to 2019 that were disposed of off-site of the Project site. This facility has a permit from SBCFD to handle hazardous substances. According to the records, SBCFD has conducted compliance evaluation inspections of this facility, administrative violations were identified that were subsequently corrected and the facility had returned to compliance. No unresolved violations and/or releases were reported.

Database Records Concerning Surrounding Uses

A review of the Environmental Data Resources, Inc. (EDR) Radius Map database search was conducted to assess potential off-site facilities that could be contributing hazardous substances to the Project site and represent an REC. In review of the many entries on the database, HMC reviewed the following factors that affect the ability of a facility to affect the Project site:

- Distance from the Site,
- Location from the Site with regard to the direction of groundwater flow,
- Nature of the release and whether the release has affected soil, groundwater, or both, and
- Status of the investigation (e.g., open or closed)

Based on these factors, two facilities were found to have the ability to affect the Project site. Both facilities are discussed below.

Federal Express Supply, 5885 Sierra Avenue

This facility is located immediately north of the Project site and is listed in ECHO, Haznet, RCRA-Small Quality Generators (SQGs), CERS and NPDES databases. According to the records, state and federal-regulated wastes were generated and disposed off-site in 2018 and 2019. No violations or releases were reported. Based on regulatory status, depth to groundwater and absence of a release, these listings do not constitute RECs for the Project site.

Mid Valley Landfill

The Mid-Valley Sanitary Landfill is located to the east of the Project site (less than 1000 feet from an active solid waste facility) and is an existing Class III sanitary landfill and accepts residential, commercial, demolition, and agricultural wastes. The landfill is approximately 147 acres in size and includes four separate “cells.” The initial landfill activity began in 1958 in Cell 1 which is located southeast of the Project site and expanded over time to include the four cells. Cell 1 is now closed but Cell 3 which is located directly east of the Project site is open. The Project site is located upgradient of the landfill closest to Cell 3. Monitoring results for the landfill have documented a release of VOCs and Perchlorates to groundwater which have migrated off of the landfill boundary to the southeast away from the Project site. Groundwater mitigation efforts are underway to address this release which includes both groundwater pump and treat as well as soil vapor extraction. Based on the Project site being upgradient to the landfill and monitoring data not suggesting any groundwater impacts in the direction of the Project site, the landfill is not considered as a source of groundwater impact to the Project site. However, due to the potential for landfill gas to migrate towards the Project site, Mid Valley Landfill is considered a REC to the Project site.

Hazardous Materials, Hazardous Wastes or Petroleum Products

The following presents potentially hazardous substances at the Project site:

San Gabriel Valley Lumber & Milling, 6075 Sierra Ave.

Thirty-four, ten-gallon propane cylinders; and one 55-gallon barrel of used oil (the hazardous wastes are transported off-site by Environmental Logistics).

Davis Partners, 17010 Windflower Ave.

- Five, 55-gallon drums, and three 5-gallon containers of engine oil
- Ten five-gallon containers of acetone
- Fifteen five-gallon containers of oil-based paints
- Two, 55-gallon drums of unknown liquid, smelled like petroleum hydrocarbons
- Several one- and five-gallon containers of unknown substances
- Part washer

A paint spray booth was present inside the open metal building that had a permit from AQMD that expired on August 18, 2020.

It was reported that hazardous wastes are disposed off-site by Clean Tech. HMC did not see any hazardous waste containers during the Project site reconnaissance.

Drains, Drain Lines, and Sumps

The Project site primarily drains via sheet flow.

Pits, Ponds, Lagoons

No ponds, pits, or lagoons were observed at the Project site.

Industrial Wastewater

Industrial wastewater is not presently generated at the Project site.

Stains

No significant stains were observed at the Project site.

Wells

There are currently no groundwater wells, monitoring wells or oil/gas wells identified at the Project site.

Transformers

Pole-mounted transformers were observed at 5975 Sierra Avenue property.

Underground and Above-ground Storage Tanks

There are currently no Underground Storage Tanks (USTs) or ASTs on-site.

Vapor Intrusion

Based on the findings within the Phase I ESA, it is believed that given the presence of a Class III landfill east of the Project site, there is a moderate risk of a vapor intrusion condition at the Project site.

Asbestos

Based on the construction dates, there is a moderate likelihood that asbestos-containing materials are present at the Project site.

Radon

The Project site is listed as being located in Zone 2 with regards to radon indicating that radon may be present at concentrations less than 4 pico curies/liter.

Mold

Mold was not identified on the Project site.

Other Features

Two stormwater catch basins were identified at 17051 Windflower Avenue property.

Nearby Airports or Airstrips

The nearest airstrips are the Ontario International Airport (located roughly 11 miles to the southwest) and the San Bernardino International Airport (located roughly 11 miles to the southeast).

Wildland Fire Hazards

According to the City's Local Hazard Mitigation Plan¹, the Project site is identified within a High Fire Hazard Severity Zone within a Local Responsibility Area (LRA). According to California Department of Forestry and Fire Protection (CAL FIRE), the Project site is not designated as a Very High Fire Hazard Safety Zone (VHFHSZ) or a State Responsibility Area.² See **Section 4.20: Wildfire** for more detail.

Evacuation Routes

According to the Fontana GP Noise and Safety Element, the City has no defined emergency routes.

Schools

The nearest schools to the Project site are Sierra Lakes Elementary School, located approximately one mile west of the Project site; Wayne Ruble Middle School, located approximately 1.1 miles south of the Project site; and AB Miller High School, located approximately 1.2 miles southwest of the Project site. Other nearby schools are Summit High School and Falcon Ridge Elementary School. None of these schools are located along the officially designated local truck route, Sierra Avenue, which is located adjacent to the Project site. Note, however, that Project-related truck traffic would be prohibited from using Sierra Avenue.

Soil and Gas Investigation Results

Laboratory results indicated no detectable concentrations of petroleum hydrocarbons, VOCs, and hexavalent chromium, and no detectable to low concentrations of Title 22 metals, well below the state and/or federal screening levels for human health, and background concentrations of arsenic. Based on these results, there is a low likelihood that elevated concentrations of selected chemicals are present in soil in the vicinity of the chemical uses.

Eight soil borings were advanced along the eastern portion of the Project site to further assess possible VOCs and methane gas concentrations emanating from off-gassing contaminated groundwater and from decomposition of materials in the landfill. Laboratory results of VOCs in soil gas indicated low concentrations, well below the state and federal modified screening levels using the very conservative attenuation factor of 0.03. Methane was detected below the lower explosive limit (LEL) and conservative risk factor of 10 percent of the LEL, indicating a low likelihood of an explosive condition.

¹ City of Fontana. 2018. *Local Hazard Mitigation Plan, Figure 4-6: Wildfire Hazard Severity Zones*. <https://www.fontanaca.gov/3196/Local-Hazard-Mitigation-Plan-LHMP>. (accessed June 2023).

² CAL FIRE. 2008. *Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE – Fontana*. <https://osfm.fire.ca.gov/media/5943/fontana.pdf> (accessed June 2022).

The Mid-Valley Sanitary Landfill requires that all developments within 1,000 feet of its perimeter be designed and constructed in accordance with an equivalent design which will prevent gas migration into the building as per 27 CCR Section 21190(g).

4.9.3 Regulatory Setting

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 United States Environmental Protection Agency (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), 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 Regulation [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 (CERCLIS) 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 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. There are no NPL sites on the Project site.

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 (U.S. DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S. Code 5101 et seq.). The U.S. 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.

Clean Water Act/Spill Prevention, Control, and Countermeasure Rule

The Clean Water Act (CWA) (33 U.S. Code 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 NPDES permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCB). The Project is within the jurisdiction of the Santa Ana RWQCB.

Section 402 of the CWA authorizes the California 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 will 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 U.S.; 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 Permit.

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 “SPCC rule”

because the regulations describe the requirements for facilities to prepare, amend, and implement Spill Prevention, Control, 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 United States.

Occupational Safety and Health Administration

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. 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.

State

California Environmental Protection Agency (CalEPA)

CalEPA has jurisdiction over hazardous materials and wastes at the state level. The Department of Toxic Substance Control (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 (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. Government Code 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.

Enforcement of directives from DTSC is handled at the local level, in this case the San Bernardino County Department of Public Health (DPH) Environmental Health Services (EHS) division. 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 state water quality. 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 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 Health and Safety Code, 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 DPH. 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); Above-ground 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.

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 Health and Safety Code 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, OES, 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 2652 to 2655; (2) emergency response plans and procedures in accordance with Section 2658; and (3) training program information in accordance with Section 2659. 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

The 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.

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 lead-based paint (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 DHS. 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 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

San Bernardino County Public Health Agencies

The County of San Bernardino DHS EHS Division 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 SBCFD 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 SBCFD 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

South Coast Air Quality Management District

The South Coast Air Quality Management District (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

³ San Bernardino County Fire Department. 2020. *About CUPA (Certified Unified Program Agency)*. <https://sbcfire.org/hazmatcupa/> (accessed June 2022).

⁴ County of San Bernardino. 2018. *Emergency Operations Plan (EOP) Part I - Basic Plan*. https://www.sbcounty.gov/uploads/SBCFire/documents/OES/2018_EOP_Update.pdf (accessed June 2022).

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 Emissions from Decontamination of Soil)** – This rule requires that any person conducting excavation for underground storage tanks 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 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 has been expanded in January 2022 to include additional measures for the reduction of fugitive dust.

Local

Fontana General Plan 2015-2035

Noise and Safety Element

This Element⁵ 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.

⁵ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035. Chapter 11 – Noise and Safety.* <https://www.fontana.org/DocumentCenter/View/26750/Chapter-11---Noise-and-Safety> (accessed June 2022).

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.

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.

City of Fontana Local Hazard Mitigation Plan

The City's Federal Emergency Management Agency (FEMA)-approved Local Hazard Mitigation Plan⁶ (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, 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 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.

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

⁶ City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed June 2022).

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 located within the overlay.

4.9.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning hazards and hazardous materials. 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:

- 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 within 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 and Assumptions

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 on 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 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 hazards and hazardous materials 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 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

Construction and Operation

The Project propose the construction of a warehouse building on a site currently occupied with a series of industrial buildings, respectively, and associated infrastructure improvements. Construction activities would include demolition, grading, building, paving, architectural coating, landscaping, and any of the applicable off-site improvements conditioned by the City. During construction of the Project site, the transport, use, and disposal of hazardous materials on-site and off-site during would occur, which include fuels, paints, mechanical fluids, and solvents, but would not be present in such a quantity or used in such a manner that would pose a significant hazard to the public. In addition, should a spill or other hazardous materials incident occur, construction staff are well versed in how to handle such a situation, including containment and who to contact if such a situation occurs. Additionally, 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. Although no export of soil is anticipated from the Project site, any disposal or transport of demolition materials and any graded soils from the Project site may 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.

The operations of the proposed facility would be expected to use limited hazardous materials and substances which would be limited to cleaners, 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 potential for safety impacts. These regulations ensure that hazardous materials/waste users, generators, and transporters provide operational safety and measures to reduce threats to public health and safety. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance

with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. 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).⁷ Furthermore, strict adherence to all emergency response plan requirements set forth by SBCFD would be required through the duration of the Project construction phase. Therefore, hazards to the public or the environment arising from the routine use of hazardous materials during Project construction and operations would be less than significant with mitigation incorporated.

Mitigation Measures

MM HAZ-1 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 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, 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-2 Prior to the issuance of a demolition permit for any buildings or structures on-site, if hazardous substances are used and/or stored greater than as specified by the applicable health and safety code, the Project applicant shall prepare and implement a Hazardous Materials Management Plan in accordance with all applicable standards set forth by the Hazardous Material Division of the San Bernardino County Fire Department, for facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code Section 25532 in excess of threshold quantities, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill. This plan shall be prepared by a qualified person, firm, or corporation and submitted to Fontana Building & Safety and reviewed and approved by the San Bernardino County Fire Department through the Certified Unified Program Agencies (CUPA) process prior to implementation as required by the California Accidental Release Prevention (CalARP) Program.

⁷ City of Fontana. Local Hazard Mitigation Plan. 2018. Retrieved from: <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed August 2023).

Impact 4.9-2 *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

Construction

The construction of the Project could result in hazards to the public or the environment through the accidental upset or release of hazardous materials caused by accidental spillage of hazardous materials used during construction phases, or as a result of the exposure of contaminated soil during grading activities. The Project site is not listed on an NPL or Superfund site, and there are no oil wells within 1,000 feet. No significant environmental concerns were noted on the historical aerial photographs. Database searches did not reveal any USTs.

The demolition of existing structures and removal of graded soil throughout the site could potentially release some of the hazardous materials historically found on the site. Although no current violations were noted, given the age of the on-site structures, there is a moderate likelihood that asbestos containing materials (ACM) are present in the building materials on the Project site. Therefore, in accordance with **MM HAZ-2**, prior to the issuance of a demolition permit for any buildings or structures on-site, a comprehensive ACM survey shall be conducted, reducing impacts to less than significant.

Likewise, no evidence of CREC or HRECs in connection with the Project site were found, however, poor housekeeping practices were noted to be implemented at the Davis Partners facility which constitutes it as an REC. There are no designated areas of hazardous substances storage at this Project site, no secondary containments were utilized, and unlabeled 55-gallon drums were identified on the western building. Additionally, due to the distance of the Mid-Valley Landfill to the Project site, there is potential for landfill gas to migrate towards the site, which could make the Mid-Valley Landfill an REC. Therefore, a Phase II Soil and Gas investigation was conducted to assess whether elevated concentrations of selected chemicals were present in soil in the vicinity of the chemical uses, and to assess whether elevated concentrations of VOCs and methane gas were present in soil vapor due to the off-site Mid-Valley landfill.

The Phase II investigation (**Appendix H**) included the collection of soil samples in the vicinity of chemical uses at the Davis Partners property. Laboratory results indicated no detectable concentrations of petroleum hydrocarbons, VOCs, and hexavalent chromium, and no detectable to low concentrations of Title 22 metals, well below the state and/or federal screening levels for human health, and background concentrations of arsenic. Moreover, laboratory results of VOCs in soil gas indicated low concentrations, well below the state and federal modified screening levels. Methane was detected below the lower explosive limit, indicating a low likelihood of an explosive condition.

Based on these results, there is a low likelihood that elevated concentrations of selected chemicals are present in soil in the vicinity of the chemical uses. However, due to proximity of the Mid-Valley Sanitary Landfill, there is still potential for methane gas exposure, therefore, **MM HAZ-3** would be implemented, which would require the Project to be designed and constructed in accordance with 27 CCR Section 21190(g), which will prevent gas migration into the building.

Despite the limited potential for the exposure of the public and environment to hazardous materials, with implementation of **MM HAZ-2** and **MM HAZ-3**, and compliance with all applicable federal, state, and local regulations, the impact would be reduced to less than significant levels with mitigation incorporated.

Operations

Project operations would not involve the routine transport, use, and storage of materials/chemicals typical of industrial facilities. Use of these materials 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, as discussed in Impact 4.9-1 above, the routine transport, use, and disposal of these materials during Project operations must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. The Project would also be subject to compliance with the regulatory framework which would ensure that Project operations would not 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. A less than significant impact would occur in this regard.

Mitigation Measures

MM HAZ-3 Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive asbestos containing materials (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 South Coast Air Quality Management District (SCAQMD's) Rule 1403.

MM HAZ-4 All developments within 1,000 feet of the Mid-Valley Sanitary Landfill, shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building as per 27 CCR Section 21190(g):

1. a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
2. a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;
3. a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
4. perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;
5. the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

6. automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and
7. periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (Section 20920 et seq.).

Impact 4.9-3 *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

Construction and Operations

Construction of the Project would involve the transport, use, and disposal of hazardous materials on-site and off-site, which include fuels, paints, mechanical fluids, and solvents, but would not be present in such a quantity or used in such a manner that would pose a significant hazard to nearby schools. As stated previously, the nearest schools to the Project site are Sierra Lakes Elementary School, located approximately one mile west of the Project site; Wayne Ruble Middle School, located approximately 1.1 miles south of the Project site; and AB Miller High School, located approximately 1.2 miles southwest of the Project site. None of these schools are located along the officially designated local truck route, Sierra Avenue, located adjacent to the Project site. Note, however, that Project-related truck traffic would be prohibited from using Sierra Avenue. This would fall outside of the 0.25-mile requirement of this threshold. Notwithstanding, the routine transport, use, and disposal of hazardous materials must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Compliance with the regulatory framework would ensure Project construction would not create a significant hazard to nearby schools due to the transport of any hazardous materials on local roadways. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.9-4 *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Level of Significance: Less than Significant

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).⁸ The Project site is not included on the hazardous sites list compiled

⁸ 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 June 2022).

pursuant to California Government Code Section 65962.5. The Phase I ESA indicated that there were no RECs identified in association with the Project site. Therefore, the impact would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.9-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Level of Significance: No Impact

Construction and Operations

The Project site is not within proximity to, or within two miles of a public or private use airport. The nearest airstrips are the Ontario International Airport (located roughly 11 miles to the southwest) and the San Bernardino International Airport (located roughly 11 miles to the southeast). There are no associated safety hazards or noise issues. No impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.9-6 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

Construction and Operations

When construction occurs on the Project site, with the exception of worker vehicle trips and transportation of construction materials, the majority of the proposed work would occur within the boundaries of the site and would not impede access to nearby roadways. There would be required off-site improvements as part of the Project. However, all off-site improvements to be constructed will require a Traffic Control Plan be processed for approval by the City to ensure adequate roadway circulation can be maintained during off-site construction. The City does not designate any roads as emergency evacuation routes and any future construction activities on the site would not affect any evacuation route and would not interfere with the City's emergency management program. As discussed, construction activities may require the transport of heavy equipment and materials to and from the site. These activities may temporarily impede traffic flows; however, these impediments would be localized and short-term in nature. Impacts in this regard would be less than significant.

The County has adopted an EOP to identify evacuation routes, emergency facilities, and City personnel and equipment available to effectively deal with emergency situations. No revisions to the adopted EOP would be required as a result of construction on the Project site. The nearest fire station is the San Bernardino County Fire Station 78 (located at 7110 Citrus Avenue, Fontana, CA 92336), located

approximately 1.8 miles south of the Project site. Should a response from the station or other fire station to the site or other nearby uses be required, response times would not be impacted because primary access to all major roads would be maintained during demolition and construction.

Furthermore, design of any needed roadway improvements and subsequent construction would comply with the applicable federal, state, and local requirements related to emergency access and evacuation plans. The proposed design and construction plans for any future construction and roadway improvements would be reviewed and approved by the City engineering department and fire marshal (if needed) during the plan review and prior to project approval.

Neither construction or operations of the Project site would disrupt or interfere with emergency access or impede access to nearby roadways or would interfere with the City's emergency management program. The Project would comply with design standards for emergency services and would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant in this regard and mitigation is not required.

Mitigation Measures

No mitigation is necessary.

Impact 4.9-7 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

Construction and Operations

The City is categorized as an LRA by CAL FIRE. Also, according to CAL FIRE, the Project site is designated as a Non-VHFHSZ.⁹ However, according to the City's Local Hazard Mitigation Plan, the Project site is within a High FHSZ within the City. The Project site is located within the City limits and is surrounded by developed land. Although the Project site is not located in a VHFHSZ, the City, in conjunction with the SBCFD reviews all building plans for compliance with the California Building Code, state and local statutes, ordinances, and regulations relating to the prevention of fire, the storage of hazardous materials, and the protection of life and property against fire, explosion, and exposure to hazardous materials. Adherence to regulations already in place through the development application and review process at the City would reduce the potential impacts associated with fire hazards as a result of wildland fires to less than significant.

In addition, as noted above, the Fontana MC has a fire hazard overlay district provision for areas designated on the Fontana GP land use map. Projects within the overlay district must prepare a fuel modification zone plan for each new tentative tract map, parcel map, or design review application. Therefore, in conformance with the Fontana MC, a fuel modification zone plan has been prepared for the Project. The fuel modification zone plan for the Project establishes fuel zones in conformance with Section 30-658 of the Fontana MC that includes permanent fuel modification zones, access requirements and

⁹ CAL FIRE. 2008. Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE – Fontana. <https://osfm.fire.ca.gov/media/5943/fontana.pdf> (accessed June 2022).

protection measures. The Project's fuel modification zone plan protects the site from wildfire exposure and reduces exposure to the City of Fontana residents, people, and structures from wildfires.

Mitigation Measures

No mitigation is necessary.

4.9.6 Cumulative Impacts

For purposes of hazardous materials impact analysis, cumulative impacts are considered for cumulative development in the vicinity of the Project site.

Impacts associated with hazardous materials are often site-specific and localized. This EIR evaluates environmental hazards in connection with the Project site and surrounding areas. Regarding the off-site environmental hazards, the database search documents the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials within a search radius of up to one mile from the site and serves 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 are site-specific. Although some of the cumulative projects and other future projects associated with buildout of the surrounding communities also have potential impacts associated with hazardous materials, the environmental concerns associated with hazardous materials are typically site-specific. It is expected that future development within the area must comply with all federal, state, and local statutes and regulations applicable to hazardous materials.

Each project is required to address any issues related to hazardous materials or wastes on a project-specific basis. With adherence to applicable federal, state, and local regulations governing hazardous materials, the potential risks associated with hazardous materials would be less than significant. The incremental effects of the Project in relation to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific.

Therefore, considering the above, Project impacts would be mitigated to less than significant levels, and the Project's contribution to cumulative impacts is not otherwise considered to be "cumulatively considerable."

4.9.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.9.8 References

- CAL FIRE. 2008. *Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE – Fontana*.
<https://osfm.fire.ca.gov/media/5943/fontana.pdf>.
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Hydrology and Water Quality

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Introduction

This section describes the hydrologic and water quality conditions on and around the Sierra Distribution Facility 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 following:

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report*.
- City of Fontana. 2021. *Water Quality Management Plan Handbook*.
- Huitt-Zollars, Inc. 2022. *Preliminary Hydrology Calculations* (attached as **Appendix I** to this Draft EIR).
- Huitt-Zollars, Inc. 2022. *Preliminary Water Quality Management Plan* (attached as **Appendix I** 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.

4.10.2 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 Sierra Avenue and Clubhouse Drive. The Project site is located 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 Los Angeles and San Diego. 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.¹ The region covers portions of Los Angeles, San Bernardino, Riverside, and Orange counties.² Surface waters start in the upper erosion zone of the 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 area

¹ California Water Boards. 2019. *About the California Water Boards*.
https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/boardoverview.pdf (accessed August 2022).

² 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 August 2022).

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.

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). Due to the scale of the watershed, the Project site is denoted by a single star on the map.

Surface Water Hydrology

The Fontana Water Company (FWC) provides imported surface water to the Project site.³ FWC purchases untreated imported State Water Project water from the IEUA and San Bernardino Valley Municipal Water District (SBVMWD).⁴ The imported water is treated at FWC's Summit Plant.⁵

The Project site is located within the East Etiwanda Creek-Santa Ana River Watershed (HUC12 180702031001). This is a smaller drainage basin that covers approximately 138,519 acres (approximately 216.4 square miles)⁶. All inputs into this basin are directed toward the Santa Ana River and flow towards the southwest to the Aliso Creek-Santa Ana River Watershed, ultimately discharging into the Pacific Ocean.⁷

Groundwater Hydrology

The FWC receives groundwater from three adjudicated basins: the Chino Basin, Rialto-Colton Basin, and the Lytle Basin.⁸ 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.⁹ While the Chino Basin is the main source of water for FWC, the Rialto-Colton Basin

³ 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 August 2022).

⁴ Ibid.

⁵ Ibid.

⁶ California Waterboards. 2022. *HUC Watersheds*. <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed August 2022).

⁷ Ibid.

⁸ 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 August 2022).

⁹ Ibid.

provides up to 5,865 acre fee (AF) of water to FWC.¹⁰ 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.¹¹ 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.¹²

Existing Site Drainage

The Project site occupies approximately 18.3 net acres of land in the northern portion of the City. The site is comprised of six parcels that have been developed with light industrial use buildings.

As stated in the PWQMP the proposed drainage at the Project site would be categorized into one drainage management area (DMA). The DMA was designed to accommodate the anticipated run-off from rain events and provide an efficient flow pattern for the site. The DMA would be approximately 18.3 acres in size and include two drainage areas totaling 795,236 square feet (sf). Drainage Area 1 (DA1) occupies the majority of the eastern portion site (590,312 sf). Drainage Area 2 (DA2) occupies 209,924 sf of the western portion of the Project site. The existing Project site was calculated as having 90,250 sf of pervious area with the remaining drainage area considered impervious. Previously developed industrial land cover types have resulted in the majority of the Project area being largely made up of impervious surfaces.

The PWQMP also notes that soil composition of the Project site belongs to Hydrologic Soil Group A (HSG A). These soils typically have less than 10 percent clay and more than 90 percent sand or gravel and have gravel or sand textures. This allows for low run-off potential by allowing water to percolate freely through the soil.

The nearest major watercourse to the Project site is the Santa Ana River and it is the nearest unlined water body downstream of the Project site. The Santa Ana River is approximately five miles southeast of the Project site. The Santa Ana River flows for over 100 miles north to south from the San Bernardino Mountains to the southwest coast near Huntington Beach. The Santa Ana River is also the largest watershed in southern California.

¹⁰ Ibid.

¹¹ California Waterboards. 2022. *HUC Watersheds*. <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed August 2022).

¹² 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 August 2022).

The Project site is relatively flat. In general, the site slopes gently downward from north to the south at an approximately two percent gradient. The Project site elevation ranges from approximately 1,631 feet mean sea level (msl) in the northern region of the site to 1,614 feet msl in the southern region.¹³

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 06071C7920H, 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).¹⁴ 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.¹⁵

According to the infiltration report prepared for the Project, groundwater was not encountered in any of the infiltration test borings.¹⁶

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.

¹³ Southern California Geotechnical. 2021. *Infiltration Report*.

¹⁴ FEMA, 2008. *FEMA Flood Map Service Center*. Available at <https://msc.fema.gov/portal/search?AddressQuery=Fontana> (accessed August 2022).

¹⁵ 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 October 10, 2022.

¹⁶ Southern California Geotechnical. 2021. *Infiltration Report*.

Parts of the Santa Ana River are included on the 303(d) list. The nearest segment to the Project site is Lytle Creek and it is 303(d)-listed for pathogens.¹⁷

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, 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.

4.10.3 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

¹⁷ California Water Boards. ND. Final California 2010 Integrated Report (303(d) List/305(b) Report). https://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/01560.shtml#7260. (accessed August 2022).

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 run-off. 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 run-off. The San Bernardino County Public Works Department enforces conditions of the MS4 NPDES permit on development and redevelopment projects in the County’s jurisdiction.

State

California Toxics Rule

The California Toxics Rule is a federal regulation issued by the EPA with water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses in California. Criteria are applicable to the receiving water body and therefore must be calculated based on the receiving waters’ probable hardness values for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This, in turn, reduces these metals’ bioavailability and resulting potential toxicity.

Because of the intermittent nature of stormwater run-off, 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 Basin.¹⁸ 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) in June 2021.¹⁹

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 run-off, and must

¹⁸ California Water Boards Santa Ana River Basin Plan, Chapter Three.

https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/ (accessed August 2022).

¹⁹ California Water Boards. 2018. *California Integrated Report (Clean Water Act Section 303 (d) List and 305(b) Report)*.

https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2018_integrated_report.html (accessed August 2022).

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.

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 Stormwater Pollution Prevention Plan (SWPPP) to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, and conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP and submit an annual report.

By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least one acre of total land area must comply with the provisions of this NPDES Permit and develop and implement an effective SWPPP. The SWPPP is required to contain a site map, which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. The SWPPP is required to list 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.²⁰

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.²¹ The DWR categorizes the priority of groundwater basins.²² 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.²³

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.

²⁰ California Water Boards, Watershed Management Initiative (WMI). https://www.waterboards.ca.gov/water_issues/programs/watershed/. (accessed August 2022).

²¹ California Department of Water Resources, Groundwater Sustainability Plans. <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans>. (accessed August 2022).

²² California Department of Water Resources, Groundwater Sustainability Plans. <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans>. (accessed August 2022).

²³ United States Geologic Survey, 2014. Sustainable Groundwater Management. <https://ca.water.usgs.gov/sustainable-groundwater-management/>. (accessed August 2022).

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 outreach may include a stormwater hotline, website, storm drain stenciling, and other programs. Public meetings and presentations, volunteer water quality monitoring groups, and community cleanup days are some of the elements of the public involvement component.

One Water One Watershed

The One Water One Watershed (OWOW) program is the result of an integrated planning process convened for the management of the Santa Ana River Watershed. The OWOW program integrates water resources management with various disciplines such as land use planning, flood control, and natural resource management.²⁴ 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 Element²⁵ 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 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.

²⁴ 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 August 2022).

²⁵ 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 August 2022).

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.

City of Fontana Local Hazard Mitigation Plan

The City's FEMA-approved Local Hazard Mitigation Plan²⁶ (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.

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 to streamline the process. The Handbook notes that all significant development projects such as redevelopment projects that would add or replace 5,000 or more 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 run-off, LID strategies to retain water on-site before being discharged, etc.²⁷

²⁶ City of Fontana. 2017. City of Fontana Local Hazard Mitigation Plan. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed August 2022).

