RESOLUTION NO. PC 2025-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE SIERRA DISTRIBUTION FACILITY FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2023030788), ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE PROJECT.

WHEREAS, the development is comprised of one industrial distribution center building ("Project") which proposes to be located on one site and is evaluated in the Sierra Distribution Facility Final Environmental Impact Report ("EIR"); and

WHEREAS, the Project consists of an approximately 18.3 net acre property, located within the City of Fontana, in the southwestern portion of San Bernardino County, California, on six parcels (APNs 1119-241-10, -13, -18, -25, -26, and -27); and

WHEREAS, the Project requires approvals of a Tentative Parcel Map (TPM No. 22-025) to consolidate the existing six parcels into one parcel; a proposed Design Review Project (DRP No. 22-051) and a Water Quality Management Plan (WQMP) to ensure Project compliance with City municipal code.

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Fontana is the lead agency for the proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on April 3, 2023, the City sent to the Governor's Office of Land Use and Climate Innovation, formerly known as the Office of Planning and Research, and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse Number #2023030788) would be prepared; and

WHEREAS, five (5) comment letters were received in response to the NOP; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on April 19, 2023, to solicit comments on the scope of the environmental review of the proposed Project and, no additional comments were received; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: Air

Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Tribal Cultural Resources, and Wildfire.

WHEREAS, the Draft EIR further concluded that with the incorporation of all feasible mitigation measures, the Project would not result in any significant and unavoidable impacts; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Governor's Office of Land Use and Climate Innovation, formerly known as the Office of Planning and Research, on September 10, 2024; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the Draft EIR to the public at the same time that the City sent Notice of Completion to the Office of Planning and Research, on September 11, 2024; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Lewis Library and Technology Center public libraries; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from September 11, 2024 to October 25, 2024; and

WHEREAS, during the public review and comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the City received three written comment letters on the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the City's consideration of the Final EIR on May 23, 2025; and

WHEREAS, on June 3, 2025, the Planning Commission conducted the public hearing to consider the Draft EIR and approvals of TPM and DRP for the Project and solicited comments on the document. After hearing all relevant testimony from staff, the public and the City's consultant team, the Planning Commission voted to certify the EIR for the Project; and

WHEREAS, on May 23, 2025, the City released the Final EIR ("Final EIR"), which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, and errata to the Draft EIR and technical appendices; and

WHEREAS, the "EIR" consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes the Project's potentially significant environmental impacts and the EIR analyzes a range of feasible alternatives capable of reducing these effects to an even lesser level of significance; and

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are described in **Section 2.2** of **Exhibit A**; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are described in **Section 2.3** of **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in **Section 2.6** of **Exhibit A**; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in **Section 2.7** of **Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than

significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in **Exhibit B** to this Resolution, attached hereto and incorporated herein; and

WHEREAS, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on June 3, 2025, the City conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FONTANA:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Planning Commission hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines. The Planning Commission finds that the EIR reflects the independent judgment and analysis of the City. The Planning Commission declares that no evidence of new significant impacts or any new information of "substantial importance" as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the Planning Commission hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 3. The Planning Commission hereby adopts the "CEQA Findings of Fact" which were prepared in accordance with State CEQA Guidelines sections 15091 and which are attached hereto as **Exhibit A** and incorporated herein by this reference.

SECTION 4. Pursuant to Public Resources Code section 21081.6, the Planning

Commission hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B** and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 5. Based upon the entire record before it, including the EIR, Findings of Fact, and all written and oral evidence presented, the Planning Commission hereby approves the proposed Project.

SECTION 6. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. The custodian for these records is Salvador Quintanilla, Senior Planner. This information is provided pursuant to Public Resources Code section 21081.6.

SECTION 7. City staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 3rd day of June, 2025.

City of Fontana

_____
Idilio Sanchez, Chair

ATTEST:

I, Joseph Armendarez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 3rd day of June, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Joseph Armendarez, Secretary

EXHIBIT A
CEQA FINDINGS OF FACT

Findings of Fact
Regarding the Environmental Effects of the Approval of the:

Sierra Distribution Facility Project

State Clearinghouse No. 2023030788

Lead Agency
City of Fontana
Community Development Department
18353 Sierra Avenue
Fontana, CA 92335

CEQA Consultant
Kimley-Horn and Associates
3801 University Avenue, Suite 300
Riverside, CA 92501

Project Applicant
Seefried Industrial Properties, Inc.
3333 Riverwood Parkway, Suite 200
Atlanta, GA 30339

June 3, 2025

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1.0 Introduction

The Planning Commission of the City of Fontana (the "Planning Commission") in approving the Sierra Distribution Facility Project (the "Project"), makes the Findings presented herein. The Findings are based upon the entire record before the Planning Commission, as described in Subsection 4.1.3 below, including the Environmental Impact Report ("EIR") prepared for the Project on behalf of the City of Fontana (the "City") acting as Lead Agency under the California Environmental Quality Act ("CEQA").

Hereinafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR (containing responses to public comments on the Draft EIR and textual revisions to the Draft EIR), and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the "EIR" unless otherwise specified.

1.1 Project Summary

1.1.1 Site Location

The approximately 18.3-acre Project Site is located within the City of Fontana, which is located in the southwestern portion of San Bernardino County, California. The City of Fontana is located east of the cities of Ontario and Rancho Cucamonga, west of the City of Rialto and the unincorporated community of Bloomington, and north of the City of Jurupa Valley. The Project Site is located approximately 0.5 mile north of State Route 210 (SR-210), approximately 2 miles east of Interstate 15 (I-15), and approximately 5 miles west of Interstate 215 (I-215). The Project Site includes Assessor Parcel Numbers (APNs) 1119-241-10, -13, -18, -25, -26, and -27.

1.1.2 Project Description

The Project's site-specific actions entail a proposed Tentative Parcel Map (TPM No. 22-025) to consolidate six APNs into one APN and a Design Review Project (DRP No. 22-051) to construct one 398,514 square foot warehouse on approximately 18.3 acres. The Project would be consistent with the City's General Plan land use designation of I-L: Industrial Light and zoning which is M-1: Light Industrial which allows for employee-intensive uses. The Project will also be subject to City Ordinance No. 1891 which establishes buffering and screening requirements, methods to improve traffic circulation, requirements for alternative energy, and improvements to circulation as it relates to industrial commerce center development in Fontana.

