

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA
ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE
CITRUS/OLEANDER FINAL ENVIRONMENTAL IMPACT REPORT (SCH
#2022110389), ADOPTING THE MITIGATION MONITORING AND
REPORTING PROGRAM, AND APPROVING THE MODIFIED PROJECT.**

WHEREAS, Assessor Parcel Numbers: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24 were annexed from San Bernardino County and incorporated into the City of Fontana on May 23, 1966 and September 19, 2006; and

WHEREAS, the most recent edition of the City of Fontana General Plan was adopted by the Fontana City Council ("City Council") on November 13, 2018 and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

WHEREAS, the original application was submitted on May 18, 2022, for a General Plan Amendment (GPA) No. 22-004, Zone Change Application (ZCA) No. 22-005, Specific Plan Amendment (SPA) No. 22-002, Development Agreement (DA) No. 23-005, Design Review (DRP) No. 22-029 (Building No. 1), Tentative Parcel Map (TPM) No. 20709 (TPM No. 22-009, Building No. 1), Design Review No. 22-061 (Building No. 2), Tentative Parcel Map (TPM) No. 20708 (TPM No. 22-030, Building No. 2), Design Review No. 22-062 (Building No. 3), Tentative Parcel Map (TPM) No. 20707 (TPM No. 22-031, Building No. 3). - a request for the site and architectural review for the construction of three (3) industrial commerce center buildings having maximum sizes of 151,618 square feet (s.f.), 196,336 s.f., and 192,895 s.f. (total of 504,849 s.f.); on three sites with a total project site of approximately 24.8 gross acres; and a Development Agreement No. 23-005 to include a review of the development agreement for a public benefit fee of \$2,145,608.25; and

WHEREAS, on June 20, 2023, the Fontana Planning Commission ("Planning Commission") received public testimony and evidence presented by the Applicant, City staff and other interested parties at the Public Hearing held on the Citrus/Oleander Industrial Commerce Center project (State Clearinghouse No. 2022110389) and MCN No. 22-053 and recommended approval to the City Council by Resolution No. 2023-025; and

WHEREAS, on July 25, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and MCN No. 22-053 where City Council received evidence and testimony concerning the project and denied the project with a vote of 3-2; and

WHEREAS, the development is comprised of the three industrial commerce center buildings ("Project") which proposes to be located on three different sites and is evaluated in the Citrus/Oleander Final Environmental Impact Report ("EIR"); and

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 November 18, 2022, the City sent to 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 #2022110389 would be prepared; and

WHEREAS, three (3) 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 December 7, 2022, to solicit comments on the scope of the environmental review of the proposed Project and, 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: Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Transportation, Utilities and Services Systems, and Wildlife; and

WHEREAS, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on April 17, 2023; 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 April 7, 2023; 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 April 7, 2023 to May 22, 2023; 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 one written comment letter on the Draft EIR; and

WHEREAS, on June 9, 2023, 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, 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 July 25, 2023; and

WHEREAS, on October 4, 2023, the Applicant sought permission to file a new application for a modified version of the Project which proposes the development of 532,104 square feet of warehousing use between 3 warehouse buildings of 150,538, 188,104, and 193,462 square feet respectively, with revised driveways and access changes and no changes proposed to Parcel A as part of this supplemental assessment (“Modified Project”); and

WHEREAS, Sections 30-39 (General Plan Amendment, Time limitations) and 30-74 (Specific Plan Amendment, Time limitations) of the Zoning and Development Code state that if an application is denied by either the Planning Commission or City Council, another application of the same nature and effecting the same property shall not be filed with a period of one year from the date of denial. However, the aforementioned section also provides that a hearing body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate that a new application is warranted; and

WHEREAS, on October 24, 2023, the City granted permission to the Applicant to file a new application for a modified version of the Project (“Modified Project”); and

WHEREAS, on October 25, 2023, the Applicant submitted a request for a General Plan Amendment No. 23-004 (GPA No. 23-004) to change the land use designation from Residential Planned Community (R-PC) and Multi-Family Medium/High Residential (R-

MFMH) to General Industrial (I-G) on approximately 29.4 adjusted gross acres of a 18 parcels (APNs: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24, including a five-acre parcel that excludes development); Specific Plan Amendment No. 23-004 (SPA No. 23-004) to expand the Southwest Industrial Park (SWIP) Specific Plan boundary to include the entire property and designate the property Slover East industrial District (SED) ; Zoning District Map Amendment No. 23-006 (ZCA No. 23-006) to rezone the property from Residential Planned Community (R-PC) and Multi-Family Medium/High Density Residential (R-4) to SWIP, Tentative Parcel Map No. 22-009R1 (TPM No. 20709) to consolidate six (6) parcels located at the northeast corner of Citrus Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 1, Tentative Parcel Map No. 22-030R1 (TPM No. 20708) to consolidate six (6) parcels located at the northwest corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 2, Tentative Parcel Map No. 22-031R1 (TPM No. 20707) to consolidate five (5) parcels located at the northeast corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 3 , Design Review No. 22-029 for the site and architecture review of Building No. 1, Design Review No. 22-061R1 for the site and architecture review of Building No. 2, Design Review No. 22-062R1 for the site and architecture review of Building 3 totaling approximately 532,104 square feet with associated landscaping and parking; and Development Agreement No. 23-085 to include a review of the development agreement for a public benefit fee of \$3,192,624.00 and the owner shall remit payment of an additional One Million Five Hundred Thousand Dollars (\$1,500,000.00) to fund the City's design and construction of an Action Sports Park. All the amendments together are known as Master Case No. 23-100 (MCN No. 23-100); and

WHEREAS, on October 25, 2023, the City received a letter from T&B Planning dated October 23, 2023, documenting that, per CEQA Guidelines Section 15088.5, recirculation of the EIR is not necessary as the Modified Project will not result in (1) A new significant environmental impact would result from the Modified Project or from a new mitigation measure proposed to be implemented, (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it, (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded; and

WHEREAS, T&B Planning's October 23, 2023 Letter is supported by a Supplemental Assessment prepared by Urban Crossroads, and also submitted to the City, which documents any effects of the proposed Site Plan changes on the previous analyses of vehicle miles traveled (VMT), level of service (LOS) based Traffic, Air Quality, Greenhouse Gas Emissions, Energy, Health Risk Assessment, and Noise and Vibration and confirms that the Modified Project would result in the same or fewer/lesser impacts on the environment for the aforementioned topics in comparison to the conclusions presented in the technical studies prepared to support the 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 Modified Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Modified 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 City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are described in **Section 2.4 of Exhibit A**; and

WHEREAS, the potential significant irreversible environmental changes that would result from the proposed Modified Project identified in the EIR and set forth herein, are described in **Section 2.5 of Exhibit A**; and

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

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

WHEREAS, a statement of overriding considerations is set forth in **Section 3.0** of **Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Modified 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 Modified Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on November 14, 2023, the City conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Modified 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 CITY COUNCIL OF THE CITY OF FONTANA:

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

SECTION 2. The City Council 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 City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council 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 City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 3. The City Council 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 City Council 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 City Council 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.

APPROVED AND ADOPTED this 14th day of November, 2023.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

ATTEST:

I, Germaine Key, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting thereof, held on the 14th day of November, 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT A
CEQA FINDINGS OF FACT

**Findings of Fact and Statement of Overriding Considerations
Regarding the Environmental Effects of the Approval of the:**

Citrus and Oleander Avenue at Santa Ana Avenue Project

State Clearinghouse No. 2022110389

Lead Agency

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

CEQA Consultant

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

Project Applicant

Acacia Real Estate Group, Inc.
260 Newport Center Drive, Suite 100
Newport Beach, CA 92660

November 6, 2023

Table of Contents

<u>Section</u>	<u>Page</u>
1.0 Introduction	1
1.1 Modified Project Summary	1
1.2 City of Fontana Actions Covered By the EIR.....	2
1.3 Environmental Review and Public Participation	3
2.0 Environmental Impacts and Findings	6
2.1 General Findings	6
2.2 Impacts Identified in the Initial Study (IS) or EIR as No Impact or Less than Significant Not Requiring Mitigation	7
2.3 Impacts Identified in the EIR as Potentially Significant that Have been Mitigated to a Level of Less than Significant	47
2.4 Impacts Identified in the EIR as being Significant and Unavoidable	54
2.5 Cumulative Impacts	59
2.6 Significant Irreversible Environmental Changes Which Would Be Caused by the Proposed Modified Project Should It Be Implemented	75
2.7 Growth-Inducing Impacts of the Proposed Project.....	76
2.8 Modified Project Alternatives	77
3.0 Statement of Overriding Considerations	81
4.0 Additional Facts on Record.....	82
4.1 Adoption of a Monitoring Plan for Mitigation Measures	82
4.2 Custodian of Record	82

1.0 Introduction

The City Council of the City of Fontana (the “City Council”) in approving the Citrus and Oleander at Santa Ana Avenue Modified Project (the “Project”), makes the Findings presented herein. The Findings are based upon the entire record before the City Council, as described in Subsection 1.3 below, including the Environmental Impact Report (“EIR”) prepared for the Modified 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 Modified Project Summary

1.1.1 Site Location

The approximately 29.2-acre Modified 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 Modified Project Site is located approximately 0.6-mile south of Interstate 10 (I-10), approximately 5.3 miles east of Interstate 15 (I-15), and approximately 8.5 miles west of Interstate 215 (I-215). The Modified Project Site includes Assessor Parcel Numbers (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

1.1.2 Modified Project Description

The Modified Project Applicant proposes certain legislative actions, as well as site-specific actions for the construction and operation of three commerce center buildings collectively having up to 532,104 square feet (s.f.) of building space. The legislative actions for the Modified Project entail a proposed General Plan Amendment (GPA No. 23-004), a Zone Change Application (ZCA No. 23-006), and a Specific Plan Amendment (SPA No. 23-004) to amend the land use and zoning designations on 29.2 acres from residential designations to a light industrial designation and to incorporate the Modified Project Site into the Southwest Industrial Park (SWIP) Specific Plan. The Project’s site-specific actions entail a proposed Design Review Modified Project (DRP No. 22-029R1) and a Tentative Parcel Map No. 20709 (TPM No. 22-009R1) for Building 1; a proposed Design Review Modified Project (DRP No. 22-061R1) and a Tentative Parcel Map No. 20708 (TPM No. 22-030R1) for Building 2, and a proposed Design Review Modified Project (DRP No. 22-062R1) and a Tentative Parcel Map No. 20707 (TPM No. 22-031R1) for Building 3 to permit the development and operation of the three commerce center buildings on 24.2 acres of the 29.2-acre Modified Project Site. No site-specific development is currently proposed on the remaining 5.0 acres of the Modified Project Site, although a reasonably foreseeable consequence of the Modified Project would be the development of that 5.0-acre property with an industrial use. For purposes of this EIR, it is assumed that the 5.0 acres on which a site-specific development plan is not currently proposed, could be built out in the future with up to

131,464 s.f. of general light industrial use. In addition, the Modified Project includes an action pertaining to 507 planned multi-family housing units pursuant to the City of Fontana's No Net Loss Density Bonus/Replacement Program to ensure compliance with California's Housing Crisis Act of 2019 (SB 330). The Modified 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. To expand economic development in the City of Fontana by developing underutilized properties with an in-demand industrial use.
2. To make efficient use of a property in South Fontana by maximizing its buildout potential for employment-generating uses.
3. To attract employment-generating businesses to the City of Fontana to reduce the need for members of the local workforce to commute outside the area for employment.
4. To develop commerce center buildings in close proximity to City of Fontana truck routes and to the I-10 Freeway that can be used as part of the southern California supply chain and goods movement network.
5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.
6. To develop a project that has architectural design and operational characteristics that are compatible with other existing and planned land uses in the immediate vicinity of the Project Site.
7. To develop a property that has access to available infrastructure, including roads and utilities.

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 held a public hearing to consider the Final EIR on June 20, 2023. For the Project, the Planning Commission considered the GPA No. 23-004, ZCA No. 23-006, SPA No. 23-004, DRP No. 22-029R1, DRP No. 22-061R1, DRP No. 22-062R1, TPM No. 20709 (TPM No. 22-009R1), TPM No. 20708 (TPM No. 22-030R1), and TPM No. 20707 (TPM No. 22-031R1). The Planning Commission voted to recommend that the City Council certify the EIR for the Project. A public hearing was held before the City Council regarding certification of the Final EIR and approval of GPA No. 23-004, ZCA No. 23-006, SPA No. 23-004, DRP No. 22-029R1, DRP No. 22-061R1, DRP No. 22-062R1, TPM No. 20709 (TPM No. 22-009R1), TPM No. 20708 (TPM No. 22-030R1), and TPM No. 20707 (TPM No. 22-031R1) for the Project on July 25, 2023. The City Council denied the Project with a vote of 3-2. On October 4, 2023, the Applicant sought permission to file a new application for a modified version of the Project. The City Council will hold a public hearing on November 14, 2023,

to consider the Modified Project and certification of the EIR. 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; 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; and to disclose to the public the reasons why the City has initiated the Project in the manner chosen in light of the significant environmental effects which have been identified in the EIR. 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 & Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities & 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 November 18, 2022, for a 30-day review period;
- Held a publicly noticed EIR Scoping Meeting on December 7, 2022 using an internet-based virtual platform (Microsoft Teams);
- Submitted a Notice of Completion, Notice of Availability, and Draft EIR to the State Clearinghouse on April 7, 2023;
- 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 April 7, 2023 to inform recipients that the Draft EIR was available for a 45-day review period beginning on April 7, 2023, and ending on May 22, 2023;
- Mailed the Notice of Availability to all property owners within a 300-foot radius of the Project Site on April 7, 2023;
- Provided copies of the Draft EIR to April 7, 2023 public agencies, organizations, and individuals on April 7, 2023;
- Made the Notice of Availability and Draft EIR available to the public on the City's website;
- Published the Notice of Availability in the Fontana Herald News, which is the newspaper of general circulation in the area affected by the Project, on June 9, 2023;

- 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;
- Published a notice on June 9, 2023, in the Fontana Herald News, the newspaper of general circulation in the area affected by the Project, that the Planning Commission would hold a public hearing on June 20, 2023, to consider the Project and EIR for recommendation to the City Council;
- 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 June 8, 2023;
- Sent written responses to comments to all public agencies, organizations, and individuals who submitted comments the Draft EIR on June 8, 2023 (1 comment letter was received);
- Sent notice of the City Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on July 13, 2023.
- Published a notice on July 14, 2023, in the Fontana Herald News, the newspaper of general circulation in the area affected by the Project, that the City Council would hold a public hearing on July 25, 2023, to consider approval of the Project and certification of the EIR;
- Held a public hearing of the City Council on July 25, 2023, 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.
- On October 24, 2023, the City granted permission to the Applicant to file a new application for a modified version of the Project which proposes the development of 532,104 square feet of warehousing use between 3 warehouse buildings of 150,538, 188,104, and 193,462 square feet respectively, with revised driveways and access changes and no changes proposed to Parcel A as part of this supplemental assessment ("Modified Project").
- On October 25, 2023, the City received a letter from T&B Planning dated October 23, 2023, documenting that, per CEQA Guidelines Section 15088.5, recirculation of the EIR is not necessary as the Modified Project will not result in (1) A new significant environmental impact would result from the Modified Project or from a new mitigation measure proposed to be implemented, (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it, (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- T&B Planning's October 23, 2023 Letter is supported by a Supplemental Assessment prepared by Urban Crossroads, and also submitted to the City, which documents any effects of the proposed Site Plan changes on the previous analyses of vehicle miles traveled (VMT), level of service (LOS) based Traffic, Air Quality, Greenhouse Gas Emissions, Energy, Health Risk Assessment, and Noise and Vibration and confirms that the Modified Project would result in

the same or fewer/lesser impacts on the environment for the aforementioned topics in comparison to the conclusions presented in the technical studies prepared to support the EIR.