²⁷ City of Fontana 2021. Water Quality Management Plan Handbook. <https://www.fontana.org/DocumentCenter/View/37482/WQMP-Handbook>. (accessed August 2022).

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.²⁸

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.

²⁸ 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?nodeId=CO_CH9ENPRREEX. (accessed August 2022).

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.²⁹

Section 23-513, Illicit Connections to the Storm Drain System

Section 23-513 of the City's Municipal Code states that no person shall use or maintain any illicit connection to the storm drain system. This prohibition applies retroactively regardless of whether the connection to the storm drain system was permissible under the law or practices applicable at the time of the connection.³⁰

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.³¹

4.10.4 Impact Thresholds and Significant Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning hydrology and water quality. 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:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded 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 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 run-off;

²⁹ 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).

³⁰ 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).

³¹ 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).

- Impede or redirect flood flows;
- In flood hazard, tsunami, or seiche zones, risk release or pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable ground water management plan.

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 materials 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.

4.10.5 Impacts and Mitigation Measures

Impact 4.10-1 *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Level of Significance: Less than Significant

Construction

Once the Project is approved grading activities would occur during construction of the Project site. 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. Temporary water quality impacts could occur due to run-off from the active construction site, if the construction areas are not properly managed to contain loose soils, and liquid and solid contaminants.

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 (1) 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 Municipal Code Section 28-111, Stormwater management and rainwater retention, Section 9-16 – 9-25, Control of Blowing Sand and Soil Erosion, 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 III, 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 does 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.

Operations

Stormwater pollutants that could be produced during operation of the Project site include pathogens (bacterial/virus), phosphorus, 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, copper, and lead.

To meet the requirements of the City's Municipal Storm Water Permit – and in accordance with the City's Municipal Code Chapter 23, Article IX – the Project applicant for the Project site would be required to prepare and implement a Storm Water Quality Management Plan (SWQMP). A SWQMP is a site-specific post-construction WQMP 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 SWQMP 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 LID 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 SWRCB adopted an updated new NPDES permit for stormwater discharge associated with industrial activities (referred to as the “Industrial General Permit”).³² On November 6, 2018, the SWRCB amended the Industrial General Permit, which is more stringent than the former Industrial General Permit and became effective on July 1, 2020.³³ 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 proposed facility 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.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-2 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

Construction and Operations

The Project site lies within the Chino Basin. The Chino Basin is the subbasin of the Upper Santa Ana River contained within the California DWR South Coast Hydrologic Region. The Project site would be within the service area of FWC, which derives some of its water from the Chino Basin. Accordingly, the Project site would connect to the municipal water system and would not use on-site wells, nor would any other groundwater extractive activities occur. Therefore, the Project would not directly draw water from the groundwater basin. Accordingly, implementation of the Project in this regard would not substantially deplete or decrease groundwater supplies and direct impacts to groundwater supplies would be less than significant.

Additionally, as discussed in additional detail in ***Section 4.19: Utilities and Service Systems***, considering the above and considering current as well as Project water demand through the year 2040 in both normal,

³² California State Water Resources Control Board Industrial General Permit Retrieved from: https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html (accessed July 2022).

³³ California State Water Resources Control Board Industrial General Permit https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html. (accessed August 2022).

and single, two year, and multiple dry year scenarios, FWC has an adequate supply of water to serve the Project. This would be done without jeopardizing groundwater supplies in any of the underlying basins.

While construction of the Project would introduce new impermeable surfaces to the site, a WQMP would be required. As part of the WQMP, the Project would include elements to reduce the effects of the new impervious areas. The WQMP would include design measures such as LID and other stormwater drainage controls. 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, and would facilitate recharge. In addition, LIDs that include permeable materials, enable run-off to immediately infiltrate and begin the recharge process. Lastly, the Project site also includes areas that would be landscaped with permeable surfaces, which also would facilitate groundwater recharge. Therefore, the Project would not change recharge characteristics, with the required measures in place, the loss of the permeable area would not be substantial, and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-3 ***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

i) Result in substantial erosion or siltation on- or off-site?

Level of Significance: Less than Significant

Construction and Operations

Construction of the Project would alter the subject's property's interior drainage patterns, but the changes would not result in substantial erosion or siltation on- or off-site. The Project would be required to follow the SWRCBs 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 (1) 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 III 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 would also 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 SWQMP as well. The SWQMP 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 SWQMP 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 SWQMP 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, impacts would be less than significant. Mitigation is not required.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-4 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Level of Significance: Less than Significant

Construction and Operations

Implementation of the Project would alter the existing ground contours of the Project site. The Project site is currently developed with light industrial use buildings, but the construction of the warehouse would result in the installation of more impervious surfaces. Although the same southerly drainage patterns, flows would be maintained, the Project would result in changes to the site's existing, internal drainage patterns.

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.

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 designated and installed to be site-specific and that would contain and collect stormwater flows in the Project site. Run-off within the Project site would be directed to one of two on-site underground infiltration systems located on the southeast and southwest corners of the Project property. Water would be captured and stored and treated if needed before run-off can drain off-site. New stormwater facilities would be planned and designated to satisfy the SWQMP requirements as discussed above. In cases where excess run-off would generate overflow conditions, the southeast underground infiltration system would discharge through a proposed storm drain line B to an existing 54-inch storm drain in Mango Avenue and the southwest underground infiltration system would discharge through a proposed storm drain line E to an existing 36-inch storm drain in Sierra Avenue.

All designs and conformance with the SWQMP would be verified by the City and incorporated as conditions of approval to the Project site prior to the issuance of any construction permit. In addition, this would include plans that ensure the post-development flows do not exceed pre-development flows. Compliance with these requirements would ensure impacts are less than significant and mitigation would not be required.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-5 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

Level of Significance: Less than Significant

Construction and Operations

As discussed above, the Project site must comply with the requirements of the NPDES General Permit, which helps control water pollution by regulating point and non-point sources that discharge pollutants into receiving waters.

The Project would be required to obtain a General Construction Permit. The General Construction Permit requires implementation of a SWPPP, which would include BMPs designated to protect the quality of stormwater run-off. Preparation, implementation, and participation with both the NPDES General Permit and the General Construction Permit, including the SWPPP and BMPs, would reduce the potential for stormwater flows, and any potential contaminants contained within those flows, to be conveyed off-site during construction of the Project. As a result, short-term construction-related impacts associated with creating or contributing to run-off and additional sources of polluted run-off would be less than significant.

Conformance with these requirements would be verified prior to any Project approval and included as conditions of approval to any future project. Impacts would therefore be less than significant.

As mandated by the RWQCB and through implementation of the SWQMP, the Project would include new stormwater drainage system facilities that would be engineered, designed, and installed to satisfy all the water quality requirements. These measures would include maximizing natural infiltration practices and preserving existing drainage patterns by draining the entire site underground; re-vegetating disturbed areas with landscaping; and minimizing unnecessary compaction of stormwater infiltration areas.

To ensure that the new stormwater drainage improvements are planned and designed to satisfy these requirements as well as all other applicable standards and requirements, plans would be verified by the City and incorporated as conditions of approval to the Project prior to the issuance of any construction permit. Compliance with these requirements would ensure impacts are less than significant and mitigation would not be required.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-6 ***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?***

iv) Impede or redirect flood flows?

Level of Significance: Less than Significant

Construction and Operations

The FEMA FIRM shows that the Project site being covered by one main indication panel, which is 06071C7920H, 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).³⁴ Therefore, no portions of the Project site are located within a 100-year flood hazard area and impacts would be less than significant. No mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-7 ***Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

Level of Significance: Less than Significant

³⁴ FEMA, 2008. FEMA Flood Map Service Center. <https://msc.fema.gov/portal/search?AddressQuery=Fontana>. (accessed August 2022).

Construction and Operations

The Pacific Ocean is located approximately 60 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 36 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.³⁵ Accordingly, the impacts to the Project site associated with release of pollutants due to inundation would not occur. No mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-8: *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*

Construction and Operations

As discussed in the Impact 4.10-2 discussion above, the Project site is located within the Upper Santa Ana River Basin. 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 SWQMP. 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 Rialto-Colton Basin, which is an adjudicated groundwater basin. Adjudicated basins, like the Rialto-Colton Basin, are exempt from the 2014 SGMA because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of the basin. Therefore, the Project components would not obstruct or prevent implementation of the management plan for the Rialto-Colton Basin. As such, construction and operation of the Project would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

4.10.6 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 of the 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

³⁵ City of Fontana. 2018. Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report. 5.7 Hazards and Hazardous Materials. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed August 2022).

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. 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.

4.10.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

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4.11

Land Use and Planning

4.11 LAND USE AND PLANNING

4.11.1 Introduction

This section of the Draft Environmental Impact Report (EIR) discusses the potential land use impacts associated with the implementation of the Sierra Distribution Facility 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.

4.11.2 Environmental Setting

Existing and Surrounding Land Uses

The Project is located within the northern the portion of the City, in San Bernardino County (County); refer to **Figure 3-1: Regional Vicinity**. The Project site is comprised of six parcels; refer to **Table 4.11-1: Assessor Parcel Numbers**. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill, see **Figure 3-2: Local Vicinity**.

Table 4.11-1: Assessor Parcel Numbers

| Parcel | APN Number |
|--------|-------------|
| 1 | 1119-241-10 |
| 2 | 1119-241-13 |
| 3 | 1119-241-18 |
| 4 | 1119-241-25 |
| 5 | 1119-241-26 |
| 6 | 1119-241-27 |

Source: Public San Bernardino County Parcel Viewer. 2022.

<https://sbcounty.maps.arcgis.com/apps/webappviewer/index.html?id=87e70bb9b6994559ba7512792588d57a&marker=-116.34526321815805%2C34.11587161201653%2C%2C%2C%2C&markertemplate=%7B%22title%22%3A%22%22%2C%22longitude%22%3A-116.34526321815805%2C%22latitude%22%3A34.11587161201653%2C%22isIncludeShareUrl%22%3Atrue%7D&level=19>. (accessed June 2022).

The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet (SF) in size. The northwestern, northeastern, southwestern, and southeastern quadrants are existing developments with single-story, metal framed structures and are assumed to be supported on conventional shallow foundations with concrete slab-on-grade floors. The area surrounding the Project contains residential uses and light-industrial uses. The Project is directly east of Sierra Avenue and multiple residential properties. Mango Avenue and a landfill are directly east of the Project site. In

addition, Windflower Avenue runs perpendicular off of Sierra Avenue between the north and south portions of the Project site.

According to available historical sources, the Project site was historically undeveloped vacant land as early as 1896 and was developed in phases from 1982 to 1990. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present). The Project site is currently occupied by the following businesses: San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue in the northwest portion; 5975 Sierra Ave. 16899 Windflower Avenue on the southwest portion; Davis Partners, 17010 Windflower Avenue on the northeast portion; and Aluma Systems, 17051 Windflower Avenue on the southeast portion.

General Plan and Zoning Designations

The City's General Plan Land Use Map shows that the land west of Sierra Avenue has been designated as Residential Planned Community land use designation. The east side of the Project site lies directly along the borderline between the City of Fontana and the City of Rialto. Directly north and south of the Project site the General Plan Land Use designation is Light Industrial.

Residential Planned Community land use designations allow various residential uses such as single-family and multi-family use to create quality residential developments. Alternatively, Light Industrial land use designations allow for the development of warehouse developments as long as they contain limited off-site impacts. Light Industrial land use zones also allow for the development of business parks, research and development, technology centers, corporate and support office uses, clean industry, supporting retail uses, truck and equipment sales, and related services. Zoning created a more consistent area and led to the current development of the Project site.

Surrounding land use designations include parcels with Light Industrial, Residential Planned Communities and Public Facilities. **Table 4.11-2: Surrounding Land Use, Designations and Zoning** summarize designations and their direction adjacent to the Project site.

Table 4.11-2: Surrounding Land Use Designations and Zoning

| Location | Land Use Designation | Zoning | Existing Land Uses |
|---|--|--|---|
| Project Site | Light Industrial (I-L) | Light Industrial (M-1) | San Gabriel Valley Lumber & Milling Davis Partners 4.) Aluma Systems |
| North | Light Industrial (I-L) | Light Industrial (M-1) | Light Industrial (Sierra Pacific Center) |
| South | Light Industrial (I-L) | Light Industrial (M-1) | Light Industrial (Sierra Lakes Commerce Center) |
| East | Public Facility with Specific Plan Overlay (City of Rialto) | Rialto Airport Specific Plan (City of Rialto) | Mango Avenue Mid-Valley Landfill |
| West | Residential Planned Community (R-PC) – Sierra Lakes | Sierra Lakes Specific Plan | Sierra Avenue Sierra Lakes (Residential) |
| Source: Google Maps, 2022: City of Fontana. 2022. Zoning and General Land Use Designation Interactive Map. https://fontanaca.maps.arcgis.com/apps/webappviewer/index.html?id=ecc67f90c51440eca0d17fd5a6e59c92 (accessed June 2022). City of Rialto. 2013. City of Rialto Official Zoning Map. https://www.yourrialto.com/DocumentCenter/View/1513/Zoning-Map---July-2013 (accessed June 2022). | | | |

4.11.3 Regulatory Setting

State

State Planning Law

State planning law (California Government Code [CGC] Section 65300) requires every county in California to adopt a comprehensive, long-term general plan for physical development of the county. A general plan should consist of an integrated and internally consistent set of goals and policies that are grouped by topic into a set of elements and are guided by a countywide vision. State law requires that a general plan address nine elements or topics (land use, circulation, housing, conservation, open space, noise, safety, climate adaptation and resiliency, and environmental justice), but allows some discretion on the arrangement and content. Additionally, each of the specific and applicable requirements in the state planning law should be examined to determine if there are environmental issues within the county that a general plan should address.

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).

2020-2045 Regional Transportation Plan/Sustainable Communities Strategies

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 Element¹, to reflect the recent state of the City more closely and for a more current baseline.

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 5.3:** 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.² The Fontana Development Code assists 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.

¹ 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).

² City of Fontana. (2022). *City of Fontana Municipal Code – Chapter 30*. (accessed June 2022).

Light Industrial (M-1) industrial zoning district³ that accommodates employee-intensive uses, such as business parks, research, and technology centers, offices, and supporting retail uses, high cube/warehousing which does not permit heavy traffic manufacturing, processing of raw materials, and permits other types of industrial uses not suitable for location in the M-1 district.

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.

4.11.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning land use and planning. 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:

- 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 analyzes 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. This analysis also analyzes whether the Project would physically divide an established community.

Approach to Analysis

This analysis of impacts on land use and planning components examines the Project's consistency with existing land use designations and developments, as well as the Project's compliance with established land use policies and plans. 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

³ City of Fontana. (2022). *City of Fontana Municipal Code – Section 30-522 – 30.523*. (accessed June 2022).

established by regional and local agencies and evaluates the Project's overall consistency with applicable goals and policies.

4.11.5 Impacts and Mitigation Measures

Impact 4.11-1 *Would the Project physically divide an established community?*

Level of Significance: Less Than Significant

Construction and Operations

The Project proposes one warehouse building totaling approximately 398,514 SF on an approximately 18.3-acre site. The building would include 10,000 SF of office space. The Project site would also include 125 automobile parking stalls and 118 trailer parking stalls, curb and gutter, security lighting, perimeter wall and gated access (refer to **Figure 3-5: Overall Site Plan**). The Project would have a Floor Area Ratio of 0.5. 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 4.11.2: Environmental Setting**, the Project site is developed with the San Gabriel Valley Lumber & Milling, Davis Partners, and Aluma Systems. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 SF in size. The Project site is surrounded by light industrial uses to the north and south; Mango Avenue to the east with a landfill beyond; and Sierra Avenue to the west with residential development beyond.

The Project site's existing General Plan land use designation is Light Industrial (I-L), and the zoning is Light Industrial (M-1); see **Figure 3-3: General Plan Land Use Designations** for General Plan land use designations and **Figure 3-4: Existing Zoning** for Project 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 west of the Project site include single family residential units which are located among commercial and industrial uses to the east beyond Sierra 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.

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

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 takes into account 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 in order 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 particular 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 4.11-3: Consistency with the SCAG 2020-2045 RTP/SCS** and **Table 4.11-4: Consistency with the Fontana General Plan**.

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 4.11-3** summarizes the Project's compliance with relevant goals and policies of the RTP/SCS.

Table 4.11-3: Consistency with the SCAG 2020-2045 RTP/SCS

| Goal | Consistency |
|--|--|
| Goal 1: Encourage regional economic prosperity and global competitiveness. | Not Applicable: 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. |
| Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods. | Not Applicable: This is not a transportation improvement project and is therefore not applicable. |
| Goal 3: Enhance the preservation, security, and resilience of the regional transportation system. | Not Applicable: This is not a transportation improvement project and is therefore not applicable. |
| Goal 4: Increase person and goods movement and travel choices within the transportation system. | Not Applicable: This is not a transportation improvement project and is therefore not applicable. However, the Project includes a warehouse use that would support goods movement. |

| Goal | Consistency |
|---|---|
| Goal 5: Reduce greenhouse gas emissions and improve air quality. | Not Applicable: The Project is located within a developed area in proximity to existing truck routes and freeways. Location of the Project would reduce trip lengths and reduce GHG and air quality emissions. |
| Goal 6: Support healthy and equitable communities. | Not Applicable: 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. | Not Applicable: This is not a project-specific policy and is therefore not applicable. |
| Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel. | Not Applicable: 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. | Not Applicable: The Project involves development of a warehouse and does not include housing. |
| Goal 10: Promote conservation of natural and agricultural lands and restoration of habitats. | Not Applicable: This the Project is not located on agricultural or habitat lands. |
| Source: Southern California Association of Governments. 2020. <i>Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy</i> . Page 9. Los Angeles, CA: Southern California Association of Governments. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 . (accessed August 2022). | |

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 4.11-4**.

Table 4.11-4: 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 4.3-8 and Table 4.3-9 in Section 4.3: 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. Project landscaping would comprise 21.4 percent of the Project site (or 85,181 SF), exceeding the 15 percent requirement. See Figure 3-7: Conceptual Landscape Plan . |
| Policy 3.2: Expand Fontana's tree canopy. | |

| Policy | Consistency |
|---|--|
| 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) is approximately three miles 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 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. | Consistent: Fire protection services to the Project site would be provided by the SBCFD. The Project site would be served by the County Fire Station 78, located approximately 1.8 miles southwest of the Project site, and Fire Station 79, located approximately two miles northwest of the Project site. 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, the Project design plans would be reviewed by all applicable local agencies, including the SBCFD, to ensure compliance with the City's General Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the California Fire Code. |
| 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 Article VII, Section 30-551 which specifies landscape design guidelines for industrial zoning districts. |
| 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 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 |

| Policy | Consistency |
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| | management plan would be submitted and implemented in compliance with Section 5.408 of the 2022 CALGreen Code. |
| Policy 8.2: Continue to maximize landfill capacity by supporting recycling innovations, such as organic waste recycling for compost. | <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 5.408 of the 2022 CALGreen Code.</p> <p>The estimated 5,658 ppd or 2.83 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> |
| Chapter 11, Noise and Safety | |
| 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. | 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. |
| 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. | <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 located in a Fire Hazard Overlay. Therefore, the Project would be subject to the provisions of Division 8 – Fire Hazard Overlay District of Chapter 30 of the Zoning and Development Code.</p> |
| 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. | Consistent: The Project would be developed in an area that is designated for light industrial land use designations. Further, the surrounding area includes industrial, commercial, and residential uses. |
| 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. | Consistent: Existing residential uses are located approximately 130 feet from 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 67.8 dBA which is below the FTA's 80 dBA threshold. Further, the City's Municipal Code does not establish quantitative construction noise |

| Policy | Consistency |
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| | 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. |
| Goal 10: Fontana’s residents are protected from the negative effects of “spillover” noise. | |
| <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: At the closest sensitive receptors located approximately 130 feet away, mechanical equipment noise would attenuate to 43.7 dBA, which is below the City’s 65 dBA standard. 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. These closest residences would experience truck noise levels of approximately 49.1 dBA, which is below the City’s acceptable limits of 65 dBA 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. 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. Noise associated with parking lot activities is not anticipated to exceed the City’s noise standards during operation. the Project would generate 681 daily trips that would result in noise increases 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.</p> |
| 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. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.</p> |

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| Goal 5: Green building techniques are used in new development and retrofits. | |
| Policy 5.1: Promote green building through guidelines, awards, and nonfinancial incentives. | 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. |
| Goal 6: Fontana is a leader in energy-efficient development and retrofits. | |
| Policy 6.1: Promote energy-efficient development in Fontana. | 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: 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. |
| Policy 6.2: Meet or exceed state goals for energy-efficient for new construction. | 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. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy. |
| Chapter 15, 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. | 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 State Route 210 (SR-210) via the officially designated local truck route, Sierra Avenue, approximately 0.5 miles south of the Project site. |

| Policy | Consistency |
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| 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. | 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. |
| 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. Further, the surrounding area includes industrial, commercial, and residential uses. |
| Policy 5.3: Avoid locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses. | Consistent: The Project does not propose residential developments. |
| Goal 7: Public and private development meets high design standards. | |
| Policy 7.1: Support high-quality development in design standards and in land use decisions. | Consistent: The Project will be consistent with all applicable building codes and design standards. |
| City of Fontana. 2018. <i>Fontana Forward General Plan Update 2015-2035</i> . https://www.fontana.org/DocumentCenter/View/28271/Complete-Documents---Approved-General-Plan-Documents-11-13-2018 . (accessed October 2022). | |

As shown in **Table 4.11-4**, the Project would be generally consistent with the City General Plan goals and policies. It should be noted that a Project need not satisfy all guidance contained in the General Plan and CEQA does not require a Project to be consistent with all guidance but instead requires a discussion of inconsistencies. The Project is generally consistent and in harmony with the City General Plan, Land Use Category and is located in a developed area of the City. Additionally, consistent with the City's General Plan, the Project's EIR includes mitigation measures related to specific environmental resource areas to reduce or eliminate potential effects of the Project. The City's Development Code is not in and of itself intended to reduce impacts to the environment. The intent of the Development Code is to prescribe zones in which certain land uses are permitted, and to define allowable Project elements and designs within those zones. Nonetheless, conformance with the Development Code typically signifies that a Project would not result in environmental impacts beyond those which are already planned for or disclosed in an environmental document.

The Project would not 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.

Mitigation Measures

No mitigation is necessary.

4.11.6 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, 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.

4.11.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.11.8 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=CH30ZODECO_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. 2018. *Fontana Forward General Plan Update 2015-2035*.

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

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 Rialto. 2013. *City of Rialto Official Zoning Map*.

<https://www.yourrialto.com/DocumentCenter/View/1513/Zoning-Map---July-2013>.

City of Rialto. 2010. *Rialto General Plan. Exhibit 2.2 – Land Use Policy Plan*.

<https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan>.

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/0903fconnectsocal-plan_0.pdf?1606001176.

San Bernardino County. 2022. Parcel Viewer.

<https://sbcounty.maps.arcgis.com/apps/webappviewer/index.html?id=87e70bb9b6994559ba7512792588d57a&marker=-116.34526321815805%2C34.11587161201653%2C%2C%2C&markertemplate=%7B%22title%22%3A%22%22%2C%22longitude%22%3A-116.34526321815805%2C%22latitude%22%3A34.11587161201653%2C%22isIncludeShareUrl%22%3Atrue%7D&level=19>.

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4.12

Mineral Resources

4.12 MINERAL RESOURCES

4.12.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the potential environmental impacts of the Sierra Distribution Facility Project (Project) as they relate to mineral resources. The Project's environmental setting will be discussed along with any applicable federal, state, regional, and local policies and regulations. This section also describes any mitigation measures that may be used to minimize any significant environmental impacts, if any are identified. The baseline data collection provides information on existing conditions within and surrounding the Project area, obtained from literature search, review of existing data, and site surveys. Potential impacts are assessed regarding their effects on valuable mineral resources and any mineral resource recovery sites. Information used to prepare this section includes resources from:

- California Department of Conservation (DOC) California Geological Survey.
- County of San Bernardino. 2020. *San Bernardino Countywide Plan*.
- County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft Environmental Impact Report*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*.
- Other sources found in **Section 4.12.8: References**.

4.12.2 Environmental Setting

Mineral resources are naturally occurring substances that aid in urban construction. These substances include sand, gravel, and crushed stone that can be used as Portland-cement-concrete (PCC) aggregate, asphaltic-concrete-aggregate, road base, railroad ballast, riprap, fill, and the production of other materials.

Existing Conditions

The Project site is located in northern Fontana. The Project site is comprised of six parcels (Assessor Parcel Numbers 1119-241-10, -13, -18, -25, -26, and -27) bounded to the north and south by existing warehouse/ industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present). Additional details are described in **Section 3.0: Project Description**.

The Project site as a whole, generally slopes downward to the south at a gradient of three percent. The elevation of the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region.¹

A geotechnical study and infiltration study was conducted for the Project in February 2021. Boring and trenching techniques conducted during the concurrent studies identified artificial fill soils and alluvium at the Project site. Artificial fill soils, often consist of loose to dense silty fine to coarse sands, fine to coarse sands, and silty fine sands. Occasional cobbles and variable gravel content were encountered throughout the artificial fill. In addition, occasional boulder content was encountered as shallow as 2.5 feet from the ground surface.² According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) web soil survey, the Project site soils consist of Soboba gravelly loamy sand, 0 to 9 percent slopes.³ The Soboba series consists of deep, excessively drained soils that formed in alluvium from predominantly granitic rock sources. Soboba soils are on alluvial fans and flood plains and have slopes of 0 to 30 percent.⁴

Native alluvial soils were found beneath the fill soils surface at both of the infiltration boring locations, extending to at least the maximum depth explored of seven feet below existing site grades. The alluvial soils consisted of medium dense to very dense gravelly fine to coarse sands to fine to coarse sandy gravels. Extensive cobble content and variable silt content were encountered throughout the alluvial strata. See **Section 4.7: Geology and Soils** for additional details on geologic and soil conditions.

Mineral Resource Zones

The Surface Mining and Reclamation Act (SMARA) of 1975 (California Public Resources Code [PRC] Sections 2710-2796) required the California State Mining and Geology Board to classify California mineral resources using the Mineral Resource Zones (MRZs) system. These zones have been established based on the presence or absence of significant sand and gravel deposits and crushed rock and stone sources (e.g., products used in the production of cement). The MRZ categories are defined as follows:⁵

- MRZ-1: Areas where available geologic information indicates there is little likelihood for the presence of significant mineral resources.
- MRZ-2a: Areas underlain by mineral deposits where geologic data indicate that significant measured or indicated resources are present. As shown on the California Mineral Land Classification Diagram, MRZ-2 is divided on the basis of both degree of knowledge and economic factors. Areas classified as MRZ-2a contain discovered mineral deposits that are either measured or indicated reserves as determined by such evidence as drilling records, sample analysis, surface exposure, and mine information. Land included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits.

¹ Southern California Geotechnical. 2021. *Infiltration Report*.

² Geotechnical Investigation, Proposed Warehouse, NEC Sierra Avenue and Clubhouse Drive, Fontana, California, prepared by Southern California Geotechnical, Inc. (SCG) for Seefried Industrial Properties, Inc., SCG Project No. 20G250-1, dated February 5, 2021.

³ USDA NRCS. 2022. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. (accessed July 2022).

⁴ USDA. 1971. *Soboba Series*. https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SOBOBA.html. (accessed July 2022).

⁵ California Department of Conservation. ND. *Guidelines for Classification and Designation of Mineral Lands*. <https://www.conservacion.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf> (accessed July 2022).

- MRZ-2b: Areas underlain by mineral deposits where geologic information indicates that significant inferred resources are present. Areas classified as MRZ-2b contain discovered mineral deposits that are either inferred reserves as determined by limited sample analysis, exposure, and past mining history, or are deposits that presently are sub-economic. Further exploration work and/or changes in technology or economics could result in upgrading areas classified MRZ-2b to MRZ-2a.
- MRZ-3a: Areas containing known mineral occurrences or undetermined mineral resource significance. Further exploration work within these areas could result in the reclassification of specific localities into MRZ-2a or MRZ-2b categories. As shown on the California Mineral Land Classification Diagram, MRZ-3 is divided on the basis of knowledge of economic characteristics of the resources.
- MRZ-3b: Areas containing inferred mineral occurrences of undetermined mineral resource significance. Land classified as MRZ-3b represents areas in geologic settings that appear to be favorable environments for the occurrence of specific mineral deposits. Further exploration work could result in the reclassification of all or part of these areas into the MRZ-3a category or specific localities into MRZ-2a or MRZ-2b categories.
- MRZ-4: Areas of no known mineral occurrences where geologic information does not rule out either the presence or absence of significant mineral resources.

According to the California Department of Conservation⁶ and the San Bernardino County Policy Plan⁷, the Project is designated as MRZ-3, an area of general undetermined mineral resource significance. The Department of Conservation and San Bernardino Countywide Plan make no distinction as to whether the designation of the Project site is MRZ-3a or MRZ-3b.

4.12.3 Regulatory Setting

Federal

U.S. Code Title 30: Mineral Lands and Mining

The U.S. Code Section 30.21a defines the national mining and minerals policy of the United States. This policy dictates that the United States will encourage the development of rational domestic mining reclamation practices, the sustainable development of domestic mineral resources, mining and mineral research, and the advancement of mineral waste disposal and reclamation methods. Title 30 also describes the federal regulations involving the sale of mineral lands.⁸

State

Surface Mining and Reclamation Act: California Public Resources Code Sections 2710 et seq.