1.1.3 Project Objectives

The fundamental purpose and goal of the Project is the following:

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.
2. Revitalize a section of the City with new industrial use(s) to create an economic engine to drive future growth in the City.

3. Develop the site with a more efficient use of the Property, to enhance the value of the Property, generating increased property values.
4. Provide infrastructure and landscaping improvements to Sierra Avenue and Mango Avenue vicinity to enhance aesthetics as well as improve safety and traffic flow.
5. Facilitate goods movement for the benefit of local and regional economic growth.
6. 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.
7. Provide additional temporary and permanent employment opportunities while improving the local balance of housing and jobs.

1.2 City of Fontana Actions Covered By the EIR

The City of Fontana has primary approval responsibility for the proposed Project. As such, the City serves as the Lead Agency for the EIR pursuant to CEQA Guidelines Section 15050. The City's Planning Commission will hold a public hearing to consider the Final EIR. For the Project, the Planning Commission will consider the TPM No. 22-025 and DRP No. 22-051. A public hearing will then be held before the Planning Commission regarding certification of the Final EIR and approval of TPM No. 22-025 and DRP No. 22-051 for the Project. The Planning Commission is the approval authority for certification of the DRP and TPM for the Project. Other agencies also may use the EIR as part of their decision-making processes concerning the proposed Project.

1.3 Environmental Review and Public Participation

The City conducted an extensive environmental review of the Project to ensure that the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; and to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures and project design requirements which have been found to be feasible. In order to do this, the City, acting as lead agency under CEQA, undertook the following:

- Prepared a Notice of Preparation, which was used as the basis for the determination that an EIR should be prepared for the Project. The Notice of Preparation identified the environmental issues to be analyzed in detail in the Project's EIR as: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire;
- The Notice of Preparation was sent to the Governor's Office of Planning and Research (the "State Clearinghouse"), Responsible Agencies, Trustee Agencies, and other interested parties on April 3, 2023, for a 30-day review period;
- Held a publicly noticed EIR Scoping Meeting on April 19, 2023;
- Submitted a Notice of Completion, Notice of Availability, and Draft EIR to the State Clearinghouse on September 10, 2024;

- Mailed a Notice of Availability to all Responsible Agencies, Trustee Agencies, County Clerk, other interested parties, and organizations and individuals who had previously requested the Notice on September 11, 2024 to inform recipients that the Draft EIR was available for a 45-day review period beginning on September 11, 2024, and ending on October 25, 2024;
- Mailed the Notice of Availability to all property owners within a 300-foot radius of the Project Site on September 11, 2024;
- Provided copies of the Draft EIR to public agencies, organizations, and individuals on September 11, 2024;
- Made the Notice of Availability and Draft EIR available to the public on the City's website;
- Published the Notice of Availability in the San Bernardino County Sun, which is the newspaper of general circulation in the area affected by the Project, on September 11, 2024;
- Prepared responses to comments on the Draft EIR received during the 45-day comment period on the Draft EIR, which have been included in the Final EIR;
- Sent notice of the Planning Commission's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on May 15, 2025;
- Sent written responses to comments to all public agencies, organizations, and individuals who submitted comments the Draft EIR on May 23, 2025 (3 comment letters were received);
- Sent notice of the Planning Commission's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on May 15, 2025.
- Published a notice on May 23, 2025, in the San Bernardino County Sun, the newspaper of general circulation in the area affected by the Project, that the Planning Commission would hold a public hearing on June 3, 2025, to consider approval of the Project and certification of the EIR;
- Held a public hearing of the Planning Commission on June 3, 2025, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approved the Project.

All of the documents identified above and all of the documents which are required to be part of the administrative record pursuant to Public Resources Code Section 21167.6(e) are on file with the City of Fontana Community Development Department, 8353 Sierra Avenue, Fontana, CA 92335.

2.0 Environmental Impacts and Findings

2.1 General Findings

2.1.1 Independent Judgment Finding

Finding: The EIR for the Project reflects the City's independent judgment and analysis.

Facts in Support of the Finding: The EIR was prepared by Kimley-Horn and Associates, Inc., an independent, professional consulting firm hired by the Project Applicant and working under the supervision and direction of the City's Planning Department staff. The Planning Commission, as the City's final decision-making body for the Project, received and reviewed the EIR and the comments, written and oral, provided by public agencies and members of the public prior to certifying that the EIR complied with CEQA. The professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by City staff and its consultants, the thorough and independent review of the Draft EIR and Final EIR, including comments and responses, by City staff, and the review and careful consideration of the Final EIR by the Planning Commission, including comments and responses, all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the Planning Commission as the decision-making body for the Project.

2.1.2 Finding of the Absence of any Need to Recirculate the EIR

Finding: The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Draft EIR.

Facts in Support of the Finding: The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications, and minor modifications to the Draft EIR. The Planning Commission has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, nor a feasible mitigation measure or an alternative considerably different from others previously analyzed that the Project Applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Planning Commission indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

2.1.3 General Finding on Mitigation Measures

It is the City's intent to adopt and implement all mitigation measures identified in the EIR which are applicable to the Project, which the City finds to consist of all feasible measures that reduce the Project's significant impacts. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended

in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Conditions of Approval contain the final wording for the mitigation measures.