- Published a notice on November 3, 2023, in the San Bernardino Sun News, the newspaper of general circulation in the area affected by the Project, that the City Council would hold a public hearing on November 14, 2023, to consider approval of the Modified Project and certification of the EIR;
- Held a public hearing of the City Council on November 14, 2023, 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 Modified 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 Modified Project reflects the City's independent judgment and analysis.

Facts in Support of the Finding: The EIR was prepared by T&B Planning, Inc., an independent, professional consulting firm hired by the City and working under the supervision and direction of the City's Planning Department staff. The City Council, 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 City Council, 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 City Council 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 City Council 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 City Council 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 Modified Project Applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the City Council 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 City Council hereby finds that the Modified 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 Modified Project have a substantial adverse effect on a scenic vista? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site does not serve as a scenic vista or contribute to a scenic vista, nor does the City of Fontana General Plan identify any scenic vistas or scenic corridors on the Modified Project Site or in the vicinity of the Modified Project Site. Scenic resources visible (at least partially) from public viewpoints adjacent to the Modified Project Site include the San Gabriel Mountains (approximately 8.5 miles to the north and partially visible from Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, Jurupa Hills High School, Fontana Adult School, and Citrus High School) and the Jurupa Hills (approximately 0.9-mile to the south and also partially visible from Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, Jurupa Hills High School, Fontana Adult School, and Citrus High School). Under existing conditions, views of the San Gabriel Mountains to the north and the Jurupa Hills to the south are partially obscured from these public viewing areas due to intervening development and landscaping, topography, and atmospheric haze that is common in the Inland Empire throughout the year. (DEIR, p. 4.1-6)

The maximum height of the three proposed commerce center buildings would be approximately 44 feet, 6 inches above finished floor elevation. Other vertical features (wall, fences, landscaping, etc.) would be shorter and have substantially less physical mass than the buildings, so the 44 foot, 6-inch-high buildings are considered to have the greatest potential to affect a scenic vista. The Project’s commerce center buildings would be set back from Citrus Avenue by approximately 20 feet, from Santa Ana Avenue by approximately 20 feet, and from Oleander Avenue by approximately 20 feet. These roadways are public viewing areas that have the potential to be affected by the Project. From Citrus Avenue and Oleander Avenue, existing views of the San Gabriel Mountains and Jurupa Hills would not be obstructed by the Project, as the north-south orientation of the streets orient views toward the landforms. The Project’s buildings would be located east and west of these roads and have no potential to obstruct views to the north and to the south. From Santa Ana Avenue, the Modified

Project would have no potential to obstruct views of the Jurupa Hills, which are located south of Santa Ana Avenue whereas the Modified Project Site is located north of Santa Ana Avenue. From Jurupa Hills High School, Fontana Adult School, and Citrus High School, the Modified Project would not block views of the Jurupa Hills to any greater extent than already blocked by existing commerce center buildings located on the south side of Santa Ana Avenue. From Santa Ana Avenue looking north, the Modified Project would partially obstruct foreground views of the San Gabriel Mountains. At a maximum height of 44 feet, 6-inches, the proposed commerce center buildings would not be so tall, however, as to obstruct public views or otherwise substantially detract from public views of the higher elevations of the San Gabriel Mountains in the distance due to the heights of the landform features reaching to approximately 10,064 feet in elevation. Distant mountain views would still be visible looking north beyond the boundary of the Modified Project Site. (DEIR, p. 4.1-6)

- B. *Would the Modified Project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (Threshold “b”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not located within or adjacent to an officially designated State scenic highway corridor and does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings. The nearest officially designated scenic highway to the Modified Project Site is the segment of State Route 38 (SR-38) at I-10 near Redlands and SR-18 near Fawnskin, located approximately 15.2 miles to the east of the Modified Project area. Because of distance and intervening development and topography, the Modified Project would not be visible from the aforementioned segment of SR-38 and, therefore, would not adversely affect views from this scenic corridor. (DEIR, p. 4.1-7)

- C. *In non-urbanized areas, would the Modified 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 Modified Project is in an urbanized area, would the Modified Project conflict with applicable zoning and other regulations governing scenic quality? (Threshold “c”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is located within the boundaries of the Census-defined “Riverside-San Bernardino urban area;” an area that meets the U.S. Census Bureau’s definition of an “urbanized area.” (DEIR, p. 4.1-7)

The Project’s architecture incorporates a neutral color palette that would not be visually offensive and also incorporates accent elements, such as colored glass and decorative building elements for visual interest. Additionally, the Project’s landscape plan incorporates low-water-need plant species that can maintain vibrancy during drought conditions. The proposed visual features of the Modified Project would ensure a high-quality aesthetic for the site. The City of Fontana reviewed the Project’s application materials in detail and determined that no component of the Modified Project would

conflict with applicable design regulations within the City of Fontana's Zoning and Development Code that govern scenic quality or the SWIP Specific Plan design guidelines for new development within the SED, which are applicable because the Modified Project includes a proposed amendment to the SWIP Specific Plan to expand its boundary to include the Modified Project Site. A less-than-significant impact would occur because the Modified Project as designed is consistent with applicable zoning and other regulations governing scenic quality. (DEIR, p. 4.1-7)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: Development on the Modified Project Site is required to adhere to the lighting requirements as set forth in the City of Fontana Municipal Code (Sections 30-265 and 30-266). The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances. The City also is obligated to confirm compliance with applicable lighting requirements during future review of building permit applications/plans. Mandatory compliance with Municipal Code Sections 30-265 and 30-266 would ensure that the Modified Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area. (DEIR, p. 4.1-11)

With respect to glare, a majority of Modified Project building materials would consist of tilt-up concrete panels (which are low-reflective), although the buildings would incorporate some glass elements. While window glazing has a potential to result in minor glare effects, such effects would not adversely affect daytime views of surrounding properties, including motorists along adjacent roadways, because the glass proposed for the on-site commerce center development is low reflective and proposed landscaping also would filter any glare potential. (DEIR, p. 4.1-11)

2.2.2 Agriculture and Forestry Resources

- A. *Would the Modified 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 "a")*

Finding: No Impact

Facts in Support of Finding: According to the Farmland Mapping and Monitoring Program (FMMP) mapping information, the Modified Project Site does not contain any soils classified as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance." The Modified Project Site is designated as "Urban and Built-Up Land" and "Other Land." As such, the Modified Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur. (DEIR, p. 4.2-5)

- B. *Would the Modified Project conflict with existing zoning for agricultural use, or a Williamson Act Contract (Threshold “b”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not zoned for agricultural use, nor is it surrounded by land zoned for an agricultural use. Therefore, implementation of the Modified Project has no potential to conflict with existing zoning for an agricultural use. (DEIR, p. 4.2-5)

According to information from the DOC, the Modified Project Site, nor any land in the vicinity of the Modified Project Site is under a Williamson Act contract. As such, no impact would occur to property under a Williamson Act contract. (DEIR, p. 4.2-5)

- C. *Would the Modified 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 “c”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not zoned as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. Therefore, the Modified Project does not have the potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands. (DEIR, p. 4.2-6)

- D. *Would the Modified Project result in the loss of forest land or conversion of forest land to non-forest use? (Threshold “d”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site does not contain a forest and is not designated as forest land; thus, the proposed Modified Project would not result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur. (DEIR, p. 4.2-6)

- E. *Would the Modified 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 “e”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site does not contain any Farmland; therefore, the Modified Project would not convert Farmland to non-agricultural use. Additionally, the Modified Project Site does not contain forest land and is not zoned for forest land and the Modified Project would not convert forest land resources to non-forest use. (DEIR, p. 4.2-6)

2.2.3 Air Quality

- A. *Would the Modified Project conflict with or obstruct implementation of the applicable air quality plan? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The SCAQMD 2016 AQMP, which is the applicable air quality plan for the Modified Project area, addresses long-term air quality conditions for the SCAB. Consistency Criterion No. 1 refers to violations of the NAAQS and CAAQS. Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Modified Project were to exceed the SCAQMD’s localized emissions thresholds. As a conservative measure, the Project’s regional emissions of VOC, NO_x, PM₁₀, and PM_{2.5} also are considered in this consistency determination because if the Project’s emissions of any of these pollutants would exceed the applicable SCAQMD regional thresholds, then these emissions could delay the SCAB’s attainment of federal and/or State ozone or particulate matter standards. Project-related activities would not exceed SCAQMD localized emissions thresholds during construction or long-term operation and, thus, would not directly cause new violations of the NAAQS and/or CAAQS. In addition, operation of the Modified Project would not result in emissions of any criteria pollutant in excess of the applicable SCAQMD regional threshold and, therefore, would not result in a long-term increase in the frequency or severity of existing air quality violations in the SCAB. Based on the foregoing information, the Modified Project would not conflict with Consistency Criterion No. 1. (DEIR, p. 4.3-25)

The growth forecasts used in the AQMP to calculate future regional emissions levels are based on land use planning data provided by lead agencies via their general plan documentation. Development projects that increase the intensity of use on a specific property beyond the respective general plan’s vision may result in increased stationary area source emissions and/or vehicle source emissions when compared to the AQMP assumptions. However, if a Modified Project does not exceed the growth projections in the applicable local general plan, then the Modified Project is considered to be consistent with the growth assumptions in the AQMP. The prevailing planning document for the Modified Project Site is the City’s General Plan, which designates the Modified Project Site for “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” land uses and “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” zoning. The Modified Project proposes a General Plan Amendment to change the land use designation to “General Industrial (I-G)” and a zone change application to change the zoning classification to “Southwest Industrial Park (SWIP) Specific Plan.” Although the Modified Project proposes a different land use than called for under the City’s General Plan, the Modified Project would have less than significant air quality impacts as determined under Threshold “b” below and thus would not conflict with the goals and objectives of the AQMP. Because the Modified Project would not exceed the regional or localized air quality significance thresholds, the Modified Project would not conflict with Consistency Criterion No. 2. (DEIR, pp. 4.3-25 to 4.3-26)

In summary, the Modified Project would not result in a substantial adverse environmental impact due to an increase in the frequency or severity of existing air quality violations, the creation of new violations, the delay of timely attainment of air quality standards, or the interim emissions

reductions specified in the *AQMP*, or the exceedance of growth assumptions in the *AQMP*. (DEIR, p. 4.3-26)

- B. *Would the Modified Project result in a cumulatively considerable net increase of any criteria pollutant for which the Modified Project region is non-attainment under an applicable federal or state ambient air quality standard? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Regarding construction emissions for the Project, peak construction-related emissions of VOCs, NO_x, CO, SO_x, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed the applicable SCAQMD regional thresholds. Accordingly, the Project’s construction activities would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation on a cumulatively considerable basis. Modified Project construction impacts related to emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would all be less than significant and no mitigation is required. (DEIR, p. 4.3-26)

Regarding operational emissions for the Project, Project-related operational emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would not exceed SCAQMD regional criteria thresholds. Accordingly, the Modified Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. The Project’s long-term emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would be less than significant. (DEIR, p. 4.3-28)

- C. *Would the Modified Project expose sensitive receptors to substantial pollutant concentrations? (Threshold “c”)*

Findings: Less-than-Significant Impact

Facts in Support of Finding: Localized emissions from Modified Project construction and operations would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant. (DEIR, pp. 4.3-28 to 4.3-29)

The receptor location with the greatest potential exposure to Modified Project construction-related DPM emissions is an existing residence located at 10788 Mint Leaf Way approximately 740 feet east of the Modified Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Modified Project is 1.24 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. Also, the non-cancer risk health index would be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0. Modified Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Modified Project Site to substantial DPM emissions. Impacts would be less than significant. (DEIR, p. 4.3-30)

At the maximally exposed individual receptor (MEIR), which is a residence located at 16079 Tyrol Drive approximately 239 feet northwest of the Modified Project Site, the maximum incremental

cancer risk attributable to Project-related DPM emissions is calculated to be 1.19 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. The non-cancer health risk index at the MEIR is estimated to be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0. All other residential locations in the general vicinity of the Modified Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEIR due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIR identified above. The Modified Project would not directly cause or contribute in a cumulatively considerable manner to the exposure of residential receptors near the Modified Project Site to substantial DPM emissions. Impacts to residential receptors would be less than significant. (DEIR, p. 4.3-30)

At the maximally exposed individual worker (MEIW), located adjacent to the north side of the Modified Project Site, the maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Modified Project Site is calculated to be 0.26 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. The non-cancer health risk index at the MEIW is estimated to be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0. All other places of business in the general vicinity of the Modified Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEIW due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIW identified above. Impacts to worker receptors would be less than significant. (DEIR, p. 4.3-31)

At the maximally exposed school child receptor (MEISC), the nearest schools are the Fontana Adult School, Citrus High School, and Jurupa Hills High School located approximately 13 feet, 330 feet, and 332 feet north of the Modified Project Site. The maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Modified Project Site is calculated to be 0.50 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. The non-cancer health risk index at the MEIW is estimated to be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (ibid.). All other school campuses in the general vicinity of the Modified Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEISC due to their increased distance from Project-related truck activity and, therefore, would be exposed to lesser risk than the MEISC identified above. Impacts to school child receptors would be less than significant. (DEIR, p. 4.3-31)

- D. *Would the Modified Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (Threshold “d”)*

Findings: Less-than-Significant Impact

Facts in Support of Finding: During construction activities on the Modified Project Site, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. In addition, construction activities on the Modified Project Site would be required to

comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. Accordingly, the Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant. (DEIR, p. 4.3-32)

During long-term operation, the Modified Project would operate as a commerce center, which are not typically associated with the emission of objectionable odors. Temporary outdoor refuse storage could be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the occupant(s) of the proposed commerce center would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance, during long-term operation. As such, long-term operation of the Modified Project would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant. (DEIR, p. 4.3-32)

2.2.4 Biological Resources

- A. *Would the Modified 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 "a")*

Finding: No Impact

Facts in Support of Finding:

Direct Impacts to Special-Status Plants: No special-status plants were observed on the Modified Project Site by Alden biologists during field surveys and, due to the disturbed nature of the Modified Project Site, the Modified Project Site does not have potential to support special-status plant species. A permit to remove a heritage, significant and/or specimen tree may be required in accordance with the City Municipal Code, should any be present. (DEIR, p. 4.4-7)

Direct Impacts to Special-Status Wildlife: Alden biologists surveying the Modified Project Site did not observe any sensitive wildlife species on the Modified Project Site or detect any sign that any sensitive wildlife species may use the Site. Because the Modified Project Site contains no natural habitat, substantial plant cover, or special site features that could be used by special-status wildlife species and because of the high level of human activity on the Site and adjacent areas, no special-status wildlife species are expected to be present on or periodically use the Modified Project Site. (DEIR, p. 4.4-8)

Potential Indirect Impacts to Special-Status Biological Resources: The Modified Project Site is highly disturbed under existing conditions and the Site is surrounded by developed, urban land uses. No natural or open spaces are located adjacent to the Modified Project Site and it is unlikely that special-status plants or wildlife species occur within areas adjacent to the Site due to high levels of disturbance and ongoing human activity. Due to the lack of natural, undisturbed habitat surrounding the Modified Project Site and the unlikely presence of listed or special-status plant or wildlife species

in areas abutting the Site, the Modified Project would not result in indirect impacts to listed or special-status biological resources. (DEIR, p. 4.4-8)

The Modified Project Site is in area that is surrounded by existing development with habitat conditions very similar to those that exist on the Modified Project Site. There are no native open space areas adjacent to the Modified Project Site and no listed or special-status plant or wildlife species are expected to occur within the developed and disturbed areas abutting the site. Due to the lack of natural, undisturbed habitat surrounding the Modified Project Site and the unlikely presence of listed or special-status plant or wildlife species in areas abutting the site, the Modified Project would not result in indirect impacts to listed or special-status biological resources. (DEIR, p. 4.4-8)