SMARA is the primary regulatory framework for mining in the state. It delegates specific regulatory authority to local jurisdictions. The act requires the state geologist to identify in the California Geological

⁶ California Department of Conservation, Division of Mines and Geology. 1995. *Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area, California (West) – Composite Map Showing MRZ's, and Mines, Prospects, and Active Aggregate Pits*. https://filerequest.conservation.ca.gov/?q=ofr_94-08_west.pdf (accessed August 2022).

⁷ San Bernardino County. 2021. *NR-4 Mineral Resources Zones Policy Map*. <https://www.arcgis.com/apps/webappviewer/index.html?id=9948b9bc78f147fd9ea193c2ce758081> (accessed August 2022).

⁸ United States of America. 1996. *United States Code Title 30*. <https://uscode.house.gov/browse/prelim@title30&edition=prelim>. (accessed July 2022).

Survey (CGS) important mineral deposits in the state threatened by land uses that would be incompatible with future extraction and classify them into MRZs. Local jurisdictions are required to enact specific procedures to guide mineral conservation and extraction at identified sites and to incorporate mineral resource management policies (MRMPs) into their general plans.

Under SMARA, aggregate materials are classified as reserves or resources. Reserves are defined as aggregate materials believed to be acceptable for commercial use that exist within property boundaries owned or leased by an aggregate-producing company, and for which permission allowing extraction and processing has been granted by the proper authorities. Mineral lands are locally reviewed in an effort to ensure that significant mineral deposits are identified and protected. The State Geologist produces an annual report of the disturbed and reclaimed land totals and any amendments to the reclamation plan.

California Geological Survey

The CGS provides objective geological expertise and information about California's diverse nonfuel mineral resources, including their related hazards, through maps, reports, and other data products to assist governmental agencies, mining companies, consultants, and the public in recognizing, developing, and protecting important mineral resources.

Local

Fontana General Plan 2015-2035

The City's General Plan (GP) Update states that the GP does not contain policies that conflict with the recovery of future mineral resources.⁹ Any significant mineral resource deposits unearthed in the future, would be protected over the long term.

4.12.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning mineral resources. 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:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or
- 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.

Methodology and Assumptions

The Project is evaluated against the previously mentioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning mineral resources. In addition, this analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid

⁹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 7-10. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed July 2022).

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 from mineral resources examines the Project's 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) construction impacts and (2) operational impacts. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings, analysis of aerial and ground-level photographs, and review of various data available in public records, including review of relevant local planning documents. The determination that a project component would or would not result in "substantial" adverse effects on mineral resources 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.

4.12.5 Impacts and Mitigation Measures

Impact 4.12-1 *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Level of Significance: No Impact

Construction and Operations

The Project site is located on lands designated as MRZ-3 by the County, which designates land that has areas containing known or inferred mineral deposits that may qualify as mineral resources.¹⁰ The Project site is not designated as land that contains known mineral resources of significance, and any mineral resource extraction would require a Conditional Use Permit from the County. The Fontana Forward General Plan (Fontana Forward GP) Update does not contain policies that conflict with the recovery of future mineral resources.¹¹ The City plans to instill long term protections over any significant mineral resource deposits, should they be unearthed in the future. The City does not expect that their General Plan Update would contribute to a loss of mineral resources. Further the Project site is already developed for light industrial uses and the surrounding area is currently urbanized for industrial uses. Additionally, the Project site has previously been developed and did not contain any known 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

¹⁰ 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 August 2022).

¹¹ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report.* Page 7-10. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed July 2022).

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.

Mitigation Measures

No mitigation is necessary.

Impact 4.12-2 *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

Construction and Operations

There are many mineral resource recovery sites within the County, of which there is one within the general vicinity of the Project Site. The City of Rialto is operating an Open Pit that is within 0.3 mile of the Project area.¹² The Fontana Forward GP does not mention any mineral resource recovery sites located within the City or its sphere of influence.¹³ The Project is located in northern portion of the City at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive. The Project site is currently disturbed with existing light industrial uses and the site is located within an urbanized industrial area. The Project site is not delineated as a mineral resource recovery site on any general plan, specific plan, or other land use plan. 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.

Mitigation Measures

No mitigation is necessary.

4.12.6 Cumulative Impacts

As concluded above, Project implementation would have no impact on the availability of a local mineral resource. Additionally, the Fontana GP does not contain policies that conflict with the recovery of future mineral resources. Project implementation would result in a less than significant impact. Therefore, the Project's incremental effects involving mineral resources are not cumulatively considerable.

4.12.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

¹² California Department of Conservation. 2016. *Mines Online*. <https://maps.conservation.ca.gov/mol/index.html>. (accessed August 2022).

¹³ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 5.5-1. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed July 2022).

4.12.8 References

- California Department of Conservation, Division of Mines and Geology. 1995. *Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area, California (West) – Composite Map Showing MRZ's, and Mines, Prospects, and Active Aggregate Pits.* https://filerequest.conservation.ca.gov/?q=ofr_94-08_west.pdf.
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4.13

Noise

4.13 NOISE

4.13.1 Introduction

This section of the Draft EIR identifies and analyzes the Sierra Distribution Facility 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 following found in Draft EIR **Appendix J**:

- Kimley-Horn and Associates, Inc. 2023. *Acoustical Assessment*.

See Appendix A of **Appendix J** for noise data.

4.13.2 Environmental Setting

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 Sierra Avenue which is located directly west of the Project Site. Sierra Lakes Parkway and State Route 210 are approximately 0.36-mile and 0.58-mile to the 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 warehouse uses to the north and south of the Project, landfill operations located to the east of the Project, and residential land uses to the west of the Project. 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 August 24, 2022. 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 9:00 a.m. and 11:00 a.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 4.13-1: Existing Noise Measurements**.

Table 4.13-1: Existing Noise Measurements

| Site | Location | L _{eq} (dBA) | L _{min} (dBA) | L _{max} (dBA) | Time |
|------|---|--------------------------|---------------------------|---------------------------|------------|
| 1 | End of cul-de-sac on Camargo Place | 65.3 | 50.1 | 81.3 | 9:10 a.m. |
| 2 | End of cul-de-sac on Olympic Court | 50.5 | 45.1 | 58.5 | 9:30 a.m. |
| 3 | End of cul-de-sac on Mango Avenue | 67.0 | 47.6 | 87.5 | 9:50 a.m. |
| 4 | Southeast corner of Project site along Mango Avenue | 65.3 | 52.6 | 82.7 | 10:05 a.m. |
| 5 | Past the entrance on Windflower Avenue, within Project site | 65.3 | 50.1 | 81.3 | 10:23 a.m. |

Source: Kimley-Horn and Associates, Inc. 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 mostly of single-family residential communities, a middle school, and a high school. Sensitive land uses nearest to the Project are shown in

Table 4.13-2: Sensitive Receptors.

Table 4.13-2: Sensitive Receptors

| Receptor Description | Distance and Direction from the Project |
|---------------------------|---|
| Single-Family Residences | 130 feet to the west |
| Single-Family Residences | 1,385 feet to the north |
| Single-Family Residences | 3,440 feet to the south |
| Wayne Ruble Middle School | 4,880 feet to the southwest |
| A.B. Miller High School | 5,000 feet to the southwest |

Source: Kimley-Horn and Associates, Inc. 2023. *Acoustical Assessment*, Table 5.

4.13.3 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.¹

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.

¹ 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.

Title 24 – Building Code

The state’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

Local

Fontana General Plan 2015-2035

Adopted on November 13, 2018, the Fontana Forward General Plan Update 2015-2035 (Fontana General Plan) identifies noise standards that are used as guidelines to evaluate transportation noise level impacts. These standards are also used to assess the long-term traffic noise impacts on specific land uses. According to the Fontana General Plan, land uses such as residences have acceptable exterior noise levels of up to 65 dBA CNEL. Based on the guidelines in the Fontana General Plan, an exterior noise level of 65 dBA CNEL is generally considered the maximum exterior noise level for sensitive receptors.

Land uses near these significant noise-producers can incorporate buffers and noise control techniques including setbacks, landscaping, building transitions, site design, and building construction techniques to reduce the impact of excessive noise. Selection of the appropriate noise control technique would vary depending on the level of noise that needs to be reduced as well as the location and intended land use. The City has adopted the Noise and Safety Element² 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

² 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 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 18-67.³ 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 65 dBA between the hours of 7:00 a.m. and 10:00 p.m. and 70 dBA during the noise-sensitive hours of 10:00 p.m. to 7:00 a.m. at residential uses.⁴ 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.

³ City of Fontana. 2022. *City of Fontana Municipal Code – Sections 18-61 through 18-67.* https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH18NU_ARTIINO (accessed September 2022).

⁴ City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-543.* https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIIINZODI_DIV6PEST_S30-543NOVI (accessed September 2022).

4.13.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning noise. 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:

- Generate 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;
- Generate excessive ground-borne vibration or ground-borne 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, 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 Federal Transit Administration (FTA) and 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.

4.13.5 Impacts and Mitigation Measures

Impact 4.13-1 *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

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 west of the construction site. Existing residential uses are located approximately 130 feet from the Project construction area. 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, and dozers during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, 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 4.13-3: Typical Construction Noise Levels**.

Table 4.13-3: Typical Construction Noise Levels

| Equipment | Typical Noise Level (dBA) at 50 feet from Source | Typical Noise Level (dBA) at 130 feet from Source ¹ |
|-------------------|---|---|
| Air Compressor | 80 | 74 |
| Backhoe | 80 | 74 |
| Compactor | 82 | 76 |
| Concrete Mixer | 85 | 79 |
| Concrete Pump | 82 | 76 |
| Concrete Vibrator | 76 | 70 |
| Crane, Derrick | 88 | 82 |
| Crane, Mobile | 83 | 77 |
| Dozer | 85 | 79 |
| Generator | 82 | 76 |

| Equipment | Typical Noise Level (dBA) at 50 feet from Source | Typical Noise Level (dBA) at 130 feet from Source ¹ |
|---|---|---|
| Grader | 85 | 79 |
| Impact Wrench | 85 | 79 |
| Jack Hammer | 88 | 82 |
| Loader | 80 | 74 |
| Paver | 85 | 79 |
| Pile-driver (Impact) | 101 | 95 |
| Pile-driver (Sonic) | 95 | 89 |
| Pneumatic Tool | 85 | 79 |
| Pump | 77 | 71 |
| Roller | 85 | 79 |
| Saw | 76 | 70 |
| Scraper | 85 | 79 |
| Shovel | 82 | 76 |
| Truck | 84 | 78 |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Acoustical Assessment</i> , Table 6. | | |
| 1. Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1 + 20\log(d_1/d_2)$ | | |
| Where: dBA_2 = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance | | |

As shown in **Table 4.13-3**, exterior noise levels could affect the nearest existing sensitive receptors (130 feet to the west) in the vicinity. Sensitive uses in the Project site vicinity include existing residential uses to the west, north, and south, Wayne Ruble Middle School to the southwest, and A.B. Miller High 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 and would be a reasonable assumption. Therefore, the distance used in the RCNM model was approximately 730 from the center of the Project site to the nearest sensitive receptor (residential uses to the west) where every piece of construction equipment assumed for each individual phase is assumed to operate simultaneously.

The noise levels calculated in **Table 4.13-4: 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 the construction, paving, and painting stages, which have 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 uses to evaluate construction noise impacts.⁵ As shown in **Table 4.13-4**, construction noise levels would not exceed the applicable FTA construction thresholds. The highest exterior noise level at the nearest residential receptors would occur

⁵ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-2, Page 179, September 2018.

during the overlap of building construction, paving, and architectural coating stages and would be 67.8 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 4.13-4: 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 | Residential | 730 | 63.2 | 80 | No |
| Site Preparation | Residential | 730 | 64.3 | 80 | No |
| Grading | Residential | 730 | 64.9 | 80 | No |
| Infrastructure | Residential | 730 | 66.1 | 80 | No |
| Building Construction | Residential | 730 | 66.1 | 80 | No |
| Paving + Architectural Coating | Residential | 730 | 63.1 | 80 | No |
| Building Construction + Paving + Architectural Coating | Residential | 730 | 67.8 | 80 | No |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Acoustical Assessment for the Sierra Distribution Facility Project</i> , Table 7. | | | | | |
| Note: | | | | | |
| 1. Distance measured from the center of the project site to the receptor's nearest property line. | | | | | |

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.

Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project including 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);
- Back-up alarms;
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Off-Site Traffic Noise.

Mechanical Equipment. The nearest sensitive receptors to the Project site are the residences 130 feet west of the Project site. Potential stationary noise sources related to long-term operation of the Project site would include mechanical equipment. Mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA at 50 feet. At the closest sensitive receptors located approximately 130 feet away, mechanical equipment noise would attenuate to 43.7 dBA, which is below the City's 65 dBA standard. 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 on the south side of the Project site. Vehicular access to the Project site would consist of one driveway along Sierra Avenue and two driveways along Mango Avenue at the west and east side of the Project site, respectively. Typically, heavy truck operations generate a noise level of 64.4 dBA at a distance of 50 feet. The closest residences are located approximately 290 feet west of the nearest proposed loading areas. These closest residences would experience truck noise levels of approximately 49.1 dBA, which is below the City's acceptable limits of 65 dBA 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. 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 Alarms. Medium and heavy-duty trucks reversing into loading docks would produce noise from back-up alarms (also known as back-up beepers). Back-up beepers produce a typical volume of 97 dBA at one meter from the source. The property line of the nearest sensitive receptor would be located approximately 130 feet west of the Project driveway where trucks could be reversing and maneuvering into the loading area. At this distance, exterior noise levels from back-up beepers would be approximately 64 dBA, which is below the City's acceptable limits of 65 dBA for residential noise.

Parking Noise. The Project would provide 125 parking stalls, 118 trailer parking stalls, and 54 loading spaces. Parking stalls would be located on the west, south, and east of the proposed warehouse building near the site perimeter. Nominal parking noise would occur within the on-site parking facilities. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA at 50 feet and may be an annoyance to adjacent noise-sensitive receptors. Conversations in parking areas may also be an annoyance to nearby sensitive receptors. Sound levels of speech typically range from 33 dBA at 50 feet for normal speech to 50 dBA at 50 feet for very loud speech. It should be noted that parking lot noises are instantaneous noise levels compared to noise standards in the hourly Leq metric, which are averaged over the entire duration of a time period.

Parking lot noise would occur within the surface parking lot on-site and would be up to 52.7 dBA at the nearest sensitive receptors located approximately 130 feet away which is below the City's 65 dBA residential standard. Parking lot noise also currently occurs at the adjacent properties under existing conditions. Parking lot noise would be consistent with the existing noise in the vicinity and would be partially masked by background noise from traffic along Sierra Avenue. 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 Generation Assessment and Traffic Scoping prepared by Kimley Horn (August 2022, Draft EIR **Appendix K**), the Project would generate 681 daily trips that would result in noise increases 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 from the Trip Generation Assessment and Traffic Scoping. As indicated in **Table 4.13-5: Existing and Project Traffic Noise Levels**, Existing Plus Project traffic-generated noise levels on Project area roadways would range between 66.2 dBA CNEL and 73.3 dBA CNEL at 100 feet from the roadway centerline, and the Project would result in a maximum increase of 0.1 dBA CNEL along Sierra Lakes Parkway and Sierra Avenue.

Table 4.13-5: Existing and Project Traffic Noise Levels

| Roadway Segment | Existing | | Existing Plus Project | | Project Change from Existing Conditions | Significant Impact? |
|---|------------------|-----------------------|-----------------------|-----------------------|---|---------------------|
| | ADT ¹ | dBA CNEL ² | ADT | dBA CNEL ² | | |
| Sierra Avenue | | | | | | |
| North of Summit Ave | 11,600 | 68.4 | 11,736 | 68.5 | 0.1 | No |
| Between Summit Ave and parcel | 19,000 | 70.6 | 19,306 | 70.7 | 0.1 | No |
| Between parcel and Clubhouse Dr | 19,000 | 70.6 | 19,306 | 70.7 | 0.1 | No |
| Between Clubhouse Dr and Sierra Lakes Parkway | 18,900 | 70.6 | 19,036 | 70.6 | 0.0 | No |
| South of Sierra Lakes Pkwy | 34,700 | 73.3 | 35,108 | 73.3 | 0.0 | No |
| Sierra Lakes Parkway | | | | | | |
| West of Sierra Ave | 16,000 | 69.8 | 16,408 | 69.9 | 0.1 | No |
| Between Sierra Ave and Mango Ave | 16,000 | 69.8 | 16,408 | 69.9 | 0.1 | No |
| Summit Avenue | | | | | | |
| West of Sierra Ave | 6,900 | 66.2 | 6,934 | 66.2 | 0.0 | No |
| Source: Kimley-Horn and Associates, Inc. 2023. <i>Acoustical Assessment for the Sierra Distribution Facility Project</i> , Table 8. | | | | | | |
| ADT = average daily trips; dBA = A-weighted decibels; CNEL= Community Equivalent Noise Level | | | | | | |
| 1. Existing ADT from City of Fontana General Plan Update 2015-2035 Draft EIR, Future 5.13-3 Existing (2017) ADT Volumes | | | | | | |
| 2. Traffic noise levels are at 100 feet from the roadway centerline. | | | | | | |

Mitigation Measures

No mitigation is necessary.

Impact 4.13-2 Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Level of Significance: Less than Significant

Construction

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 Federal Transit Administration (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 4.13-6: Typical Construction Equipment Vibration Levels, lists vibration levels at 25 feet and 130 feet 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 4.13-6**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.0003 to 0.0075 in/sec PPV at 130 feet from the source of activity (the distance from active construction zone to the nearest residential uses to the west), which is below the FTA's 0.20 PPV threshold.

Table 4.13-6: Typical Construction Equipment Vibration Levels

| Equipment | Peak Particle Velocity at 25 Feet (in/sec) | Peak Particle Velocity at 130 Feet (in/sec) ¹ | Approximate VdB at 25 Feet | Approximate VdB at 130 Feet ² |
|---|--|--|----------------------------|--|
| Large Bulldozer | 0.089 | 0.0075 | 87 | 66 |
| Caisson Drilling | 0.089 | 0.0075 | 87 | 66 |
| Loaded Trucks | 0.076 | 0.0064 | 86 | 65 |
| Jackhammer | 0.035 | 0.0030 | 79 | 58 |
| Small Bulldozer/Tractors | 0.003 | 0.0003 | 58 | 37 |
| 1. Calculated using the following formula: $PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$, 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, <i>Transit Noise and Vibration Impact Assessment Manual</i> , 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 and Associates, Inc. 2023. <i>Acoustical Assessment for the Sierra Distribution Facility Project</i> , Table 9. | | | | |

In addition, construction VdB levels would be 66 VdB at 130 feet and would not exceed the FTA's 80 VdB annoyance threshold; see **Table 4.13-6**. 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 residential structure(s). Therefore, vibration impacts associated with the Project construction would be less than significant.

Operations

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.

Mitigation Measures

No mitigation is necessary.

Impact 4.13-3 *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

Construction and Operations

The nearest airport to the Project site is the Ontario International Airport located approximately 10.2 miles to the southwest. The Project is not within two 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

No mitigation is necessary.

4.13.6 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 Operational 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 effect 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. 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.

The proposed Project is projected to result in 287 net new daily vehicular trips and would result in a minimal traffic noise increase (max increase of 0.1 dBA) along local roadways over existing conditions as shown in **Table 4.13-5**. The already minimal increase in traffic noise attributable to the proposed Project when compared to existing conditions would be even lower with consideration of additional trips from future development on cumulative development sites. The Project would not result in significant traffic noise impacts. Therefore, the Project's contribution to cumulative increases in traffic noise would not be cumulatively considerable.

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.

4.13.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.13.8 References

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. 2022. *City of Fontana Municipal Code – Sections 18-61 through 18-67.*

https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH18NU_ARTIINO.

City of Fontana. 2022. *City of Fontana Municipal Code – Section 30-543.*

https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30_ZODECO_ARTVIIINZODI_DIV6PEST_S30-543NOVI.

Kimley-Horn and Associates, Inc. 2023. *Acoustical Assessment.*

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Population and Housing

4.14 POPULATION AND HOUSING

4.14.1 Introduction

The purpose of this section is to describe the existing population and housing character of the Sierra Distribution Facility Project (Project) to evaluate the potential environmental consequences of future development that could occur by adopting and implementing the Project to serve the City of Fontana (City) population, within San Bernardino County (County). This section includes a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the Project, describes potential impacts, and discusses existing and goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts. Information used to prepare this section includes resources from:

- California Department of Finance (DOF).
- Southern California Association of Governments (SCAG).
- County of San Bernardino. 2020. *San Bernardino Countywide Plan*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- United States Census Bureau. 2019. *2019 America Community Survey*.

4.14.2 Environmental Setting

Population

County of San Bernardino

The California DOF has produced population estimates for cities and counties within the State of California. The DOF population estimates are derived by multiplying the number of occupied housing units by persons per household. The persons per household estimates are based on 2010 Census benchmark data, which is the most recent data available. This census data includes the County of San Bernardino (County). The County's total population as of January 1, 2022, was estimated to be 2,187,665 persons, as shown in **Table 4.14-1: San Bernardino County Existing Population**.¹ Group quarters, included within the table, are places in which people live or stay with others like senior housing facilities and college dorm living areas. Group quarters are usually owned or managed by an entity, which houses the residents and provides other services such as medical care and custodial assistance. **Table 4.14-1** summarizes the County's population in 2010, 2016, and 2022.

¹ State of California, DOF. 2022. *E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark*. Sacramento, California. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>. (accessed August 2022).

Table 4.14-1: San Bernardino County Existing Population

| Unit | Existing | | | Change from 2010 to 2022 | |
|-----------------------|-------------------|-------------------|-------------------|--------------------------|------------|
| | 2010 ^a | 2016 ^a | 2022 ^b | Numeric | Percentage |
| Total Population | 2,035,210 | 2,122,579 | 2,187,665 | 152,455 | 7.5% |
| Household Population | 1,995,156 | 2,085,256 | 2,150,308 | 155,152 | 7.8% |
| Group Quarters | 40,054 | 37,323 | 37,357 | -2,697 | -6.7% |
| Persons per Household | 3.26 | 3.31 | 3.19 | -0.07 | -2.1% |

Source:
a) State of California, DOF. 2020. *E-5 Population Estimates for Cities, Counties, and the States, 2010-2020, with 2010 Census Benchmark*. Sacramento, California. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/> (accessed August 2022).
b) State of California, DOF. 2022. *E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark*. Sacramento, California. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/> (accessed August 2022).

The County's total population and household populations have changed by approximately 7 percent in the last 12 years while group quarter populations have decreased by approximately 7 percent. These varied population changes have resulted in the County's average household size to decrease by 2.1 percent over 12 years.

Future population growth is provided by SCAG in their 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The SCAG RTP/SCS provides the goals and policies which guide growth within the region including growth projections for the region's cities and counties. The County is a member agency within SCAG along with Imperial, Los Angeles, Orange, Riverside, and Ventura counties. **Table 4.14-2: San Bernardino County Projected Population**, summarizes both the DOF's existing population estimates as of 2022, and the SCAG projections for the County for the years 2030, 2035, and 2045.

Table 4.14-2: San Bernardino County Projected Population

| Unit | Existing | Projected | | | Change 2022 to 2045 | |
|------------------|-----------|-----------|-----------|-----------|---------------------|------------|
| | 2022 | 2030 | 2035 | 2045 | Numeric | Percentage |
| Total Population | 2,187,665 | 2,474,000 | 2,595,000 | 2,815,000 | 627,335 | 28.7% |
| Households | 675,032 | 751,000 | 793,000 | 875,000 | 199,968 | 29.6% |

Sources: California DOF. 2021. *E-5 City/County Population and Housing Estimates*. Sacramento, CA: Department of Finance. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>
SCAG. 2020. *Current Context Demographics and Growth Forecast Technical Report*. Page 29. Los Angeles, CA: SCAG (accessed August 2022).

Population within the County is anticipated to continue increasing through 2045 by approximately 29 percent compared to the estimated population of the County in 2022. This is over four times the rate of total population growth experienced by the County from 2010 to 2022. Households are also expected to increase by approximately 30 percent by the year 2045. This rate of growth is also more than four times the rate of household population growth experienced from 2010 through 2022.

City of Fontana

The persons per household estimates are based on 2010 Census benchmark data, which is the most recent data available. This census data includes the City. The City's total population as of January 1, 2022, was estimated to be 212,809 persons, as shown in **Table 4.14-3: City of Fontana Existing Population**.² Group

² State of California, DOF. 2022. *E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark*. Sacramento, California. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>. (accessed August 2022).

quarters, included within the table, are places in which people live or stay with others like senior housing facilities and college dorm living areas. Group quarters are usually owned or managed by an entity, which houses the residents and provides other services such as medical care and custodial assistance. **Table 4.14-3** summarizes the City’s population in 2010, 2016, and 2022.

Table 4.14-3: City of Fontana Existing Population

| Unit | Existing | | | Change from 2010 to 2022 | |
|---|-------------------|-------------------|-------------------|--------------------------|------------|
| | 2010 ^a | 2016 ^a | 2022 ^b | Numeric | Percentage |
| Total Population | 196,069 | 205,180 | 212,809 | 16,740 | 8.5% |
| Household Population | 195,625 | 204,736 | 212,351 | 16,726 | 8.5% |
| Group Quarters | 444 | 444 | 458 | 14 | 3.2% |
| Persons per Household | 3.98 | 4.05 | 3.79 | -0.19 | -4.8% |
| Source: | | | | | |
| a) State of California, DOF. 2020. <i>E-5 Population Estimates for Cities, Counties, and the States, 2010-2020, with 2010 Census Benchmark</i> . Sacramento, California. https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/ (accessed August 2022). | | | | | |
| b) State of California, DOF. 2022. <i>E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark</i> . Sacramento, California. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/ (accessed August 2022). | | | | | |

The City’s total population and household populations have increased by approximately 8 percent in the last 12 years. Furthermore, group quarter populations have increased by approximately 3 percent. Lastly, the County’s average household size decreased by 4.8 percent over 12 years.

Table 4.14-4: City of Fontana Projected Population, displays the City’s population estimates and forecasts based on SCAG’s Connect SoCal demographic data and DOF’s E-5 population and housing estimates. As shown in **Table 4.14-4**, the City’s estimated population as of January 1, 2022, was 212,809 persons. The City’s population is forecasted to increase to 286,700 persons by 2045 which equates to an approximate 35 percent increase of population growth between 2022 to 2045.

Table 4.14-4: City of Fontana Projected Population

| | 2010 ^a | 2016 ^a | 2022 ^b | 2045 Forecast |
|---|-------------------|-------------------|-------------------|---------------|
| City Total (persons) | 196,069 | 205,180 | 212,809 | 286,700 |
| a) State of California, DOF. 2020. <i>E-5 Population Estimates for Cities, Counties, and the States, 2010-2020, with 2010 Census Benchmark</i> . Sacramento, California. https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/ (accessed August 2022). | | | | |
| b) State of California, DOF. 2022. <i>E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark</i> . Sacramento, California. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/ (accessed August 2022). | | | | |
| c) SCAG. 2020. <i>SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast</i> . https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579 (accessed August 2022). | | | | |

Households and Housing

County of San Bernardino

Housing estimates are calculated using the existing housing units in a city or jurisdiction as the baseline housing stock and adding any new residential construction projects and land annexations while subtracting any residential unit demolitions. This updated value then defines the city or jurisdiction’s estimated housing units. As shown in **Table 4.14-1**, the County was estimated to contain 675,032 households with an average household size of 3.19 persons in 2022. These households occupy various residence types throughout the County. **Table 4.14-5: Housing Types within San Bernardino County** summarizes the housing types within the County and their estimated occupancies as of 2022.

Table 4.14-5: Housing Types within San Bernardino County

| Single Detached | Single Attached | Two to Four | Five Plus | Mobile Homes | Total Units | Total Occupied Units |
|--|-----------------|-------------|-----------|--------------|-------------|----------------------|
| 525,570 | 25,620 | 47,409 | 97,958 | 44,097 | 740,654 | 675,032 |
| Source: California DOF. 2021. <i>Table 2:E-5 City/County Population and Housing Estimates</i> . Sacramento, CA: Department of Finance. (accessed August 2022). | | | | | | |

As shown in **Table 4.14-5**, 675,032 housing units out of the 740,654 total housing units are occupied, leaving 65,622 housing units unoccupied. Therefore, the County maintained a vacancy rate of approximately 8.9 percent in 2022.

The County's average household size of 3.19 persons was applied to the total occupied units which led to the estimation of 2,150,308 persons living within households. The remaining 37,357 persons of the estimated total population are classified as occupying group quarters. Unlike with other households shown in **Table 4.14-1**, residents of group quarters are often unrelated.³ Group quarter information is reported by federal, state, and local agencies.

City of Fontana

As shown in **Table 4.14-3**, the City was estimated to contain 212,351 households with an average household size of 3.79 persons in 2022. These households occupy various residence types throughout the City. **Table 4.14-6: Housing Types within the City of Fontana** summarizes the housing types within the City and their estimated occupancies as of 2022.