2.2 Impacts Identified in the Initial Study (IS) or EIR as No Impact or Less than Significant Not Requiring Mitigation

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the Planning Commission hereby finds that the Project would have either no impact or a less than significant impact under the following resource areas and therefore do not require the imposition of Mitigation Measures:

2.2.1 Aesthetics

A. Would the Project have a substantial adverse effect on a scenic vista? (Threshold "Impact 4.1-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: Construction activities would temporarily alter visual characteristics of the site as viewed from the surrounding uses due to construction activities, which is expected to last approximately 15 months. Upon Project completion, views of the site would remain consistent with current visual characteristics as the site would be consistent with City land use policies, surrounding development, and current site development. The Project would be well below the height limit of 75 feet in the area at 45.5 feet, which would reduce impacts to scenic resources within the Project area. As such, the Project would cause a less than significant impact to scenic vistas (Draft EIR Page 4.1-8)

B. Would the Project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (Threshold "Impact 4.1-2")

Finding: No Impact

Facts in Support of Finding: There are no state scenic highways within the City. The nearest State Scenic Highway, State Route 330 (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. (Draft EIR Page 4.1-9)

C. In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area,

would the Project conflict with applicable zoning and other regulations governing scenic quality? (Threshold "Impact 4.1-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: As the City is considered an urbanized area, this section analyzes whether the Project is consistent with applicable zoning. Impacts associated with implementation of the Project would be temporary in nature and abide by all applicable local regulations to ensure minimal impacts. 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. The Project would be consistent with zoning regulations as determined by the City. 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. (Draft EIR Page 4.1-10)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 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 all applicable regulations to ensure 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. (Draft EIR Page 4.1-11)

2.2.2 Agriculture and Forestry Resources

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

Finding: No Impact

Facts in Support of Finding: The City's land use map shows that there are no zones which allow agricultural uses within or nearby the Project site. 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 categorized as Urban and Built-Up Land according to the California Important Farmland Finder. 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. (Draft EIR Page 4.2-9)

B. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act Contract (Threshold "Impact 4.2-2")

Finding: No Impact

Facts in Support of Finding: 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. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and no impact would occur. (Draft EIR Page 4.2-9)

C. Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? (Threshold "Impact 4.2-3")

Finding: No Impact

Facts in Support of Finding: The Project is consistent with the City's General Plan and would be located on land with a Light Industrial zoning. The City does not contain areas with land use designations for either Forest Land or Timberland. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland and no impacts would occur. (Draft EIR Page 4.2-9)

D. Would the Project result in the loss of forest land or conversion of forest land to non-forest use? (Threshold "Impact 4.2-4")

Finding: No Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.2-9)

E. Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Threshold "Impact 4.2-5")

Finding: No Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.2-10)

2.2.3 Air Quality

A. Would the Project conflict with or obstruct implementation of the applicable air quality plan? (Threshold "Impact 4.3-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project is located within the South Coast Air Basin (SCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD is required, pursuant to the Federal Clean Air Act (FCAA), to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 Air Quality Management Plan (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 California Air Resources Board (CARB), the Southern California Association of Governments (SCAG), and the Environmental Protection Agency (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.

The Project would not exceed the construction or operational standards of the SCAQMD emissions thresholds as emissions thresholds for criteria air pollutants: Reactive Organic Gases (ROG), Carbon Monoxide (CO), Nitrogen Oxides (NO_X), Sulfur Oxides (SO_X), Coarse Particulates (PM_{10}), Fine Particulates ($PM_{2.5}$) would not be exceeded by Project construction or operation as shown in further detail in Draft EIR **Table 4.3-7**, on page 4.3-16. Additionally, 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. Therefore, the Project would not contribute to an existing air quality violation. Thus, a less than significant impact would occur. (Draft EIR Page 4.3-19)

C. Would the Project expose sensitive receptors to substantial pollutant concentrations? (Threshold "4.3-3")

Findings: Less-than-Significant Impact

Facts in Support of Finding: Sensitive receptors located in the Project site vicinity include single family residences located approximately 130 feet west of the Project. Localized significance of construction and operations emissions would be in attainment with SCAQMD AQMP regulations pertaining to sensitive receptors at a distance within 25 meters. The project would be compliant with all Central San Bernardino Valley Source Receptor Area (SRA) requirements and would not generate substantial pollution that would impact sensitive receptors.

Based on the SCAQMD CO Hotspot Analysis, 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. 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. The Carbon Monoxide Hotspot modeling included on page 4.3-31 of the Draft EIR determined there would be a concentration of 4.6 ppm, well below the Federal standard of 35 ppm.

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 as shown in **Table 4.3-13** of the Draft EIR. Therefore, impacts associated with carcinogenic risk would be less than significant.

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 diesel particulate matter (DPM) emissions from the Project would be 0.0007 as shown in **Table 4.3-14** of the Draft EIR. 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. (Draft EIR Page 4.3-32)

D. Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (Threshold "Impact 4.3-4")

Findings: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.3-33)

2.2.4 Biological Resources

B. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service? (Threshold "Impact 4.4-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.4-13)

C. 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? (Threshold "Impact 4.4-3")

Finding: No Impact

Facts in Support of Finding: 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 US Army Corps of Engineers (USACE), Regional Board, or California Department of Fish and Wildlife (CDFW). No jurisdictional drainage and/or wetland features were observed on the Project side during the habitat assessment that would be considered jurisdictional by the USACE, 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. (Draft EIR Page 4.4-14)

D. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Threshold "Impact 4.4-4")

Finding: No Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.4-14)

E. Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Threshold "Impact 4.4-5")

Finding: No Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.4-14)

F. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Threshold "Impact 4.4-6")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 United States Geological Survey (USGS) 7.5-minute quadrangle. However, no special-status plant species, wildlife species, or plant communities were observed on-site during the habitat assessment 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. (Draft EIR Page 4.4-15)

2.2.5 Cultural Resources

A. Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5? (Threshold "Impact 4.5-1")

Finding: No Impact

Facts in Support of Finding: Four structures, each erected within the last 45 years, which is the age threshold for identifying whether or not built properties are considered historic in age, currently occupy

the Project site. As the structures are not of historic age or classified as a historic resource, the Project would have no impact.

Additionally, no fewer than 17 previous cultural resource investigations have occurred within 0.5 mile of the Project site since 1978, including the Cultural Resource Assessment for the Project, and have found no cultural resources within the Project site boundaries. The Project site is currently developed and previously disturbed with no native intact sediments observed during the field survey. As construction activities would occur within the footprint of existing development, historical resources would not be impacted by construction of the Project. Operation of the Project would commence upon the completion of construction activities. This land use operation would not impact any known or unknown historical resources. As such, no impact would occur regarding adverse change to a historical resource. (Draft EIR Page 4.5-15)

2.2.6 Energy

A. Would the Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Threshold "Impact 4.6-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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.