- B. Would the Modified 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 “b”)*

Finding: No Impact

Facts in Support of Finding: Based on field surveys conducted on the Modified Project Site no riparian habitat is present on the Modified Project Site and, none of the vegetation communities or land cover types observed on the Modified Project Site (i.e., non-native grassland, disturbed, developed) are classified as a sensitive or natural community. Implementation of the Modified Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in in local or regional plans, policies, or regulations, or by the CDFW or the USFWS; no impact would occur. (DEIR, p. 4.4-8)

- C. Would the Modified 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 “c”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project site does not contain any protected wetland or aquatic resources, including, but not limited to, natural drainages or water courses, wetland habitat, marsh, vernal pools, or coastal resources. As such, the Modified Project would not have a substantial adverse effect on State- or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impact would occur. (DEIR, pp. 4.4-8 to 4.4-9)

- D. Would the Modified Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Threshold “e”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project would remove mature, trees and shrubs from the Modified Project Site. A permit to remove a heritage, significant and/or specimen tree may be required in accordance with the City Municipal Code, should any be present. As required by the Tree

Protection Ordinance, the Modified Project Applicant would be required to have a professional arborist survey the Modified Project Site prior to the issuance of a grading permit or any permit that authorized tree removal. Based on the findings of the arborist, the trees on the Modified Project Site would require replacement at a minimum ratio of 1:1 to a maximum ratio of 4:1 depending on the size and health of the tree to be removed. If sufficient replacement trees are not provided on the site, the Municipal Code allows for fees to be paid to the City's tree account to provide for the planting of trees on City land in order to comply the requirements of the Municipal Code. The City would not issue a building permit until and unless compliance with the Tree Protection Ordinance can be demonstrated. Accordingly, implementation of the Modified Project would not result in a conflict with the City's Tree Preservation Ordinance. A less-than-significant impact would occur. (DEIR, pp. 4.4-9 to 4.4-10)

- E. *Would the Modified 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 "f")*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur. (DEIR, p. 4.4-10)

2.2.5 Cultural Resources

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: Thirteen (13) single-family residences and outbuildings constructed between 1944 and 1969 were identified at ten separate properties (APN's 255-011-13, -14, -18, -19, and -25 to -30). The historic-age buildings were recorded as sites Temp-1 to Temp-10 with the SCCIC and were subsequently evaluated for significance. Sites Temp 1 to Temp-10 were determined to be not historically or architecturally significant under any CEQA criteria due to a lack of association with any significant persons or events and not being representative examples of any specific architectural style, period, or region. Accordingly, implementation of the Modified Project would not result in a substantial adverse change to any historical resource as defined by CEQA Guidelines Section 15064.5, and impacts would be less than significant. (DEIR, p. 4.5-10)

- B. *Would the Modified Project disturb any human remains, including those interred outside of formal cemeteries? (Threshold "c")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site does not contain a cemetery and no known formal cemeteries are located within the immediate Site vicinity. Field surveys conducted on the Modified Project Site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the Modified Project Site. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Modified Project construction. (DEIR, p. 4.5-11)

If human remains are unearthed during Modified Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 “Disturbance of Human Remains.” According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner is required to contact the NAHC by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Modified Project would be less than significant. (DEIR, pp. 4.5-11 to 4.5-12)

2.2.6 Energy

- A. *Would the Modified Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Modified Project construction or operation? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Project’s construction process would require the use of fuels (gasoline and diesel) and electricity. Project-related construction would represent a “single-event” energy demand and would not require on-going or permanent commitment of energy resources. Modified Project construction activities are estimated to consume approximately 281,358 kilowatt hours (kWh) of electricity, approximately 85,533 gallons of diesel fuel from operation of construction equipment, 32,423 gallons of diesel fuel from construction vendor trips, and 49,106 gallons of fuel from construction worker trips. (DEIR, p. 4.6-5)

The equipment used for Modified Project construction would conform to CARB regulations and State emissions standards. There are no unusual Modified Project characteristics or construction processes that would require the use of equipment that would be more energy intensive or less energy efficient than is used for comparable activities elsewhere in the region; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Additionally, Modified Project construction activities would be required to comply with State law (Code of Regulations Title 13, Motor Vehicles, section 2449(d)(3)) and CARB Air Toxic Control Measures that place restrictions on the length of time that diesel-powered equipment and vehicles can idle before powering down (thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment). Lastly, Modified Project construction contractors would be required to comply with applicable CARB regulations regarding retrofitting, repowering, or replacement of older, less-efficient diesel off-road construction equipment. Accordingly, the equipment and vehicles employed in construction of the Modified Project would not result in inefficient wasteful, or unnecessary consumption of fuel. (DEIR, p. 4.6-5)

Energy consumption in support of or related to Modified Project operations would include transportation energy demands (energy consumed by passenger car and truck vehicles accessing the Modified Project Site) and facility energy demands (energy consumed by building operations and Modified Project Site maintenance activities). The Project's energy demand is calculated to be 396,865 gallons of fuel and 2,634,018 kWh of electricity per year. Refer to Subsection 4.4 from the Project's energy analysis (see *Technical Appendix F*) for detailed calculations of all components of the Project's operational energy use. It should be noted that City of Fontana Ordinance No. 1891 requires the Modified Project to provide 100 percent of its electrical demand for non-refrigerated building space via rooftop solar panels, which for purposes of this analysis is estimated to be approximately 2,498,021 per year. (DEIR, p. 4.6-6)

The Project's proposed buildings would incorporate contemporary, energy-efficient/energy-conserving design and operational programs (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CalGreen). The Modified Project will be subject to compliance with the 2022 California Green Building Code Standards that became effective on January 1, 2023, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. On this basis, the Modified Project will inherently use less energy than comparable buildings constructed under prior versions of the Energy and CalGreen Codes. Modified Project building operations would not result in the inefficient, wasteful, or unnecessary consumption of energy due to mandatory Energy Code and CalGreen compliance. Furthermore, the Modified Project Site is within the existing service area of SCE, is capable of being served by the energy provider, and implementation of the Modified Project would not cause or result in the need for additional energy facilities or energy delivery systems. (DEIR, p. 4.6-6)

From a transportation energy perspective, the Modified Project Site's location proximate to regional and local roadway systems would tend to minimize VMT within the region, acting to reduce regional vehicle energy demands. The Modified Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption. (DEIR, pp. 4.6-6 to 4.6-7)

- B. *Would the Modified Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding:

Federal Energy Regulations: The Modified Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 because SCAG is not planning for intermodal facilities on or through the Modified Project Site. The Modified Project supports the strong planning processes emphasized under TEA-21. The Modified Project is therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21. (DEIR, p. 4.6-7)

State Energy Regulations: The Integrated Energy Policy Report (IEPR) policy recommendations to be implemented by energy providers in California. Electricity would be provided to the Modified Project by SCE. SCE is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR. Thus, because the SCE is consistent with the 2021 IEPR, the Modified Project is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR. Additionally, the Modified Project would comply with the applicable Title 24 standards which would ensure that the Modified Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the Modified Project would support the goals presented in the 2021 IEPR. (DEIR, pp. 4.6-7 to 4.6-8)

The Modified Project supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan. (DEIR, p. 4.6-8)

The Modified Project will design the building shell and building components, such as windows, roof systems, electrical and lighting systems, and heating, ventilating, and air conditioning systems to meet 2022 Energy Efficiency Standards, which would be confirmed by the City during the building permit review process. The Modified Project also is required by State law to be designed, constructed, and operated to meet or exceed 2022 Energy Efficiency Standards. On this basis, the Modified Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the State’s Title 24 Energy Efficiency Standards. (DEIR, p. 4.6-8)

No feature of the Modified Project would interfere with implementation of the requirements under AB 1493. Notwithstanding, all model year 2009-2016 passenger cars and light duty truck vehicles traveling to and from the Modified Project Site are required by law to comply with the legislation’s fuel efficiency requirements. (DEIR, p. 4.6-8)

No feature of the Modified Project would interfere with implementation of the requirements under RPS. Notwithstanding, energy directly or indirectly supplied to the Modified Project Site by electric corporations is required by law to comply with SB 1078. (DEIR, p. 4.6-8)

Energy directly or indirectly supplied to the Modified Project Site by electric corporations is required by law to comply with SB 350. No feature of the Modified Project would interfere with implementation of the requirements under SB 350. (DEIR, p. 4.6-8)

Local Energy Regulations: The City of Fontana would require the Modified Project to be designed, constructed, and operated to meet or exceed the California Green Building Standards Code (as adopted by Chapter 5 of the Fontana Municipal Code). The City would confirm the Project's compliance with the Building Code as part of the building permit review process. On this basis, the Modified Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the California Building Standards Code. (DEIR, p. 4.6-9)

The City of Fontana would require the Modified Project to be designed, constructed, and operated to meet the requirements of Ordinance No. 1891, including the installation and operation of rooftop solar panels. The City would confirm the Project's compliance with Ordinance No. 1891 as part of the building permit review process and as part of the City's on-going code compliance process. On this basis, the Modified Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of Ordinance No. 1891. (DEIR, p. 4.6-9)

2.2.7 Geology and Soils

- A. *Would the Modified Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving (Threshold "a"):*
- 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 or potentially active faults on or trending toward the Modified Project Site and the Modified Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone. Because there are no known faults located on or trending towards the Modified Project Site, there is no potential for the Modified Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur. (DEIR, p. 4.7-10)

Strong Seismic Ground Shaking: In conformance with the Municipal Code, the City will condition the Modified Project to comply with the Site-specific ground preparation and construction recommendations contained in the geotechnical report. With mandatory compliance with these

standard and Site-specific design and construction measures, implementation of the Modified Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Impacts would be less-than-significant. (DEIR, p. 4.7-11)

Seismic-Related Ground Failure: The Modified Project would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the CBSC and Fontana Building Code, as noted above. Furthermore, and pursuant to the requirements of Fontana Municipal Code Chapter 26, Division 4, the Modified Project would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical report for the Modified Project Site to further reduce the risk of seismic-related ground failure due to liquefaction. Therefore, implementation of the Modified Project would not directly or indirectly expose people or structures to substantial hazards associated with seismic-related ground failure and/or liquefaction hazards. Impacts would be less-than-significant. (DEIR, p. 4.7-11)

Landslides: The Modified Project Site is relatively flat and there are no steep slopes or recorded landslides in the immediate vicinity of the Modified Project Site. Mandatory compliance with the recommendations contained within the Modified Project Site's geotechnical reports (as required by City of Fontana Municipal Code Chapter 26, Division 4) would ensure that the Modified Project is engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site areas. Accordingly, the Modified Project would not be exposed to substantial landslide risks, and implementation of the Modified Project would not pose a substantial direct or indirect landslide risk to surrounding properties. Impacts would be less-than-significant. (DEIR, p. 4.7-11)

B. *Would the Modified Project result in substantial soil erosion or the loss of topsoil? (Threshold "b")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Pursuant to the requirements of the State Water Resources Control Board, the Modified Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). In addition, the Modified Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Modified Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Lastly, the Modified Project would be required to implement an erosion and dust control plan pursuant to Fontana Municipal Code Chapter 9, Article II (and to ensure compliance with SCAQMD Rule 403) to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during

construction activities. Therefore, water quality impacts associated with construction activities would be less-than-significant and no mitigation measures would be required. (DEIR, p. 4.7-12)

Upon Modified Project build-out, the Modified Project Site would be covered by buildings, landscaping, and impervious surfaces. Stormwater runoff from the Modified Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via an on-site storm drain system. Accordingly, the amount of erosion that would occur on the Modified Project Site would be minimal and would be comparable to existing conditions. (DEIR, p. 4.7-12)

To meet the requirements of the City's Municipal Storm Water Permit, and in accordance with Fontana Municipal Code Chapter 23, Article IX, the Modified Project Applicant would be required to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is a Site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long-term conditions via Best Management Practices (BMPs). The SWQMPs for the Project, identify preventive, low impact development BMPs (such as the use of permeable surfaces across the site, catch basin inserts, and an underground retention system), non-structural source control BMPs (such as vacuum sweeping of parking lots and routine maintenance of catch inserts to prevent clogging and maximize removal efficiency), and structural source control BMPs (such as utilizing efficient irrigation systems that minimize overspray), to minimize erosion. The SWQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the WQMP will be required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. Because the Modified Project would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, the Modified Project would result in less-than-significant impacts related to soil erosion. (DEIR, pp. 4.7-12 to 4.7-13)

- C. *Would the Modified 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 "c")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site is relatively flat and the Modified Project does not propose the construction of any manufactured slopes. Accordingly, the Modified Project would result in less-than-significant impacts associated with landslide hazards. (DEIR, p. 4.7-13)

The geotechnical report prepared for the Modified Project indicates that the Site's shrinkage/subsidence and settlement potential can be attenuated through the removal of surface and near surface soils down to competent materials and replacement with properly compacted fill with optimum moisture content. The City will condition the Modified Project to comply with the Site-specific ground preparation and construction recommendations contained in the Project's geotechnical report. Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less-than-significant. (DEIR, p. 4.7-13)

Lateral spreading is primarily associated with liquefaction hazards. The Modified Project Site is not located within an area of liquefaction susceptibility based on its topography and soil characteristics. Thus, the potential for lateral spreading is low. Accordingly, impacts associated with lateral spreading would be less-than-significant. (DEIR, p. 4.7-13)

- D. *Would the Modified 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 “d”)*

Finding: No Impact

Facts in Support of Finding: Based on expansion index testing of soil samples, NorCal determined that near surface soils on the Modified Project site have an expansion potential of “non-expansive.” Accordingly, the Modified Project site does not contain expansive soils and as such, would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impacts would occur. (DEIR, p. 4.7-13)

- E. *Would the Modified 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 “e”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project is designed to connect to the City-owned municipal wastewater conveyance system, with wastewater treatment services supplied by the Inland Empire Utilities Authority (IEUA). The Modified Project does not include septic tanks or alternative wastewater disposal systems. Accordingly, implementation of the Modified Project would result in no impact related to the use of or performance of septic tanks and/or alternative wastewater systems. (DEIR, p. 4.7-14)

2.2.8 Greenhouse Gas Emissions

- A. *Would the Modified Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Implementation of the Modified Project would not conflict with the State’s ability to achieve the State-wide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Modified Project would not actively interfere with any future federally-, State-, or locally-mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. Therefore, the Modified Project would not

conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less than significant impact. (DEIR, p. 4.8-23)

2.2.9 Hazards and Hazardous Materials

- A. *Would the Modified Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Threshold “a”)*
- B. *Would the Modified 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 “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: A Phase I Environmental Site Assessment for the Modified Project Site determined that the Modified Project Site is considered a “low risk” for vapor intrusion. Impacts would be less-than-significant. (DEIR, p. 4.9-10)

Based on the evidence of residential use of the Site since the 1940’s, septic systems were likely used on the Modified Project Site, but it is unknown whether such systems, if used, are present and it cannot be known if they are present beneath the surface of the Site until grading or other excavation activity occurs across the Site. Regardless, since these septic systems would have been associated with residences or small non-hazard users, septic system features, if encountered during Project-related construction activities, would not be considered an environmental concern to the Site or its surroundings. Any septic system found on-site would be required to be removed, handled, and disposed in accordance with all applicable local and State regulations, including but not limited to the California Code of Regulations (CCR) Title 5, Appendix H “Hazardous Materials Management Plans and Hazardous Materials Inventory Statements.” Accordingly, with required and mandatory compliance with regulatory requirements, implementation of the Modified Project would not expose the public or the environment to significant hazards associated with the removal and disposal of the on-site septic systems from the Modified Project Site if they are encountered; impacts would be less-than-significant. (DEIR, pp. 4.9-10 to 4.9-11)