Table 4.14-6: Housing Types within the City of Fontana

| Single Detached | Single Attached | Two to Four | Five Plus | Mobile Homes | Total Units | Total Occupied Units |
|--|-----------------|-------------|-----------|--------------|-------------|----------------------|
| 45,723 | 1,346 | 2,228 | 6,627 | 1,559 | 57,483 | 56,041 |
| Source: California DOF. 2021. <i>Table 2:E-5 City/County Population and Housing Estimates</i> . Sacramento, CA: Department of Finance. | | | | | | |

As shown in **Table 4.14-6**, 56,041 housing units out of the 57,483 total housing units are occupied, leaving 1,442 housing units unoccupied. Therefore, the City maintained a vacancy rate of approximately 2.5 percent in 2022.

The City's average household size of 3.79 persons was applied to the total occupied units which led to the estimation of 212,351 persons living within households. The remaining 458 persons of the estimated total population are classified as occupying group quarters.

Employment

County of San Bernardino

The United States Census Bureau (USCB) has provided the employment estimates for the County through the 2021 America Community Survey 5-Year Estimates Data Profile. The County was estimated to contain a total civilian labor force population of 1,010,279 people. The USCB has provided the employment

³ USCB. 2019. *Group Quarters Information*. <https://www.census.gov/newsroom/blogs/random-samplings/2021/03/2020-census-group-quarters.html>. (accessed August 2022).

estimates for the County through the 2021 America Community Survey 5-Year Estimates Data Profile. Of this, 934,832 were employed.⁴ The County employment data provided by the America Community Survey is summarized in **Table 4.14-7: San Bernardino County Employment by Industry (2021)** below.

Table 4.14-7: San Bernardino County Employment by Industry (2021)

| Industry | Amount | Percent of Workforce |
|--|---------|----------------------|
| Agriculture, forestry, fishing and hunting, and mining | 5,876 | 0.63% |
| Construction | 74,785 | 7.99% |
| Manufacturing | 74,574 | 7.98% |
| Wholesale trade | 30,933 | 3.31% |
| Retail trade | 117,311 | 12.55% |
| Transportation and warehousing, and utilities | 102,706 | 10.99% |
| Information | 11,772 | 1.26% |
| Finance and insurance, and real estate and rental and leasing | 42,698 | 4.57% |
| Professional, scientific, and management, and administrative and waste management services | 87,669 | 9.38% |
| Educational services, and health care and social assistance | 204,151 | 21.84% |
| Arts, entertainment, and recreation, and accommodation and food services | 84,341 | 9.02% |
| Other services, except public administration | 47,834 | 5.12% |
| Public administration | 50,182 | 5.37% |
| Total | 934,832 | 100% |
| Source: United States Census Bureau. 2022. 2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over. https://data.census.gov/table?t=Employment&g=0500000US06071&tid=ACSST5Y2020.S2405 . (accessed February 2023). | | |

Education services, health care, and social assistance occupations make up the largest percentage of County's 934,832-person workforce (21.8 percent). The lowest percentage of the County's workforce has occupations within the agriculture industry (0.63 percent). In 2021, the County's employment totaled 934,832 jobs. When compared to the 2022 total housing units of 740,654 units (see **Table 4.14-5**), this leads to a jobs-to-housing ratio of 1.3:1.⁵ This means that in 2021, there were 1.3 jobs for every housing unit in the County. A jobs-to-housing ratio greater than one implies there is suitable housing available in the area to accommodate the workforce.

According to the 2020-2045 RTP/SCS, the County is projected to experience an increase in employment of 149,486 by 2045 for a total of 1,064,000 jobs.⁶ The County is also projected to experience an increase of 875,000 housing units. This would create a jobs-to-housing ratio of approximately 1.3:1, the same as in 2021.⁷ The County experienced a 7.5 percent unemployment rate in 2021.⁸ Although there are suitable housing units in the County, additional job creation in the County would support a better balance of jobs-to-housing ratio.

⁴ USCB. 2022. 2020 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics. <https://data.census.gov/cedsci/table?t=Employment&g=0500000US06071&tid=ACSDP5Y2020.DP03>. (accessed August 2022).

⁵ California DOF. 2021. E-5 City/County Population and Housing Estimates. Sacramento, CA: Department of Finance. (accessed August 2022).

⁶ SCAG. 2020. Current Context Demographics and Growth Forecast. Page 29. Los Angeles, CA: SCAG (accessed August 2022).

⁷ Ibid.

⁸ USCB. 2023. 2021 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics. <https://data.census.gov/table?t=Employment&g=0500000US06071&d=ACS+5-Year+Estimates+Subject+Tables&tid=ACSST5Y2021.S2301>. (accessed February 2023).

City of Fontana

The USCB has provided the employment estimates for the City through the 2020 America Community Survey 5-Year Estimates Data Profile. The City was estimated to contain a total civilian labor force population of 103,178 people. Of this, 96,716 were employed.⁹ The City employment data provided by the America Community Survey is summarized in **Table 4.14-8: City of Fontana Employment by Industry (2021)** below.

Table 4.14-8: City of Fontana Employment by Industry (2021)

| Industry | Amount | Percent of Workforce |
|--|---------------|----------------------|
| Agriculture, forestry, fishing and hunting, and mining | 278 | 0.29% |
| Construction | 8,788 | 9.09% |
| Manufacturing | 8,535 | 8.82% |
| Wholesale trade | 2,984 | 3.09% |
| Retail trade | 11,154 | 11.53% |
| Transportation and warehousing, and utilities | 15,197 | 15.71% |
| Information | 1,248 | 1.29% |
| Finance and insurance, and real estate and rental and leasing | 3,744 | 3.87% |
| Professional, scientific, and management, and administrative and waste management services | 7,636 | 7.90% |
| Educational services, and health care and social assistance | 19,490 | 20.15% |
| Arts, entertainment, and recreation, and accommodation and food services | 7,456 | 7.71% |
| Other services, except public administration | 5,155 | 5.33% |
| Public administration | 5,051 | 5.22% |
| Total | 96,716 | 100% |
| Source: United States Census Bureau. 2022. 2021 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over. https://data.census.gov/table?t=Employment&g=1600000US0624680&tid=ACSDP5Y2021.DP03 . (accessed February 2023). | | |

Education services, health care, and social assistance occupations make up the largest percentage of City's 96,716-person workforce (20.1 percent). The lowest percentage of the City's workforce has occupations within the agriculture industry (0.29 percent). In 2021, the City's employment totaled 96,716 jobs. When compared to the 2022 total housing units of 57,483 units (see **Table 4.14-6**), this leads to a jobs-to-housing ratio of 1.7:1.¹⁰ This means that in 2021, there were 1.7 jobs for every housing unit in the City. A jobs-to-housing ratio greater than one implies there is suitable housing available in the area to accommodate the workforce.

According to the 2020-2045 RTP/SCS, the City is projected to decrease to 75,100 employed by 2045 which represents a significant 27.4 percent decrease of employment between 2022 and 2045.¹¹ The City experienced a 6.2 percent unemployment rate in 2021.¹² Although there are suitable housing units in the City, additional job creation in the City would support a better balance of jobs-to-housing ratio.

⁹ USCB. 2023. 2021 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics.

<https://data.census.gov/table?t=Employment&g=1600000US0624680&tid=ACSDP5Y2021.DP03>. (accessed February 2023).

¹⁰ California DOF. 2021. E-5 City/County Population and Housing Estimates. Sacramento, CA: Department of Finance. (accessed August 2022).

¹¹ SCAG. 2020. Current Context Demographics and Growth Forecast. Page 39. Los Angeles, CA: SCAG (accessed August 2022).

¹² USCB. 2022. 2020 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics. Retrieved from: <https://data.census.gov/cedsci/table?t=Employment&g=1600000US0624680>. (accessed August 2022).

4.14.3 Regulatory Setting

Federal

There are no federal regulations that pertain to regulations for housing and population.

State

California Planning and Zoning Law

California planning and zoning law requires each city and county to adopt a general plan for future growth (California Government Code [CGC] Section 65300). This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the state level, the Housing and Community Development Department (HCD) estimates the relative share of California's projected population growth in each county based on California DOF population projections and historical growth trends. These figures are compiled by HCD in a Regional Housing Needs Assessment (RHNA) for each region of California. The RHNA is a tool used for SCAG and its member local governments in planning for growth. The RHNA quantifies the need for housing within each jurisdiction. Communities then plan, consider, and decide how they will address this need through the process of completing the Housing Elements of their General Plans. The RHNA does not necessarily encourage or promote growth but allows communities to prepare for growth in a way that enhances quality of life and mobility; improves access to jobs, transportation, and housing; and in a way that would not adversely impact the environment.

State law recognizes the vital role that local governments play in the supply and affordability of housing. To that end, the CGC requires that the housing element achieve legislative goals to:

- Identify adequate sites to facilitate and encourage the development, maintenance, and improvement of housing for households of all economic levels, including persons with disabilities.
- Remove, as legally feasible and appropriate, governmental constraints to the production, maintenance, and improvement of housing for persons of all incomes, including those with disabilities.
- Assist in the development of adequate housing to meet the needs of low- and moderate-income households.
- Conserve and improve the condition of housing and neighborhoods, including existing affordable housing. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.
- Preserve for lower-income households the publicly assisted multifamily housing developments in each community.

California housing element laws (CGC Sections 65580–65589) require that each city and county identify and analyze existing and projected housing needs within its jurisdiction and prepare goals, policies, and programs to further the development, improvement, and preservation of housing for all economic segments of the community commensurate with local housing needs.

Regional

Southern California Association of Governments and Regional Housing Needs Assessment

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. It serves as a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews development and infrastructure projects to analyze their impacts on regional planning programs. As the Southern California region's MPO, SCAG cooperates with the South Coast Air Quality Management District, the California Department of Transportation, and other agencies in preparing regional planning documents. The socioeconomic estimates and projections are used for federal and state-mandated long-range planning efforts such as the RTP/SCS, the Air Quality Management Plan, the Federal Transportation Improvement Program, and the RHNA.

The RHNA is an assessment process performed periodically as part of Housing Element and General Plan updates at the local level. The RHNA quantifies the need for housing by income group within each jurisdiction during specific planning periods. The RHNA is used in land use planning, to prioritize local resource allocation and to help decide how to address existing and future housing needs. The RHNA allows communities to anticipate growth, so that collectively the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

Southern California Association of Governments Connect SoCal

In September 2020, SCAG adopted the Connect SoCal which is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals towards 2045. Connect SoCal includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the State of California and the federal government, is updated by SCAG every four years as demographic, economic, and policy circumstances change. The Connect SoCal is a living, evolving blueprint for the region's future. The City is a member jurisdiction of the San Bernardino Council of Governments, and a participating agency in SCAG's Connect SoCal.

Local

Fontana General Plan 2015-2035

There are no goals and policies that pertain to population and housing for the Project site within the City's General Plan.

4.14.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning population and housing. The questions presented in the Environmental Checklist Form have

been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- 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) or
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Methodology and Assumptions

The Project's demographics were examined in the context of existing and projected population for the County and City and consistency with relevant planning documents is considered. Information on population, housing, and employment for the Project site is available from several sources including the 2020-2045 RTP/SCS and population and housing data from the DOF and America Community Survey.

Approach to Analysis

This analysis examines the Project's potential impacts on population and housing based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that the Project would or would not result in "significant" adverse effects on population and housing considers the established population and housing plans for the City and reviews any deviation from these plans in the analysis of the Project.

4.14.5 Impacts and Mitigation Measures

Impact 4.14-1 *Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Level of Significance: Less than Significant

Construction and Operations

The Project would not introduce new population or housing to the Project site. Development would include light industrial land uses; it would result in jobs for residents in the surrounding area but would not directly generate additional housing. The Project is to be developed on land that has been previously disturbed and developed with existing buildings and structures used for commercial/industrial purposes.

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 persons within the local area. This expectation is based, among other things, on the City's 5.9 percent unemployment rate.¹³ Furthermore, the small percentage of skilled and managerial construction-related positions could either be filled by the local workforce or by persons from the larger region. Therefore, Project construction would not directly or indirectly induce substantial, unplanned population growth in the City resulting in a less than significant impact.

Future operation of the Project would include employment of new workers. This would directly impact the area by creating new job opportunities. The published SCAG Employment Density Report was used to estimate potential employment levels for the Project. Therefore, in order to fully assess potential impacts, the Project is analyzed in a scenario where the Project's building area is developed with light industrial uses. **Table 4.14-9: Project Employment Generation** summarizes the anticipated employment by land use type based on the employment generation rates from the SCAG Employment Density Report.

Table 4.14-9: Project Employment Generation

| Land Use | Generation Rate | Project SF | Employment Generation |
|---|---------------------|------------|-----------------------|
| Land Use (Warehouse) | | | |
| Warehousing ¹ | 1 employee/2,111 sf | 398,514 | 189 employees |
| Source: SCAG. 2001. Employment Density Report. Page 4. Los Angeles, CA: SCAG. | | | |
| 1. Standard rate applied to the Project's 398,514 sf of warehousing. | | | |

The Project's planned development strategy of warehousing uses would generate a total of 189 new employees. This would comprise approximately 0.19 percent of the City's 2021 workforce. These jobs could be filled by unemployed City residents, given the City's existing unemployment rate of 5.9 percent. Specifically, the warehousing portion would comprise approximately 2.1 percent of the City's warehousing workforce (see **Table 4.14-8** above). In the event that all the new jobs created would be filled by new workers moving to the City, the 189-person workforce would generate a 0.08 percent increase in the City's 2022 population. This growth rate would be well within the projections of the SCAG 2020-2045 RTP/SCS and could be accommodated by existing housing within the City. Therefore, it is unlikely the Project would directly or indirectly induce substantial, unplanned population growth in the County. Thus, the impact is less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.14-2 *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Level of Significance: No Impact

Construction and Operations

The Project would be developed on a site that has been previously disturbed. Currently the site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet

¹³ USCB. 2020. 2020 America Community Survey 5-Year Estimates Data Profiles. Selected Employment Characteristics. <https://data.census.gov/cedsci/table?t=Employment&g=05000000US06071&tid=ACSDP5Y2019.DP03&hidePreview=false>. (accessed August 2022).

in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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.

Due to the existing commercial/industrial land uses present on the Project site, the reuse of the Project site would not displace people or housing or necessitate the development of new housing elsewhere. While the Project would generate short-term changes in employment during construction activities and long-term operational jobs, these changes would not displace substantial numbers of existing people or housing because the Project site does not include any residences or support a residential population. As a result, there would be no impacts related to the displacement of substantial numbers of people or housing and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

4.14.6 Cumulative Impacts

Cumulative impacts concerning population and housing is buildout of the City. Impacts are analyzed using growth projections from SCAG's Connect SoCal. As noted in the City's General Plan Draft EIR, cumulative impacts associated with population and housing would be less than significant with no mitigation required.¹⁴ Similarly, Project implementation would have no impact to a less than significant impact on the City's population and housing resources. As concluded above, the Project would not indirectly or directly induce substantial population growth in an area, nor would it displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere. Furthermore, the Project's employment opportunities would improve the City's jobs-housing balance. Lastly, as further discussed in **Section 4.11: Land Use and Planning** of this Draft EIR, the Project would encourage alignment with objectives set by SCAG's Connect SoCal and the City General Plan Economy, Education, and Workforce Development Element as it would increase job diversity and opportunities in the City. Therefore, the Project's cumulative impact would be less than significant.

4.14.7 Significant Unavoidable Impacts

No significant and unavoidable impacts were identified.

¹⁴ City of Fontana. 2022. *Fontana Forward General Plan Update 2015-2035 – Draft Environmental Impact Report*. Page 7-6. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>. (accessed August 2022).

4.14.8 References

- SCAG. 2001. *Employment Density Report*. Page 4. Los Angeles, CA: SCAG.
<https://docplayer.net/30300085-Employment-density-study-summary-report-october-31-prepared-for-southern-california-association-of-governments.html>.
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https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579.
- State of California, DOF. 2020. *E-5 Population Estimates for Cities, Counties, and the State, 2010-2020, with 2010 Census Benchmark*. Sacramento, California.
<https://www.dof.ca.gov/forecasting/demographics/estimates/e-5/>.
- State of California, DOF. 2021. *E-5 City/County Population and Housing Estimates*. Sacramento, CA: Department of Finance. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.
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- State of California, DOF. 2022. *E-5 Population Estimates for Cities, Counties, and the State, 2020-2022, with 2020 Census Benchmark*. Sacramento, California.
<https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.
- United States Census Bureau. 2022. *2020 America Community Survey 5-Year Estimates Data Profiles. Industry by Occupation for the Civilian Employed Population 16 Years and Over*.
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<https://data.census.gov/cedsci/table?t=Employment&g=1600000US0624680>.
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<https://www.census.gov/newsroom/blogs/random-samplings/2021/03/2020-census-group-quarters.html>.
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4.15

Public Services

4.15 PUBLIC SERVICES

4.15.1 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates potential Sierra Distribution Facility Project (Project) impacts on public services amenities by identifying anticipated demand and evaluating its relationship to existing and planned public services, facilities, and availability to serve the City of Fontana (City) population, within San Bernardino County (County). For abbreviation purposes, the general term “public services” in this Draft EIR includes the following: fire protection, police protection, schools, parks, and library services. This section identifies potential impacts that could result from implementation of the Project, which includes construction and operation of the Project site.

In accordance with Appendix G of CEQA, the emphasis in this Draft EIR is on impacts to public services that could result from implementation of the Project and that could require construction or expansion of existing public service facilities resulting in a physical impact on the environment. CEQA Appendix G questions related to recreation and fire service are addressed separately in this EIR in **Section 4.16: Recreation** and **Section 4.20: Wildfire**. The environmental setting discussion is based largely on review of relevant documents and information including the following:

- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*.

4.15.2 Environmental Setting

Existing Conditions

Fire Protection and Emergency Medical Services

The City is served by the Fontana Fire Protection District (FFPD), with emergency, prevention and administrative services provided through contract by the San Bernardino County Fire Department (SBCFD). 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 service boundary includes the City’s corporate limits and the County areas within the City’s Sphere of Influence (SOI). The City’s goal is to obtain local control for fire protection and to comprehensively serve the citizens and residents both within the City limits and the City’s SOI.¹ In July 2005, the County Board of Supervisors initiated the reorganization of its fire operations. Following this action, the County filed an application with the San Bernardino Local Agency Formation Commission (LAFCO) to review and consider the reorganization of the SBCFD, in order to achieve the most effective and efficient fire protection delivery services, emergency response, paramedic, ambulance, and disaster preparedness to residents and landowners.²

¹ City of Fontana. 2022. *About the Fontana Fire District*. <https://www.fontana.org/635/About-the-Fontana-Fire-District> (accessed June 2022).

² Ibid.

The FFPD has a total of seven fire stations provided by the SBCFD, serving the City's corporate limits and the County areas within the City's SOI. The FFPD has three levels of measures for response times including six minutes or less for the 1st unit; eight minutes or less for the 2nd unit; and twelve minutes or less for a full assignment. For all measures the actual response times from 2018 – 2019, estimated response times from 2019-2020, and targeted response times from 2020-2021 are 90 percent or anticipated to be 90 percent.³ The two closest stations to the Project site are Fire Station 78, located approximately 1.8 miles southwest of the Project site at 7110 Citrus Avenue, and Fire Station 79, located approximately two miles northwest of the Project site at 5075 Coyote Canyon Road. Fire Station 78 serves the northern area of City and the State Route (SR) 210 Freeway. Fire Station 78 is equipped with one medic engine and one squad vehicle; Fire Station 78 is staffed with one captain, one engineer, two firefighter medics, and one firefighter. Located in the northern portion of the City, Fire Station 79 consisting of Medic Engine 79 and Brush Engine 79, provides paramedic and fire services to northern City residents and business owners. Fire Station 79 also responds into the urban/wildland interface of the Front Country, including Lytle Creek and the Interstate (I-) 15 corridor. Fire Station 79 is equipped with one medic engine and is staffed with one captain, one engineer, and one firefighter medic.⁴

Police Protection

The Fontana Police Department (FPD) is comprised of four divisions including the Office of the Chief of Police, Administrative Services, Field Services and Special Operations.⁵ 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. In 2018-2019 there were a total of 127,741 calls for service and the response time of patrol to the Priority One calls was 6:58 minutes. In 2019 the calls increased to 133,676 and estimated response time was 5:30. The targeted numbers for 2020-2021 are 140,359 total calls and a response time to Priority one calls of 4:30 minutes.⁶ The FPD also operates the Southridge Contact Station at 11500 Live Oak Avenue. There is an additional contact station located within the Palm Court Shopping Center, at 17122 Slover Avenue. The stations are used by officers for reporting, but neither is staffed.⁷ FPD is staffed with 188 sworn officers providing law enforcement services 24 hours a day, 365 days a year.⁸ According to FPD's Police Department Monthly Report, the City's Priority 1 response time goal is 4 minutes and 40 seconds (Emergency calls like subject not breathing, shots fired, and other immediate risk to life/safety).⁹ The FPD is approximately three miles south of the Project site.

³ City of Fontana, 2019. *City of Fontana, California Adopted Operating Budget Fiscal Year 2020-2021*. <https://www.fontana.org/DocumentCenter/View/32944/2020--2021-Adopted-Operating-Budget>. (accessed June 2022).

⁴ City of Fontana. 2022. *Station and Equipment*. <https://www.fontana.org/639/Stations-Equipment>. (accessed June 2022).

⁵ City of Fontana, 2020. *City of Fontana, California Adopted Operating Budget Fiscal Year 2020-2021*. <https://www.fontana.org/DocumentCenter/View/32944/2020--2021-Adopted-Operating-Budget>. (accessed June 2022).

⁶ Ibid.

⁷ City of Fontana 2018. *Fontana Forward General Plan Update 2015-2035 DEIR*. <https://www.fontana.org/2137/Environmental-Documents>. (accessed June 2022).

⁸ City of Fontana. 2022. *Police Department, About Us*. <https://www.fontana.org/2509/About-Us>. (accessed June 2022).

⁹ City of Fontana. 2022. *2022 Crime Statistics Are in NIBRS Format*. <https://www.fontana.org/DocumentCenter/View/38458/May-2022-Report-for-City-Council-2>. (accessed June 2022).

Schools

Several school districts serve the City: Chaffey Joint Union High School District, Colton Unified School District, Cucamonga Elementary School District, Etiwanda Elementary School District, Fontana Unified School District (FUSD), Rialto Unified School District, and Fontana Adult School.¹⁰ These districts offer educational facilities for elementary, middle school, and high school attendees.

The FUSD serves the City with education services. The FUSD serves students in preschool through adult education using 76 different schools. According to the FUSD, during the 2021-2022 school year they served a total of 36,368 students of which 15,046 were in elementary school; 7,941 were in middle school; and 11,464 were in high school. There is a balance of 3,738 enrolled students, within either early education/preschool, infant and toddler, continuation schools, or adult schools. Within the district, students are served by 29 elementary schools, one elementary magnet school, seven middle schools, five high schools, two continuation high schools, one online academy (ACCESS), one adult school, 27 preschools, one head start site, and two infant/toddler sites. To support operations, there are over 4,007 employees in FUSD of which: 1,987 are certificated, 1,726 are support staff, and 116 are administrators.¹¹

The nearest schools to the Project site are Sierra Lakes Elementary School, located approximately one mile west of the Project site; Wayne Ruble Middle School, located approximately 1.1 miles south of the Project site; and AB Miller High School, located approximately 1.2 miles southwest of the Project site.

Parks

Parks and recreation areas within the City are managed by City of Fontana Facilities and Parks Department. The City of Fontana maintains over 40 parks, sports facilities, and community centers.¹² The nearest parks to the Project are Cambria Park, located approximately 0.8 mile south of the Project site; Patricia Marrujo Park, located approximately one mile west of the Project site; and Fontana Park, located approximately 1.6 miles west of the Project site.

Libraries

Other Public Facilities generally refers to libraries and government buildings that serve the population within the jurisdiction. The Fontana Lewis Library and Technology Center is located at 8437 Sierra Avenue, located approximately three miles south of the Project site. The closest libraries to the Project site are Summit Branch Library, located approximately 1.8 miles west of the Project site and Carter Branch Library, located approximately 1.8 miles east of the Project site.

¹⁰ City of Fontana. 2022. *Education*. <https://www.fontana.org/3106/Education>. (accessed June 2022).

¹¹ Fontana Unified School District, 2021. *Fontana Unified School District – A Quick Reference to Fontana Unified School District*. https://www.fusd.net/cms/lib/CA50000190/Centricity/Domain/143/FUSD%20Flash%20Facts%202021_2022.pdf. (accessed June 2022).

¹² City of Fontana. 2022. *Parks*. <https://www.fontana.org/156/Facilities-Parks>. (accessed June 2022).

4.15.3 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 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 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 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.

2022 California Building Standards Code

California building standards are published in the California Code of Regulations (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 have the ability to adopt additional building standards beyond the CBSC including the CBSC Part 2, named the California Building Code (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. The 2022 CBSC went into effect on January 1, 2023.

2022 California Fire Code

CCR Title 24, Part 9 (2019 California Fire Code [CFC]) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of wildland-urban interface areas, among other issues. The CFC is updated every three years by the California Building Standards Commission and was last updated in 2022 (effective 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. It contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the CFC 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 CFC.

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 2019 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 2926 (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 50 (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.

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 Sections 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

Public and Community Services

This Element¹³ of the Fontana Forward General 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. The following goals and policies are pertinent to the Project:

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.

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.

¹³ City of Fontana. 2018. *General Plan 2015-2035 Chapter 8 Public and Community Service*.
<https://www.fontanaca.gov/DocumentCenter/View/26747/Chapter-8---Public-and-Community-Services> (accessed June 2022).

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.¹⁴

School Services Developer School Fees

In order to help finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the FUSD may establish, levy, and collect developer fees on residential, commercial, and industrial construction within the district, subject to restrictions specified by law and administrative regulation, pursuant to Sections 17620 et seq. of the Education Code and Sections 65995 et seq. of the Government Code. The County is responsible for calculating square footage as part of the building permit process. New residential development within the FUSD boundary in excess of 500 square feet can be assessed \$4.08 / SF, and new commercial or industrial development and senior housing projects can be assessed \$0.66 / SF.¹⁵

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 public 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.

Development Fees

Development Impact fees¹⁶ for industrial use that would be imposed on the Project are as follows:

| | |
|---------------------------|--------------------|
| Fire Facilities: | \$ 0.034 per sf |
| Police: | \$ 0.044 per sf |
| Public Facilities: | \$ 0.042 per sf |
| Library: | \$ 0.009 per sf |
| Park Development: | N/A for Industrial |

4.15.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning public services. The questions presented in the Environmental Checklist Form have been

¹⁴ 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 April 2022).

¹⁵ Fontana Unified School District. 2022. *Developer Fees*. <https://www.fusd.net/Page/639> (accessed April 2022).

¹⁶ City of Fontana. *Development Fees*. <https://www.fontana.org/DocumentCenter/View/2271/Development-Impact-Fees?bidId=> (accessed April 2023).

utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection;
 - Police protection;
 - Schools;
 - Parks; or
 - Other public facilities.

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 public services. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a 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 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 field observations conducted by Kimley-Horn; 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 public services 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 result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

I) Fire Protection?

Level of Significance: Less Than Significant

Construction and Operations

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. SBCFD design review would occur during specific development building permits are requested. Furthermore, the Project would be required to comply with the most current provisions of SBCFD Fee Schedule, which requires a fee payment that the SBCFD applies to the funding of fire protection facilities.¹⁷ Mandatory compliance with the SBCFD Fee Schedule and plan review would be required prior to the issuance of a building permit. The Project would comply with the County Fire District Standards, CFC and CBC, including Project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths. Fire protection services to the Project site would be provided by the SBCFD. The Project site would be served by the County Fire Station 78, located approximately 1.8 miles southwest of the Project site, and Fire Station 79, located approximately two miles northwest of the Project site. The SBCFD strives to have a response time of less than five minutes once a call for service is received. Based on the Project site's proximity to two existing fire stations, the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required. 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 Policy Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the CFC.

As structural fires represent a very small percentage of all service calls for the SBCFD, 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. 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. With the implementation of fire safety procedures and adherence to all applicable

¹⁷ 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 April 2022).

fire codes, operational impacts to fire protection services as a result of the Project would be less than significant. Additionally, implementation of the Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this Project. Finally, the Project would be required to pay Fire Facilities development impact fee totaling \$0.030 per building square foot prior to building permit issuance, which would provide an additional funding to offset any increases in the anticipated demands for public services generated by this Project.¹⁸ 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. Compliance with applicable local and state regulations will ensure that the Project implementation would result in a less than significant impact to fire protection services.

Mitigation Measures

No mitigation is necessary.

II) Police Protection?

Level of Significance: Less Than Significant

Construction and Operations

The City of Fontana Police Department is approximately three miles 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 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. Therefore, impacts would be less than significant.

Additionally, fees are required on new developments to pay for new facilities. Funding for the operation and maintenance of existing services comes from the City's General Fund. It is anticipated that the Project site would be adequately served by existing FPD facilities, equipment, and personnel such that new facilities would not be required. As discussed above, because the Project site is not residential, although some calls for service are anticipated, the increase for police services would not be significantly impacted due to construction and operation of the warehouse. 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. Finally, the Project would be required to pay a Police Facilities development impact fee totaling \$0.039 per building square foot prior to building permit issuance, which will provide an additional funding to offset any increases in the anticipated demands for police facilities generated by this Project.¹⁹

Mitigation Measures

No mitigation is necessary.