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. Project construction would 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. 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 as shown in **Table 4.6-4** of the Draft EIR. Fuel consumption utilized by operation and construction of the Project would be nominal when compared to cumulative County fuel usage. A less than significant impact would occur in this regard.

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. 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. 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. As such, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy and impacts would be less than significant. (Draft EIR Page 4.6-11)

B. Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency? (Threshold "Impact 4.6-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: Title 24 of the California Code of Regulations (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 Greenhouse Gas Reduction Plan (GHGRP) establishes a series of energy efficiency related goals intended to reduce greenhouse gas (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 GHGRP measures, no conflict with existing energy standards and regulations would occur. Therefore, impacts associated with renewable energy or energy efficiency plans would be considered less than significant. (Draft EIR Page 4.6-12)

2.2.7 Geology and Soils

A. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving (Threshold "Impact 4.7-1 through 4.7-4"):

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?

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

Finding: Less-than-Significant Impact

Facts in Support of Finding:

Rupture of Known Earthquake Fault: 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 regarding substantial evidence of known fault.

Strong Seismic Ground Shaking: 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 regarding strong seismic ground shaking.

Seismic-Related Ground Failure, Including Liquefaction: 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.

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. 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.

Landslides: 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. 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. (Draft EIR Page 4.7-21)

B. Would the Project result in substantial soil erosion or the loss of topsoil? (Threshold "Impact 4.7-5")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. As such, the Project would have a less than significant impact regarding soil erosion or the loss of topsoil. (Draft EIR Page 4.7-21)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 Local hazard Mitigation Plan (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.

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. (Draft EIR Page 4.7-21)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.7-22)

E. Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (Threshold "Impact 4.7-8")

Finding: No Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.7-23)

F. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Threshold "Impact 4.7-9")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.7-25)

2.2.8 Greenhouse Gas Emissions

A. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Threshold "Impact 4.8-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project would result in the generation of approximately 1,207 $MTCO_2e$ 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 $MTCO_2e$ per year. Once construction is complete, the generation of these GHG emissions would cease.

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. The Project would generate approximately 2,528 $MTCO_2e$ 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 $MTCO_2e$ 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 $MTCO_2e$ per year threshold. Therefore, the Project impacts would be less than significant, and no mitigation measures are required. (Draft EIR Page 4.8-18)

B. Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Threshold "Impact 4.8-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The 2020 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) 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 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. Additionally, the net new GHG emissions caused by long-term operation of the Project would not exceed the City's 3,000 $MTCO_2e$ per year screening threshold, and impacts would be less than significant. 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. The California Air Resources Board (CARB) Scoping Plan sets targets for reducing GHG emissions. 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 as a greater amount of renewable energy sources come online. Additionally, the Project would be consistent with resource efficiency goals established in the Fontana General Plan Update as shown in Table 4.8-5 of the Draft EIR. Therefore, the impacts would be less than significant. (Draft EIR Page 4.8-22)

2.2.9 Hazards and Hazardous Materials

C. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Threshold "Impact 4.9-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.9-23)

D. Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? (Threshold "Impact 4.9-4")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5 (Cortese List). The Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5. The Phase I ESA indicated that there were no Recognized Environmental Conditions (RECs) identified in association with the Project site. Therefore, the impact would be less than significant. (Draft EIR Page 4.9-24)

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

Finding: No Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.9-24)

F. Would the Project impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Threshold "Impact 4.9-6")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. On-site construction would not impeded traffic flows; 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 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. (Draft EIR Page 4.9-25)

G. Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Threshold "Impact 4.9-7")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The City is categorized as a Local Responsibility Area (LRA) by CAL FIRE. Also, according to CAL FIRE, the Project site is designated as a Non-very high Fire Hazard Safety Zone (FHSZ). 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 San Bernardino County Fire Department (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, 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 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. (Draft EIR Page 4.9-25)

2.2.10 Hydrology and Water Quality

A. Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Threshold "Impact 4.10-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 Regional Water Quality Control Board (RWQCB) and Fontana Municipal Code Chapter 23, Article IX, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit) associated with the Project site. The NPDES permit is required for all development projects that include construction activities, such as: clearing, grading, and/or excavation, that disturb at least one acre of total land area. In addition, the applicant would be required to comply with the Santa Ana RWQCB's Santa Ana

River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities. The Storm Water Pollution Prevention Plan (SWPPP) would specify the Best Management Practices (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.

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"). 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. 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. (Draft EIR Page 4.10-19)

B. Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Threshold "4.10-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project site lies within the Chino Basin. The Chino Basin is the subbasin of the Upper Santa Ana River contained within the California Department of Water Resources (DWR) South Coast Hydrologic Region. The Project site would be within the service area of Fontana Water Company (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 of the Draft EIR, considering the above and considering current as well as Project water demand through the year 2040 in both normal, 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 Water Quality Management Plan (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 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. 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. (Draft EIR Page 4.10-20)

C. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would (Threshold "4.10-3 through 4.10-6"):

i. Result in substantial erosion or siltation on or off site?

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

iii. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

iv. Impede or redirect flood flows?

Finding: Less-than-Significant Impact

Facts in Support of Finding:

Erosion and Siltation: 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 Sana 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.

Stormwater Runoff: 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 and 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 runoff 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.

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.