Due to the age of the residential structures located on the Modified Project Site, there is a potential that the existing buildings may contain Asbestos-Containing Materials (ACMs) and/or Lead-Based Paints (LBPs). Mandatory compliance with the provisions of Rule 1403 would ensure that construction-related grading, clearing, and demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Because the Project’s demolition and construction contractors would be required to comply with AQMD Rule 1403 during demolition activities, impacts due to asbestos would be less-than-significant. The demolition and construction contractors would also be required to comply with CCR Title 17 (Division 1, Chapter 8), which includes requirements such as employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Mandatory compliance with these regulations would ensure that construction workers and the public are not exposed to significant health hazards associated with LBPs during demolition and/or during transport of demolition waste to an appropriate disposal facility, and would ensure that impacts related to LBP remain less-than-significant. (DEIR, p. 4.9-11)

Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the EPA, DTSC, and the Santa Ana RWQCB. With mandatory compliance with applicable hazardous materials regulations, the Modified Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. A less-than-significant impact would occur. (DEIR, p. 4.9-12)

The Modified Project would be required to comply with applicable laws and regulations during long-term operation of the Project. With mandatory regulatory compliance, the Modified Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Modified Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Based on the foregoing information, potential hazardous materials impacts associated with long-term operation of the Modified Project are regarded as less-than-significant. (DEIR, p. 4.9-12)

- C. *Would the Modified 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 “c”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Jurupa Hills High School, Fontana Adult School, and Citrus High School are located within one-quarter mile of the Modified Project Site. Additionally, Citrus Avenue, which is the designated truck route for the Project, is located along the western boundary of the Jurupa Hills High School property; therefore, trucks traveling to/from the Modified Project site would pass by Jurupa Hills High School. Accordingly, the Modified Project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school. The use of and transport of hazardous substances or materials to-and-from the Modified Project Site during construction and long-term operational activities would be required to comply with applicable federal, State, and local regulations that would preclude substantial public safety hazards. Accordingly, there would be no potential for existing or proposed schools to be exposed to substantial safety hazards associated with emission, handling of, or the routine transport of hazardous substances or materials to-and-from the Modified Project Site and impacts would be less-than-significant. (DEIR, pp. 4.9-12 to 4.9-13)

Although impacts would be less-than-significant with compliance to applicable federal, State, and local regulations, MM 4.9-1 is included as a mitigation measure ensure regulatory compliance, which requires the building owners or occupants to provide a Hazardous Materials Business Emergency Plan (HMBEP) (if required by law) to the Superintendent’s Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School, Fontana Adult School, and Citrus High School. Additional mitigation measures are provided to address best practices for construction. Impacts would be less-than-significant. (DEIR, p. 4.9-13)

MM 4.9-1. *Prior to the issuance of any new occupancy permit for a use/user within the buildings, and to the extent hazardous materials exist on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Modified Project Applicant shall provide a copy of its approved Emergency Response Plan to the Superintendent's Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School, Fontana Adult School, and Citrus High School outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Modified Project Site. If so requested, the Modified Project Applicant shall also meet with School District and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Modified Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Fontana's Planning Division, with input from the Fontana Unified School District Superintendent as appropriate. All meetings shall be documented and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Modified Project Site.*

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

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

- D. *Would the Modified 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 "d")*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, no impact would occur. (DEIR, p. 4.9-13)

- E. *For a Modified 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 Modified*

Project result in a safety hazard or excessive noise for people residing or working in the Modified Project area? (Threshold “e”)

Finding: Less-than-Significant Impact

Facts in Support of Finding: The closest airport to the Modified Project Site is the Ontario International Airport located roughly 7.3 miles to the west. The Modified Project Site is not located within any ONT Safety Zone or Airspace Protection Zone but is located in a noise impact zone (60-65 decibels). The Federal Aviation Administration (FAA) considers noise levels 65 dB CNEL and below to be acceptable for all land uses; therefore, the Modified Project would not expose future employees on the Site to excessive noise levels (Fontana, 2018a, p. 11-9). Impacts would be less-than-significant. (DEIR, pp. 4.9-13 to 4.9-14)

F. *Would the Modified Project impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Threshold “f”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction, all materials and equipment would be stored/staged on the Modified Project Site and would not interfere with emergency vehicles traveling along Santa Ana Avenue, Citrus Avenue, or Oleander Avenue. Limited Modified Project construction activities would occur within the Santa Ana Avenue, Citrus Avenue, and Oleander Avenue public right-of-way; however, for any work within the right-of-way that requires a partial or full closure of a vehicle travel lane, the construction contractor would be required to implement a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and must be approved by the City to ensure that emergency response is not adversely affected. During construction and long-term operation, the proposed Modified Project would be required to maintain adequate emergency access for emergency vehicles. Accordingly, implementation of the Modified Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur. (DEIR, p. 4.9-14)

G. *Would the Modified Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Threshold “g”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not located adjacent to wildlands nor is the Modified Project Site located within or adjacent to a very high fire hazard severity zone. Accordingly, the Modified Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur. (DEIR, p. 4.9-14)

2.2.10 Hydrology and Water Quality

- A. *Would the Modified Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Developer/Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the NPDES permit program that covers point sources of pollution discharging to a water body. The NPDES program would require the Modified Project Developer/Applicant and/or construction contractor(s) to prepare a SWPPP and obtain authorization to discharge stormwater under an NPDES construction stormwater permit because the Modified Project would result in construction on a site that is larger than one acre. The Modified Project Developer/Applicant also would be required to comply with the California Porter-Cologne Water Quality Control Act (Section 13000 *et seq.*, of the California Water Code), which requires that comprehensive water quality control plans be developed for all waters within the State of California. (DEIR, p. 4.10-12)

Pursuant to the requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX, the Modified Project Developer/Applicant would be required to obtain coverage under the State’s General Construction Storm Water Permit for construction activities (NPDES permit). In addition, the Modified Project Developer/Applicant would be required to comply with the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project’s construction contractors would be required to implement during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Pursuant to Fontana Municipal Code Chapter 9, Article II, the Modified Project Developer/Applicant also would be required to implement an erosion control plan to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project’s construction does not violate any water quality standards or waste discharge requirements. Therefore, water quality impacts associated with construction activities would be less than significant. (DEIR, p. 4.10-12)

The Modified Project Developer/Applicant would be required to prepare and implement a Water Quality Management Plan (SWQMP) to demonstrate compliance with the City’s NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. Compliance with the preliminary SWQMPs would be required as a condition of Modified Project approval pursuant to Fontana Municipal Code Chapter 23, Article IX, and long-term maintenance of on-Site BMPs would be required to ensure their long-term effectiveness. Additionally, the NPDES program requires certain land uses, including the industrial land uses proposed by the Project, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. The Project’s mandatory compliance with all applicable water quality regulations would further reduce potential water quality impacts during long-term operation. The Modified Project would

not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during long-term operation. Impacts would be less-than-significant. (DEIR, pp. 4.10-13 to 4.10-14)

- B. Would the Modified Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Modified Project may impede sustainable groundwater management of the basin? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project would not utilize wells or any other groundwater extractive activities. Therefore, the Modified Project would not directly draw water from the groundwater basin. Accordingly, implementation of the Modified Project has no potential to substantially deplete or decrease groundwater supplies and the Project’s direct impact to groundwater supplies would be less-than-significant. (DEIR, p. 4.10-14)

Development of the Modified Project would increase impervious surface coverage on the Modified Project Site which would, in turn, reduce the amount of water percolating down into the underground aquifer that underlies the Modified Project Site. However, a majority of the groundwater recharge in the Chino Groundwater Basin occurs in the northern and western portions of the Basin (and north and west of the City of Fontana), within percolation or “recharge” basins. The Modified Project Site is located in the eastern portion of the Chino Groundwater Basin and would not physically impact any of the major groundwater recharge facilities in the Basin. Therefore, the Modified Project would not result in substantial, adverse effects to local groundwater levels. Additionally, the Modified Project includes design features that would maximize the percolation of on-site storm water runoff into the groundwater basin, such permeable landscape areas. Accordingly, buildout of the Modified Project with these design features would not interfere substantially with groundwater recharge or impede sustainable groundwater management of the Chino Groundwater Basin. Based on the foregoing information, the Modified Project would not interfere substantially with groundwater recharge. (DEIR, p. 4.10-14)

The Modified Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Modified Project would impede sustainable groundwater management of the basin. Impacts would be less-than-significant. (DEIR, p. 4.10-14)

- C. Would the Modified 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 “c”):*
- 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: The Project's development areas would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and an underground infiltration/detention system to capture on-site stormwater runoff flows, convey the runoff across the property, and treat the runoff to minimize the amount of water-borne pollutants carried off site. Pursuant to the requirements of the State Water Resources Control Board, the Modified Project Developer/Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). In addition, the Modified Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a SWPPP for construction-related activities. Lastly, the Modified Project would be required to implement an erosion and dust control plan pursuant to Fontana Municipal Code Chapter 9, Article II, and also would be required to ensure compliance with SCAQMD Rule 403 to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the City-required erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Based on the foregoing information, water quality impacts associated with Modified Project construction activities would be less-than-significant. (DEIR, pp. 4.10-14 to 4.10-15)

Erosion and Siltation: During operation of the Project, the Modified Project Developer/Applicant would be required to prepare and implement a SWQMP, which is a Site-specific post-construction water quality management program that will be implemented to minimize erosion and siltation, pursuant to Fontana Municipal Code Chapter 23, Article IX. Compliance with the SWQMP is required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. Because the Modified Project Developer/ Applicant would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, Modified Project operation would result in less-than-significant impacts related to soil erosion and sedimentation. (DEIR, pp. 4.10-15 and 4.10-19)

Stormwater Runoff: Construction of the three proposed buildings would substantially reduce the amount of runoff discharged into the existing municipal storm drain system during peak storm events relative to existing conditions. Accordingly, the Modified Project would not create or contribute runoff that would exceed the capacity of any existing storm water drainage system, and impacts would be less-than-significant. (DEIR, p. 4.10-20)

Flood Flows: According to the FEMA FIRM No. 06071C8665H, the Modified Project Site is not located in a special flood hazard area, rather the Site is located in an area outside of the 500-year (0.2% annual chance) floodplain. Accordingly, the Modified Project Site is not expected to be inundated by flood flows during the lifetime of the Modified Project and the Modified Project would not impede flood flows. No impact would occur. (DEIR, p. 4.10-20)

- D. *Would the Modified Project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Modified Project inundation? (Threshold “d”)*

Finding: No Impact

Facts in Support of Finding: The Pacific Ocean is located over 41 miles southwest of the Modified Project Site; consequently, there is no potential for the Modified Project Site to be impacted by a tsunami as tsunamis typically only reach up to a few miles inland. The Modified Project Site also is not subject to flooding hazards associated with a seiche because the nearest large body of surface water (Prado Reservoir) is located more than 13 miles southwest of the Modified Project Site, which is too far away from the subject property to impact the property with a seiche. Furthermore, as noted in the City of Fontana General Plan EIR, the Modified Project Site is not located within any mapped dam inundation area. Because the Modified Project Site cannot be affected by a tsunami, seiche, or dam inundation, there is no potential for such hazards to inundate the Modified Project Site and cause a release of waterborne pollutants. Accordingly, the Modified Project would not release water pollutants due to inundation. No impact would occur. (DEIR, p. 4.10-20)

- E. *Would the Modified Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Threshold “e”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Project-related construction and operational activities would be required to comply with the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Plan* by preparing and adhering to a SWPPP and WQMP. Implementation of the Modified Project would not conflict with or obstruct the *Santa Ana River Basin Water Quality Control Plan* and impacts would be less-than-significant. (DEIR, p. 4.10-20)

The Modified Project Site is located within the Chino Groundwater Basin, which is an adjudicated groundwater basin. Adjudicated basins, like the Chino Groundwater Basin, are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of the Subbasin. No component of the Modified Project would obstruct with or prevent implementation of the management plan for the Chino Groundwater Basin. As such, the Project’s construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less-than-significant. (DEIR, pp. 4.10-20 to 4.10-21)

2.2.11 Land Use and Planning

- A. *Would the Modified Project physically divide an established community? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Under existing conditions, the Modified Project Site contains residential and associated accessory structures and vacant, undeveloped land. The surrounding area consists of public schools to the north and east (Jurupa Hills High School, Fontana Adult School, and

Citrus High School) beyond which further to the north and east are a mixture of residential neighborhoods, commercial uses, commerce center uses, and Interstate 10. Directly to the north of Jurupa High School are commerce center buildings under construction. (DEIR, p. 4.11-6)

Residential development is located to the west of Jurupa Hills High School on the opposite side (west side) of Citrus Avenue, to the east of Jurupa Hills High School, to the north of Fontana Adult School, and to the north and west of Citrus High School. Otherwise, the area is built out with non-residential uses the predominance of which are commerce center buildings. Conversion of the Modified Project site from its existing residential use to commerce center use would continue the pattern of commerce center development along Santa Ana Avenue. Development of the Modified Project would result in Jurupa Hills High School having commerce center development all along its southern and northern boundaries and Fontana Adult School having commerce center development along its southern boundary. However, implementation of the Modified Project would not physically divide a community because the Modified Project Site does not connect the adjacent schools to any residential communities. All of the land uses south of the Modified Project Site and along Santa Ana Avenue are commerce center buildings. The residential uses to the northwest are physically separated from the Modified Project Site by Citrus Avenue, a designated truck route. This residential area is surrounded by commercial and industrial development to the north, south, and west, and by Jurupa Hills High School to the east. (DEIR, pp. 4.11-6 to 4.11-7)

The Modified Project would continue the pattern of development that has already occurred along Santa Ana Avenue, with commerce center development to the south and west. The area to the west contains the I-10 Citrus Distribution Center and the area to the south contains the Citrus Commerce Center with businesses including Goodman, Wolf, Subzero, and Cove. The Modified Project would not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Modified Project would not physically divide any existing, surrounding community and impacts would be less-than-significant. (DEIR, p. 4.11-7)

B. Would the Modified 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 “b”)

Finding: Less-than-Significant Impact

Facts in Support of Finding: Implementation of the Modified Project would require a General Plan Amendment to change the land use designation of the Modified Project Site from “Residential Planned Community (R-PC)” and “Multi-Family Medium/High Residential (R-MFMH)” to “General Industrial (I-G).” Nonetheless, the Modified Project would be consistent with applicable General Plan goals and policies related to environmental effects. (DEIR, p. 4.11-7)

A Specific Plan Amendment has been requested for the Modified Project (SPA No. 22-002) which would amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the Modified Project Site. The Modified Project Site would be incorporated into the SWIP’s Slover East Industrial District (SED). The SPA would amend the City of Fontana

Zoning District Map to change the zoning classification of the Modified Project Site from “Residential Planned Community (R-PC)” and “Multiple-Family Medium/High Density Residential (R-4)” to “Southwest Industrial Park (SWIP) Specific Plan.” Approval of the requested SPA would eliminate any potential inconsistency between the proposed Modified Project and the site’s underlying zoning classifications. The Modified Project would not conflict with any development regulations and design standards in the Zoning Ordinance pertaining to the SWIP Specific Plan, and there are no components of the Project’s proposed SPA that would result in impacts not already evaluated and disclosed by the EIR. Impacts would be less-than-significant. (DEIR, p. 4.11-14)

The Modified Project would not conflict with the adopted goals of the RTP/SCS. The Modified Project would not result in any land use and planning conflicts with the 2020 SCS/RTP. (DEIR, p. 4.11-14)

Implementation of the Modified Project would not result in or cause NAAQS or CAAQS violations because construction of the Modified Project would not exceed the SCAQMD regional threshold for VOC emissions. Although the Modified Project proposes to change the General Plan land use designation to General Industrial (I-G) and the zoning designation to Southwest Industrial Park (SWIP) Specific Plan, the Modified Project on an individual bases does not have an impact and as such, would not conflict with the goals and objectives of the AQMP. The Modified Project is therefore, considered to be consistent with the AQMP and impacts would be less than significant. (DEIR, p. 4.11-16)

None of the intersections in the Modified Project study area are part of the *San Bernardino CMP* roadway network, therefore, the Modified Project would not result in a substantial environmental impact due to a conflict with the *San Bernardino County CMP* LOS standards for the *CMP* arterial roadway and freeway network. Land use and planning impacts associated with *CMP* consistency would thus be less than significant. (DEIR, p. 4.11-16)

2.2.12 Mineral Resources

- A. *Would the Modified 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 “a”) Would the Modified 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 “b”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project Site is not located within an area known to be underlain by regionally- or locally-important mineral resources or within an area that has the potential to be underlain by regionally- or locally-important mineral resources. Accordingly, implementation of the proposed Modified Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. No impact would occur. (DEIR, p. 4.12-2)

2.2.13 Noise

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: The facts presented below evaluate three components of the Modified Project that would generate noise – the construction process, on-site operational activities, and off-site traffic.