¹⁸ City of Fontana. 2022. *Development Fees*. <https://www.fontana.org/DocumentCenter/View/2271/Development-Impact-Fees?bidId=>. (accessed June 2022).

¹⁹ Ibid.

III) Schools?

Level of Significance: Less Than Significant

Construction and Operations

The nearest schools to the Project site are Sierra Lakes Elementary School, located approximately one mile west of the Project site; Wayne Ruble Middle School, located approximately 1.1 miles south of the Project site; and AB Miller High School, located approximately 1.2 miles southwest of the Project site.

Because the Project is a warehouse, no students are anticipated to be directly generated by the construction and operation of the Project. It is anticipated that most workers would come from surrounding areas or from currently planned residential developments. Additionally, Project development would require Development Impact Fee (DIF) payments, in accordance with the Fontana GP and SB 50, to the corresponding school district for the construction of new schools. Each school district that serves the City charges a different amount for development impact fees, which is usually dependent on the student generation rates for that district. These payments would accommodate the need for new facilities based on the increase in student population in each district.

The FUSD requires school mitigation impact fees of \$0.78 per square foot for commercial/industrial developments.²⁰ The Project applicant would be required to pay the District'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. While this component of the Project would not generate any new students and increase demand for school services such that new facilities would be required, payment of fees in compliance with Government Code Section 65996 fully mitigates all impacts to school facilities. Therefore, this impact would be less than significant.

Mitigation Measures

No mitigation is necessary.

IV) Parks?

Level of Significance: Less Than Significant

Construction and Operations

There are no parks or recreational facilities located on the Project site. The nearest parks to the Project site are Cambria Park, located approximately 0.9 mile south of the Project site; Patricia Marrujo Park, located approximately one mile west of the Project site; and Fontana Park, located approximately 1.6 miles west of the Project site. Because the Project would not involve the development of habitable structures, new residents would not be directly generated as part of the Project. It is possible that new employees could occasionally use public parks or facilities between shifts. However, such use is likely to

²⁰ Fontana Unified School District. 2022. *Developer Fee Justification Study for Residential and Commercial/Industrial Development*. <https://www.fusd.net/cms/lib/CA50000190/Centricity/Domain/4/Fontana%20Unified%20Developer%20Fee%20Justification%20Study%20022.pdf> (accessed June 2022).

be negligible compared to existing conditions. Therefore, the Project would not impact local or neighboring parks. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

V) Other Public Facilities?

Level of Significance: Less Than Significant

Construction and Operations

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, located approximately three miles south of the Project site. Additionally, the closest libraries to the Project site are Summit Branch Library, located approximately 1.8 miles west of the Project site and Carter Branch Library, located approximately 1.8 miles east of the Project site. The construction and operation of the Project site would not result in a substantial increase in demand for these services such that a significant deterioration of the existing facilities would occur, or such that new facilities would be required.

Regardless of any added level of use to existing libraries or other public facilities, the Project applicant would be required to pay its fair share of DIFs to help offset incremental impacts to libraries by helping fund capital improvements and expenditures. The City charges \$0.009 per building sf to help offset costs and improvements needed to provide library services to the residents.²¹ In addition, the Project would be required to pay a Public Facilities development impact fee totaling \$0.042 per building square foot prior to building permit issuance. Therefore, the Project would not impact public facilities. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

4.15.6 Cumulative Impacts

The Project is not anticipated to substantially increase the need for public services in the City. The Project would not result in an overall net increase in City population. As discussed above, anticipated increase demands for public services within the City was accounted for in the Fontana GP and analyzed in the Fontana GP EIR, which accounts for cumulative growth in the City. In addition, related to all public services, the Project would pay the required DIFs that would be appropriately allocated for police, fire, schools, and other public facilities.

Similar to the Project, other cumulative projects would be required to demonstrate their level of impact on public services including paying the appropriate development fees; therefore, the past, present, and future projects would not result in a cumulative impact related to the provision of public services.

²¹ City of Fontana. 2022. *Development Fees*. <https://www.fontana.org/DocumentCenter/View/2271/Development-Impact-Fees?bidId=> (accessed June 2022).

4.15.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.15.8 References

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San Bernardino County. 2019. Ordinance No. FPD 20-01.

<https://www.sbcounty.gov/uploads/SBCFire/documents/SBCFPD-Fire-Code-Ordinance-20-01.signed.pdf>.

4.16

Recreation

4.16 RECREATION

4.16.1 Introduction

The purpose of this section is to describe the potential impacts from the Sierra Distribution Facility Project (Project) to recreation within the City of Fontana (City) by identifying anticipated demand and evaluating its relationship to existing and planned recreational facilities and availability.

In accordance with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, the emphasis in this Draft Environmental Impact Report (EIR) is on impacts to recreation by the Project that could require construction or expansion of existing recreational facilities resulting in a physical impact on the environment.

4.16.2 Environmental Setting

Parks

Parks and recreation areas within the City are managed by City of Fontana Facilities and Parks Department. The City of Fontana maintains over 40 parks, sports facilities, and community centers.¹ The nearest parks to the Project are Cambria Park, located approximately 0.9 miles south of the Project site; Patricia Marrujo Park, located approximately 1.1 miles west of the Project site; and Fontana Park, located approximately 1.9 miles of a linear distance west of the Project site.

County Regional Parks

San Bernardino County Regional Parks is dedicated to providing County residents and visitors with opportunities to host and participate in innovative and diverse recreational and educational events, while protecting the County's natural, cultural, historical, and land resources.² The County Regional Parks Department continues to improve and ensure the availability and integrity of open space activities for all ages and communities. The County Regional Parks Department manages and maintains nine Regional Parks throughout the County totaling approximately 9,200 acres within the Valley Region, Mountain Region, North Desert Region, and East Desert Region.³ Each park offers diverse outdoor recreation opportunities in settings that range from metro, mountain, and desert scenery. Among the activities that can be found in the County parks are Lakes for fishing, sheltered group picnic facilities accommodating up to 350 people, swim complexes with water slides, zero depth water play parks, and playgrounds. Six of the regional parks offer scenic camping, from tent to large RV's and dry to full hookups.⁴ The closest Regional Park to the Project site is the Cucamonga-Guasti Regional Park, located approximately four miles southwest of the Project site.

¹ City of Fontana. 2022. *Parks*. <https://www.fontana.org/156/Facilities-Parks>. (accessed August 2022).

² San Bernardino County Regional Parks. 2022. *About Us*. <https://parks.sbcounty.gov/about-us/>. (accessed August 2022).

³ Ibid.

⁴ Ibid.

The Regional Parks located in each region are as follows:

Valley Region

- Cucamonga-Guasti Regional Park
- Glen Helen Regional Park
- Prado Regional Park
- Yucaipa Regional Park

Mountain Region

- Lake Gregory Regional Park

North Desert Region

- Calico Ghost Town
- Moabi Regional Park
- Mojave River Forks Regional Park
- Mojave Narrows Regional Park

East Desert Region

- Big Morongo Canyon Preserve⁵

County Service Areas

There are numerous County special districts that operate local parks in many unincorporated communities. These districts operate independently from the County government and are financed by local taxes within each respective district boundary. County Service Areas (CSAs) are separate legal entities authorized by California laws and formed by the County Board of Supervisors to fund the County's provision of services, capital improvements, and provide financial flexibility. Valley Region CSAs are as follows:

- Bloomington Recreation and Parks District
- North Etiwanda Preserve
- Oak Glen-Yucaipa⁶

State Parks

- Chino Hills State Park
- Silverwood Lake State Recreation Area
- Wildwood Canyon Park
- Providence Mountains State Recreation Area⁷

⁵ County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft EIR. Section 5.15: Recreation*. https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-15-REC.pdf (accessed August 2022).

⁶ Ibid.

⁷ Ibid.

National Park Service

- Death Valley National Park
- Joshua Tree National Park
- Castle Mountains National Monument
- Mojave National Preserve⁸

United States Forest Service

- San Bernardino National Forest
- Angeles National Forest⁹

Bureau of Land Management

- Sand to Snow National Monument
- Mojave Trails National Monument¹⁰

4.16.3 Regulatory Setting

Federal

There are no Federal regulations pertaining to recreational services that would be applicable to the Project.

State

California Desert Conservation Area Plan

In 1980, the California Desert Conservation Area (CDCA) Plan was approved in accordance with the Federal Land Policy and Management Act. The CDCA Plan provides for multiple use management of approximately 25 million acres, of which 10 million acres are managed by the Bureau of Land Management (BLM). The CDCA Plan is based on the concept of sustainable yield and maintenance of environmental quality. Several significant amendments to the CDCA Plan have been made in San Bernardino County, including the BLM Northern and Eastern Colorado Desert Coordinated Management Plan, BLM Northern and Eastern Mojave Desert Management Plan, and the BLM West Mojave Plan. The proposed Desert Renewable Energy Conservation Plan Land Use Plan Amendment was also a major amendment to the CDCA Plan.

Mitigation Fee Act (California Government Code Sections 66000 et seq.)

The Mitigation Fee Act allows cities to establish fees that will be imposed on development projects to mitigate the impact on the jurisdiction's ability to provide specified public facilities to serve proposed development projects. In order to comply with the Mitigation Fee Act, a jurisdiction must follow four requirements: (1) Make certain determination regarding the purpose and use of a fee and establish a

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

nexus or connection between a development project or class of project and the public improvement being financed with the fee; (2) Segregate fee revenue from the general fund in order to avoid commingling of capital facilities fees and general funds; (3) For fees that have been in the possession of the jurisdiction for five years or more and for which the dollars have not been spent or committed to a project, the jurisdiction must make findings each fiscal year describing the continuing need for the money; and (4) Refund any fees with interest for which the findings noted above cannot be made.

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.

Landscaping and Lighting Act

The Landscaping and Lighting Act (California Streets and Highways Code Section 22500 et seq.) enables cities, counties, and special districts to acquire land for parks, recreation, and open space. A local government may also use the assessments to pay for improvements and maintenance to these areas. In addition to local government agencies (i.e., counties and cities), park and recreation facilities may be provided by other public agencies, such as community service districts, park, and recreation districts, etc. If so empowered, such an agency may acquire, develop, and operate recreational facilities for the public.

State of California Open Space Standards

State planning law provides a structure for the preservation of open space by requiring every city and county in the state to prepare, adopt, and submit to the Secretary of the Resources Agency a "local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction" (California Government Code Section 65560). The following open space categories are identified for preservation:

- Open space for public health and safety, including, but not limited to, areas that require special management or regulation due to hazardous or special conditions.
- Open space for the preservation of natural resources, including, but not limited to, natural vegetation, fish and wildlife, and water resources.
- Open space for resource management and production, including, but not limited to, agricultural and mineral resources, forests, rangeland, and areas required for the recharge of groundwater basins.
- Open space for outdoor recreation, including, but not limited to, parks, and recreational facilities, areas that serve as links between major recreation and open space reservations (such as trails, easements, and scenic roadways), and areas of outstanding scenic and cultural value.

- Open space for the protection of Native American sites, including, but not limited to, places, features, and objects of historical, cultural, or sacred significance such as Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property (further defined in California Public Resources Code (PRC) Sections 5097.9 and 5097.993)).

Local

Fontana General Plan 2015-2035

There are no goals and policies from the City's general plan that are applicable to the Project and recreation.

Development Fees

Development Impact fees¹¹ for industrial use that would be imposed on the Project are as follows:

| | |
|---------------------------|--------------------|
| Fire Facilities: | \$ 0.034 per sf |
| Police: | \$ 0.044 per sf |
| Public Facilities: | \$ 0.042 per sf |
| Library: | \$ 0.009 per sf |
| Park Development: | N/A for Industrial |

4.16.4 Impact Thresholds and Significance Criteria

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

- 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 or
- 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?

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 recreation. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the

¹¹ City of Fontana. *Development Fees*. <https://www.fontana.org/DocumentCenter/View/2271/Development-Impact-Fees?bidId=>. (accessed April 2023).

regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts associated with recreational resources.

Approach to Analysis

This analysis of impacts on recreation 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 field observations conducted by Kimley-Horn; 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 recreation standards considers the available policies and regulations established by local and state agencies and the amount of deviation from these policies in the Project's components.

4.16.5 Impacts and Mitigation Measures

Impact 4.16-1 *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Level of Significance: Less Than Significant

Construction and Operations

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. There are no parks or recreational facilities in the Project site. The nearest park to the Project site is the Cambria Park at 17140 Cambria Avenue, located approximately 0.9 mile south of the Project site. Because the warehouse would not involve the development of habitable structures, new residents would not directly be generated as part of the industrial Project. It is possible that new employees could occasionally use public parks or facilities between shifts. However, such use is likely to be negligible compared to existing conditions. Therefore, the Project would not impact local or neighboring parks. In addition, the demand for parks is determined by changes and increases in housing and population. In this case, the Project site would be developed with a warehouse, and no new residents or housing would be introduced to the area. Therefore, the Project would not 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. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.16-2 *Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Level of Significance: Less Than Significant

Construction and Operations

The Project does not include recreational facilities or require the expansion of recreational facilities which might have an adverse physical effect on the environment. Because the Project would not result in an increased demand for recreational facilities, less than significant impacts would occur.

Mitigation Measures

No mitigation is necessary.

4.16.6 Cumulative Impacts

The Project is not anticipated to substantially increase the need for recreation in the City. The Project would not result in an overall net increase in City population. As discussed above, anticipated increase demands for recreation within the City was accounted for in the Fontana GP and analyzed in the Fontana GP EIR, which accounts for cumulative growth in the City.

Similar to the Project, other cumulative projects would be required to demonstrate their level of impact on recreation; therefore, the past, present, and future projects would not result in a cumulative impact related to the provision of recreation.

4.16.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.16.8 References

City of Fontana. 2023. *Development Fees*.
<https://www.fontana.org/DocumentCenter/View/2271/Development-Impact-Fees?bidId=>.

City of Fontana. 2022. *Parks*. <https://www.fontana.org/156/Facilities-Parks>.

City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 DEIR*.
<https://www.fontana.org/2137/Environmental-Documents>.

County of San Bernardino. 2019. *San Bernardino Countywide Plan Draft EIR. Section 5.15: Recreation*.
https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-15-REC.pdf.

San Bernardino County Regional Parks. 2022. *About Us*. <https://parks.sbcounty.gov/about-us/>.

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4.17

Transportation

4.17 TRANSPORTATION

4.17.1 Introduction

This section addresses transportation impacts related to the construction and operation of the Sierra Distribution Facility 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 following technical report located in **Appendix K: Transportation**:

- Kimley-Horn and Associates, Inc. 2022. *Trip Generation Assessment and Traffic Scoping for the Proposed Sierra Distribution Facility in the City of Fontana*.

4.17.2 Environmental Setting

The Project site includes the development of a 398,514-square foot warehouse building including approximately 10,000 square feet of office area on a total of 18.3 net acres in the northern portion of the City. Fifty-four dock-high doors would be constructed along the majority of the south building wall. The proposed building is expected to be surrounded by asphalt concrete (AC) pavement in the parking and drive areas, Portland cement concrete (PCC) pavements in the loading dock area, and concrete flatwork and landscaped planters throughout the Project site. Development would include on-site stormwater infiltration. The infiltration system would consist of a below-grade chamber system located in the southeastern and southwestern portions of the Project site. The Project site is located at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive within the City and is bounded to the north and south by existing warehouse/industrial buildings, to the west by Sierra Avenue and residential development, and to the east by Mango Avenue and a landfill.

Existing Transportation Conditions

Existing Street System

Regional access to the site is provided primarily by the State Route 210 (SR-210), located approximately 0.6 mile south of the Project site. In addition, Interstate (I-) 15 is located approximately two miles northwest of the site. Local access would be provided via Sierra Avenue (passenger vehicles) and Mango (truck and passenger vehicles) Avenue. The following provides a description of these roadways surrounding the Project site.

In the Project area, Sierra Avenue has three southbound lanes and three northbound lanes with a raised, landscaped central median within an estimated 150-foot right-of-way. On-street parking on Sierra Avenue is not allowed. The posted speed limit is 55 miles per hour (mph). In the Fontana GP Circulation Master Plan, Sierra Avenue is designated as a Major Highway.

Mango Avenue is a north-south undivided roadway with one lane in each direction. In the Fontana GP Circulation Master Plan, Mango Avenue is designated as a Collector Street. The posted speed limit is 25 mph.

Existing Transit Service

Transit service to the Project area is provided via the OmniTrans transit lines, which serve many San Bernardino County cities in the area. The closest bus stop in the Project vicinity is at the intersection of Sierra Avenue and Sierra Lakes Parkway, approximately 0.4 mile south of the Project site. A description of the bus route serving the Project area is provided below.

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.

Pedestrian and Bicycle Facilities

Sierra Avenue and Mango Avenue do not contain any current bicycle facilities. Sidewalks are located along southbound Sierra Avenue and discontinuous sidewalks are located along northbound Sierra Avenue. There are no sidewalks along Mango Avenue.

4.17.3 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 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 create 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, 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 State highway system (SHS), which includes the freeways and State routes within California. In Fontana, Caltrans maintains SR-210, I-10, and I-15. As discussed above, VMT is now the metric used under CEQA and includes technical recommendations regarding VMT assessment, thresholds of significance, and mitigation measures. Although Caltrans recognizes this will not apply to all projects on the SHS, this 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 4.11: Land Use and Planning**, of this Draft EIR.

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 transportation system, and technical justification for the approach.

Measure I Strategic Plan

Measure I authorizes a half-cent sales tax in San Bernardino County until March 2040 for use exclusively on transportation improvement and traffic management programs. San Bernardino County voters first approved the measure in 1989 and in 2004 overwhelmingly approved the extension through 2040. Measure I includes language mandating development to pay its fair share for transportation improvements in San Bernardino County. The Measure I Strategic Plan is the official guide for the allocation and administration of the combination of local transportation sales tax, state and Federal transportation revenues, and private fair-share contributions to regional transportation facilities to fund the Measure I 2010–2040 transportation programs. The Strategic Plan identifies funding categories and allocations and planned transportation improvement projects in the County for freeways, major and local arterials, bus and rail transit, and traffic management systems. The City has adopted a development impact fee (DIF) program that is consistent with Measure I requirements.

Local

City of Fontana Active Transportation Plan

The Fontana Active Transportation Plan (ATP)¹ 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.

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 June 2022).

- 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.

City of Fontana Development Impact Fee Program

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.

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 February 2023).

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.

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.

4.17.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning transportation. 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:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning transportation resources. This analysis considers

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 June 2022).

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.

4.17.5 Impacts and Mitigation Measures

Impact 4.17-1: *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*

Construction

The Project would be consistent with SB 375 by complying with SCAG's Connect SoCal and SBCTA's CMP. The Project's consistency analysis with SCAG's 2020-2045 RTP/SCS goals is further discussed in **Table 4.11-3: Consistency with SCAG 2020-2045 RTP/SCS** within **Section 4.11** of this Draft 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**.

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 4.17-1: Consistency Analysis**, below describes the Project's consistency with Fontana GP and Fontana ATP goals and policies relevant to the Project.

Table 4.17-1: 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 SR-210 via the officially designated local truck route, Sierra Avenue, approximately 0.6 mile south of the Project site. 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. |
| 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 102 auto parking spaces and 80 trailer parking stalls. |

| | |
|---|---|
| | <p>However, the Project would provide 125 parking stalls, 71 trailer stalls, 10 trailer tandem stalls, and 37 tractor trailer stalls. Additionally, a total of 54 dock doors would be provided. Parking stalls would be provided as follows:</p> <ul style="list-style-type: none"> • Standard = 93 stalls • ADA Standard = 5 stalls • ADA Van = 1 stall • EV ADA Van = 1 stall • EV Charging Only = 5 stalls • EV ADA = 1 stalls • EV Capable = 19 stall <p>Additionally, the Project would provide bike racks for those commuting by bicycle as well as a locker, shower, and changing room facility accessible for both men and women for employees bicycling or walking to work.</p> |
| 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 SR-210 via the officially designated local truck route, Sierra Avenue, approximately 0.6 mile south of the Project site. |
| 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. Further, the surrounding area includes industrial, commercial, 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. Further, the surrounding area includes industrial, commercial, 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 with Sierra Avenue and Mango Avenue. This would eliminate the discontinuous sidewalks along northbound Sierra Avenue. |
| 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. | Consistent: Transit service to the Project area is provided via the OmniTrans transit lines. The closest existing bus stop in the Project vicinity is at the intersection of Sierra Avenue and Sierra Lakes Parkway, approximately 0.4 mile south of the Project site. Note that the Project proposes a bus bay, consistent with City Standard 1005, located below the driveway entrance along Sierra Avenue. |

| | |
|--|---|
| 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. | Consistent: The Project would dedicate 34 feet of right-of-way (ROW) for Mango Avenue. Within that 34-foot ROW, half width improvements would be conducted along southbound Mango Avenue where it runs adjacent to the Project site. Improvements would include new pavement for the southbound lane and a 12-foot-wide parkway with five-foot wide sidewalk. Paved pedestrian paths would be provided connecting the proposed sidewalks to the Project site. The Project would also provide bicycle parking spaces. 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. |
| Sources: City of Fontana. 2018. <i>Fontana General Plan Update 2015-2035</i> . Available at: https://www.fontana.org/2632/General-Plan-Update-2015---2035 ; and City of Fontana. 2017. <i>Fontana Active Transportation Plan</i> . Available at https://www.fontana.org/3143/Active-Transportation-Plan-ATP . | |

As demonstrated in the above table, 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 4.11-4: Consistency with the Fontana General Plan**, within **Section 4.11** 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." Trip generation estimated for the Project is based on the ITE Trip Generation Manual (11th Edition). Based on the building design, size, proposed parking/docks, etc., the Project operations are most comparable to a High-Cube Transload and Short-Term Warehouse (ITE Land Use Code 154) or High-Cube Fulfillment Center Warehouse – Non-Sort (ITE Land Use Code 155). However, when analyzing the ITE trip rates for these uses, it was determined that these rates may underestimate the traffic generated to some extent. Therefore, the Warehousing use (ITE Land Use Code 150) was selected for a more conservative estimate of traffic generation. Based on ITE Warehouse rates selected, the Project is estimated to generate 681 daily trips, with 68 trips during the AM peak hour and 72 trips during the PM peak hour (see Table 2 of **Appendix K**). Following the City's TIA guidelines for estimating trip generation, the trips were converted to a Passenger Car Equivalent (PCE) based on ITE truck trip rates. The truck mixes by number of axles were based on the City of Fontana Truck Trip Generation Study for the Light Warehouse land use category. The truck trips were then converted to PCE trips using the factors from the City's guidelines.

The Project is estimated to generate a total of 1,076 PCE trips daily, with 85 PCE trips (63 inbound / 22 outbound) during the AM peak hour, and 84 PCE trips (26 inbound / 58 outbound) during the PM peak hour. **Table 4.17-2: Trip Generation Comparison**, provides a comparison of the trips currently being generated by the existing site and the trip estimated to be generated by the Project. The Project is estimated to generate just an additional 106 PCE trips daily, with nine additional PCE trips during the AM peak hour and 38 additional PCE trips during the PM peak hour.

Table 4.17-2: Trip Generation Comparison

| Facility | Vehicle Type | Daily | AM Peak Hour of Generator | | | PM Peak Hour of Generator | | |
|--|----------------|--------------|---------------------------|-----------|------------|---------------------------|-----------|-----------|
| | | | Total | In | Out | Total | In | Out |
| Existing Site | Passenger Cars | 93 | 11 | 6 | 5 | 1 | 0 | 1 |
| | Trucks | 877 | 65 | 30 | 35 | 45 | 27 | 18 |
| | Total | 970 | 76 | 36 | 40 | 46 | 27 | 19 |
| Project Estimate | Passenger Cars | 443 | 60 | 48 | 12 | 60 | 14 | 46 |
| | Trucks (PCE) | 634 | 25 | 15 | 10 | 24 | 12 | 12 |
| | Total | 1,076 | 85 | 63 | 22 | 84 | 26 | 58 |
| Net Site Trip Generation | | 106 | 9 | 27 | -18 | 38 | -1 | 39 |
| Notes: VMT Requirements: CEQA VMT Analysis - 500 or more net daily trips LOS Requirements: Traffic Impact Analysis - more than 250 two-way peak hour trips; Traffic Impact Analysis (Small) - between 100 and 249 two-way peak hour trips; Focused Traffic Analysis - between 50 and 100 two-way peak hour trips; Trip Generation Memo - less than 50 peak hour trips Source: Table 3, Appendix K | | | | | | | | |

Conclusion

In summary, the Trip Generation Assessment (see **Appendix K**) noted the Project is estimated to generate less than 50 net new PCE trips for both the AM and PM peak hours (9 AM / 38 PM), therefore, an evaluation of LOS is not required. As noted above, LOS is provided for informational purposes only. The Project will 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. The Project includes roadway improvements that would be designed in accordance with applicable federal, state, and local provisions, design requirements, and policies. Furthermore, roadway improvements may include a combination of fee payments to established programs, construction of specific improvements, and payment of a fair-share contribution toward future improvements (see **Appendix K** for more details). Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.17-2: *Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?*

Level of Significance: Less Than Significant

Construction and Operations

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.

Project Screening

The Project was screened against the screening thresholds, identified in the City’s guidelines, which can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed level analysis. Screening thresholds are broken into the following four steps:

1. Transit Priority Area (TPA) Screening
2. Low VMT Area Screening
3. Low Project Type Screening
4. Project Net Daily Trips Less Than 500 ADT

A land use project needs only meet one of the above screening thresholds to be presumed to result in no significant impact under CEQA pursuant to SB 743. Per the City’s TIA guidelines, “projects that generate fewer than 500 net average daily trips (ADT) would not cause a substantial increase in the total citywide or regional VMT and are therefore presumed to have a less than significant impact on VMT. 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. The use of other sources of trip generation must be approved by the Engineering Department. The screening criteria trip limit is based on net trip generation after considering pass-by, internal capture, affordable housing, and/or existing land use trips.”

Because the Project is estimated to generate just 106 additional ADT, the Project would be screened from VMT analysis requirements, and the Project is assumed to have a less than significant impact on VMT.

Mitigation Measures

No mitigation is required.

Impact 4.17-3: *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

Construction and Operations

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 three driveways: one 50-foot driveway on Sierra Avenue and one approximately 54-foot (southerly) driveway and one 35-foot (northerly) driveway on Mango Avenue. Trucks would enter and exit the site via Mango Avenue. Mango Avenue intersects with Sierra Lakes Parkway which reconnects with Sierra Avenue. Trucks would access southbound Sierra Avenue from this point to reach SR-210 and regional destinations beyond. Truck traffic generated by the site would be prohibited from using Sierra 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 would 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 implemented as 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.

Mitigation Measures

No mitigation is required.

Impact 4.17-4: Would the Project result in inadequate emergency access?

Level of Significance: Less Than Significant

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 vehicle traffic at all times. Local access would be provided via Sierra Avenue and Mango Avenue. Project site ingress and egress would be via three driveways: one 50-foot driveway on Sierra Avenue and one approximately 54-foot (southerly) driveway and one 35-foot (northerly) driveway on Mango Avenue. Trucks would enter the site via northbound Sierra Avenue and exit the site via southbound Mango Avenue. Mango Avenue intersects with Sierra Lakes Parkway which reconnects with Sierra Avenue. Trucks would access southbound Sierra Avenue from this point to reach SR-210 and regional destinations beyond. This would ensure that all emergency vehicles would be able to pass the Project site using either Sierra Avenue or Mango Avenue should the need arise. A 30-foot-wide fire lane would also circumvent the Project site.

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 aisles. 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.

Mitigation Measures

No mitigation is required.

4.17.6 Cumulative Impacts

Future development facilitated by the Project, in conjunction with cumulative development in the City, would increase development in previously developed areas and could result in transportation impacts. Future development on the 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.

Consequently, the Project would not result in significant transportation impacts. Therefore, 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. As such, the Project would not cause a cumulatively considerable transportation impact, and no mitigation measures are required.

4.17.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.17.8 References

City of Fontana. 2018. *Fontana General Plan Update 2015-2035*. <https://www.fontana.org/2632/General-Plan-Update-2015---2035>.

City of Fontana. 2017. *Fontana Active Transportation Plan*. <https://www.fontana.org/3143/Active-Transportation-Plan-ATP>.

City of Fontana. 2018. *Fontana Forward General Plan – Draft Environmental Impact Report*. Pg. 5.13-14.
<https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update>.

City of Fontana. 2018. *Fontana Forward General Plan – Community Mobility and Circulation*.
<https://www.fontana.org/DocumentCenter/View/26748/Chapter-9---Community-Mobility-and-Circulation>.

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>

Kimley-Horn and Associates, Inc. 2022. *Trip Generation Assessment and Traffic Scoping for the Proposed Sierra Distribution Facility in the City of Fontana*.

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Tribal Cultural Resources

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Tribal Cultural Resources impacts associated with the development of the Sierra Distribution Facility 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 4.5: Cultural Resources** and paleontological resources are discussed in **Section 4.7: Geology and Soils**. The analysis is based primarily on:

- PaleoWest. 2022. *Cultural Resource Assessment (CRA) for the Sierra Distribution Facility 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.