Flood Flows: 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). 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. (Draft EIR Page 4.10-21)

D. Would the Project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Threshold "4.10-7")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. Accordingly, the impacts to the Project site associated with release of pollutants due to inundation would not occur. No mitigation is required. (Draft EIR Page 4.10-22)

E. Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Threshold "4.10-8")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 Sustainable Groundwater Management Act (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. (Draft EIR Page 4.10-22)

2.2.11 Land Use and Planning

A. Would the Project physically divide an established community? (Threshold "Impact 4.11-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.11-6)

B. Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Threshold "Impact 4.11-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. Implementation of the Project would be generally consistent with the City General Plan goals

and policies. 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 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. (Draft EIR Page 4.11-13)

2.2.12 Mineral Resources

A. Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? (Threshold "Impact 4.12-1")

Finding: No Impact

Facts in Support of Finding: The Project site is located on lands designated as Mineral Resource Zone 3 (MRZ-3) by the County, which designates land that has areas containing known or inferred mineral deposits that may qualify as mineral resources. 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. 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 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. (Draft EIR Page 4.12-6)

B. Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Threshold "Impact 4.12-2")

Finding: No Impact

Facts in Support of Finding: 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. The Fontana Forward GP does not mention any mineral resource recovery sites located within the City or its sphere of influence. 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 impact. (Draft EIR Page 4.12-6)

2.2.13 Noise

A. Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Threshold "Impact 4.13-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 as shown in **Table 4.13-3** of the Draft EIR. 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. Construction noise levels from the Project would not exceed the Federal Transit Administration's (FTA's) construction noise thresholds and would be required to comply with the Municipal Code standards. Expected Project construction noise levels would reach approximately 67.8 dBA from the nearest sensitive receptor, below the City threshold of 80 dBA as shown in **Table 4.13-4** of the Draft EIR. Therefore, there is a less than significant noise impact for construction activities.

Implementation of the Project would create new sources of noise in the Project vicinity. 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. 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. 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 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. Existing Plus Project traffic-generated noise levels on Project area roadways would range between 66.2 dBA Community Noise Equivalent Level (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. As such, a less than significant impact would occur, and mitigation is not necessary. (Draft EIR Page 4.13-10)

B. Would the Project result in generation of excessive groundborne vibration or groundborne noise levels? (Threshold "Impact 4.13-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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 Peak Particle Velocity (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.

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. (Draft EIR Page 4.13-12)

C. For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Threshold "Impact 4.13-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.13-13)

2.2.14 Population and Housing

A. Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Threshold "Impact 4.14-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.14-10)

B. Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Threshold "Impact 4.14-2")

Finding: No Impact

Facts in Support of Finding: 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 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. (Draft EIR Page 4.14-11)

2.2.15 Public Services

A. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire Protection Services (Threshold "Impact 4.15-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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, California Fire Code (CFC) and California Building Code (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 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. 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. (Draft EIR Page 4.15-12)

B. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Police Protection (Threshold "Impact 4.15-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.15-12)

C. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for School Services (Threshold "Impact 4.15-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 Fontana Unified School District (FUSD) requires school mitigation impact fees of $0.78 per square foot for commercial/industrial developments. 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. (Draft EIR Page 4.15-13)

D. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Park Services (Threshold "Impact 4.15-4")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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 be negligible compared to existing conditions. Therefore, the Project would not impact local or neighboring parks. Therefore, a less than significant impact would occur. (Draft EIR Page 4.15-13)

E. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other Public Services (Threshold "Impact 4.15-5")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. (Draft EIR Page 4.15-14)

2.2.16 Recreation

A. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Threshold "Impact 4.16-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.16-6)

B. Does the Project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? (Threshold "Impact 4.16-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.16-7)

2.2.17 Transportation

A. Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Threshold "Impact 4.17-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project would be consistent with SB 375 by complying with SCAG's Connect SoCal and SBCTA's Congestion Management Plan (CMP) and 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.

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** 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. As the Project is estimated to generate less than 50 net new Passenger Car Equivalent (PCE) trips for both the AM and PM peak hours (9 AM / 38 PM) as shown in **Table 4.17-2**, an evaluation of Level of Service (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. Therefore, impacts would be less than significant. (Draft EIR Page 4.17-11)

B. Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision? (Threshold "Impact 4.17-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: State CEQA Guidelines Section 15064.3 codifies the change from LOS to VMT as a metric for transportation impact analysis. Because the Project is estimated to generate just 106 additional average daily trips (ADT), below the City threshold of fewer than 500 net ADT, the Project would not be inconsistent with CEQA Guidelines Section 15064.3. As such, the Project would have a less than significant impact regarding VMT. (Draft EIR Page 4.17-12)

C. Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Threshold "Impact 4.17-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project is not anticipated to substantially increase hazard due to geometric design. 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. 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 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. As such, impacts would be less than significant regarding increased roadway hazards. (Draft EIR Page 4.17-13)

2.2.18 Utilities and Services Systems

A. 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 of which could cause significant environmental effects? (Threshold "4.19-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. Sufficient water supplies and wastewater treatment capacity would serve the Project site as shown in **Table 4.19-2** and **Table 4.19-3** of the Draft EIR. Additional energy infrastructure may be required to service the Project site; however, adequate electricity capacity exists to service the site. Additionally, natural gas and telecommunications services would adequately serve the Project site, and disturbance would only be required on the Project site and adjacent to existing roadways. 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 the 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. (Draft EIR Page 4.19-16)

B. Would sufficient water supplies be available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years? (Threshold "4.19-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project's water service provider is the West Valley Water District (WVWD) which currently has a surplus of water supplies and anticipates adequate capacity for the entire service area through the year 2045. Based on the project expected water usage rates, the Project would be adequately serviced by WVWD and would result in less than significant impacts on services provided by the water service providers. (Draft EIR Page 4.19-16)

C. Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Threshold "4.19-3")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project's wastewater service provider is the Inland Empire Utilities Agency (IEUA) which has wastewater treatment facilities in the cities of Rancho Cucamonga and Ontario and the City of Rialto which treats a portion of the City's wastewater. The Project site would be serviced by the IEUA which anticipates adequate treatment capacity to serve the Project, which would generate approximately 0.46% of the remaining IEUA treatment capacity. As such, the project is anticipated to cause a less than significant impact on services provided by the wastewater service provider. (Draft EIR Page 4.19-16)

D. Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Threshold "Impact 4.19-4")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. 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. 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. Buildout of the Project is estimated to generate 5,658 pounds per day (PPD) of solid waste.