Modified Project Construction Noise: Project-related construction noise would create temporary periods of noise when heavy construction equipment (i.e., bulldozer, trucks, concrete mixer, portable generators, power tools) is in operation and would cause a short-term increase in ambient noise levels. Project-related construction activities are expected to occur on weekdays (and, potentially, on Saturdays) during the hours when the City’s Municipal Code does not limit construction noise (i.e., between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays). Accordingly, during these hours the Modified Project construction noise levels would not exceed the standards established by the City and impacts would be less than significant. At all receiver locations, the Project’s nighttime concrete pouring noise levels would not exceed the standards established by the City and impacts would be less than significant. (DEIR, pp. 4.13-15 to 4.13-16)

On-Site Operational Noise: Modified Project operations will satisfy the City of Fontana 70 dBA L_{eq} daytime and 65 dBA L_{eq} nighttime exterior noise level standards at the nearest receiver locations. Furthermore, Modified Project operations are not expected to generate a substantial daytime or nighttime noise level increase at the nearest receiver locations. Accordingly, the Project’s stationary noise impact would be less than significant. (DEIR, p. 4.13-17)

Off-Site Traffic Noise: Under EP traffic conditions, Project-related traffic would contribute a maximum of 1.5 dBA CNEL to roadways in the vicinity of the Modified Project Site. This incremental noise increase would not exceed the applicable significance thresholds under the EP scenarios; therefore, the Projects’ contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant. (DEIR, p. 4.13-19)

Under Opening Year plus Cumulative traffic conditions, Project-related traffic would contribute a maximum of 1.4 dBA CNEL to roadways in the vicinity of the Modified Project Site. This incremental noise increase would not exceed the applicable significance thresholds; therefore, the Projects’ contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant. (DEIR, p. 4.13-20)

Under Horizon Year plus Modified Project traffic conditions, Project-related traffic would contribute a maximum of 1.3 dBA CNEL to roadways in the vicinity of the Modified Project Site. This incremental noise increase would not exceed the applicable significance thresholds; therefore, the

Projects' contribution to off-site traffic noise would not result in a substantial permanent increase in ambient noise levels. Impacts would be less than significant. (DEIR, p. 4.13-20)

- B. *For a Modified 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 Modified Project expose people residing or working in the Modified Project area to excessive noise levels? (Threshold "c")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project site is located within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour). Pursuant to ONT ALUCP, all industrial land uses – including the logistics warehouse buildings proposed by the Modified Project – are suitable within the 60 to 65 dBA CNEL noise contour with no sound attenuation needed. Accordingly, the Modified Project would be a compatible use within the ONT Noise Impact Zone (60 to 65 dBA CNEL noise contour) and operation of the Modified Project would not expose people working on the Modified Project site to excessive noise levels. The Project's impact would be less than significant. (DEIR, p. 4.13-22)

2.2.14 Population and Housing

- A. *Would the Modified 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 "a")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project would employ construction workers in various trades over the estimated 18-month construction phase. Long-term employment estimates were calculated using average employment density factors from Southern California Association of Governments' (SCAG's) "Employment Density Study." SCAG reports that commerce center buildings in San Bernardino County employ an average of one (1) worker for every 1,195 s.f. of building area, which would yield 445 jobs ($532,104 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 445 \text{ employees}$) for proposed Buildings 1, 2, and 3. Although no development is currently proposed on 5.0 acres of the Modified Project Site, should those 5.0 acres be developed in the future with up to 131,464 s.f. of building space, an additional 110 jobs could be generated ($131,464 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 110 \text{ employees}$). (DEIR, p. 4.14-4)

According to the Bureau of Labor Statistics (BLS), in December 2021, the Riverside-San Bernardino-Ontario region's civilian labor force exceeded 2,121,300 persons with 2,012,500 people employed and an unemployment rate of 5.1% (or 108,800 persons). Accordingly, the region has an ample supply of potential employees to fill the 445 to 555 jobs anticipated to be generated by the Project. The Project's labor demand is not expected to draw substantial numbers of new, unplanned residents to the area. Furthermore, based on the most recent available data, approximately 90% of City of Fontana residents commute outside of the City for work and more housing units are expected to be built within the City over the next 20+ years; the Modified Project would provide job opportunities

closer to home for existing and future residents in the nearby area, which would subsequently help achieve a better job-to-housing balance. Based on the foregoing, the Modified Project is not expected to be a catalyst for any substantial, unplanned population increase. (DEIR, p. 4.14-5)

To comply with SB 330, the Modified Project would comply with the City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Density Bonus/Replacement Program,” which was approved by the Fontana City Council via Ordinance No. 1906 on October 25, 2022. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property, up to 125 dwelling units are permitted on the R-PC designated property and up to 382 dwelling units are permitted on the R-MFMH designated property for a total of 507 multi-family residential units on the Modified Project Site. This housing unit capacity would be made available to other properties under the No Net Loss Density Bonus/Replacement Program. (DEIR, p. 4.14-6)

- B. Would the Modified Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site contains eight residences under existing conditions, and implementation of the Modified Project would remove these structures from the Modified Project Site. Upon implementation of the Project, the current owners would sell their properties to the Modified Project Applicant, self-relocate using proceeds from the sale at their discretion, and the structures on the Modified Project Site would be removed. Displacement of seven people from the Modified Project Site that would financially benefit from the sale of their properties does not constitute the displacement of substantial numbers of people. The removal of these structures from the Modified Project Site would not substantially affect the supply of readily available housing units in the City. Therefore, implementation of the Modified Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. (DEIR, p. 4.14-6)

2.2.15 Public Services

- A. Would the Modified 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 “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The construction and operation of the Modified Project would increase the demand for fire protection by introducing three buildings on the Modified Project Site. The introductions of buildings on the Modified Project Site is not anticipated to result in an increase in demand for fire protection services high enough to trigger the need to physically construct new fire protection facilities because Station 77 already exists near the Site which provides paramedic and fire services. Additionally, the Modified Project would incorporate fire prevention and fire suppression

design features to minimize the potential demand placed on the FFPD. The proposed buildings would be of concrete tilt-up construction. Concrete is non-flammable and concrete tilt-up buildings have a lower fire hazard risk than typical wood-frame construction. The Modified Project would also install fire hydrants on the sites. Lastly, the proposed commerce center buildings would feature a fire alarm system and ceiling-mounted sprinklers. (DEIR, pp. 4.15-5 to 4.15-6)

Although the Modified Project would not result in the need for new or expanded fire protection facilities, as a standard condition of approval, the Modified Project Applicant would be required to pay impact fees for fire protection services in accordance with Section 21-122 of the Fontana Municipal Code. The City will collect Development Impact Fees (DIF) for the Modified Project based on building square footage. The Project's payment of DIF fees, as well as increased property tax revenues that would result from development of the Project, would be used by the City to help pay for fire protection services and other public services. Based on the foregoing, the proposed Modified Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. (DEIR, p. 4.15-6)

- B. *Would the Modified 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 "b")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project would introduce three new commerce center buildings to the Modified Project Site, along with employees and visitors to the Modified Project Site. This would result in an incremental increase in demand for police protection services. The Modified Project is not anticipated to generate crime nor would the Modified Project precipitate crime which would necessitate the construction of new or physically altered police facilities. Additionally, and pursuant to City of Fontana Municipal Code Section 21-122, the Modified Project would be subject to payment of DIF fees, which the City uses in part to fund police protection services. Furthermore, property tax revenues generated from development of the Modified Project Site would provide funding to offset potential increases in the demand for police services at Modified Project build-out. The City of Fontana uses DIF fees and property tax revenues to help pay for police protection needs and other public services. Because Modified Project implementation would not result in or require new or expanded police protection facilities and because the Modified Project is required to contribute appropriate DIF fees to offset the Project's increased demand for police protection services, the Project's impacts to police protection services would be less-than-significant. (DEIR, pp. 4.15-6 to 4.15-7)

- C. *Would the Modified 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 "c")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project does not include residential land uses and would not directly introduce new school-age children within the Fontana Unified School District (FUSD) boundaries. Furthermore, the Modified Project is not expected to draw a substantial number of new residents to the surrounding area as the result of unplanned population or housing growth and would not, therefore, indirectly increase unplanned enrollment at FUSD schools. Because the Modified Project would not directly generate students and is not expected to indirectly draw students to the area, the Modified Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Modified Project would not create a direct demand for public school services, the Modified Project Applicant would be required to contribute development impact fees to the FUSD in compliance with the Leroy F. Greene School Facilities Act of 1998, which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits. Impacts to FUSD schools would be less-than-significant. (DEIR, p. 4.15-7)

- D. *Would the Modified 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 Library Services (Threshold “d”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project does not include any residential land uses and would not directly create a demand for public library facilities or directly result in the need to modify existing or construct new library buildings. Demand placed on libraries is based on the generation of a resident population associated with a person’s place of residence, and not typically their place of employment. The Modified Project would not result in an increase in the City’s population and would therefore not directly result in an increased demand for library facilities. (DEIR, p. 4.15-7)

- E. *Would the Modified 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 “e”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project does not include any residential land uses and, therefore, it is not anticipated that the proposed Modified Project would result in a substantial increase in demand for public and/or private health care facilities. Nonetheless, the Modified Project could result in an incremental increase in demand for health services associated with the Project’s addition of employees in the area. Existing public health facilities would accommodate nominal

increases in demand, such as demand from the Project. Modified Project implementation would not result in or require the physical construction, expansion, or alteration of public health facilities. (DEIR, p. 4.15-8)

2.2.16 Recreation

- A. *Would the Modified 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 “a”)*

Finding: No Impact

Facts in Support of Finding: The Modified Project includes the proposed development of 24.2 acres of the 29.2-acre Modified Project Site with three commerce center buildings and the reasonably foreseeable development of the remaining 5.0 acres with a similar use. The Modified Project does not propose any residential development or other land use that may generate a population that would increase the use of existing parks or other recreational facilities. Accordingly, implementation of the proposed Modified Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. (DEIR, p. 4.16-3)

- B. *Does the Modified 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 “b”)*

Finding: No Impact

Facts in Support of Finding: No on- or off-site recreation facilities would be constructed as part of the Project. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur. (DEIR, p. 4.16-4)

2.2.17 Transportation

- A. *Would the Modified 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 “c”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The types of traffic generated during operation of the Modified Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along adjacent roadways under existing conditions. All proposed improvements within the public right-of-way would be installed in conformance with City design standards. Modified Project construction activities that would occur in the public right-of-way and that could temporarily require the partial or a travel lane is required to adhere to the applicable construction control practices that are specified in the *State of California Department of Transportation Construction Manual* and the *California Manual on Uniform Traffic Control Devices*, to minimize potential safety hazards. Based on the foregoing

information, the Project's construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. (DEIR, p. 4.17-12)

Although transportation safety impacts would be less than significant, the following mitigation measures are recommended to assure that design features will be implemented as part of the Project's implementation pertaining to bicycle and pedestrian safety. (DEIR, p. 4.17-14)

MM 4.17-2. *Signs shall be installed at the truck exit driveways on Oleander Avenue directing trucks to turn southbound only. Trucks shall be prohibited from turning northbound on Oleander Avenue upon exiting the Modified Project Site.*

MM 4.17-3. *The Modified Project Developer/Applicant and all successors in interest shall install and maintain signs at the Modified Project driveway exits connecting with Citrus Avenue and Oleander Avenue at heights visible to truck drivers that state, "CAUTION, PEDESTRIAN AND BICYCLE CROSSINGS AHEAD." The City shall verify installation of the signs prior to the issuance of an occupancy permit and require as a condition of the occupancy permit that the signs be maintained in legible condition.*

B. Would the Modified Project result in inadequate emergency access? (Threshold "d")

Finding: No Impact

Facts in Support of Finding: The types of vehicular traffic generated during operation of the Modified Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along surrounding roadways under existing conditions. In addition, all proposed improvements within the public right-of-way would be installed in conformance with City design standards. The City reviewed the Project's site plan drawings and determined that no hazardous transportation design features would be introduced through implementation of the Project. Specifically, all Modified Project construction materials and equipment would be stored/staged on the Modified Project Site and would not interfere with emergency vehicles traveling along Citrus Avenue, Santa Ana Avenue, or Oleander Avenue. Any Modified Project construction activities that would occur within the Citrus Avenue, Santa Ana Avenue, or Oleander Avenue public right-of-way and requires a partial or full closure of a vehicle travel lane would require a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and that must be approved by the City of Fontana to ensure that emergency response is not adversely affected. Accordingly, the Projects' construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. (DEIR, p. 4.17-12)

2.2.18 Utilities and Services Systems

A. Would the Modified 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 "a")

Finding: Less-than-Significant Impact

Facts in Support of Finding: The facts presented below address the Project's potential to 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.