4.18.2 Environmental Setting

Existing Conditions

The Project lies at the northeast corner of the intersection of Sierra Avenue and Clubhouse Drive, in the City of Fontana, approximately 0.6 mile north of State Route 210 and 2.8 miles east of the Interstate 15. The Project site encompasses approximately 18 acres of land on six contiguous parcels (Assessor Parcel Numbers 1119-241-10, -13, -18, -25, -26, and -27). The Project site is in Section 29, Township 1 North, Range 5 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 1,625 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. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility 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 arrowweed 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 protoagricultural 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. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility 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 4.5: Cultural Resources** and the CRA (see **Appendix D**), a records search was conducted July 2022 at the South Central Coastal Information System (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. This search revealed that 17 cultural resource studies have taken place within a 0.5-mile search radius of the Project site. Three of these previous studies include portions of or the entirety of the current Project site. The review of the record search data indicates that seven cultural resources have been previously documented within 0.5-mile of the Project site: three road segments, the archaeological remains of single-family residence and a cabin with corral, a homestead complex, and a refuse scatter (see Table 4-2 of the CRA, **Appendix D**). All of these resources date to the historic period. None of the previously documented resources are located within the Project Area. No prehistoric archaeological resources were identified within the record search area.

A pedestrian field survey of the Project site was conducted August 17, 2022. No archaeological or historical built environment resources were identified as a result of the fieldwork effort. The entirety of the Project area is highly disturbed with no native intact sediments observed. In addition, the four standing buildings appear to have been constructed within the last 45 years. As such, they do not meet the minimum age guidelines to be considered a cultural resource under CEQA.

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 June 13, 2022. Results of the SLF search were obtained on July 21, 2022. The NAHC stated that the SLF search resulted in positive results and recommended that the Gabrieleno Band of Mission Indians – Kizh Nation be contacted to request information on known Native American cultural resources in the Project vicinity. In addition, the NAHC provided a list of 18 individuals representing 12 Native American tribal groups that may also have knowledge of cultural resources in the Project area. Outreach letters were sent to the Native American

contacts on August 10, 2022, with follow up correspondence conducted on August 25, 2022. Seven responses have been received to date. See **Section 4.18.5: Impacts and Mitigation Measures**, for details on responses.

The City also sent out notification letters to the California Native American tribes traditionally and culturally affiliated with the Project area on January 30, 2023, per the requirements of Assembly Bill (AB) 52. The City transmitted letters of notification to the following tribes: Yuhaaviatam of San Manuel Nation, Torres Martinez Desert Cahuilla Indians, San Gabriel Band of Mission Indians, Soboba Band of Luiseno Indians, and Gabrieleno Band of Mission Indians-Kizh Nation.

4.18.3 Regulatory Setting

State

Native American Heritage Commission

PRC Section 5097.91 established the Native American Heritage Commission (NAHC), the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC Section 5097.91 also specifies protocols to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

California Assembly Bill 52

Signed into law in September 2014, California Assembly Bill (AB) 52 created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the California Register of Historical Resources (CRHR), included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing on the CRHR. AB 52 requires that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a negative declaration, mitigated negative declaration, or EIR. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level.

PRC Sections 5097.91, 5097.98, and 5097.94 and the Native American Heritage Commission

PRC Section 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC Section 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

PRC Section 5097.94 establishes the powers and duties of the NAHC, including, but not limited to:

- a) To identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The identification and cataloging of known graves and cemeteries shall be completed on or before January 1, 1984. The commission shall notify landowners on whose property the graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property.
- b) To make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans.
- c) To make recommendations to the Legislature relative to procedures that will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

California Health and Safety Code, Sections 7050 and 7052

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

Local

Fontana General Plan Update 2015-2035

There are no goals or policies from the City's General Plan Update that are pertinent to the Project and tribal cultural resources.

4.18.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning tribal cultural resources. 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:

- 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 PaleoWest personnel on August 17, 2022; confidential record search data from the South Central Coastal Information Center 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.

4.18.5 Impacts and Mitigation Measures

Impact 4.18-1 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Level of Significance: Less Than Significant with Mitigation Incorporated

Construction and Operations

For purposes of this impact analysis, a TCR is defined as a property that is eligible for inclusion in the CRHR because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. PaleoWest contacted the NAHC, as part of the CRA, on June 13, 2022, for a review of the SLF. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project area. The NAHC responded on July 21, 2022, stating that the SLF search resulted in positive results and recommended that the Gabrieleno Band of Mission Indians – Kizh Nation be contacted to request information on known Native American cultural resources in the Project vicinity. In addition, the NAHC provided a list of 18 individuals representing 12 Native American tribal groups that may also have knowledge of cultural resources in the Project area.

Outreach letters were sent to the 18 recommended individuals on August 10, 2022. These letters were followed up on August 25, 2022. As of August 26, 2022, seven responses have been received:

- On August 11, 2022, Arysa Gonzalez Romero, Cultural Resources Analyst at the Tribal Historic Preservation Office of the Agua Caliente Band of Cahuilla Indians (ACBCI) emailed and stated that a record check of their cultural registry revealed that the Project is not located within the Tribe's Traditional Use Area.
- On August 22, 2022, Lacy Padilla also responded via email and confirmed the previous response and stated that the ACBCI would defer to the other tribes in the area.
- On August 12, 2022, Ryan Nordness, Cultural Resource Analyst for the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), emailed and stated that the Project is not located near any known cultural resources.
- On August 25, 2022, Andrew Salas, Chairperson of the Gabrieleno Band of Mission Indians – Kizh Nation, was reached via telephone and stated that the Project is located on the tribe's ancestral land and that they had concerns regarding the Project that they sent to the City of Fontana directly.
- On August 26, 2022, Robert Dorame, Chairperson of the Gabrielino Tongva Indians of California Tribal Council, was reached via telephone and stated that since most of the families in their tribe reside in coastal areas he would defer to the Tribal Consultant and Administrator, Christina Conley. Ms. Conley could not be reached for comment.
- On August 25, 2022, Mark Cochrane, Co-Chairperson of the Serrano Nation of Mission Indians, was reached via telephone and requested that he and Co-Chairperson Wayne Walker be contacted if any cultural materials are found during construction activities.
- On August 25, 2022, Joseph Ontiveros, Cultural Resource Department Lead for the Soboba Band of Luiseno Indians was reached via telephone and stated that he would defer to the San Manuel Band of Mission Indians.

The City commenced the AB 52 process by transmitting letters of notification to the California Native American tribes traditionally and culturally affiliated with the Project area on January 30, 2023. The City

transmitted letters of notification to the following tribes: Yuhaaviatam of San Manuel Nation, Torres Martinez Desert Cahuilla Indians, San Gabriel Band of Mission Indians, Soboba Band of Luiseno Indians, and Gabrieleno Band of Mission Indians-Kizh Nation.

Yuhaaviatam of San Manuel Nation has elected to be a consulting party under CEQA and requests that the mitigation measures identified below (**MMs TCR-1 and -2**), be made a part of the Project/permit/plan conditions. Additionally, the Gabrieleño Band of Mission Indians – Kizh Nation responded with **MMs TCR-3 through -5**, which have been incorporated into the Project.

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.

No cultural resources that are eligible for listing on the CRHR as TCRs were documented in the Project area. However, in the event that a potentially significant tribal cultural resource or the potential for unknown buried archaeological resources that qualify as TCRs are encountered during Project-related ground-disturbing activities, **SC-CUL-1** and **MM CUL-1** would apply to further minimize potential impacts to archaeological resources. While the City of Fontana maintains standard conditions of approval regarding cultural resources for Projects within their jurisdiction, **MM CUL-1** 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 and Project specific mitigation, the MM’s shall take precedence. Implementation of **MMs TCR-1 through TCR-5** would further reduce impacts to any unknown or inadvertently discovered archaeological resources or human remains that are identified as TCRs. 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 **SC CUL-1** and **MM CUL-1** and **MMs TCR-1 through TCR-5**, impacts regarding a substantial adverse change of a tribal cultural resource would be less than significant.

Mitigation Measures

Refer to **Section 4.5: Cultural Resources** for **SC CUL-1** and **MM CUL-1**.

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 and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to 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.

MM TCR-3

Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor

and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

MM TCR-4

Unanticipated Discovery of Human Remains and Associated Funerary Objects.

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

MM TCR-5

Procedures for Burials and Funerary Remains:

- A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but

were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.

- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
- D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.
- F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
- G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

4.18.6 Cumulative Impacts

For purposes of tribal cultural resources impact analysis, cumulative impacts are considered in connection with the anticipated future development projects in the City. 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.

Additionally, implementation of site-specific mitigation measures would be required to reduce potential project impacts to as-yet-undiscovered 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.

4.18.7 Significant Unavoidable Impacts

No significant and unavoidable impacts were identified.

4.18.8 References

PaleoWest. 2022. *Cultural Resource Assessment for the Sierra Distribution Facility Project, City of Fontana, San Bernardino County, California. (Appendix D).*

Utilities and Service Systems

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Introduction

This section evaluates potential impacts of the Sierra Distribution Facility 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 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 a warehouse facility.

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. 2018. *Fontana Forward General Plan Update 2015-2035*.
- City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*.
- Water Systems Consulting, Inc., and Woodard & Curran. 2021. *Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan (IRUWMP)*.

4.19.2 Environmental Setting

The Project is approximately 18.3 net acres and is within the northeastern portion of the City of Fontana. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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 gravel and 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 northwest and northeast quadrants. The immediate surrounding properties consist of light industrial uses to the north and south, residential to the west, and the City of Rialto with a landfill to the east. Local access would be provided via Summit Avenue, Sierra Lakes Parkway, Sierra Avenue, and Mango Avenue. As part of the Project development, Mango Avenue would be improved and provide access to the Project site via two driveways.

Water

West Valley Water District

The Project site is within the service area of the West Valley Water District (WVWD).¹ WVWD has a service area of approximately 31 square miles and provides domestic water services to approximately 96,738 customers in the communities of Bloomington, Colton, Fontana, Rialto, parts of unincorporated areas in San Bernardino, and Jurupa Valley in Riverside County.² WVWD utilizes water from five groundwater basins and treats surface water from Lytle Creek and State Water Project (SWP), water at its 14.4-million gallons per day (MGD) Oliver P. Roemer Water Filtration Facility to serve over 23,000 water service connections.³ The WVWD operates a domestic water distribution system that consists of 21 groundwater wells, 25 separate storage reservoirs across eight pressure zones, for a total storage over 72 million gallons (MG), and over 375 miles of transmission and distribution pipelines.

The 2020 Upper Santa Ana River Watershed IRUWMP is the result of a collaborative planning effort involving several local agencies. It serves as an update to the IRWMP developed in 2015 and the 2015 Regional Urban Water Management Plan. It incorporates new information, updated goals and objectives, re-evaluates strategies, develops a process for implementation of the plan and meets all of the requirements of the UWMP Act. The IRUWMP provided historical water supplies from 2016 to 2020 as well as projected supplies for consecutive five-year periods between 2025 and 2045. **Table 4.19-1: WVWD Ground Water Pumped Last Five Years (AF)**, **Table 4.19-2: WVWD Actual Water Supplies in 2020 (AF)**, and **Table 4.19-3: WVWD Projected Water Supply (AF)**, below shows these volumes from each of the respective sources.

Additionally, WVWD also provides anticipated water supplies for a normal year, single dry year, multiple dry years. The IRUWMP developed for the WVWD performed these calculations, which are shown in **Tables 4.19-4: WVWD Normal Year Supply and Demand Comparison**; **Table 4.19-5: WVWD Single Dry Year Supply and Demand Comparison**; and **Table 4.19-6: WVWD Multiple Dry Years Supply and Demand Comparisons**.

Table 4.19-1: WVWD Ground Water Pumped Last Five Years (AF)

| Location or Basin Name | Year | | | | |
|---|--------|--------|--------|--------|--------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Bunker Hill (part of SBB) | 5,452 | 5,640 | 5,777 | 4,508 | 5,549 |
| Lytle (part of SBB) | 1,850 | 2,365 | 2,416 | 2,572 | 3,078 |
| Chino | - | - | - | - | - |
| Rialto-Colton | 2,123 | 3,923 | 3,353 | 2,779 | 1,420 |
| Riverside-Arlington | 2,745 | 1,089 | 1,542 | 1,301 | 1,354 |
| Total | 12,170 | 13,017 | 13,088 | 11,159 | 11,401 |
| Source: West Valley Water District. 2020. <i>Urban Water Management Plan – Part 2 – Local Agency Information</i> . Table 10-8: DWR 6-1R Groundwater Pumped Last Five Years (AF). https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf . (accessed September 2022). | | | | | |

¹ West Valley Water District. 2016. *West Valley Water District Boundary Map*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2017/11/District-Service-Area.pdf>. (accessed September 2022).

² West Valley Water District. 2021. *Drinking Water Quality Report*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2022/06/2021-Drinking-Water-Quality-Report.pdf>. (accessed September 2022).

³ West Valley Water District. 2020. *Urban Water Management Plan – Part 1 – Regional Context*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-1-Regional-Context.pdf>. (accessed September 2022).

Table 4.19-2: WVWD Actual Water Supplies in 2020 (AF)

| Water Supply | Location or Basin Name | 2020 | Water Quality |
|-----------------------------------|---------------------------------------|---------------|-----------------------|
| | | Actual Volume | |
| Groundwater (not desalinated) | Bunker Hill (part of SBB) | 5,549 | Drinking Water |
| Groundwater (not desalinated) | Lytle (part of SBB) | 3,078 | Drinking Water |
| Groundwater (not desalinated) | Rialto-Colton | 1,420 | Drinking Water |
| Groundwater (not desalinated) | Riverside-Arlington | 1,354 | Drinking Water |
| Surface water (not desalinated) | Lytle Creek | 5,356 | Drinking Water |
| Purchased or Imported Water State | State Water Project - Direct Delivery | 3,342 | Drinking Water |
| Total | | 20,098 | Drinking Water |

Source: West Valley Water District. 2020. *Urban Water Management Plan – Part 2 – Local Agency Information. Table 10-10: DWR 6-8R Actual Water Supplies in 2020 (AF)*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf>. (accessed September 2022).

Table 4.19-3: WVWD Projected Water Supply (AF)

| Water Supply | Location or Basin Name | 2025 | 2030 | 2035 | 2040 | 2045 |
|-----------------------------------|---|---------------|---------------|---------------|---------------|---------------|
| | | Volume | | | | |
| Groundwater (not desalinated) | Bunker Hill (part of SBB) | 2,052 | 2,353 | 3,554 | 4,754 | 6,455 |
| Groundwater (not desalinated) | Bunker Hill (part of SBB, via Baseline Feeder) | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| Groundwater (not desalinated) | Lytle (part of SBB) | 2,900 | 2,900 | 2,900 | 2,900 | 2,900 |
| Groundwater (not desalinated) | Rialto-Colton | 4,426 | 4,538 | 4,650 | 4,761 | 4,873 |
| Purchased or Imported Water State | State Water Project - Rialto Colton Groundwater Supplemental Supply | - | - | - | - | - |
| Groundwater (not desalinated) | Riverside-Arlington | 2,500 | 3,000 | 3,500 | 4,000 | 4,000 |
| Groundwater (not desalinated) | Chino | - | 900 | 900 | 900 | 900 |
| Surface water (not desalinated) | Lytle Creek | 3,100 | 3,100 | 3,100 | 3,100 | 3,100 |
| Purchased or Imported Water State | State Water Project – Direct Delivery | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 |
| Total | | 26,978 | 28,791 | 30,603 | 32,415 | 34,229 |

Source: West Valley Water District. 2020. *Urban Water Management Plan – Part 2 – Local Agency Information. Table 10-11: DWR 6-9R Projected Water Supplies (AF)*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf>. (accessed September 2022).

Table 4.19-4: WVWD Normal Year Supply and Demand Comparison

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|---------------------|--------------|--------------|--------------|--------------|--------------|
| Supply Total | 26,978 | 28,791 | 30,603 | 32,415 | 34,229 |
| Demand Total | 23,459 | 25,035 | 26,611 | 28,188 | 29,764 |
| Difference | 3,519 | 3,756 | 3,993 | 4,227 | 4,464 |

Note: Volumes are in AF.
Source: West Valley Water District. 2020. *Urban Water Management Plan – Part 2 – Local Agency Information. Table 10-12: DWR 7-2R Normal Year Supply and Demand Comparison (AF)*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf>. (accessed September 2022).

Table 4.19-5: WVWD Single Dry Year Supply and Demand Comparison

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|---------------------|--------------|--------------|--------------|--------------|--------------|
| Supply Total | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| Demand Total | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |

Note: Volumes are in AF
Source: West Valley Water District. 2020. *Urban Water Management Plan – Part 2 – Local Agency Information. Table 10-14. DWR 7-3R Single Dry Year Supply and Demand Comparison (AF)*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf>. (accessed September 2022).

Table 4.19-6: WVWD Multiple Dry Years Supply and Demand Comparisons

| | | 2025 | 2030 | 2035 | 2040 | 2045 |
|--------------------|-------------------|--------------|--------------|--------------|--------------|--------------|
| First Year | Supply Totals | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| | Demand Totals | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| | Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |
| Second Year | Supply Totals | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| | Demand Totals | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| | Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |
| Third Year | Supply Totals | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| | Demand Totals | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| | Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |
| Fourth Year | Supply Totals | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| | Demand Totals | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| | Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |
| Fifth Year | Supply Totals | 29,676 | 31,670 | 33,663 | 35,657 | 37,651 |
| | Demand Totals | 25,805 | 27,539 | 29,273 | 31,006 | 32,740 |
| | Difference | 3,871 | 4,131 | 4,391 | 4,651 | 4,911 |

Notes: Volumes are in AF
Source: West Valley Water District. 2020. *Urban Water Management Plan – Part 2 – Local Agency Information. Table 10-15. DWR 7-4R Multiple Dry Years Supply and Demand Comparison*. <https://secureservercdn.net/104.238.69.81/n1s.6f9.myftpupload.com/wp-content/uploads/2021/07/Part-2-Local-Agency-Information.pdf>. (accessed September 2022).

The analysis concluded that WVWD has sufficient supply capabilities to meet the expected demands of its member agencies from 2025 through 2045 under normal, single-dry, and multiple-dry years. WVWD can produce the volume of water needed to meet 100 percent of demands in normal, single-dry, and multiple-dry years.

Based on the analysis, WVWD does not anticipate any shortage due to single or consecutive dry years. Even though localized drought conditions should not affect supply, WVWD participates in several ongoing water conservation measures and regional recharge projects to optimize and enhance the use and reliability of regional water resources. WVWD also has a water shortage contingency plan to put into action as appropriate to reduce the demand during critical drought years or other supply emergencies.

Stormwater Drainage

The Project site is within the San Bernardino County Flood Control District (SBCFCD) Zone 2.⁴ 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

⁴ San Bernardino County Flood Control District. ND. *Flood Control Zone 2 Map*. <https://cms.sbcounty.gov/Portals/50/floodcontrol/zone2.pdf>. (accessed June 2022).

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 4.10: 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 basin and timed release of runoff to facilitate infiltration. Approximately 51 percent of the WVWD's water supply is from its own groundwater wells, located in five local basins: Chino, Bunker Hill, Lytle Creek, North Riverside, and Rialto-Colton.⁵

Other agencies such as the SBVMWD have a system which includes 28 service connections to deliver both native and SWP water for direct delivery or groundwater recharge within the WVWD's boundary. Groundwater recharge is conducted to lessen the impact of increasing well production from the various groundwater basins within the District's boundary and to help the WVWD meet certain legal obligations.⁶ This program helps ensure the availability of local groundwater supplies and has become a nationally acclaimed, award-winning program because it relies on local resources, natural organic cycles, innovative treatment techniques and energy-saving methods.

Wastewater and Recycled Water

Wastewater treatment for the City is provided by the IEUA, which has wastewater treatment plants in the cities of Ontario and Rancho Cucamonga. A portion of the City's wastewater is treated by the City of Rialto.⁷ The wastewater collected within different portions of the WVWD water service area is treated by the City of Rialto, the City of Colton, San Bernardino County, or the IEUA. WVWD has evaluated the feasibility of adding recycled water as a non-potable supply but would rely on the City of Rialto or San Bernardino County to provide the recycled water from their wastewater treatment facilities. WVWD does not currently have a recycled water distribution system and is not pursuing recycled water use at this time because it is not cost effective to extend facilities from the wastewater treatment plants to the locations of potential use. However, recycled water is utilized regionally for meeting habitat needs in the Santa Ana River.

⁵ West Valley Water District. 2022. *Overview*. <https://wvwd.org/about/overview/> (accessed October 2022).

⁶ San Bernardino Valley Water District. 2015. *Change in Groundwater Storage for the San Bernardino Basin, Rialto-Colton and Yucaipa Basin areas*. <https://www.sbvmd.com/Home/ShowDocument?id=4216> (accessed June 2022).

⁷ 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 April 2023).

Conservation

The MWD, one of the larger agencies from which the local water providers receive some of their water, imports about half of the region's overall supply from the Colorado River and northern California and holds water in storage in case of drought. During an extraordinary drought cycle, MWD will limit water supplied and mandatory conservation is required. The district created a Water Supply Allocation Plan to approach drought in a regional and fair manner designed to minimize impacts. The governor called for a 25 percent reduction in urban water use starting in June 2015, which California communities have been meeting and exceeding. Some of the measures used to reduce potable water consumption includes limiting water use for landscaping, use of drought-tolerant vegetations, use of recycled water by municipalities, and encouraging extension of recycled water lines.

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.⁸ The landfill has a capacity of 7,500 tons of solid waste per day and a total capacity of 101,300,000 cubic yards.⁹ 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, 2045.¹⁰ 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.¹¹

Gas and Electricity

The Project would be served by Southern California Gas Company (SoCalGas) and Southern California Edison (SCE). There is an SCE owned and operated sub-transmission circuit along Mango Avenue, east of the Project.¹² There are currently no gas lines in the immediate Project area.¹³

4.19.3 Regulatory Setting

Federal

Safe Drinking Water Act (Federal)

The EPA administers the Safe Drinking Water Act (SDWA), the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The Department of Health Services (DHS) implements the SDWA and oversees public water system quality statewide. DHS establishes legal drinking water standards for contaminants that could threaten public health.

⁸ City of Fontana, 2020. *Trash and Recycling Services*. <https://www.fontana.org/541/Trash-and-Recycling-Services> (accessed June 2022).

⁹ CalRecycle, 2022. *SWIS Facility Detail – Mid-Valley Sanitary Landfill (36-AA-0055)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed June 2022).

¹⁰ Ibid.

¹¹ City of Pasadena, 2017. *ArtCenter Master Plan*. <https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2017/10/IV.M.3-Utilities-and-Service-Systems-Solid-Waste.pdf> (accessed June 2022).

¹² Southern California Edison. 2022. *Southern California Edison Power Site Search Tool*. <https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888> (accessed June 2022).

¹³ SoCalGas. ND. *Gas Transmission Pipeline Interactive Map – San Bernardino*. <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=faeed481312f4e5fb056f739ff169e02> (accessed October 2022).

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 (as amended at 80 Federal Register (FR) 37104, June 29, 2015).

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.

State

Safe Drinking Water Act

California enacted its own Safe Drinking Water Act (SDWA, Health and Safety Code [HSC] §§ 116350–116405) with the California Department of Health Services (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 State Water Resources Control Board (SWRCB) has authority over state water rights and water quality policy. This Act divided the state into nine regional basins, each under the jurisdiction of a RWQCB to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. Fontana is overseen by the Santa Ana Area RWQCB.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) is the California 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.

EMWD’s 2020 UWMP (July 2021), was prepared pursuant to CWC Division 6, Part 2.55, §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 EMWD.

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 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

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 January 2022).

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) §§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 requires California commercial businesses and public entities, that 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

¹⁵ California Legislative Information. 2011. *Assembly Bill 341*.
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341. (accessed July 2022).

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 the California Department of Resources Recycling and Recovery (CalRecycle) the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. Food waste alone accounts for approximately 17 percent to 18 percent of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste throughout the state will help reduce methane emissions from organic waste disposed in California's landfills. Additionally, compost has numerous benefits including water conservation, improved soil health, and carbon sequestration.

Local

Fontana General Plan 2015-2035

Infrastructure and Green Systems Element

The Infrastructure and Green Systems 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.

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 June 2022).

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

4.19.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning utilities and service systems. 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:

- 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 (issues related to stormwater drainage facilities are addressed in **Section 4.10**);
- 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

¹⁷ City of Fontana. (2022). *City of Fontana Municipal Code – Section 24 – Solid Waste and Recycling*.

¹⁸ City of Fontana. (2022). *City of Fontana Municipal Code – Section 27 – Utilities*.

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 field observations conducted by Kimley-Horn; 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.

4.19.5 Impacts and Mitigation Measures

Impact 4.19-1 *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

The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 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 gravel and exposed soil, with AC or PCC pavements surrounding the buildings. Little to no vegetation exists on site. Few large trees are present between the northwest and northeast quadrants. The immediate surrounding properties consist of light industrial uses to the north and south, residential to the west, and the City of Rialto with a landfill to the east. Local access would be provided via Summit Avenue, Sierra Lakes Parkway, Sierra Avenue, and Mango Avenue.

Existing utilities would be extended and upgraded as needed during construction of the Project to serve the anticipated demands and to accommodate operation of the warehouse. All required improvements to existing electrical, natural gas, or telecommunications utilities would occur within the existing roadways adjacent to the Project site, including Sierra Avenue and Mango Avenue. All areas adjacent to the existing roadways also are heavily disturbed and are within the overall footprint of Project and any impacts are therefore, discussed and disclosed as part of this Draft EIR within the various sections of this document. As such, 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 is discussed in additional detail below.

Construction and Operations

Water

Water to the Project site would be provided by WVWD. WVWD provides water to its service area via groundwater, surface water, and imported water sources. Although WVWD currently has a surplus water supply, it has projected additional water resource allocations through the year 2045. WVWD's available water supplies will be sufficient to meet all of the water demands of the entire Project through 2045, including during single and multiple dry years. **Table 4.19-2** and **Table 4.19-3**, above, shows these values. In all cases through year 2045, even during single and multiple dry year conditions, water supplies available to WVWD will be sufficient to meet all present and future water supply requirements of the Project.

More specifically, based on water use rates within the WVWD Water Facilities Master Plan, the Project would be anticipated to consume water at a rate of approximately 10.2 AFY (or $398,514 \text{ sf} \times (1 \text{ acre} / 43,560 \text{ sf}) \times 1,000 \text{ gpd per acre} \times (0.00112 \text{ AFY} / 1 \text{ gpd})$) for the industrial area.¹⁹ Based on the Project water usage rate, the Project would represent a nominal percentage of WVWD's present and future water supplies for both single- and multiple-dry-year scenarios. As such, the Project's future water demands would be met through projected future water supplies and would be conveyed and treated via existing infrastructure without the need for new or expanded facilities.

Therefore, based on the incremental increase in demand that would result from implementation of the Project, impacts would be less than significant.

Wastewater

Wastewater treatment for the City is provided by the IEUA, which has wastewater treatment plants in the cities of Ontario and Rancho Cucamonga. A portion of the City's wastewater is treated by the City of Rialto.²⁰ The City of Rialto owns, operates, and maintains the local public sanitary sewer system, which includes a wastewater collection system and treatment plant that serve most properties within the City of Rialto limits.²¹ The Rialto Wastewater Treatment Plant treats an average of 7 million gallons per day and is a Grade V plant with tertiary treatment that discharges its treated wastewater to serve landscape irrigation purposes (approximately 20 AFY) and to the Santa Ana River.²² The Project site would be served by the IEUA-operated Regional Water Recycling Plant No.4 (RP-4), located in the City of Rancho Cucamonga.

¹⁹ West Valley Water District. 2020. *Water Facilities Master Plan*. Page 3-11. <https://www.wvwd.org/wp-content/uploads/2020/07/2020-Water-Facilities-Master-Plan.pdf> (accessed September 2022).

²⁰ 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 April 2023).

²¹ City of Rialto. 2010. City of Rialto General Plan Chapter 3, Page 3-11. <https://www.yourrialto.com/DocumentCenter/View/1494/2010-General-Plan> (accessed April 2023).

²² 2015 San Bernardino Valley Regional Urban Water Management Plan. 2016. <https://www.yourrialto.com/DocumentCenter/View/893/2015-Urban-Water-Management-Plan-PDF> (accessed April 2023).

The IEUA has previously used wastewater generation rates for industrial uses of approximately 2,500 gallons per day per acre.²³ Based on this value, wastewater generated by the approximately 18.3-acre proposed warehouse building would be approximately 45,750 gallons per day. This represents approximately 0.33 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 0.46 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. 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. The Project would connect to the existing SCE lines which would enable services to the site. Although some new utility infrastructure may be required on the site, as described in **Section 4.6: Energy**, extension of services is not anticipated to require the construction of any new off-site electric power facilities in order to serve the Project site. Electricity demands for the Project were modeled using the California Emissions Estimator Model (CalEEMod) and are estimated to be 2.06 Gigawatt Hours (GWh). This would constitute a minimal increase to the County's annual electricity use (0.0129 percent). While current electricity usage within the Project site is not currently known, it is anticipated that SCE would provide more electricity to the Project site as compared to what is currently consumed. 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. Similar to electricity demands discussed above, it is anticipated that the Project's estimated natural gas demand of approximately 8,142 therms would not generate a significant increase in the Countywide annual demand (0.0015 percent) (see **Table 4.6-4: Project and Countywide Energy Consumption**). Additionally, it is not anticipated that new or expanded gas supply facilities would be required to serve the site. 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 aforementioned 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

²³ City of Fontana. 2020. *Fontana Foothills Commerce Center Project Initial Study*. https://files.ceqanet.opr.ca.gov/261144-2/attachment/ev4fS4xbJR8QKPTPlY8FbtGuxQ-hLDQpF6MhYPK_YFzhBptO8Ao-DfiNe1alwVqq9FGdSpsl807K9TPo0 (accessed June 2022).