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. 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. A construction waste management plan would be submitted

and implemented in compliance with Section 4.408 of the 2019 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. (Draft EIR Page 4.19-18)

E. Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste? (Threshold "Impact 4.19-5")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project would comply with all federal, state, and local management reduction strategies related to solid waste and would be serviced by adequate capacity as mentioned above. Less than significant impacts would occur. (Draft EIR Page 4.19-18)

2.2.19 Wildfire

A. 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? (Threshold "Impact 4.20-1")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. However, according to the City's Local Hazard Mitigation Plan, 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 in Draft EIR 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, 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 – 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. (Draft EIR Page 4.20-12)

B. 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 wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Threshold "Impact 4.20-2")

Finding: Less-than-Significant Impact

Facts in Support of Finding: 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. (Draft EIR Page 4.20-12)

2.3 Impacts Identified in the EIR as Potentially Significant that Have been Mitigated to a Level of Less than Significant

The Planning Commission hereby finds that feasible mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less

than significant level, pursuant to CEQA Guidelines § 15091(a)(1). The potentially significant impacts, and the mitigation measures that will reduce them to a less than significant level, are as follows:

2.3.1 Air Quality

B. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Threshold "Impact 4.3-2")

Finding: Less-than-Significant Impact with Mitigation

Facts in Support of Finding: 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 PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur and would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance. 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.

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.

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.

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. As such, impacts would be less than significant with mitigation incorporated. (Draft EIR Page 4.3-22)

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-7 The Project shall be designed in accordance with the development standards of the City of Fontana Industrial Commerce Center Sustainability Standards Ordinance. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Buffering and Screening / Adjacent uses (Sec. 9-71): include appropriate landscaping buffer between warehouse building and adjacent sensitive receptors; all landscaping shall be drought tolerant, loading docks and truck entries shall be oriented away from abutting sensitive receptors.
- Signing and Traffic Patterns (Sec. 9-72): Post anti-idling signage indicating a 3-minute diesel truck idling restriction, prepare and submit a Truck Route Map, provide adequate stacking depth within property (minimum 140 feet).
- Alternative Energy (Sec. 9.73): On-site motorized operational equipment shall be zero emission, all building roofs shall be solar ready, at least 10 percent of all passenger vehicle parking spaces shall be electric vehicle (EV) ready, at least 5 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 Quick charge EV charging stations, electric plug-in units shall be installed at every dock door servicing refrigerated space, provide bicycle parking.
- Operation and Construction (Sec. 9-74): Ensure that electrical rooms are sized to accommodate potential need for additional electrical panels, use super-compliance VOC coatings, use the highest rated CARB Tier technology for construction equipment, use electric-powered hand tools and forklifts.

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.

2.3.2 Biological Resources

A. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service? (Threshold "Impact 4.4-1")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding:

Special Status Plant Species

No special-status plant species were observed during the habitat assessment (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 special-status wildlife species.

In order to minimize potential impacts to bird nesting sites **MM BIO-1** would require the completion of a pre-construction nesting bird clearance survey. Therefore, impacts to the aforementioned common and

special-status wildlife or plant species would be less than significant with mitigation measures applied. (Draft EIR Page 4.4-13)

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.

2.3.3 Cultural Resources

B. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Threshold "Impact 4.5-2")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: The Cultural Resource Assessment determined the Project site does not contain archaeological resources of significance. 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. 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. (Draft EIR Page 4.5-17)

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.

C. Would the Project disturb any human remains, including those interred outside of dedicated cemeteries? (Threshold "Impact 4.5-3")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: The Project is located in an area mainly developed with industrial and residential uses and is not located near a formal cemetery. The Project site is currently developed and is within a highly urbanized area where discovery of unknown human remains would not be expected. However, in the unlikely event human remains are discovered during Project construction, the Project would comply with HSC Sections 7050.5 through 7055 and PRC Section 5097.98 and 5097.99 which would require all construction to halt and immediate correspondence with a qualified archaeologist, a Native American monitor, and the County Coroner. (Draft EIR Page 4.5-18)

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.

2.3.4 Hazards and Hazardous Materials

A. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Threshold "4.9-1")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: 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. 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 due to the present industrial land use of the site. Implementation of **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. 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). 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. (Draft EIR Page 4.9-20)

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.

B. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Threshold "Impact 4.9-2")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: 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.

The Phase II investigation included the collection of soil samples in the vicinity of chemical uses at the Davis Partners property, which is an REC due to poor housekeeping practices. 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.

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. (Draft EIR Page 4.9-22)

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.).

2.3.5 Tribal Cultural Resources

A. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site feature, place, cultural landscape that is geographically defined in terms of the size and scope of the

landscape, sacred place, or object with cultural value to a California Native American tribe, and that is (Threshold "Impact 4.18-1"):

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.

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: 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 site. 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, there is a potential for unknown buried archaeological resources that qualify as TCRs to be encountered during Project-related ground-disturbing activities. In the event that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, **MM CUL-1** would apply to minimize potential impacts to archaeological resources. 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 these measures, impacts to tribal cultural resources would be less than significant.(Draft EIR Page 4.18-8)

Mitigation Measures

Refer to ***Section 5.3.3: 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 **MM CUL-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.

2.3.6 Wildfire

A. 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? (Threshold "Impact 4.20-3")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: 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. (Draft EIR Page 4.20-13).

Mitigation Measures

MM FIRE-1 **Fire Safety Requirements.** The Project shall be required to comply with all Fire Safety Requirements as identified in Section 5 of the Fire Protection Plan prepared for the Project (Appendix L). Conformance with these requirements shall be verified by the San Bernardino County Fire Department during design review prior to the issuance of building and grading permits.

B. 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? (Threshold "Impact 4.20-4")

Finding: Less-than-Significant Impact with Mitigation Incorporated

Facts in Support of Finding: 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, 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. The potential for flooding on the Project site, therefore, is considered low.

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. (Draft EIR Page 4.20-14).

Mitigation Measures

MM FIRE-1.

2.4 Impacts Identified in the EIR as being Significant and Unavoidable

The Planning Commission hereby finds that, with the incorporation of all applicable mitigation measures, the Project and related approvals would be mitigated to a less than significant impact level.