Water and Water Treatment Facilities: Water demand features associated with the proposed Modified Project would consist of interior plumbing devices, outdoor landscape irrigation, and potentially various industrial process systems depending on the buildings' end users. Water service would be provided to the Modified Project Site by FWC. (DEIR, p. 4.19-9)

Building 1 would join the existing 12-inch water main along Citrus Avenue. Buildings 2 and 3 would each connect to the existing 18-inch water main along Santa Ana Avenue via proposed 3-inch water lines. Future development on the 5.0 acres that is not part of the currently proposed development plans is expected to connect to the water main along Santa Ana Avenue. The Modified Project would not require the relocation or upsizing of any existing water lines off-site. The installation of onsite water lines that connect to the Citrus Avenue and Santa Ana Avenue lines are an inherent part of the Project's construction processes. All water utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans. There are no unique impacts associated with the installation of water infrastructure to serve the Project, and impacts would be less than significant. (DEIR, pp. 4.19-9 to 4.10-10)

While the Modified Project would result in an incremental increase in demand for water treatment capacity, the Project's water demands would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the San Gabriel Valley Water Company's Fontana Water Company Division 2020 *Urban Water Management Plan* (UWMP). Impacts unique to the installation of water infrastructure would be less than significant. (DEIR, p. 4.19-10)

Wastewater and Wastewater Treatment Facilities: Sewer demand features associated with the proposed Modified Project include interior plumbing devices in the proposed commerce center buildings. (DEIR, p. 4.19-10)

Buildings 1, 2, and 3 would each connect to the existing 8-inch sewer line installed along Santa Ana Avenue via proposed 6-inch sewer lines. Future development on the 5.0 acres that is not part of the currently proposed development plans also is expected to connect to the sewer line installed along Santa Ana Avenue. The Modified Project would not require the relocation or upsizing of any existing sewer lines off-site. All wastewater utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans. There are no unique impacts associated with the installation of wastewater infrastructure to serve the Project, and impacts would be less than significant. (DEIR, p. 4.19-10)

The Project's wastewater would be conveyed to the RP-4 wastewater treatment facility operated by the IEUA, which has a treatment capacity of approximately 14 million gallons of wastewater per day but, under existing conditions, only treats, on average, approximately 10 million gallons of wastewater per day. The excess capacity for RP-4 is approximately 4 million gallons per day, and sufficient to treat the Project's wastewater which would only comprise a small fraction of the available capacity. (DEIR, p. 4.19-10)

Stormwater Drainage Facilities: All storm water infrastructure installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans. There are no unique impacts associated with the installation of stormwater drainage infrastructure to serve the Project, and impacts would be less-than-significant. (DEIR, pp. 4.19-11 to 4.19-12)

Dry Utilities: Under existing conditions, overhead electrical lines supported on wooden poles are located along the frontage of the Modified Project Site with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue. As part of the Project's development, these lines would be relocated underground along the frontages of the Modified Project Site. Other dry utility lines are available in the Santa Ana Avenue right-of-way, to which the Modified Project would make connections during the construction phase. All electric line undergrounding and other dry utility installation work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the State of California Department of Transportation Construction Manual, dated February 2022, published by Caltrans. There are no unique impacts associated with the installation of dry utilities to serve the Modified Project (DEIR, p. 4.19-12)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: The San Gabriel Valley Water Company Fontana Water Company (FWC) Division would provide potable water service to the Project. The FWC UWMB reports that during five-year drought conditions beginning in 2021, FWC's supplies are projected to be adequate to meet projected demands, even without water conservation, and water conservation is expected, thereby reducing FWC's reliance on the Chino Basin supply. The FWC UWMP also reports that water demands in the FWC water service area are expected to increase but represent a more than 10 percent decrease in the 2040 projected water demand from FWC's prior 2015 UWMP due to water conservation efforts. Because the Modified Project involves a General Plan Amendment, the Modified Project would be inconsistent with the growth assumptions used by FWC to calculate its future water service obligations. Using a water use rate of 2,200 gallons per day (gpd) per acre derived from recorded water use data in industrial/commercial areas within FWC's service area, the Modified Project would generate an estimated water demand of 53,240 gallons per day (24.2 acres x 2,200 gpd = 53,240 gpd), or 59.6 AFY. In comparison to FWC's total projected 2024 water demand of 48,943 AFY, the Project' demand would be only approximately one-tenth of one percent (0.12%) of the total

demand, and a minor increase in overall water supply demand across FWC's service area resulting in less than significant impacts on water supply. (DEIR, pp. 4.19-12 to 4.19-13)

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

Finding: Less-than-Significant Impact

Facts in Support of Finding: Wastewater generated by the Modified Project would be treated at IEUA's RP-4 wastewater treatment plants. Under existing conditions, RP-4 has an excess treatment capacity of approximately 4 million gallons per day, while Modified Project operations are conservatively estimated to generate approximately 53,240 of wastewater per day. Accordingly, implementation of the Modified Project would utilize approximately 1.3% of the excess treatment capacity at RP-4. Accordingly, RP-4 has sufficient excess capacity to treat wastewater generated by the Modified Project in addition to existing commitments. Implementation of the Modified Project would not create the need for any new or expanded wastewater facility. Because there is adequate capacity at existing treatment facilities to serve Modified Project demands, impacts would be less than significant, and mitigation is not required. (DEIR, p. 4.19-13)

- D. *Would the Modified 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 "d")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The facts presented below address the Project's solid waste generation.

Construction Waste: During construction of the Project, demolition material would be generated from removal of existing residential structures and associated accessory structures located on the Modified Project Site. Waste also would be generated by the construction process on the Modified Project Site, primarily comprising discarded materials and packaging. Based on the proposed building sizes of 150,538 s.f. (Building 1), 188,104 s.f. (Building 2), and 193,462 s.f. (Building 3), for a total building space of 532,104 s.f., and using a construction waste generation factor of 4.34 pounds per square foot, approximately 1,154.6 tons of waste would be generated over the course of Modified Project construction ($[532,104 \text{ sq. ft.} \times 4.34 \text{ lbs/sq. ft.}] \div 2,000 \text{ lbs/ton} = 1,154.6 \text{ tons}$). AB 939 requires that a minimum of 50% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies) consistent with the State's solid waste reduction goals; therefore, the Modified Project is estimated to generate up to 577.3 tons of construction waste requiring disposal at a landfill.

The Project's construction would occur over a period of approximately 18 months (540 days), which corresponds to approximately 1.1 tons of construction waste being generated per day of

construction activity. As of 2019, the Mid-Valley Landfill's peak daily disposal was 5,330 tons, which represents 71% of the maximum daily capacity with 29% capacity available. The Project's estimated construction-related generated waste represents approximately 0.01% ($[1.1 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.01\%$) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste generated during Modified Project construction (1.1 tons per day) would neither exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal; therefore, impacts to landfill capacity associated with near-term Modified Project construction activities would be less-than-significant. (DEIR, pp. 4.19-13 to 4.19-14)

Operational Waste: Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of commerce center building area, long-term operation of the Modified Project would generate approximately 3.78 tons of solid waste per day ($[532,104 \text{ sq. ft.} \times 1.42 \text{ lbs/ 100 sq. ft}] \div 2,000 \text{ lbs/ton} = 3.78 \text{ tons}$). A minimum of 50% of all solid waste would be required to be recycled pursuant to AB 939, consistent with the State's solid waste reduction goals; therefore, Modified Project operation would generate up to approximately 1.89 tons per day of solid waste requiring disposal at a landfill. As of February 2019, the Mid-Valley Landfill's peak daily disposal was 5,330 tons, which represents 71% of the maximum daily capacity with 29% capacity available. The projected estimated operation-related generated waste represents approximately 0.03% ($[1.89 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.03\%$) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste expected to be generated during Modified Project operation (3.78 tons per day) would neither exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal; therefore, impacts to landfill capacity associated with long-term Modified Project operational activities would be less-than-significant. (DEIR, p. 4.19-14)

E. *Would the Modified Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste? (Threshold "e")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: In order to assist the City of Fontana in achieving the mandated goals of the Integrated Waste Management Act, and pursuant to City of Fontana Municipal Code Chapter 24, the Project's building occupant(s) would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), the Modified Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. Further, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupant(s) of the proposed Modified Project would be required to arrange for recycling services, if the occupant generates four (4) or more cubic yards of solid waste per week. The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Modified Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Modified Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant. (DEIR, pp. 4.19-14 to 4.19-15)

2.2.19 Wildfire

- A. *Would the Modified Project substantially impair an adopted emergency response plan or emergency evacuation plan? (Threshold “a”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site does not contain any emergency facilities nor is it physically part of an emergency evacuation route. As part of the discretionary review process, the City reviewed the Project’s application materials to ensure that appropriate emergency ingress and egress would be available to and from the Modified Project Site and that circulation on the Modified Project Site would be adequate for emergency vehicles. The development of Modified Project as proposed would introduce one driveway access point along Citrus Avenue, three driveway access points along Santa Ana Avenue, and three driveway access points along Oleander Avenue. In the event of a wildfire emergency, emergency personnel are trained to direct vehicle traffic along the street system and designated evacuation routes to ensure safe and efficient evacuations. There are no components of the Modified Project that would substantially impair an emergency response plan. Accordingly, implementation of the proposed Modified Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and impacts would be less-than-significant. (DEIR, pp. 4.20-5 to 4.20-6)

- B. *Would the Modified Project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Modified Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Threshold “b”)*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project Site and areas surrounding the Modified Project Site are not in an area identified as being subject to wildfires. The areas surrounding the Modified Project Site are fully developed with limited non-irrigated vegetative fuel. North of the Modified Project Site is Jurupa Hills High School and the Fontana Adult School, which have paved parking areas and baseball/softball fields adjacent to the Modified Project Site. While the baseball/softball fields are open areas, they are regularly mowed and maintained. Similarly, to the east of the Modified Project Site is baseball/softball fields that are regularly mowed and maintained. South and east of the Modified Project Site is fully developed with commercial/industrial uses. The development of the Modified Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. Impacts would be less-than-significant. (DEIR, p. 4.20-6)

Under existing conditions, the Modified Project Site is classified for residential land uses. According to the City’s LHMP (2017) residential structures are the least fire resistive in their construction and the population groups that inhabit them are the least prepared to evacuate in a large-scale wildfire event. The Modified Project Applicant is proposing a General Plan Amendment and Specific Plan Amendment to redesignate the property from planned residential use to general industrial

designations to allow for construction of the three commerce center buildings that are proposed. The commerce center buildings are proposed to be constructed with concrete tilt-up walls, and concrete is very fire resistant compared to what would occur if the Modified Project Site was developed with residential housing. As such, the proposed Modified Project would reduce fire risk on the Modified Project Site. Due to the Modified Project Site's location in context to surrounding development, and the Project's construction type of commerce center buildings with concrete tilt-up construction that would be built in compliance with all applicable Building and Fire Codes, and include irrigated landscaping, fire protection systems, and interior sprinkler systems, there is no reasonable potential that the Modified Project would expose the Modified Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (DEIR, p. 4.20-6)

- C. *Would the Modified 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 "c")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: The Modified Project entails the construction and operation of three concrete tilt-up dock high commerce center buildings. Building 1 would be a maximum of 150,538 s.f., Building 2 would be a maximum of 188,104 s.f., and Building 3 would be a maximum of 193,462 s.f. (for a collective total of 532,104 s.f. of total building area at full buildout). Associated site improvements for the Modified Project would include drive aisles, irrigated landscaping, utility infrastructure, exterior lighting, and signage. No components of the Modified Project would trigger the installation or maintenance of offsite infrastructure or wildfire management features that could result in exacerbated fire risks. (DEIR, p. 4.20-7)

- D. *Would the Modified 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 "d")*

Finding: Less-than-Significant Impact

Facts in Support of Finding: Should the Modified Project Site ever be affected by wildfire, there is no potential that the Modified Project Site could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Modified Project Site exhibits little topographic variation, and development on the Modified Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding or landslides. (DEIR, p. 4.20-7)

The areas surrounding the Modified Project Site is fully developed. North of the Modified Project Site is Jurupa Hills High School and the Fontana Adult School, which have paved parking areas and baseball/softball fields adjacent to the Modified Project Site. While the baseball/softball fields are open areas, they are regularly mowed and maintained. Similarly, to the east of the Modified Project Site is baseball/softball fields that are regularly mowed and maintained. South and east of the Modified

Project Site is fully developed with commercial/industrial uses. The development of the Modified Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. As a result, fire risk on surrounding properties would be reduced and impacts would be less-than-significant. (DEIR, p. 4.20-7)

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

The City Council 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 Biological Resources

- A. *Would the Modified 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 “d”)*

Finding: Less-than-Significant Impact with Mitigation

Facts in Support of Finding: The Modified Project Site does not contain natural, surface drainage/watercourse or ponding features. Additionally, there are no water bodies on or adjacent to the Modified Project Site that could support fish. Therefore, there is no potential for the Modified Project to interfere with the movement of native resident or migratory fish. The Modified Project Site also does not serve as a wildlife corridor nor is it connected to an established corridor, and there are no native wildlife nurseries on or adjacent to the Site. Therefore, there is no potential for the Modified Project to impede the use of a native wildlife nursery Site. Based on the foregoing information, the Modified Project would result in no impact to any native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites. (DEIR, p. 4.4-9)

The Modified Project would remove vegetation (i.e., trees, shrubs, and grasses) from the Modified Project Site that serves as provides potential roosting and nesting habitat for birds common to the Fontana area. Numerous non-sensitive bird species common to the Fontana area were observed on the Modified Project Site, including but not limited to a killdeer, house finch, mourning dove, and red-tailed hawks. Although these species are not considered special-status or sensitive based on their prevalence in southern California, the MBTA and California Fish and Game Code are in place to protect these bird species, among others, while nesting. If Modified Project construction occurs during the avian nesting season (February 15 – September 1) and active nests are present on the Modified Project Site, significant impacts to nesting birds could occur. The Project’s potential to impact nesting birds is a significant impact for which mitigation is required. (DEIR, p. 4.4-9)

To ensure that Modified Project impacts to migratory wildlife species are mitigated to a level of less than significant, the following mitigation measures and regulatory requirement are required. (DEIR, pp. 4.4-11 to 4.4-12)

MM 4.4-1. *In order to ensure compliance with the MBTA and California Fish and Game Code, the initial clearing, grubbing, and grading of land shall occur outside of the nesting season (i.e., outside of the period February 1 through September 15) if feasible. If Prior to any ground-disturbing activities must occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified Dedicated Biologist 3 days prior to the ground-disturbing activities. If birds are found to be nesting inside or within 250 feet (500 feet for raptors) of the impact area, construction shall be postponed at the discretion of a qualified biologist, until it is determined that the nest is no longer active.*

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

minimization measures, such as redirecting or rescheduling construction or erecting sound barriers.

Implementation of Mitigation Measure MM 4.4-1 would ensure that pre-construction surveys are conducted for nesting birds protected by State and federal regulations in the event that vegetation is removed from the Modified Project Site during the breeding season. If nesting birds are present on the Modified Project Site, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to nesting birds protected by State and federal regulations would be reduced to below a level of significance. (DEIR, p. 4.4-12)

2.3.2 Cultural Resources

- A. *Would the Modified Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Threshold “b”)*

Finding: Less-than-Significant Impact with Mitigation

Facts in Support of Finding: BFSa conducted a cultural resources inventory of the Modified Project Site, which included a records search through the SCCIC at CSU Fullerton and an intensive pedestrian survey of the Modified Project Site. The results of this records search indicate that no prehistoric cultural resources have been recorded on or within a one-half mile radius of the Modified Project Site. Additionally, no prehistoric resources were observed on the Modified Project Site during the intensive field survey. Therefore, implementation of the Modified Project would not cause a substantial adverse change in the significance of a known prehistoric archeological resource pursuant to CEQA Guidelines Section 15064.5. (DEIR, pp. 4.5-10 to 4.5-11)

Given the lack of any previously identified prehistoric sites within or near the Modified Project Site and the magnitude of ground disturbance on the Modified Project Site over the previous 90-plus years, there is little potential for any prehistoric resources to be present or disturbed by the proposed developments. Notwithstanding, excavations on portions of the Modified Project Site would exceed five (5) feet below the existing ground surface while previously disturbed soils on-site (i.e., artificial fills) extend only to a depth of approximately 1 to 4 feet below the ground surface; thus, excavations on-site that would occur within previously undisturbed soils could, in theory, contain prehistoric archaeological resources. If any prehistoric cultural resources are unearthed during Modified Project construction that meet the definition of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed or damaged by Modified Project construction activities, impacts to those prehistoric cultural resources would be potentially significant. Mitigation is thus required in the form of conditions of approval imposed on the Modified Project that set forth the procedures that would be followed should subsurface resources be discovered. As discussed below, with implementation of mitigation, direct and cumulatively-considerable impacts would be less than significant. (DEIR, p. 4.5-11)

Mitigation: To ensure that Modified Project impacts to any significant archaeological resources that may be encountered during ground-disturbing activities associated with Modified Project

construction are mitigated to a level of less than significant, the following mitigation measures are required. (DEIR, p. 4.5-13)

MM 4.5-1 *Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Modified 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 Modified Project while evaluation takes place.*

MM 4.5-2 *Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.*

MM 4.5-3 *Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.*

Implementation of MMs 4.4-1 through 4.4-3 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Modified Project construction. With implementation of the required mitigation, the Project's potential impacts to important archaeological resources would be reduced to less-than-significant. Cumulatively-considerable impacts would likewise be reduced to less than significant. (DEIR, p. 4.5-14)

2.3.3 Geology and Soils

- A. *Would the Modified Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Threshold "f")*

Finding: Less-than-Significant Impact with Mitigation

Facts in Support of Finding: There are no known unique paleontological resources or unique geologic features on the Modified Project Site under existing conditions. However, the Modified Project Site is underlain by late to middle Pleistocene old alluvial fan deposits which are accorded a “High” sensitivity for containing paleontological resources. In the event that the Project’s construction activities encroach into previously undisturbed older alluvium deposits, the Modified Project could result in impacts to important paleontological resources if such resources are unearthed and not properly treated. Therefore, the Project’s potential to directly or indirectly destroy a unique paleontological resource buried beneath the ground surface is determined to be a significant impact and mitigation is required. (DEIR, p. 4.7-14)

Mitigation: The following mitigation measures would address the Project’s potential to result in impacts to previously-undiscovered paleontological resources that may be present beneath the Modified Project Site’s surface. (DEIR, p. 4.7-16)

MM 4.7-1. Prior to the issuance of a grading permit, the Modified Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist (“paleontologist”) has been retained by the Modified Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

MM 4.7-2. The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed late Pleistocene old alluvial fan deposits starting at a depth of 5 feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.