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.

Mitigation Measures

No mitigation is necessary.

Impact 4.19-2 ***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

Construction and Operations

See discussion under Impact 4.19-1. The Project's water service providers are anticipated to have adequate capacity to serve the projected demands. The Project would result in less than significant impacts on services provided by the water service providers.

Mitigation Measures

No mitigation is necessary.

Impact 4.19-3 ***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

Construction and Operations

See discussion under Impact 4.19-1. The Project's wastewater service provider is anticipated to have adequate capacity to treat the projected demand. The Project is anticipated to cause a less than significant impact on services provided by the wastewater service provider.

Mitigation Measures

No mitigation is necessary.

Impact 4.19-4 ***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

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. The Mid-Valley Landfill has a capacity of 7,500 tons of solid waste per day and a total capacity of 101,300,000 cubic yards.²⁴ 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, 2045.²⁵ 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.²⁶

Buildout of the Project is estimated to generate 5,658 pounds per day (ppd) of solid waste, as shown in **Table 4.19-7: Estimated Solid Waste Generation**.

Table 4.19-7: Estimated Solid Waste Generation

| Land Use | Buildout (sf) | Solid Waste Generation Rate (ppd) | Solid Waste Generation (ppd) |
|--|---------------|-----------------------------------|------------------------------|
| Industrial | 398,514 sf | 1.42 per 100 sf | 5,658 |
| Source: CalRecycle 2019. <i>Estimated Solid Waste Generation Rates</i> . https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates . (accessed June 2022). | | | |
| Notes: sf = square feet; ppd = pounds per day | | | |

The estimated 5,658 ppd or 2.83 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 1989.²⁷ A construction waste management plan would be submitted and implemented in compliance with Section 4.408 of the 2019

²⁴ CalRecycle, 2022. *SWIS Facility Detail – Mid-Valley Sanitary Landfill (36-AA-0055)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed June 2022).

²⁵ Ibid.

²⁶ City of Pasadena, 2017. *ArtCenter Master Plan*. <https://www5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2017/10/IV.M.3-Utilities-and-Service-Systems-Solid-Waste.pdf> (accessed June 2022).

²⁷ 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 July 2022).

CALGreen Code. Therefore, a less than significant impact would occur as the Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Mitigation Measures

No mitigation is necessary.

Impact 4.19-5 *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

Construction and Operations

Refer to Impact 4.19-4 above. Less than significant impacts would occur.

Mitigation Measures

No mitigation is necessary.

4.19.6 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 4.10**. 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 mitigates 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.

4.19.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.19.8 References

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4.20

Wildfire

4.20 WILDFIRE

4.20.1 Introduction

This section evaluates potential wildfire hazard impacts that may result from the implementation of the proposed Sierra Distribution Facility (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).

4.20.2 Environmental Setting

Environmental Setting

The Project is located in San Bernardino County (County) within the northeastern portion of the City of Fontana (City). The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern, northeastern, southwestern, and southeastern quadrants are existing developments with single-story, metal framed structures and are assumed to be supported on conventional shallow foundations with concrete slab-on-grade floors. The area surrounding the Project contains residential uses and light-industrial uses. The Project is directly east of Sierra Avenue and multiple residential properties. Mango Avenue and a landfill are directly east of the Project site. In addition, Windflower Avenue runs perpendicular to Sierra Avenue between the north and south portions of the Project site.

According to available historical sources, the Project site was historically undeveloped vacant land as early as 1896 and was developed in phases from 1982 to 1990. The Project site was historically occupied by light industrial businesses including: All American Pipe & Steel Distribution; Days Express Inc.; Anderson Trucking Services; Apollo Amusement; San Gabriel Valley Lumber & Milling; S.J. Steel Inc.; Active Steel, Inc.; and National Pallets (1987-Present). The Project site is currently occupied by the following businesses: San Gabriel Valley Lumber & Milling, 6075 Sierra Avenue in the northwest portion; 5975 Sierra Ave. 16899 Windflower Avenue on the southwest portion; Davis Partners, 17010 Windflower Avenue on the northeast portion; and Aluma Systems, 17051 Windflower Avenue on the southeast portion.

The Project site's existing site topography generally slopes downward to the south at a gradient of three percent. The elevation at the Project site ranges from 1,630 feet mean sea level (amsl) in the northern region of the site to 1,612 feet amsl in the southern region.¹ Annual mean precipitation ranges from 13 to

¹ Southern California Geotechnical. 2021. *Infiltration Report*.

29 inches across the surface of the subbasin and averages about 17 inches and the depth to groundwater is reported approximately 150-250 feet below ground surface (bgs) with a flow direction towards south.²

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 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 FHSZs (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.³ And it is not located within a VHFHSZ.⁴

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.⁵ The Project site would be immediately accessible via Sierra Avenue and Mango Avenue. The two closest stations to the Project site are Fire Station 78, located approximately 1.8 miles southwest of the Project site at 7110 Citrus, and Fire Station 79, located approximately two miles northwest at 5075 Coyote Canyon Road.

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.⁶ 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.⁷ The potential for wildland

² Ibid.

³ CAL FIRE. 2022. <https://egis.fire.ca.gov/FHSZ/>. (accessed June 2022).

⁴ CAL FIRE, 2008. *Very High Fire Hazard Severity Zones in LRA – Fontana*. <https://osfm.fire.ca.gov/media/5943/fontana.pdf> (accessed June 2022).

⁵ City of Fontana. 2017. *Local Hazard Mitigation Plan*. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed June 2022).

⁶ National Park Service. 2018. *Types of Wildland Fire*. <https://www.nps.gov/subjects/fire/types-of-wildland-fire.htm>. (accessed June 2022).

⁷ 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 June 2022).

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 improved properties. The indirect effects of wildfires to the citizens and businesses in the City can also be catastrophic.⁸

4.20.3 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

⁸ City of Fontana. 2017. *Local Hazard Mitigation Plan*. <https://www.fontana.org/DocumentCenter/View/28274/2017-Local-Hazard-Mitigation-Plan>. (accessed June 2022).

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 Plan⁹

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, 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 Strategy¹⁰

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 2021 (between January 1 and December 29), there were a total of 3,781 wildfires in the state. As of June 24, 2022, there have been a total of 3,311 wildfires in the state.¹¹

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

⁹ US Department of the Interior and USDA Forest Service. 2002. *National Fire Plan*. https://www.fs.fed.us/database/budgetoffice/NFP_final32601.pdf. (accessed June 2022).

¹⁰ USDA/USFS. ND. National Cohesive Wildland Fire Management Strategy. <https://www.fs.usda.gov/restoration/cohesivestrategy.shtml>. (accessed June 2022).

¹¹ CAL FIRE. 2022. <https://www.fire.ca.gov/stats-events/>. (accessed June 2022).

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. 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.¹²

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

¹² 2018-2023 Strategic Fire Plan for California. 2019. <https://www.paperturn-view.com/cal-fire-communications/strategicplan2019-final?pid=MjU253660&p=5>. (accessed June 2022).

“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 Moderate, High, and VHFHSZ and land 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 (2019 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 2018 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 High and Very High FHSZ. The Project is within a Fire Hazard Overlay.¹³ 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 District,¹⁴ California Fire Code, and the City Municipal Code, and encourage the retrofit of non-conforming land uses.

Based on fire hazards and proximity of the wildland urban interface 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 City's Municipal Code.

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 Element¹⁵

Goal 2: *Fontana's Fire Department meets or exceeds state and national benchmarks for protection and responsiveness.*

¹³ 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 2022).

¹⁴ 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_DIV8FIHAQVDI. (accessed October 2022).

¹⁵ 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 June 2022).

Policy 2.1: Continue the City's successful partnership with the San Bernardino County Fire Department.

Noise and Safety Element¹⁶

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.

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 Profile¹⁷, 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 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.

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 located within the overlay.

4.20.4 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

¹⁶ 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).

¹⁷ 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 June 2022).

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 wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
 - 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.

4.20.5 Impacts and Mitigation Measures

Impact 4.20-1 *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?*

Level of Significance: Less Than Significant

Construction and Operations

According to CAL FIRE’s Very High Fire Hazard Severity Zones exhibit, the Project resides in a Non-VHFHSZ Zone and is not identified as a State Responsibility Area (SRA). The nearest VHFHSZ within an SRA is approximately 2.3 miles north of the Project site.¹⁸ However, according to the City’s Local Hazard Mitigation Plan¹⁹, the Project site is identified within a High FHSZ within 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 is able to 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 Station 78, located approximately 1.8 miles southwest of the Project site at 7110 Citrus, and Fire Station 79, located approximately two miles northwest of the Projects site at 5075 Coyote Canyon Road. It is important that existing roadways and emergency routes are maintained in support of emergency vehicles and that the proposed Project provide adequate site access for emergency vehicles.

As described previously in **Section 4.17: 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, so no new roadways are required. Additionally, the developer is expected to pay the necessary development fees 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.

Lastly, according to the City’s General Plan Land Use Map,²⁰ the Project site is located in a Fire Hazard Overlay. Therefore, the Project would adhere to the regulations, development standards, and guidelines provided in the City’s Zoning and Development Code Chapter 30, Article IX – Overlay Districts, Division 8

¹⁸ Cal Fire. 2022. *Fire Hazard Severity Zones in State Responsibility Area*. <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>. (accessed June 2023).

¹⁹ City of Fontana. 2018. *Local Hazard Mitigation Plan, Figure 4-6: Wildfire Hazard Severity Zones*. <https://www.fontanaca.gov/3196/Local-Hazard-Mitigation-Plan-LHMP>. (accessed June 2023).

²⁰ 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 2022).

– Fire Hazard Overlay District, which would ensure greater public safety is provided in areas prone to wildfires. Therefore, through compliance with applicable fire codes, fire access, and other standards in accordance with Fire Hazard Overlay District, CFC, and Fontana MC, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan and a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.20-2 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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: Less Than Significant

Construction and Operations

According to CAL FIRE’s Very High Fire Hazard Severity Zones exhibit, the Project resides in a Non-VHFHSZ Zone and is not identified as an SRA. However, according to the City’s Local Hazard Mitigation Plan, the Project site is identified within a High FHSZ within an LRA. 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 can accelerate the spread of wildfire and it is listed as a non-VHFHSZ site, so wildfire risk is minimal. The site and surrounding areas contain little to no vegetation and do not contain tall or even a substantial number of 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.

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. Lastly, the warehouse structure would be predominantly concrete which is not typically susceptible to fire. As a result, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.20-3 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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: Less Than Significant

Construction and Operations

According to CAL FIRE's Very High Fire Hazard Severity Zones exhibit, the Project resides in a Non-VHFHSZ Zone and is not identified as an SRA. However, according to the City's Local Hazard Mitigation Plan, the Project site is identified within a High FHSZ within an LRA. The Project includes construction of an approximately 398,514-square foot warehouse facility, located at the northeast corner of Sierra Avenue and Clubhouse Drive within the City, and is bounded to the north and south by existing commercial/industrial buildings, to the west by Sierra Avenue, and to the east by Mango Avenue. The Project does not include any interior roadways, fuel breaks, emergency water sources, or above ground power or utility lines that would exacerbate a fire hazard with their installation or in their operations. The improvements of Mango Avenue similarly would not exacerbate fire hazard as the roadway improvement would increase accessibility to the Project site. Impacts in this regard would be less than significant and no additional impacts related to fire protection or wildfire would occur. No mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.20-4 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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: Less Than Significant

Construction and Operations

According to CAL FIRE's Very High Fire Hazard Severity Zones exhibit, the Project resides in a Non-VHFHSZ Zone and is not identified as an SRA. However, according to the City's Local Hazard Mitigation Plan, the Project site is identified within a High FHSZ within an LRA. As discussed above, the Project does not contain steep slopes and is flat. Slopes can be an important factor relative to wildfire because steeper slopes can facilitate more rapid-fire spread. No flooding risk would occur should a wildfire occur in the Project vicinity. No evidence of on-site landslides or debris flow was observed during field investigations or documented on the California Geologic Survey Landslide inventory. There is no risk of land sliding and rockfall for the Project site and surrounding locations, as these areas do not have steep slopes or contain loose rock or debris. According to the City of Fontana Flood Insurance Rate Map,²¹ published by FEMA, Community Panel Number 06071C7920H, dated August 27, 2008, the Project site is located in Zone X, an area of minimal flood hazard.²² The potential for flooding on the Project site, therefore, is considered low.

As noted above, the Fontana MC has a fire hazard overlay district provision for areas designated on the Fontana GP land use map. Projects within the overlay district must prepare a fuel modification zone plan for each new tentative tract map, parcel map, or design review application. Therefore, in conformance with the Fontana MC, a fuel modification zone plan has been prepared for the Project. The fuel

²¹ City of Fontana. 2017. *Flood Insurance Rate Map*. <https://www.fontanaca.gov/DocumentCenter/View/4473/Flood-Insurance-Rate-Map-11x17>. (accessed June 2023).

²² Federal Emergency Management Agency. 2022. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. (accessed June 2022).

modification zone plan for the Project establishes fuel zones in conformance with Section 30-658 of the Fontana MC that includes permanent fuel modification zones, access requirements and protection measures. The Project's fuel modification zone plan protects the site from wildfire exposure and reduces exposure to the City of Fontana residents, people, and structures from wildfires. Refer to **Figure 3-7: Conceptual Landscape Plan and Fuel Modification Zone Plan**. The final fuel modification zone plan would be reviewed and approved by the Fire Marshal in advance of going to the Planning Commission. A Fire Protection Plan (FPP) would also be prepared in advance of going to the Planning Commission, consistent with Chapter 49 or the California Fire Code. The FPP must be approved by the Fire Marshal in advance of going to the Planning Commission. The Project would adhere to the requirements of the FPP.

Additionally, the Project would include the installation of an integrated, on-site system consisting of measures designed to capture and control stormwater. These measures may include, but would not necessarily be limited to, underground storm drainpipes, catch basins, underground infiltration basins, and other structural best management practices to capture on-site stormwater runoff, and temporarily capture and hold stormwater before conveying the runoff offsite. In addition, the Project includes BMPs and low impact development to minimize run-off and maximize infiltration. These structures are designed to accommodate both existing drainage flows and potential drainage flow increases that would result from Project implementation.

The Project also would not introduce new slopes that would exacerbate existing hazards of wildfire.

Therefore, due to the existing topography and low slopes both on the Project site and surrounding areas as well as proposed drainage improvements, as well as impervious areas and landscaping incorporated into Project design, the Project would not substantially exacerbate risks with slope instability due to landslides or flooding if a wildfire should occur in these areas.

Mitigation Measures

No mitigation is necessary.

4.20.6 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.

4.20.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.20.8 References

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- CAL FIRE. ND. *FHSZ Viewer*. <https://egis.fire.ca.gov/FHSZ/>.
- CAL FIRE. 2022. *Stats and Events*. <https://www.fire.ca.gov/stats-events/>.
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- 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>.
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Southern California Geotechnical. 2021. *Infiltration Report*.

US Department of the Interior and USDA Forest Service. 2002. *National Fire Plan*.
https://www.fs.fed.us/database/budgetoffice/NFP_final32601.pdf.

5.0

Other CEQA Considerations

5.0 OTHER CEQA CONSIDERATIONS

This section of the Draft Environmental Impact Report (EIR) for the Sierra Distribution Facility Project (Project) discusses additional California Environmental Quality Act (CEQA) impact considerations, including Significant Irreversible Environmental Changes and Growth-inducing Impacts.

5.1 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 would result in significant irreversible environmental changes if the following occurs:

- The project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The project would 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 applicant does not propose any fueling stations and would not store significant amounts of fossil fuels on the site. Any Fossil fuels stored 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 commitment of land on which the Project would be developed for 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 generally commit future generations to similar uses.

There were no significant and unavoidable impacts identified for the Project. The uses associated with the Project would not modify the land in a way that would require future development 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 light industrial warehousing 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) classified with Light Industrial land use designation and zoning. The Project would not modify this land use designation. Therefore, the Project would not influence future development in that land area as the existing land use designation would be unchanged.

The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

The Project is intended to develop one warehousing facility 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 warehousing 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 significance of any impacts and ensure the Project's compliance with any federal, state, and local policy regarding hazardous materials and accidents.

The proposed consumption of resources is not 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 4.19: Utilities and Service Systems**, development of the Project would not significantly impact water, electricity, solid waste, and telecommunications resources. It was found that the West Valley Water District, 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.

5.2 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, and neither is it automatically considered to be of 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) estimated that the City’s population reached 212,809 people in January of 2022, with the average household size in being 3.79 persons per household.¹

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 February 2023).

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 398,514-square foot building space would generate approximately 189 new employees. These employees would comprise approximately 8.9 percent of the average unemployed population in the City. This would not directly necessitate 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 employee would count as a 3.79-person household and would comprise a total population increase of approximately 716 persons. The City would experience a population growth. However, this growth would be approximately 0.3 percent of the City's estimated population in 2022 and below the average rate of population growth experienced by the City. Therefore, although 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 189 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 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 light industrial use.

Would the project remove obstacles to population growth? No

The Project site currently consists of developed parcels, which were previously improved with industrial structures (see **Section 3.0: Project Description** for more information). The demolition of these structures would not induce population growth since they would be replaced with the warehouse facility. 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 an allowed and expected use within this land use zone and would therefore not create or remove an obstacle for growth.

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 February 2023).

³ Southern California Association of Governments. 2001. *Employment Density Study Summary Report*. Page 4. Yorba Linda, CA: The Natelson Company, Inc.

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 existing roadways including Sierra Avenue and Mango Avenue. These improvements would serve the existing residences and businesses in the City and improve services to these facilities and City connectivity. Roadway improvements included in the Project are discussed in **Section 4.17: 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 commercial, industrial, and residential 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: Sierra Avenue and Mango Avenue. The environmental impacts associated with the facility improvements associated with the Project have been analyzed in **Section 4.1: Aesthetics** through **Section 4.20: Wildfire** 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. 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 **4.20: Wildfire** of this EIR. No cumulative impacts were discovered during the analysis of the Project.

5.3 References

- California Department of Finance. 2022. Population and Housing Estimates for Cities, Counties, and the State, January 1, 2021-2022, with 2020 Benchmark.
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6.0

Alternatives

6.0 ALTERNATIVES

6.1 Introduction

The California Environmental Quality Act (CEQA) requires that Environmental Impact Reports (EIRs) “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 Alternative, Drop Lot/Trailer Storage Alternative, Reduced Footprint Alternative, and Alternative Site Alternative. The four alternatives are discussed in more detail below.

Alternatives were developed based on information provided by the Project Applicant. 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 Impact Analysis**, there would be no significant and unavoidable Project impacts.

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. 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

As discussed above, one of the evaluation criteria for the alternative discussion is the ability of a specific alternative to attain most of the basic Project objectives. The basic Project objectives are listed in **Section 3.0: Project Description** are as follows:

Objective 1: Implement the City of Fontana’s desire to create a revenue generating use, which generates limited demands on City public services and that capitalizes on nearby transportation corridors and truck routes, stimulates employment, and responds to current market opportunities.

- Objective 2:** Revitalize a section of the City with new industrial use(s) that continue to expand the City's production capacity.
- Objective 3:** Provide infrastructure and landscaping improvements to Sierra Avenue and Mango Avenue vicinity to enhance aesthetics as well as improve safety and traffic flow.
- Objective 4:** Facilitate goods movement for the benefit of local and regional economic growth.
- Objective 5:** Provide new state-of-the-art development that will generate a positive fiscal balance increasing the City tax base and a potential for added point of sale tax base for the City moving forward.
- Objective 6:** Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.

6.4 Criteria for Selecting Alternatives

Per Section 15126.6 (b) of the State 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 State CEQA Guidelines while meeting the Project's objectives. Comments received during the NOP process included issues related to air quality, greenhouse gas emissions, landfill proximity, increased vehicle traffic, warehouse intensity, public safety, and roadway safety. While all of these considerations are addressed throughout this DEIR and in the respective chapters, they also were considered to develop the reasonable range of alternatives and to address the concerns. Due to Project site characteristics, a reduction in building size is considered as an alternative for the Project, however further modifications to the Project site were deemed infeasible due to development code constraints.

Three alternatives were carried forward, including the No Project Alternative. These alternatives are described in **Section 6.7: Comparison of Project Alternatives**. The following subsection (**Section 6.5: 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.

6.5 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 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 very few remaining developable sites in the City that are approximately commensurate in size to the Project. Further, due to the lack of significant environmental impacts identified during Project analysis, an alternative site would not be likely to substantially reduce any potential impact created by Project implementation. For the above reasons, the Alternative Site Alternative was rejected from further consideration and is not discussed further.

6.6 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 Alternative

The “No Project” Alternative (Alternative 1) 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.

Alternative 2: Drop Lot/Trailer Storage Alternative

The Drop Lot/Trailer Storage Alternative (Alternative 2) would utilize the Project site for drop lot and trailer storage, in lieu of the proposed warehouse use.

Alternative 3: Reduced Footprint Alternative

The “Reduced Building Footprint” Alternative (Alternative 3) presents a project variation in which the proposed warehouse building would be developed at a smaller scale (approximately 298,886 square feet, or a 25 percent reduction in square footage when compared to the Project) and would be further distanced from Sierra Avenue. Other components of the Project would remain as feasible.

6.7 Comparison of Project Alternatives

Per the State 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. For each Alternative, the

analysis below describes each Alternative, analyzes the impacts of the Alternative as compared to the Project, identifies significant impacts of the Project that would be avoided or lessened by the Alternative, assesses the Alternative's ability to meet most of the Project objectives, and evaluates the comparative merits of the Alternative and the Project. The following sections provide a comparison of the environmental impacts associated with each of the Project alternatives, as well as an evaluation of each Project alternative to meet the Project objectives.

Alternative 1: No Project Alternative (No Project-Related Development)

State CEQA Guidelines Section 15126.6, requires an evaluation of the "No Project" alternative for decision-makers to compare the impacts of approving a project with the impacts of not approving it. Alternative 1 assumes that the 398,514 square foot Project would not be developed, which means there would be no warehousing facility, landscape improvements, or surface lot improvements developed on the Project site.

The Project site is bound to the west by Sierra Avenue, to the east by Mango Avenue, and Windflower Avenue enters the Project site from Sierra Avenue. The Project site is presently developed with four commercial/industrial buildings ranging from 5,000 to 25,000 square feet in size. The northwestern quadrant is developed with one building and is utilized as a wooden pallet facility. The northeastern quadrant is developed with one building and is utilized as a carnival attraction repair facility with truck trailer parking. The southwestern quadrant is developed with one building and open-graded gravel pavements and is utilized for truck trailer storage. The southeastern quadrant is developed with one building and is utilized as a storage facility. 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 gravel and exposed soil, with AC or PCC pavements surrounding the buildings. Little to no vegetation exists on site. Few large trees are present between the northwest and northeast quadrants.

Although this Alternative assumes "No Development" (as required by CEQA), this is considered a speculative assumption as the land is assumed to remain in private ownership (as there are no offers to purchase the land for public open space use). It is more likely that, eventually, the land would be developed with some form of industrial development in keeping with the City's General Plan land use designation and zoning.

Alternative 1 Impact Comparison to the Project

Alternative 1 would avoid all 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 air quality, greenhouse gas emissions, and transportation would occur. The lack of significant impacts associated with Alternative 1 would also remove the significant impacts initially identified for the Project. As there were no significant and unavoidable Impacts associated with development of the Project, Alternative 1 would not remove any significant or unavoidable effects.

Aesthetics

No significant and unavoidable impacts were identified to aesthetics in relation to the proposed Project. Under Alternative 1, the warehouse site would remain in its current developed state. However, as previously discussed, the land use designation and zoning for the Project site is industrial, and as such, those uses could be developed on the site in the future. Until such time though, this Alternative assumes that the Project site would remain developed with the existing industrial buildings, outdoor storage, and paved asphalt areas. However, the proposed Project is for a new state of the art building with enhanced landscaping, and site improvements. This Alternative would be inferior when compared to the proposed Project.

Agriculture and Forestry Resources

No significant and unavoidable impacts were identified to agriculture and forestry resources in relation to the proposed Project. Furthermore, no impact was anticipated to each of the impact discussions. Alternative 1 would continue current uses of the site, which does include agricultural, or forestry uses. Therefore, impacts under this alternative would be similar when compared to the proposed Project. This Alternative would be environmentally equivalent when compared to the proposed Project

Air Quality

Short-term air quality impacts from grading and construction activities associated with the Project would not occur with Alternative 1, as no land uses would be disturbed, and the Project's proposed warehouse and associated parking and landscaping would not be constructed. The Project's construction-related emissions, which would be less than significant with mitigation measures and requirements incorporated, would be avoided.

Operational emissions from the Project would be associated with area sources, energy sources, mobile sources, and off-road emissions. Operational emissions associated with this Project would be less than significant. Operational impacts associated with the existing commercial/ industrial uses would remain and would continue to disturb the natural, pervious surface. Operational emissions of the existing use would be less than that of the Project.

Alternative 1 would be environmentally superior to the Project regarding air quality impacts, as no increase in short and long-term emissions associated with the Project would occur.

Biological Resources

No significant and unavoidable impacts were identified to biological resources in relation to the proposed Project. Without mitigation, the Project was anticipated to generate significant impacts related to the disturbance of bird nests as a result of construction-related activities. These effects were reduced to less than significant with the application of mitigation measures. No construction activities are anticipated under Alternative 1, which means Alternative 1 would be less likely to disturb birds' nests. Therefore, impacts under this alternative would be reduced compared to the proposed Project. This alternative is environmentally superior to the proposed Project.

Cultural Resources

No significant and unavoidable impacts were identified to cultural resources in relation to the proposed Project. The proposed Project was found to generate significant impacts due to the potential presence of unknown culturally significant resources. These resources may be encountered during construction activities and therefore would remain significant without mitigation. However, 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. Therefore, this alternative is environmentally superior to the proposed Project.

Energy

No significant and unavoidable impacts were identified to energy resources in relation to the proposed Project. Under Alternative 1, the Project would not be developed. The Project site is currently developed with light industrial uses and storage yards. As such, energy consumption currently exists on the site. However, energy usage on the site currently would be similarly impactful to the proposed Project. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

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. The site would continue to operate as it is currently, and ground moving activities would not be implemented. No impact to geological resources would occur. Therefore, impacts under this alternative would be reduced compared to the proposed Project. Therefore, this alternative is environmentally superior to the proposed Project.

Greenhouse Gas Emissions

No significant and unavoidable impacts were identified to GHG resources in relation to the proposed Project. The Project was also analyzed to produce GHG emissions that were within SCAQMD thresholds. 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. These emissions were similarly not identified as exceeding SCAQMD thresholds. Therefore, impacts under this alternative would be similar to those of the proposed Project. Therefore, this alternative is environmentally equivalent 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 proposed Project was found to generate significant impacts due to the potential for accidental exposure to harmful hazardous materials. These impacts were associated with encounters that may occur during construction of the Project. These impacts were mitigated to less than significant levels through the application of Best Practices for site reconnaissance and materials removal. 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. Therefore, impacts under this alternative would be reduced compared to the proposed Project. Therefore, this alternative is environmentally superior 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 continue existing commercial/industrial operations on-site and would not result in the improvement of water quality through infrastructure improvements as proposed by the Project. This Alternative would not alter or 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. In addition, Alternative 1 would eliminate the need to seek discretionary permits such as the SWQMP as listed in **Section 4.9: Hydrology and Water Quality**. However, these impacts were found to be less than significant in the Project, regardless. Therefore, impacts under this alternative would be similar to those of the proposed Project. Therefore, this alternative is environmentally equivalent to 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 retain the Project site in its 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. Therefore, this alternative is environmentally equivalent to the proposed Project.

Mineral Resources

No significant and unavoidable impacts were identified to mineral resources in relation to the proposed Project. Furthermore, no impact was anticipated to each of the impact discussions. Alternative 1 would continue current uses of the site, which does not include mineral extraction or protection uses. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Noise

The Project's construction-related noise impacts would be less than significant. The Project's operation-related vibration impacts are also anticipated to be less than significant. The Project's construction-related

noise and vibration impacts would not occur with Alternative 1 as no warehouse would be constructed. Therefore, the construction-related noise and vibration impacts that would occur with the Project would be avoided with this Alternative.

Implementation of the Project would create new sources of noise in the Project vicinity. Operational noise generated by the Project would not exceed City standards, and therefore have a less than significant impact on sensitive receptors. Once operational, the Project would be a source of ground-borne vibration; however, the impact would be less than significant. Noise and vibration impacts associated with the existing use would continue, although at a duration and occasion less than that of the Project.

Alternative 1 would be environmentally superior to the Project regarding noise and vibration. The short-term construction-related or long-term operational vehicular noise level and vibration increases associated with the Project would not occur.