2.5 Cumulative Impacts

Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

2.5.1 Aesthetics

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. (Draft EIR Page 4.1-11)

2.5.2 Agriculture And Forestry Resources

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. (Draft EIR Page 4.2-11)

2.5.3 Air Quality

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 O_3, PM_{10}, and $PM_{2.5}$. The SCAB is designated as a nonattainment area for federal standards of O_3 and $PM_{2.5}$, attainment, and serious maintenance for federal PM_{10} 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 O_3, PM_{10}, and $PM_{2.5}$ for state standards and nonattainment for O_3 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. 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.

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. (Draft EIR Page 4.3-34)

2.5.4 Biological Resources

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. (Draft EIR Page 4.4-15)

2.5.5 Cultural Resources

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.

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.

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.

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. (Draft EIR Page 4.5-18)

2.5.6 Energy

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. 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. (Draft EIR Page 4.6-12)

2.5.7 Geology And Soils

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. (Draft EIR Page 4.7-26)

2.5.8 Greenhouse Gas Emissions

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. 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. (Draft EIR Page 4.8-22)

2.5.9 Hazardous And Hazardous Material

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. (Draft EIR Page 4.9-24)

2.5.10 Hydrology And Water Quality

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 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. (Draft EIR Page 4.10-24)

2.5.11 Land Use and Planning

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. (Draft EIR Page 4.11-14)

2.5.12 Mineral Resources

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. (Draft EIR Page 4.12-6)

2.5.13 NOISE

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 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. 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.

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. (Draft EIR Page 4.13-13)

2.5.14 Population And Housing

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. Similarly, Project implementation would have no impact to a less than significant impact on the City's population and housing resources. 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 Draft EIR ***Section 4.11: Land Use and Planning***, 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. (Draft EIR Page 4.14-11)

2.5.15 Public Services

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. (Draft EIR Page 4.15-14)

2.5.16 Recreation

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. (Draft EIR Page 4.16-7)

2.5.17 Transportation

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. (Draft EIR Page 4.17-14)

2.5.18 Tribal Cultural Resources

For purposes of tribal cultural resources impact analysis, cumulative impacts are considered in connection with the anticipated future development projects in the City. 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-unidentified tribal cultural resources to less than significant levels. As such, cumulative impacts to tribal cultural resources would be mitigated on a project-by-project level, and in accordance with the established regulatory framework, through the established regulatory review process. Therefore, the combined cumulative impacts to tribal cultural resources associated with the Project's incremental effects and those of the cumulative projects would be less than significant with mitigation incorporated. (Draft EIR Page 4.18-12)

2.5.19 Utilities And Service Systems

For purposes of public utilities and service systems, cumulative impacts are considered for projects located within Fontana. 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. 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. (Draft EIR Page 4.19-18)

2.5.20 Wildfire

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. (Draft EIR Page 4.20-14)

2.6 Significant Irreversible Environmental Changes Which Would Be Caused by the Proposed Project Should It Be Implemented

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them.

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. (Draft EIR Page 5-1)

2.7 Growth-Inducing Impacts of the Proposed Project

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(d)). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees.

According to regional population projections included in SCAG's *Connect SoCal*, the City of Fontana's population is projected to grow by 75,700 residents between 2016 and 2045 (approximately 0.99 percent annual growth) (SCAG, 2020). Over this same time period, employment in the City is expected to add 18,400 new jobs (approximately 0.84 percent annual job growth) (ibid). Economic growth would likely take place as a result of the Project's operation as a distribution facility. The Project's employees (short-term construction and long-term operational) would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services demands is expected to be accommodated by existing goods and service providers and, based on the amount of existing and planned future commercial and retail services available in area near the Project site, would be highly unlikely to result in any unanticipated, adverse physical impacts to the environment. In addition, the Project would create jobs, a majority of which would likely be filled by residents of the housing units either already built or planned for development within the City of Fontana and nearby incorporated and unincorporated areas. Accordingly, because it is anticipated that most of the Project's future employees would already be living in the City of Fontana or the immediate surrounding Inland Empire area, the

Project's introduction of new employment opportunities on the Project site would not induce substantial growth in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as SCAG. Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The area surrounding the Project site consist of industrial land uses to the north and south, a landfill to the east, and residential land uses to the west. Development of the Project Site is not expected to place short-term development pressure on abutting properties because these areas are already built-out. SCAG estimates, for warehousing, estimate one employee is generated for every 2,111 square feet of building space, which would result in approximately 189 new employees for 398,514 square feet of warehousing. Existing regional population and the 1,442 vacant housing units within the City would adequately support the Project.

Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts. (Draft EIR Page 5-3)

2.8 Project Alternatives

The EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no

ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

> (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), 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.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

> (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project. (Draft EIR Page 6-1)

2.8.1 Alternatives Considered but not Carried Forward for Detailed Analysis

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternative was considered but not carried forward:

A. Alternative Site Alternative

The Alternative Site Alternative considers an alternate site for the Project implementation. Under this Alternative, the industrial uses on the Project site would remain. No roadway or frontage improvements would occur on Sierra Avenue or Mango Avenue. Implementation of this Alternative would not be feasible as there are few remaining developable sites capable of supporting the Project remaining in the City. Additionally, 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. For the above reasons, the Alternative Site Alternative was rejected from further consideration and is not discussed further.

2.8.2 Alternatives Selected for Analysis in the EIR

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

A. No Project Alternative

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 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.

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.

B. Drop Lot/ Trailer Parking Alternative

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 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, 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.

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 Project utilizing one of the remaining industrial zoned large sites for trailer/auto parking lot.

C. 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. 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.

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.

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.

2.8.3 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.

3.0 Additional Facts on Record

3.1 Adoption of a Monitoring Plan for Mitigation Measures

Pursuant to Section 21081.6 of the Public Resources Code, the City of Fontana hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP"). The City finds that the MMRP is designed to ensure compliance with the changes (i.e., mitigation measures) imposed on the Project to mitigate or avoid effects on the environment during Project implementation. The MMRP is on file with the City of Fontana Community Development Department, 8353 Sierra Avenue, Fontana, CA 92335.