MM 4.7-3. Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into the collections of the Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.

MM 4.7-4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Fontana prior to issuance of the first occupancy permit.

Implementation of MM 4.7-1 through MM 4.7-4 would ensure that grading activities within late to middle Pleistocene old alluvial fan deposits would be subject to monitoring by a qualified paleontologist or paleontological monitor, and requires that any uncovered paleontological resources are recovered and prepared for long-term preservation at an accredited institution (university or museum). Implementation of the required mitigation would reduce the Project's direct and cumulatively-considerable impacts to paleontological resources to below a level of significance. (DEIR, pp. 4.7-16 to 4.7-17)

2.3.4 Tribal Cultural Resources

- A. *Would the Modified 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 "a"):*
- i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
 - ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

Finding: Less-than-Significant Impact with Mitigation

Facts in Support of Finding: No prehistoric resource sites, features, places, or landscapes were identified on the surface of the Modified Project Site during field work conducted by BFSa in 2022 that are either listed or eligible for listing in the California Register of Historic Places. No resources were identified on the Modified Project Site that meet any of the four criteria listed to be eligible for the California Register and no prehistoric resource sites or isolates were found on the Modified Project Site. Furthermore, no substantial evidence was presented to or found by the City of Fontana that led to the identification of any obvious known and physically identifiable resources on the Modified Project Sites that in the City's discretion had the potential to be considered a tribal cultural resource. (DEIR, p. 4.18-4)

As part of the SB 18 and AB 52 consultation processes required by State law, the City of Fontana sent notification of the Modified Project to Native American tribes with possible traditional or cultural affiliation to the Modified Project area on October 13, 2022. No responses to the SB18 and AB 52 consultation invitations were received. (DEIR, p. 4.18-5)

Although given the lack of any previously identified prehistoric sites within or near the Modified Project Site and the magnitude of ground disturbances on the Modified Project Site over the previous 90-plus years, there is little potential for any prehistoric resources to be present or disturbed by the proposed development. Notwithstanding, excavations on portions of the Modified Project Site would exceed five (5) feet below the existing ground surface while previously disturbed soils on-site (i.e., artificial fills) extend only to a depth of approximately 1 to 4 feet below the ground surface; thus,

excavations on the Modified Project Site that would occur within previously undisturbed soils could, in theory, contain tribal cultural resources. If any tribal cultural resources are unearthed during Modified Project construction that meet the definition of a tribal cultural resource according to Public Resources Code Section 21074 and that is: (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, impacts to the tribal cultural resource would be significant. Mitigation is thus required. As discussed below, with implementation of mitigation, direct and cumulatively-considerable impacts would be less than significant. (DEIR, p. 4.18-5)

The Modified Project Site does not contain a known cemetery site and human remains have not been previously discovered on the sites. Mandatory compliance with State law (California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98) would ensure that, in the unlikely event that human remains are discovered during Modified Project construction, the remains would be identified in accordance with proper protocols and the remains would be treated or disposed with appropriate dignity. Accordingly, the Modified Project would not result in a substantial adverse effect to tribal cultural resources associated with human remains. (DEIR, p. 4.18-5)

Mitigation: To ensure proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Modified Project development, MM 4.5-1 through MM 4.5-3 are required. (DEIR, p. 4.18-6)

MM 4.5-1 *Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Modified 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 Modified Project while evaluation takes place.*

MM 4.5-2 *Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.*

MM 4.5-3 *Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains*

and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Implementation of MMs 4.5-1 through 4.5-3 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Modified Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less than significant. (DEIR, p. 4.18-6)

2.4 Impacts Identified in the EIR as being Significant and Unavoidable

The City Council hereby finds that, despite the incorporation of mitigation measures outlined herein and in the EIR, the following impacts from the proposed Modified Project and related approvals cannot be fully mitigated to a less than significant level by any feasible mitigation measures pursuant to CEQA Guidelines 15091(a)(2) and (a)(3), which are infeasible as a result of specific economic, legal, social, technological, and other considerations, or are within the responsibility and jurisdiction of another public agency. A Statement of Overriding Considerations is therefore included herein. For the reasons set forth in the Statement of Overriding Considerations, the City Council finds and declares, in its independent judgment, that the Project's benefits substantially outweigh and justify the following significant and unavoidable impacts:

2.4.1 Greenhouse Gas Emissions

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

Finding: Significant and Unavoidable Cumulatively-Considerable Impact

Facts in Support of Finding: The Modified Project is calculated to emit 4,971.67 MTCO_{2e} per year. Approximately 78 percent of the emissions are calculated to come from mobile sources (tailpipe emissions). The Project's GHG emissions would exceed the significance threshold of 3,000 MTCO_{2e} per year, resulting in a cumulatively considerable impact. (DEIR, p. 4.8-21)

Mitigation: The Modified Project would be required to implement design measures to maximize energy efficiency and reduce GHG emissions as required by State law (for example, the use of energy efficient appliances as required by the CBSC) and by local regulations (for example, the installation of electric vehicle charging stations, the use of zero-emission yard equipment, and limitations on diesel vehicle idling, as required by Ordinance No. 1891). Although mandatory compliance with applicable State and local regulations would reduce Project-related GHG emissions, these requirements would not substantially reduce Modified Project mobile source GHG emissions (i.e., emissions from construction equipment, passenger cars, and heavy-duty trucks), which comprise approximately 78 percent of all Project-related GHG emissions. Mobile source GHG emissions are regulated by State and federal fuel standards and tailpipe emissions standards and are outside of the

control and authority of the City, the Modified Project Applicant, and future Modified Project occupants. CEQA Guidelines Section 15091 provides that mitigation measures must be within the responsibility and jurisdiction of the Lead Agency (i.e., City) in order to be implemented. Two mitigation measures have been identified that are feasible for the City to enforce. (DEIR, p. 4.8-24)

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

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

As noted above, a majority of the Project's GHG emissions would be produced by mobile sources. Neither the Modified Project Applicant nor the Lead Agency (City of Fontana) can substantively or materially affect reductions in Modified Project mobile-source emissions beyond federal and State regulations. Accordingly, the City finds that the Project's GHG emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available. (DEIR, p. 4.8-24)

2.4.2 Noise

- A. *Would the Modified Project result in generation of excessive groundborne vibration or groundborne noise levels? (Threshold "b")*

Finding: Significant Direct Short-Term Unavoidable Impact

Facts in Support of Finding: Construction activities on the Modified Project Site would utilize equipment that has the potential to generate vibration. One of the receiver locations in the vicinity of the Modified Project Site would be exposed to vibration levels that exceed the applicable significance threshold. The typical Modified Project construction vibration levels will exceed the building damage thresholds at the building façade of the Fontana Adult School relocatable classrooms (receiver location R4). The Project-related construction vibration impacts would be potentially significant during the construction activities at the Modified Project Site and mitigation is required. (DEIR, pp. 4.13-21 to 4.13-22)

Under long-term conditions, the Modified Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Modified Project Site. Trucks would travel to and from the Modified Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Modified Project would not result in the exposure of persons to excessive groundborne vibration or noise levels during long-term operation and a less-than-significant impact would occur. (DEIR, p. 4.13-22)

Mitigation: While the analysis shows that the construction noise levels would not exceed the construction-related daytime noise level threshold of 80 dBA L_{eq} , additional noise abatement should be considered for the Fontana Adult School relocatable classrooms (receiver location R4). The provision of a temporary 8-foot-high noise barrier separating the Modified Project Site and the Fontana Adult School relocatable classrooms will reduce the construction noise levels by approximately 5.7 dBA L_{eq} . With the temporary 8-foot-high noise barrier, the construction noise level will be further reduced to 70.2 dBA L_{eq} . Though construction noise is temporary and intermittent, and will not present any long-term impacts, the following mitigation measures are set forth. (DEIR, pp. 4.13-24 to 4-13-26)

MM 4.13-1. *As a condition of the Building 2 grading permit and building permit, to reduce construction noise, the contractor shall be required to install a minimum 8-foot-high temporary construction perimeter noise barrier for the duration of construction activities at the property boundary that adjoins the Fontana Adult School. The noise control barrier shall include the following:*

- a) *The noise control barrier must present a solid face from top to bottom.*
- b) *The noise barrier shall be constructed using one of the following materials with no decorative cutouts or line-of-sight openings between shielded areas and the noise source:*
 - *An acoustical blanket (e.g. vinyl acoustic curtains, quilted blankets, or equivalent) attached to the construction site perimeter fence or equivalent temporary fence posts.*
 - *Any combination of these construction materials satisfying a weight of at least 4 pounds per square foot of face area.*
- c) *The noise barrier shall be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.*
- d) *During all construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Modified Project Site.*

To address significant direct construction-related vibration impacts under threshold b, the following mitigation measure shall be implemented:

MM 4.13-2. *As a condition of the Building 2 grading permit and building permit, during construction activities, when the Fontana Adult School relocatable classrooms are occupied, a 20-foot buffer setback will be required for the operation of large pieces of construction equipment. No large, loaded trucks, heavy mobile equipment greater than 80,000 pounds, jack hammers or vibratory roller shall occur within 20-feet of occupied structures. Instead, small*

rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during Modified Project construction to reduce vibration effects on nearby Fontana Adult School structures and their occupants. This requirement also shall be noted on all grading plans, building plans, and shall be specified in construction bid documents and construction contracts.

MM 4.13-3. *Prior to the commencement of construction activities on the Building 2 site, the Modified Project Applicant/Developer or construction contractor shall be required to supply its construction schedule to Fontana Adult School. Best efforts shall be made by the Modified Project Applicant/Developer to work with Fontana Adult School and schedule construction activities that are least disruptive to school activities occurring in the relocatable classrooms located within 20 feet of the Building 2 construction site. The Modified Project Applicant/Developer also shall work with Fontana Adult School on the feasibility of temporarily relocating the classrooms to another portion of the school campus while Modified Project construction activity is occurring.*

Upon implementation of MM 4.13-1 through MM 4.13-3, Modified Project construction vibration levels still exceed the 0.3 PPV (in/sec) construction vibration threshold. The Project's construction activities would have a significant direct impact on occupied structures at the Fontana Adult School that are located within 20 feet of construction activities on the Building 2 site. (DEIR, p. 4.13-26)

2.4.3 Transportation

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

Finding: Significant Direct and Cumulatively-Considerable Impact

Facts in Support of Finding: Implementation of the Modified Project would not conflict with the goals and policies of SCAG's regional planning program that are applicable to the Modified Project and related to vehicular and non-vehicular circulation. The Modified Project would not conflict with any applicable General Plan policies addressing the circulation system. As such, Modified Project impacts would be less-than-significant. (DEIR, p. 4.17-7)

The Modified Project would not conflict with any applicable *Active Transportation Plan* goals addressing the circulation system, but would conflict with Objective 1.A related to VMT. The regional average VMT per for San Bernardino County is 17.1 VMT per employee; therefore, for analysis purposes, the City's VMT significance threshold is set at 14.54 VMT per employee. The Modified Project would generate 16.77 VMT per employee in the baseline year and 16.14 VMT per employee in cumulative year 2040, which is approximately 16.77 percent above the existing baseline for the baseline year and 11 percent above baseline in cumulative year 2040. Because the Modified Project would generate VMT that is above the regional baseline, the Modified Project is considered to substantially influence or increase VMT within the City. The Modified Project would conflict with this objective, which is a significant impact. (DEIR, p. 4.17-10)

Mitigation: The following mitigation measure is imposed to address VMT impacts. (DEIR, p. 4.17-13)

MM 4.17-1. *Building users shall be required to prepare and implement a Transportation Demand Management Program (TDMP), which shall be reviewed and approved by the City of Fontana prior to the issuance of an occupancy permit. The TDMP shall include feasible strategies to reduce vehicle miles traveled by employees, such as carpooling or vanpooling programs, public transportation use incentives, and walking and biking to work incentives.*

The Modified Project would result in a conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Modified Project would generate VMT that is above the regional baseline. The TDMP required by MM 4.17-1 is not assured to reduce the Project's direct and cumulatively-considerable impact due to Project-related VMT to less than significant. Neither the Modified Project Applicant nor the City of Fontana has the jurisdictional authority to mandate or monitor the effectiveness of the business practices of private enterprises such as the implementation of TDMP measures, nor assure a change in human behavior such as the choice to carpool, walk, or bike to and from work. For these reasons, the effectiveness of VMT mitigation cannot be reasonably assured. (DEIR, p. 4.17-14)

B. *Would the Modified Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? (Threshold "b")*

Finding: Significant Direct and Cumulatively-Considerable Impact

Facts in Support of Finding: Employment estimates were calculated using average employment density factors from Southern California Association of Governments' (SCAG's) "Employment Density Study." SCAG reports that commerce center buildings in San Bernardino County employ an average of one (1) worker for every 1,195 s.f. of building area, which would yield 445 jobs ($532,104 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 445 \text{ employees}$) for proposed Buildings 1, 2, and 3. (SCAG, 2001, p. 15). Although no development is currently proposed on 5.0 acres of the Modified Project Site, should those 5.0 acres be developed in the future with up to 131,464 s.f. of building space, an additional 110 jobs could be generated ($131,464 \text{ s.f.} \div 1,195 \text{ s.f./employee} = 110 \text{ employees}$). In total, the Modified Project could thus produce between 445 and 555 jobs. (DEIR, p. 4.17-11)

For the proposed Building 1, Building 2, and Building 3, and the 5.0-acre parcel, assuming 555 employees (slightly more than would be generating using the SCAG employment generation factor), under Baseline (2022) traffic conditions, the Modified Project is calculated to generate 16.77 VMT per employee. The Project's VMT would be approximately 15.34 percent above the average regional trip length, which would not meet the VMT reductions required by the applicable significance threshold (15 percent below the average regional trip length). Accordingly, the Project's VMT impact is considered to be significant and the Modified Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3.

Mitigation: Mitigation measure MM 4.17-1 shall apply. (DEIR, p. 4.17-13)

MM 4.17-1. Building users shall be required to prepare and implement a Transportation Demand Management Program (TDMP), which shall be reviewed and approved by the City of Fontana prior to the issuance of an occupancy permit. The TDMP shall include feasible strategies to reduce vehicle miles traveled by employees, such as carpooling or vanpooling programs, public transportation use incentives, and walking and biking to work incentives.

The TDMP required by MM 4.17-1 is not assured to reduce the Project's direct and cumulatively-considerable impact due to Project-related VMT to less than significant. Neither Because no feasible mitigation is available to assure VMT reduction for the Project's employees to below the City's calculated average VMT, the Modified Project would result in a significant and unavoidable direct and cumulatively considerable impact.