Population and Housing

No significant and unavoidable impacts were identified due to population and housing dynamics in relation to the proposed Project. The Project was not anticipated to generate a significant increase to the City's population or require the development of additional housing. Under Alternative 1 construction-related employment would not be introduced to the City. However, due to the site's developed state and active uses, employment would remain. Neither circumstance would require the relocation of housing or the development of new housing. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent 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 warehouse 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. Therefore, this alternative is environmentally equivalent to the proposed Project.

Recreation

No significant and unavoidable impacts were identified to recreational resources in relation to the proposed Project. Furthermore, it was concluded that the Project would not 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. Alternative 1 would continue current uses of the site, which includes light industrial and non-recreational uses. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Transportation

No significant and unavoidable impacts were identified to transportation resources in relation to the proposed Project. The Project was estimated to generate fewer than 50 additional PCE trips upon its implementation compared to existing uses. Additionally, the Project was screened from VMT analysis due to a low trip count (approximately 102 additional trips compared to existing trips). Infrastructure improvements proposed for the Project included the dedication of 34 feet of right-of-way (ROW) for Mango Avenue. Within that 34-foot ROW, half width improvements would be conducted along southbound Mango Avenue where it runs adjacent to the Project site. The Project would also provide bicycle parking spaces.

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. Therefore, impacts under this alternative would be similar when compared to the proposed Project. This alternative is environmentally equivalent to the proposed 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. However, there is a potential for unknown buried archaeological resources that qualify as TCRs to be encountered during Project-related ground-disturbing activities. 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. Therefore, this alternative is environmentally superior 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., warehouse construction and landscape maintenance), Project operations would create a demand for water, and increase wastewater or solid or 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 that would occur during Project construction 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. Therefore, this alternative is environmentally superior 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, roadways improvements proposed for Mango Avenue would increase accessibility to the Project site and reduce wildfire-related hazards. Under Alternative 1, the Project site would continue with its current light industrial uses. However, planned roadways improvements would not occur which could

alleviate potential hazards. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Ability to Meet Project Objectives

Under Alternative 1, the site would remain in its existing uses and would therefore not meet any of the Project objectives including: (1) Implementing the City of Fontana's desire to create a revenue generating use, which generates limited demands on City public services and that capitalizes on nearby transportation corridors and truck routes, stimulates employment, and responds to current market opportunities; (2) Revitalize a section of the City with new industrial use(s) that continue to expand the City's production capacity; (3) Provide infrastructure and landscaping improvements to Sierra Avenue and Mango Avenue vicinity to enhance aesthetics as well as improve safety and traffic flow; (4) Facilitate goods movement for the benefit of local and regional economic growth; (5) Provide new state-of-the-art development that will generate a positive fiscal balance increasing the City tax base and a potential for added point of sale tax base for the City moving forward; and (6) Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.

Alternative 2: Drop Lot/Trailer Parking Alternative

Alternative 2 assumes the proposed warehouse space would not be constructed and instead, the site would be utilized for a drop lot/trailer parking lot. Alternative 2 would accommodate approximately 592 trailer stalls. The main entrance would continue to be via Mango Avenue. Truck access would continue to be prohibited from Sierra Avenue, with sole truck access being from Mango Avenue. In the southeast corner of the Alternative 2, a guard shack and automobile parking would be provided. Drive aisles would range in width from 75 to 100 feet wide. Landscaping would be provided along street frontages. Any off-site improvements associated with the proposed Project would remain consistent with the Alternative.

Alternative 2 Impact Comparison to the Project

Alternative 2 assumes the proposed warehouse space would not be constructed in its original location and instead, the site would be utilized for drop lot/trailer parking lot consisting of 592 trailer parking stalls. The major change between the proposed Project and Alternative 2 would be that Alternative 2 would reduce long-term impacts to scenic views, and utilities and public services. Other resource areas such as traffic, air quality, GHG, and noise among others would have a similar or greater impact from implementation of Alternative 2.

Aesthetics

Alternative 2 would eliminate impacts on scenic views as no warehouse would be developed. However, similar to the proposed Project, the general grading activities for the whole site would be similar to the Project. When compared to the proposed Project, aesthetics impacts associated with Alternative 2 would be reduced when compared to the proposed Project.

Alternative 2 would be environmentally superior to the Project regarding long-term aesthetic impacts, and a similar impact on site grading activities.

Agriculture and Forestry Resources

No significant and unavoidable impacts to agriculture and forestry resources were identified in relation to the proposed Project. As previously stated, no impact was anticipated to each of the impact discussions. Alternative 2 would include the development of drop lot/trailer parking uses to the site. No warehouse site would be developed under this Alternative. Therefore, impacts under this alternative would be similar compared to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Air Quality

Alternative 2 would construct and utilize the site as an auto/truck/trailer parking yard. With that, Alternative 2 would result in less emissions in the construction stage when compared to the proposed Project. The capacity of the parking yard in Alternative 2 would be greater than that of the proposed Project, providing 592 trailer parking stalls. As such, the vehicular traffic generated from the proposed Project is anticipated to be higher under Alternative 2 with the increase in coverage utilized for additional parking and vehicular use. Because the traffic generated under Alternative 2 would be higher than the proposed Project, the emissions generated from Alternative 2 would also be greater, worsening the impact. As such, the proposed Project would have reduced emissions.

Alternative 2 would be environmentally inferior to the Project regarding air quality impacts because of the increase in traffic that would occur under this Alternative. As a such, a higher intensity in air quality impacts would occur from Alternative 2.

Biological Resources

Both Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar biological resource impacts. As with the proposed Project, mitigation would be required to reduce biological resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2.

Alternative 2 would be an environmentally equivalent alternative compared to the Project regarding biological resources, as the same habitat, plant or wildlife species would be modified or impacted.

Cultural Resources

Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar cultural resource impacts. As with the proposed Project, implementation of MM CUL-1 and TCR-3 would be required to reduce cultural resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2.

Alternative 2 would be an environmentally equivalent alternative compared to the Project regarding cultural resources, as the same footprint would be modified or impacted.

Energy

Alternative 2 and the proposed Project would require energy during both the construction and operations phases of the Project, although Alternative 2 would require less energy for site development when compared to the proposed Project due to the development as an auto/truck/trailer parking yard. However, Alternative 2 would generate more traffic than the proposed Project and is anticipated to expend higher amounts of fuel/diesel. Therefore, it is assumed that Alternative 2 would require more energy than the proposed Project in the long term. As such, Alternative 2 would be environmentally inferior to the Project regarding energy impacts.

Geology and Soils

Both Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar geology and soils impacts. As with the proposed Project, mitigation would be required to reduce geology and soils impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2.

Alternative 2 would be environmentally equivalent to the Project regarding geological, soils, and paleontological resources. The exposure of people to seismic, geologic, and soil hazards under this Alternative would be equivalent to the Project.

Greenhouse Gas Emissions

No significant and unavoidable impacts due to greenhouse gas emissions were identified in relation to the proposed Project. Further, the Project was found to generate GHG emissions at levels below SCAQMD thresholds. Alternative 2 would likely increase emissions in the long-term due to the increased capacity for trucks. Therefore, Alternative 2 would be environmentally inferior to the Project regarding GHG emissions.

Hazards and Hazardous Materials

The proposed Project would have a less than significant impact in this regard with mitigation incorporated. Alternative 2 would disturb the same footprint as the proposed Project, and as such, would also result in less than significant impacts similar to the proposed Project. As with the proposed Project, mitigation measures MMs HAZ-1 through HAZ-3 would be required to further reduce hazards impacts to a level of less than significant.

Alternative 2 would be environmentally equivalent to the Project regarding hazards and hazardous materials since the same ground disturbing activities would occur.

Hydrology and Water Quality

Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar hydrologic and water quality impacts. As such, similar impacts would occur with implementation of the Alternative 2.

Alternative 2 would be environmentally equivalent to the Project regarding hydrology and water quality, since although lower, an increase in stormwater capacity would occur and impervious surfaces would increase.

Land Use and Planning

No significant and unavoidable impacts due to land use and planning were identified in relation to the proposed Project. However, Alternative 2 would not be consistent with and the zoning permitted uses for the Project site. According to the City Zoning and Development Code, truck and trailer storage is not a permitted use within the industrial zoning district in which the site is located.¹ Therefore, impacts under this alternative would be greater compared to the proposed Project. Therefore, this alternative is environmentally inferior to the proposed Project.

Mineral Resources

No significant and unavoidable impacts were identified to mineral resources in relation to the proposed Project. Furthermore, no impact was anticipated to each of the impact discussions. Alternative 2 would develop the site for auto/truck/trailer parking yard, which does not include mineral extraction or protection uses. Therefore, impacts under this alternative would be equivalent when compared to the proposed Project.

Noise

Both Alternative 2 and the proposed Project would generate noise and vibration during both the construction and operations phases of the Project. Alternative 2 would have a shorter construction timeframe since auto/truck/trailer parking yard would be developed in place of warehousing, and as such, a reduced short-term construction noise impact. However, because Alternative 2 would include an increased amount of traffic compared to the proposed Project, it is anticipated that Alternative 2 would have a greater long-term operational traffic related noise impact. Because the proposed Project would have a greater short-term construction noise impact and Alternative 2 would have a greater long-term operational noise impact, it is assumed that Alternative 2 and the proposed Project would have a comparable noise impact.

Alternative 2 would be environmentally equivalent to the Project regarding noise and vibration, because the short-term construction-related or long-term operational vehicular noise level and vibration increases associated with the Project, although lower, would remain similar to the proposed Project.

Population and Housing

No significant and unavoidable impacts were identified due to population and housing dynamics in relation to the proposed Project. The Project was not anticipated to generate a significant increase to the City's population or require the development of additional housing. Under Alternative 2 construction-related employment would not be introduced to the City. However, due to the site's developed state and active uses, employment would remain. Neither circumstance would require the relocation of housing or

¹ City of Fontana. ND. Chapter 30 – Zoning and Development Code, Article VII. Industrial Zoning Districts.
https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIIINZODI. (accessed July 2023).

the development of new housing. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Public Services

The need for public services is anticipated to be greater under the proposed Project than under Alternative 2, because Alternative 2 would only develop the site for auto/truck/trailer parking yard. As such, less need for public services for police, fire, schools, and other facilities would be necessary. Both alternatives would require the Project applicant to pay any applicable DIFs. In this regard, Alternative 2 is anticipated to generate less impacts to public services.

Therefore, the Alternative 2 would be environmentally superior when compared to the proposed Project.

Recreation

No significant and unavoidable impacts were identified to recreational resources in relation to the proposed Project. Furthermore, it was concluded that the Project would not 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. Alternative 2 would develop an auto/truck/trailer parking yard. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Transportation

The Project would have a less than significant impact on transportation as it relates to a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Additionally, the Project would not have an impact or conflict with CEQA Guidelines Section 15064.3.

Alternative 2 would provide a different site use, which includes an auto/truck/trailer parking yard. There would be a greater number of vehicles and trucks associated with Alternative 2. As such, it is assumed that Alternative 2 would create a greater impact as it relates to traffic, and indirectly on, air quality and GHG. It is assumed that Alternative 2 would have a greater impact than the proposed Project as the trailer/auto parking lot could generate increased traffic and emissions for the site and surrounding area. Alternative 2 would be environmentally inferior to the proposed Project.

Tribal Cultural Resources

The proposed Project would cause a less than significant impact to tribal cultural resources with mitigation measures. Implementation of TCR-1 through TCR-3 would further reduce the potential of impacts to tribal cultural resources. Alternative 2 would disturb the same footprint and as such has the same potential to unearth tribal cultural resources. Because Alternative 2 would develop the same footprint, it is assumed that the parking lot area would require shallower grading than the proposed Project. As such, it is concluded that Alternative 2 could result in less chances that resources are uncovered compared to the site's development under the proposed Project. Alternative 2 would be environmentally superior to the Project regarding tribal cultural resources.

Utilities and Service Systems

Alternative 2 would result in fewer utility and service system related impacts compared to the proposed Project. Although temporary increases in utility demands from construction activities would be necessary, Alternative 2 would be environmentally superior to the Project regarding impacts to utilities and service systems in the long-term because the proposed auto/truck/trailer parking yard would require less utilities for maintenance and functionality than the proposed Project. As such, Alternative 2 would be environmentally superior alternative.

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, roadways improvements proposed for Mango Avenue would increase accessibility to the Project site and reduce wildfire-related hazards. Under Alternative 2, the Project site would be developed for auto/truck/trailer parking yard uses. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Ability to Meet Objectives

Alternative 2 would be slightly less construction intensive, but has the potential to be more traffic intensive and thus generate more air quality, energy, greenhouse gas emissions, noise, and transportation impacts than the proposed Project. Alternative 2 would not meet any of the Project objectives. Alternative 2 would not maximize the City's benefit when compared to the proposed Project utilizing one of the remaining industrial zoned large sites for trailer/auto parking lot.

Alternative 3: Reduced Building Footprint (25 Percent Reduction)

Alternative 3 would entail the development of a single warehouse building at a smaller square footage than what was proposed for the Project. The Alternative would involve the development of a 298,886 square foot warehousing building which would include approximately 7,500 square feet of office space. Modifications would occur to multiple on-site features such as parking, landscaping, and setbacks. i summarizes the similarities and differences between the Project design features and Alternative 3's design features.

Table 6-1: Alternative 3 Design Comparison

| Feature | Project | Alternative 3 |
|--------------------------------|----------------------|----------------------|
| Net Site Area | 18.30 ac; 797,033 sf | 18.30 ac; 797,033 sf |
| Warehouse Building Area | 388,514 sf | 291,386 sf |
| Office Building Area | 10,000 sf | 7,500 sf |
| Total Building Area | 398,514 sf | 298,886 sf |
| Lot Coverage | 50% | 38% |
| Building Height | 75' | 75' |
| Auto Parking Provided | 125 stalls | 94 stalls |
| Truck Trailer Parking Provided | 118 stalls | 89 stalls |
| Floor Area Ratio | 0.500 | 0.375 |

| Feature | Project | Alternative 3 |
|---|------------------|------------------|
| Sierra Avenue Setback: | 25' | 25' |
| Mango Avenue Setback: | 20' | 20' |
| Rear/Interior Setbacks: | 5' | 5' |
| Abutting R or C-1 Zone | 10' | 10' |
| Landscape Area | 21.4%; 85,181 sf | 21.4%; 63,886 sf |
| Notes: ac = acre sf = square foot | | |

Off-site improvements to the adjacent roadway of Mango Avenue would remain consistent with the Project.

Alternative 3 Impact Comparison to the Project

Alternative 3 would minimize impacts related to the scale of the Project. Therefore, environmental impact areas such as aesthetics, energy, utilities and service systems, and wildfire hazards may see a nominal improvement regarding potential impact significance. However, these resource areas are anticipated to have a less than significant impact under the Project. An evaluation of the impacts associated with the development of Alternative 3 (Reduced Building Intensity) are described below.

Aesthetics

No significant and unavoidable impacts due to aesthetic resources were identified in relation to the proposed Project. The same general aesthetics impacts would occur with the Reduced Building Footprint when compared to the Project. Although the building footprint would be reduced by 25 percent with this Alternative, the same general mass and scale of the site would be the same. The main difference would be in the increased buffer of building intensity adjacent to Sierra Avenue, with the warehousing building further setback from the roadway. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Agriculture and Forestry Resources

No significant and unavoidable impacts to agriculture and forestry resources were identified in relation to the proposed Project. As previously stated, no impact was anticipated to each of the impact discussions. Alternative 3 would include the development of similar warehouse uses to those proposed by the Project in the same site. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Air Quality

No significant and unavoidable impacts to air quality were identified in relation to the proposed Project. As previously stated, the Project would exceed construction-based ROG generation. However, this would be mitigated to less than significant levels. The Project not would conflict with established air quality plans for the region and pollutant generation. The Project would not 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 with implementation of mitigation.

Alternative 3 proposes the same warehousing land use as the Project although the warehousing building space would be reduced by 99,628 square feet for Alternative 3. Presumably, this would reduce potential operational emissions through the reduced building area. However, the majority of operational emissions stemmed from mobile sources such as vehicles and construction equipment. The vehicular traffic generated from the Project is not anticipated to be significantly reduced under Alternative 3. Operations of Alternative 3 is expected to be similar to the Project. Although under Alternative 3 that proposed uses would be reduced by 25 percent, because the site's use would not be greatly reduced under Alternative 3.

Alternative 3 would be environmentally superior to the Project regarding air quality impacts because a slight decrease in construction and traffic would occur and as a much less intense air quality impact would occur from Alternative 3.

Biological Resources

No significant and unavoidable impacts to biological resources were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would disturb the same footprint for construction because the reduced building footprint is still affecting the same amount of site; no portion will remain undeveloped, and existing uses are already disturbed. As such, would result in similar biological resource impacts. As with the Project, mitigation measures would be required to reduce biological resource impacts to a level of less than significant. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Cultural Resources

No significant and unavoidable impacts to cultural resources were identified in relation to the proposed Project. As explained above, both the Reduced Building Footprint Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar cultural resource impacts. As with the Project, mitigation measures would be required to reduce cultural resource impacts to a level of less than significant. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Energy

No significant and unavoidable impacts to energy resources were identified in relation to the proposed Project. Alternative 3 and the proposed Project would require energy during both the construction and operations phases of the Project, although Alternative 3 would result in less energy usage due to less building square footage and increased landscaping. When compared to the proposed Project, Alternative 3 would result in fewer energy-related impacts than the proposed Project. As such, Alternative 3 would be environmentally superior to the Project regarding energy impacts, as a decrease in energy consumption would occur compared to the proposed Project.

Geology and Soils

No significant and unavoidable impacts to geologic and soil resources were identified in relation to the proposed Project. 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. Although the building footprint would be smaller in Alternative 3, ground clearing activities would still include the footprint assessed in the Project. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Greenhouse Gas Emissions

No significant and unavoidable impacts due to greenhouse gas emissions were identified in relation to the proposed Project. Further, the Project was found to generate GHG emissions at levels below SCAQMD thresholds. Alternative 3 would likely reduce emissions impacts through a reduction in energy use in a smaller space. With a reduction in energy use emissions, the mobile source emissions associated with vehicular travel would be reduced compared to the proposed Project. Therefore, Alternative 3 would generate fewer GHG emissions.

Alternative 3 would be environmentally superior compared to the Project regarding GHG emissions because it will reduce the energy need. Therefore, impacts under this alternative would be less than those found for the proposed Project.

Hazards and Hazardous Materials

No significant and unavoidable impacts due to hazards and hazardous materials were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar hazards impacts. As with the Project, mitigation measures would be required to reduce hazards impacts to a level of less than significant. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Hydrology and Water Quality

No significant and unavoidable impacts due to hydrology and water quality were identified in relation to the proposed Project. As explained above, both the Reduced Building Footprint Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar hydrology and water quality impacts. The Project was not found to require mitigation to reduce impacts to less than significant levels. This would remain consistent with this alternative. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Land Use and Planning

No significant and unavoidable impacts due to land use and planning were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would be consistent with both the General Plan land use designation and zoning for the Project site. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Mineral Resources

No significant and unavoidable impacts were identified to mineral resources in relation to the proposed Project. Furthermore, no impact was anticipated to each of the impact discussions. The Reduced Building Footprint Alternative would develop similar uses on the Project site, which does not include mineral extraction or protection uses. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Noise

No significant and unavoidable impacts due to noise were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would generate noise during both the construction and operations phases of the Project. When compared to the Project, the Reduced Building Footprint Alternative would result in similar noise-related impacts than the Project. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Population and Housing

No significant and unavoidable impacts were identified due to population and housing dynamics in relation to the proposed Project. The Project was not anticipated to generate a significant increase to the City's population or require the development of additional housing. Under Alternative 3 construction-related employment would be introduced to the City. However, it would not require the relocation of housing or the development of new housing. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Public Services

No significant and unavoidable impacts to public services were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would require additional public service needs, although the Reduced Building Footprint Alternative would require less public service needs when compared to the Project given the reduction in size. When compared to the Project, the Reduced Building Footprint Alternative would result in fewer public service-related impacts than the Project; however, it is anticipated these reductions would be nominal. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Recreation

No significant and unavoidable impacts were identified to recreational resources in relation to the proposed Project. As previously stated, it was concluded that the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The Reduced Building Footprint Alternative would develop the site similarly to those proposed Project. Therefore, impacts under this alternative would be similar when compared to the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Transportation

No significant and unavoidable impacts due to transportation effects were identified in relation to the proposed Project. As stated previously, the Project was estimated to generate fewer than 50 additional PCE trips upon its implementation compared to existing uses. Additionally, the Project was screened from VMT analysis due to a low trip count (approximately 102 additional trips compared to existing trips).

Because the proposed Project was found to not have an impact on transportation and because Alternative 3 would further reduce the overall Project footprint by 25 percent, it is assumed that Alternative 3 would have a lesser impact than the proposed Project. Alternative 3 would be environmentally superior compared to the proposed Project.

Tribal Cultural Resources

No significant and unavoidable impacts to tribal cultural resources were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would disturb the same footprint for construction, and as such, would result in similar tribal cultural resource impacts. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Utilities and Service Systems

No significant and unavoidable impacts to utilities and service systems were identified in relation to the proposed Project. Both the Reduced Building Footprint Alternative and the Project would require additional utilities and service system's needs, although the Reduced Building Footprint Alternative would require approximately 25 percent less utility needs when compared to the Project given the reduction in size. When compared to the Project, the Reduced Building Footprint Alternative would result in fewer utility and service system impacts related impacts than the Project; however, it is anticipated these reductions would be nominal and would remain with a designation of less than significant. Therefore, impacts under this alternative would be similar to those found for the proposed Project. Therefore, this alternative is environmentally equivalent to the proposed Project.

Wildfire

No significant and unavoidable impacts due to wildfire hazards were identified in relation to the proposed Project. Both the Reduced Building Footprint 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 Building Footprint 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. Therefore, this alternative is environmentally equivalent to the proposed Project.

Ability to Meet Objectives

Alternative 3 would generally meet some of the Project objectives, including: (2) Revitalize a section of the City with new industrial use(s) that continue to expand the City's production capacity; (3) Provide infrastructure and landscaping improvements to Sierra Avenue and Mango Avenue vicinity to enhance

aesthetics as well as improve safety and traffic flow; (4) Facilitate goods movement for the benefit of local and regional economic growth; and (6) Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.

In addition to meeting some of the Project objectives, Alternative 3 would result in fewer environmental impacts. However, Alternative 3 would not allow for the level of development of the larger warehouse facilities and still require the same level of infrastructure costs, and therefore would not meet project objectives. Specifically, this Alternative with a smaller warehouse would not fully meet Project objective (1) Implement the City of Fontana’s desire to create a revenue generating use, which generates limited demands on City public services and that capitalizes on nearby transportation corridors and truck routes, stimulates employment, and responds to current market opportunities. Consistent with Objective 5, the Project would need to provide a positive fiscal balance to the City. Alternative 3 would provide a reduced fiscal return to the City, this as a result of the smaller facility. Therefore, Alternative 3 does not maximize the City’s benefits realized or achievement of the Project Objectives when compared to the Project.

6.8 Environmentally Superior Alternative

An EIR is required to identify the environmentally superior Alternative from among the range of reasonable alternatives that are evaluated. Section 15126.6 (e)(2) of the State CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior Alternative is Alternative 1, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the summary of information presented above, the environmentally superior Alternative is Alternative 1. Because Alternative 1 would leave the Project site essentially unchanged and would not have the construction and operational effects that would be associated with any of the alternatives, this Alternative has fewer environmental impacts than the Project or any of the other alternatives.

Section 15126.6(e)(2) of the State CEQA Guidelines states that if the “No Project” alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives. Aside from Alternative 1, the Alternative 3: “Reduced Building Intensity” Alternative would have the least environmental impacts.

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, the Project objectives, and an alternative’s ability to fulfill the objectives with minimal impacts to the existing site and surrounding environment. According to **Table 6-2: Comparison of Project Alternatives Environmental Impacts with the Project**, Alternative 1 would be the environmentally superior Alternative because it would eliminate all of the potentially significant impacts of the Project. However, while Alternative 1 is the environmentally superior Alternative, it is not capable of meeting any of the basic objectives of the Project.

After Alternative 1, the environmentally superior Alternative to the Project is the one that would result in the fewest or least significant environmental impacts. Based on the evaluation undertaken, Alternative 3: “Reduced Building Footprint” is the environmentally superior Alternative. This is an environmentally

superior project alternative because it would have the least environmental impacts because although the impacts would not be entirely avoided, the impacts would be decreased when compared to the Project. However, Alternative 3 achieves the Project objectives to a far lesser extent and does not maximize the City's benefits when compared to the Project. Most critically, Alternative 1 would not meet the Project objectives.

Table 6-2: Comparison of Project Alternatives Environmental Impacts with the Project

| EIR Chapter | Project - Level of Impact After Mitigation | Alternative 1- No Project | Alternative 2 – Drop Lot/ Trailer Storage | Alternative 3- Reduced Building Footprint |
|--|--|--------------------------------------|---|--|
| 4.1 – Aesthetics | Less Than Significant | + | - | = |
| 4.2 – Agriculture and Forestry | No Impact | = | = | = |
| 4.3 – Air Quality | Less Than Significant | - | + | - |
| 4.4 – Biological Resources | Less Than Significant | - | = | = |
| 4.5 – Cultural Resources | Less Than Significant | - | = | = |
| 4.6-- Energy | Less Than Significant | = | + | - |
| 4.7 – Geology and Soils | Less Than Significant | - | = | = |
| 4.8 – Greenhouse Gas Emissions | Less Than Significant | = | + | - |
| 4.9 – Hazards and Hazardous Materials | Less Than Significant | - | = | = |
| 4.10 – Hydrology and Water Quality | Less Than Significant | = | = | = |
| 4.11 – Land Use and Planning | Less Than Significant | = | + | = |
| 4.12 – Mineral Resources | No Impact | = | = | = |
| 4.13 – Noise | Less Than Significant | - | = | = |
| 4.14 – Population and Housing | Less Than Significant | = | = | = |
| 4.15 – Public Services | Less Than Significant | = | - | = |
| 4.16 – Recreation | Less Than Significant | = | = | = |
| 4.17 – Transportation and Traffic | Less Than Significant | = | + | - |
| 4.18 – Tribal Cultural Resources | Less Than Significant | - | - | = |
| 4.19 – Utilities and Service Systems | Less Than Significant | - | - | = |
| 4.20—Wildfire Hazards | Less Than Significant | = | = | = |
| Attainment of Project Objectives | Meets all of the Project Objectives | Meets none of the Project Objectives | Meets none of the Project Objectives | Meets all of but two of the Project Objectives |
| <p>A plus (+) sign means the Project Alternative has more impacts compared to the Project.</p> <p>A minus (-) sign means the Project Alternative has less impact compared to the Project.</p> <p>An equal sign (=) means the Project Alternative has similar impact compared to the Project.</p> | | | | |

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7.0

EIR Consultation and Preparation

7.0 EIR CONSULTATION AND PREPARATION

This section is consistent with the requirements set forth in PRC Section 21153 and State CEQA Guidelines Section 15129, which states: “The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” Refer to **Section 2.3: Notice of Preparation/Early Consultation** for a summary of public notification and consultation.

The NOP and NOP comment letters are provided in **Appendix A: Notice of Preparation & Public Scoping Meeting**. The 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 extensive consultation with the Native American tribes, pursuant to AB 52, as discussed further in **Section 4.18: Tribal Cultural Resources**.

7.1 EIR Consultation

Lead Agency

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
Contact: Salvador Quintanilla, Senior Planner (Project Planner)

Public Agencies/Organizations

- City of Fontana
- Inland Empire Utilities Agency (IEUA)
- South Coast Air Quality Management District
- West Valley Water District
- Fontana Fire Protection District

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 |
| San Bernardino County Local Enforcement Agency; County of San Bernardino, Department of Public Health, Environmental Health Services | Sarah Cunningham, REHS II, Environmental Health Services/LEA |
| South Coast Air Quality Management District | Sam Wang, Program Supervisor, CEQA IGR Planning, Rule Development & Implementation |
| State of California, Department of Justice | Christie Vosburg, Supervising Deputy Attorney General; Rob Bonta Attorney General |
| Native American Heritage Commission | Cameron Vela, Cultural Resource Analyst |

7.2 List of Preparers

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(Air Quality Assessment, Health Risk Assessment, Energy Assessment, Greenhouse Gas Emissions, Assessment, Acoustical Assessment)

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Contact: *Olivia Chan*

(Trip Generation Assessment and Traffic Scoping for the Proposed Sierra Distribution Facility in the City of Fontana)

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(Paleontological Resource Assessment)

Contact: *Heather Clifford, Senior Paleontologist*

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22885 Savi Ranch Parkway, Suite E
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(Geotechnical Investigation)

*Contacts: Robert G. Trazo, Principal Engineer
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(Results of Infiltration Testing)

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Hazard Management Consulting, Inc.

211 W. Avenida Cordoba, Suite 200
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(Phase I Environmental Site Assessment)

Contact: Mark S. Cousineau, Principal

(Results of a Soil and Soil Gas Investigation)

*Contacts: Mark S. Cousineau, Principal
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3990 Concours, Suite 330
Ontario, California 91764

(Preliminary Hydrology Report)

Contact: David White, P.E.

(Preliminary Water Quality Management Plan)

Contact: David White, P.E.

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