3.2 Custodian of Record

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Fontana Community Development Department, 8353 Sierra Avenue, Fontana, CA 92335. The custodian for these records is Salvador Quintanilla, Senior Planner. This information is provided in compliance with Public Resources Code Section 21081.6.

EXHIBIT B
MITIGATION, MONITORING, AND REPORTING PROGRAM

Mitigation, Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
1.1 Air Quality					
Summary of Impacts					
Threshold Impact 4.3-2: Less-than-Significant Impact with Mitigation Incorporated. Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards. As such, impacts would be less than 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: 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	Construction Manager	Construction Manager, City of Fontana	During construction	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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.				
1.2 Biological Resources					
Summary of Impacts					
Threshold Impact 4.4-1: Less than Significant Impact with Mitigation Incorporated. The Project site does not contain habitat suitable for special status plant or animal species; however, in order to minimize potential impacts to bird nesting sites Mitigation Measure (MM) BIO-1 would require the	**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	Qualified Biologist	City of Fontana	Prior to ground-disturbance activities between February 1 and August 31	Less than Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
completion of a pre-construction nesting bird clearance survey. Therefore, impacts to the aforementioned common and special-status wildlife or plant species would be less than significant with mitigation measures applied.	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.				
1.3 Cultural Resources					
Summary of Impacts					
Threshold Impact 4.5-2: Less than Significant with Mitigation Incorporated. The Cultural Resource Assessment determined the Project site does not contain archaeological resources of significance. As such, it is unlikely that significant historic period archaeological remains would be present within the Project area.	**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	Construction Manager Qualified Archaeologist	YSMN, City of Fontana	During initial ground-disturbing activities	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
However, in the event that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities MMs CUL-1 and CUL-2 would apply to further minimize potential impacts to archaeological resources. With implementation of MMs CUL-1 and CUL-2, impacts regarding a substantial adverse change of an archaeological resource would be less than significant.	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.	Construction Manager Qualified Archaeologist	Qualified Archeologist, YSMN	During initial ground-disturbance activities	Less-than-Significant Impact
Threshold Impact 4.5-3: Less than Significant Impact with Mitigation Incorporated. The Project is located in an area mainly developed with industrial and residential uses and is not located near a formal cemetery. In the unlikely event human remains are discovered during Project	**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.	Construction Manager	City of Fontana, County Coroner	During initial ground-disturbance activities	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
construction, the Project would comply with all relevant regulations and apply MM CUL-3. Impacts would be less than significant.					
1.4 Hazards and Hazardous Materials					
Summary of Impacts					
Threshold Impact 4.9-1: Less-than-Significant Impact with Mitigation Incorporated. Construction of the Project would not require significant handling of hazardous materials and would comply with all applicable regulations. MM HAZ-1 and MM HAZ-2 would ensure proper handling of contaminate soils should they be discovered. 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). Impacts would be less than significant.	**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	Construction Manager, Qualified Environmental Professional	Site Developer, City of Fontana, Fire Department, DTSC	During initial ground-disturbance activities	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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	Applicant	City of Fontana, Fire Department	Prior to issuance of demolition permit	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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.				
Threshold Impact 4.9-2: Less-than-Significant Impact with Mitigation Incorporated. The Project site does not contain environmental concerns and would abide by all regulations in the event of an accidental release of hazardous materials. In accordance with MM HAZ-3, prior to demolition of any structures an asbestos containing material (ACM) assessment should be conducted. Compliance with MM HAZ-4 would ensure safe habitation conditions during operation for the Project regarding close proximity to a land fill site. Impacts would be less than significant.	**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.	Master Developer or Site Developer, licensed or certified asbestos consultant	City of Fontana	Prior to issuance of demolition permit	Less-than-Significant Impact
	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	Master Developer or Site Developer	City of Fontana, San Bernardino County Public	Final Design	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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 periodic methane gas monitoring shall be conducted inside all buildings and		Health Department		

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (Section 20920 et seq.).				
1.5 Tribal Cultural Resources					
Summary of Impacts					
Threshold Impact 4.18-1: Significant Direct and Cumulatively-Considerable Impact. 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, MM CUL-1 would apply to further minimize potential impacts to archaeological resources. 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.	**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.	Project Applicant, Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found on the Project Site; During construction	Less-than-Significant Impact
	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	Qualified Archeologist	City of Fontana, Applicant, YSMN	Ongoing, during construction.	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
With implementation of 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.	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-	Applicant, City of Fontana	City of Fontana, Gabrieleño Band of Mission Indians – Kizh Nation	Prior to commencement of ground-disturbing activities	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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				

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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. 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	Construction Manager, Tribal Monitor	City of Fontana, County Coroner, Gabrieleño Band of Mission Indians – Kizh Nation	Ongoing, during construction.	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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.				

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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				

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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. 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.	Tribal Monitor, Applicant, City of Fontana	City of Fontana, County Coroner, Gabrieleño Band of Mission Indians – Kizh Nation	Ongoing, during construction.	Less-than-Significant Impact

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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				

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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. The Tribe will work closely with the project's qualified archaeologist to ensure				

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
	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.				
1.6 Wildfire					
Summary of Impacts					
Threshold Impact 4.20-3: Less-than-Significant Impact with Mitigation Incorporated. Fire risk would not be exacerbated resulting in temporary or ongoing impacts to the environment with implementation of MM FIRE-1.	**MM FIRE-1** Fire Safety Requirements. The Project shall be required to comply with all Fire Safety Requirements as identified in Section 5 of the Fire Protection Plan prepared for the Project (Appendix L). Conformance with these requirements shall be verified by the San Bernardino County Fire Department during design review prior to the issuance of building and grading permits.	Construction Manager, Applicant, City of Fontana	City of Fontana, San Bernardino County Fire Department	Prior to the issuance of building and grading permits. Ongoing.	Less-than-Significant Impact
Threshold Impact 4.20-4: Less-than-Significant Impact with Mitigation Incorporated. Impacts associate with the Project exposing people or structures to significant risks would be					

mitigated with implementation of MM FIRE-1.					