2.5 Cumulative Impacts

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

2.5.1 Aesthetics

The Modified Project site is flat and does not contribute to any prominent scenic vistas under existing conditions. Views of the San Gabriel Mountains and Jurupa Hills are available in the Modified Project area; however, such views are available throughout the cumulative study area and are not unique to the Modified Project Site's vicinity.

Views to the Jurupa Hills from Santa Ana Avenue are already partially blocked by commerce center development located on the south side of Santa Ana Avenue; because the Modified Project Site is located on the north side of Santa Ana Avenue, it has no potential to further block views of the Jurupa Hills from Santa Ana Avenue and would not make a cumulative contribution to view blockage. From Jurupa Hills High School and Fontana Adult School, views of the Jurupa Hills are already partially blocked by existing trees located on the southern boundary of the school sites and commerce center development located on the south side of Santa Ana Avenue. Introduction of the Modified Project would not obstruct views to landforms in the distance to any greater extent than already blocked by existing trees and commerce center buildings located on the south side of Santa Ana Avenue and the Project's impact would be less than cumulatively considerable.

From north-south oriented Citrus Avenue and Oleander Avenue, the Modified Project would not significantly contribute to view obstruction to the Jurupa Hills and San Gabriel Mountains because the views to these features are due north and due south and the Modified Project is located on the east and west sides of these roads. In addition, proposed Building 2 and Building 3 would be set back from Oleander Avenue by approximately 20 feet and Building 1 would be set back from Citrus Avenue by approximately 20 feet with a landscaped berm positioned between Building 1 and Citrus Avenue. Given the heights of the Jurupa Hills and San Gabriel Mountain landform features ranging from approximately 1,300 feet to 10,064 feet amsl at their highest elevations, they would still be visible along and above the horizon. Accordingly, with buildout of the Modified Project and other developments within the Project's viewshed, impacts to scenic vistas would not be cumulatively significant and the Project's contributions would be less-than cumulatively considerable.

The Modified Project Site is not located within close proximity to any designated State scenic routes and does not contain any scenic resources. Therefore, the Modified Project has no potential contribute to a cumulatively significant impact to scenic resources within a designated scenic route corridor.

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

With respect to potential cumulative light and glare impacts, development on the Modified Project site would be required to comply with City of Fontana Municipal Code § 30-265 and § 30-266 and applicable design guidelines from the SWIP Specific Plan, which sets standards for exterior lighting/fixtures. The restriction on unshielded light fixtures and "spill over" lighting enforced by these lighting regulations has the effect of minimizing light and glare that would affect daytime views and/or create sky glow. Additionally, development projects with artificial light sources in surrounding jurisdictions would be required to comply with the light reduction requirements applicable in their respective jurisdiction. Although cumulative development in the Project's surrounding area is expected to introduce new sources of artificial lighting and potentially reflective materials, the required compliance with the applicable municipal code requirements would ensure that future cumulative development does not introduce substantial sources of artificial lighting or glare. As such, the Modified Project would not contribute to cumulatively considerable, adverse impacts to the existing daytime or nighttime views of the Modified Project Site or its surroundings. (DEIR, p. 4.1-15)

2.5.2 Agriculture And Forestry Resources

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

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

The Modified Project Site is not zoned for agricultural use, is not used for agricultural production under existing conditions, and is not subject to any Williamson Act contracts. As such, no cumulatively-

considerable impacts would occur due to a conflict with existing agricultural zoning, existing agricultural use, or Williamson Act contracts.

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

The Modified Project Site, and the surrounding areas are not zoned for forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). As such, the Modified Project has no potential to conflict with such zoning, and no cumulatively-considerable impacts would occur. In addition, the Modified Project has no potential to result in the loss of forest land or conversion of forest land to non-forest use, and no cumulatively-considerable impacts due to the loss or conversion of forest land would occur. Additionally, there are no components of the Modified Project that could result in the conversion of forest land to non-forest use, as there are no lands used for forest land uses; thus, no cumulatively-considerable impacts would occur. (DEIR, p. 4.2-7)

2.5.3 Air Quality

The AQMP evaluates regional conditions within the Basin and sets regional emission significance thresholds for both construction and operation of development projects that apply to project-specific impacts and cumulatively-considerable impacts. Thus, if a Modified Project exceeds the SCAQMD regional emissions thresholds, project-specific impacts would also result in a cumulatively-considerable increase in emissions for those pollutants for which the basin is in non-attainment. Modified Project implementation would not conflict with the SCAQMD's 2016 AQMP because construction of the Modified Project would not exceed the SCAQMD regional thresholds for any of the criteria pollutants. Although the Modified Project proposes a general plan amendment and zone change to amend land use and zoning designations, the Modified Project on an individual basis does not have an impact and as such, would not conflict with the goals and objectives of the AQMP. Accordingly, the Modified Project would be consistent with the 2016 AQMP; therefore, there is no potential for the Modified Project to result in a cumulatively considerable effect on the environment due to an inconsistency with the 2016 AQMP.

Based on SCAQMD guidance, any exceedance of a regional or localized threshold for criteria pollutants also is considered to be a cumulatively considerable effect, while air pollutant emissions that fall below applicable regional and/or localized thresholds are not considered cumulatively considerable. The Modified Project would not emit any air pollutants during construction or operation that exceed the applicable SCAQMD regional or localized threshold and, thus, the Modified Project would result in effects to regional and local air quality that would not be cumulatively considerable.

There are no Modified Project components that would expose a substantial number of sensitive receptors to objectionable odors. There are no known sources of offensive odors in the Modified Project area. Because the Project's construction and operation would not create substantial and

objectionable odors and because there are no sources of objectionable odors in the areas immediately surrounding the Modified Project Site, there is no potential for odors from the Modified Project Site to commingle with odors from nearby development projects and expose nearby sensitive receptors to substantial, offensive odors. Accordingly, implementation of the Modified Project would result in a less-than-significant cumulative impact related to odors. (DEIR, p. 4.3-33)

2.5.4 Biological Resources

This cumulative impact analysis for biological resources considers development of the Modified Project in conjunction with other development projects in the vicinity of the Modified Project Site as well as full General Plan buildout of the cities of Fontana, Rialto, and Jurupa Valley as well as the unincorporated community of Bloomington.

The Modified Project Site does not contain any special-status plant or wildlife species nor does the Site have the potential to support such species. Therefore, the Modified Project would not impact any special-status plant or wildlife species and, thus, the Modified Project would have no potential to contribute to a cumulative impact to special-status plant and/or animal species.

The Modified Project would not impact any riparian or sensitive natural communities; therefore, there is no potential for the Modified Project to contribute to a cumulatively-considerable impact to these resources.

The Modified Project would not impact any State-protected or federally-protected wetlands. Accordingly, the Modified Project has no potential to contribute to a cumulatively-considerable impact to State or federally protected wetlands.

The Modified Project would remove vegetation that has the potential to support nesting birds protected by federal and State regulations. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. Thus, the Modified Project has the potential to contribute to a cumulatively-considerable impact to nesting birds.

The Modified Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the cumulative study area would be required to comply with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Modified Project and cumulative development would be prohibited from violating applicable, local policies or ordinances related to the protection of biological resources, a cumulatively-considerable impact would not occur.

The Modified Project Site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Because there is no conservation plan applicable to the Modified Project impact area, there is no potential for the Modified Project to contribute to the violation of a conservation plan. No cumulative impact would occur. (DEIR, p. 4.4.11)

2.5.5 Cultural Resources

The potential for implementation of the Modified Project to contribute to cumulative impacts to historical resources was analyzed in conjunction with other projects located in areas that were once similarly influenced by the historical context of the City of Fontana and surrounding area. Record searches and field surveys indicate the absence of significant historical sites and resources on the Modified Project Site; therefore, implementation of the Modified Project has no potential to contribute towards a significant cumulative impact to historical sites and/or resources.

The potential for Modified Project construction to result in cumulatively-considerable impacts to prehistoric archaeological resources were also analyzed in conjunction with other projects located in the traditional use areas of Native American tribes that are affiliated to the Modified Project Site. Development activities on the Modified Project Site would not impact any known prehistoric archaeological resources and the likelihood of uncovering previously unknown prehistoric archaeological resources during Modified Project construction are low due to the magnitude of disturbance that has occurred on the Modified Project Site due to past uses of the properties. Nonetheless, a remote potential exists for subsurface prehistoric archaeological resource that meet the CCR Section 15064.5 definition of a significant archaeological resource to be discovered on the Modified Project Site – and other development Modified Project sites in the region – during construction activities. Accordingly, the Modified Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Modified Project would result in a cumulatively-considerable impact to prehistoric archaeological resources, if such resources are unearthed during Modified Project construction, for which mitigation is required. As discussed below, with implementation of mitigation, cumulatively-considerable impacts would be less than significant.

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would assure that all development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful and appropriate practices, thereby avoiding significant cumulative impacts. (DEIR, p. 4.5-12)

2.5.6 Energy

The Modified Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Modified Project would not cause or contribute to a significant cumulatively considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency. (DEIR, p. 4.6.9)

2.5.7 Geology And Soils

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds “a,” “c,” “d,” and “e” are unique to the Modified Project Site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve

effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Further, as noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to potential hazardous effects related to geologic and soil conditions would be precluded through mandatory conformance with the CBSC, Fontana Municipal Code, other standard regulatory requirements, and the Site-specific geotechnical recommendations contained within the Project's geotechnical report, which will be incorporated into the Project's design via conditions of approval. Because of the Site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

Regulatory requirements mandate that the Modified Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Modified Project Site would be required to comply with the same regulatory requirements as the Modified Project to preclude substantial adverse water and wind erosion impacts. Because the Modified Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less-than-significant.

The Project's potential to result in cumulative impacts to paleontological resources (Threshold "F") is similar to that of other projects located in the region that are underlain by older alluvial soils. Because the older alluvial soils present on the Modified Project Site contain high paleontological sensitivity and because this geologic layer is present throughout the City of Fontana and southern California, the potential to impact paleontological resources is a cumulatively-considerable impact for which mitigation is required. (DEIR, p. 4.7-15)

The following mitigation measures are imposed to address the Project's potential to result in impacts to previously-undiscovered paleontological resources that may be present beneath the Modified Project Site's surface. (DEIR, p. 4.7-16)

MM 4.7-1 Prior to the issuance of a grading permit, the Modified Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist ("paleontologist") has been retained by the Modified Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

MM 4.7-2 The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed late Pleistocene old alluvial fan deposits starting at a depth of 5 feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are

determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.

MM 4.7-3 *Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into the collections of the Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.*

MM 4.7-4 *A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Fontana prior to issuance of the first occupancy permit.*

Implementation of the required mitigation would reduce the Project's cumulatively-considerable impacts to paleontological resources to below a level of significance.

2.5.8 Greenhouse Gas Emissions

GCC occurs as the result of global emissions of GHGs. An individual development Modified Project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (See CEQA Guidelines Section 15130[f]). Accordingly, the analysis provided in Subsection 4.8.5 reflects a cumulative impact analysis of the effects related to the Project's GHG emissions, which concludes that the Modified Project would not conflict with an applicable GHG-reduction plans, policies, or regulations but would generate cumulatively-considerable GHG emissions that may have a significant impact on the environment because the Modified Project would exceed the SCAQMD's GHG emissions threshold of 3,000 MTCO₂e per year. (DEIR, p. 4.8-23)

2.5.9 Hazardous And Hazardous Material

The Project's construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Although the end user(s) of the Modified Project Site are not presently known, if businesses that use or store hazardous materials occupy the Project, the business owners and operators would be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses also would be subject to additional review and permitting requirements by the San Bernardino County Fire Department. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would be reduced to a less-than-significant cumulative level. Accordingly, the Project's potential to contribute to a cumulatively significant hazardous materials impact would be less-than-significant. (DEIR, p. 4.9-14)

The Modified Project Site is located within one-quarter mile of Jurupa Hills High School, Fontana Adult School, and Citrus High School. All area cumulative development Projects would be required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials. Compliance with these regulations would ensure the safe handling of hazardous materials, including the appropriate response and clean-up in the event of an accident, to preclude substantial health and safety hazards to students at Jurupa Hills High School, Fontana Adult School, and Citrus High School. Potential cumulative impacts to students at Jurupa Hills High School, Fontana Adult School, and Citrus High School related to the use, handling, and transport of hazardous materials would be less-than-significant.

The Modified Project Site is not located on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the Modified Project has no potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.

The Modified Project is not a noise-sensitive land use and would not be adversely affected by noise from operations at the ONT. In addition, the Modified Project would not introduce any land use to the Modified Project Site that would conflict with the ONT ALUCP. Therefore, the Modified Project would not result in a safety hazard or excessive noise for people residing or working in the Modified Project area and would not contribute to a cumulatively considerable impact associated with airport hazards.

The Modified Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route; thus, there is no potential for the Modified Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

The Modified Project Site is not located within or in close proximity to areas identified as being subject to wildland fire hazards and would have no potential to contribute to adverse, cumulative wildland fire hazards. (DEIR, p. 4.9-15)

2.5.10 Hydrology And Water Quality

Water Quality: Modified Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the Santa Ana River Watershed. Pursuant to the requirements of the State Water Resources Control Board and the Santa Ana RWQCB, all construction projects that disturb one (1) or more acres of land area are required to obtain coverage for construction activities under the State's General Construction NPDES Permit. In order to obtain coverage, an effective Site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Modified Project Developer/Applicant and all cumulative developments in the Santa Ana River Basin would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the Santa Ana River

watershed, including the proposed Project, would not contribute substantially to water quality impairments during construction. Operational activities on the Modified Project Site would be required to comply with the Project's three SWQMPs to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the Site. Other development projects within the watershed would similarly be required by law to prepare and implement Site specific SWQMPs to ensure that runoff does not substantially contribute to water quality violations. Accordingly, operation of the Modified Project would not contribute to cumulatively-considerable water quality effects.

Groundwater Supplies and Management: A majority of the groundwater recharge in the Chino Groundwater Basin occurs in the northern and western portions of the Basin (and north and west of the City of Fontana), within percolation basins. The Modified Project would not physically impact any of the major groundwater recharge facilities in the Basin and other development projects in the Basin similarly would be prohibited by the Chino Basin Watermaster from resulting in adverse physical effects to recharge basins. The Modified Project incorporates permeable landscape areas and other design features (i.e., an underground infiltration/detention system) that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by the lead agency for the Modified Project to incorporate design features (e.g., through minimum landscaped area requirements and site-specific WQMP requirements) that facilitate percolation and minimize surface runoff. Lastly, the Chino Groundwater Basin is an adjudicated basin that operates under a court-ordered management plan to ensure the long-term sustainability of the Basin. No component of the Modified Project would obstruct with or prevent implementation of the Basin's management plan and other development projects within the Basin would be prohibited from any activity that would endanger the health and sustainability of the groundwater basin. Based on the lack of impacts to groundwater recharge facilities, the provision of design measures that would facilitate percolation, and compliance with the Basin's groundwater management plan, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

Flooding: Construction of the Modified Project and other development projects within the Santa Ana River Basin would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the Santa Ana River Basin would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold "c," the Modified Project is designed to ensure that runoff from the Modified Project Site during peak storm events is substantially reduced relative to existing conditions. Because the Modified Project and all other developments throughout the Santa Ana River Basin, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.

Additionally, the Modified Project Site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Modified Project Site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur. (DEIR, p. 4.10-22)

2.5.11 Land Use And Planning

Under existing conditions, the Modified Project Site is physically separated from residential land uses to the east by the sports fields for Citrus High School and by Cypress Avenue, and physically separated from the residential land uses to the northeast by Citrus Avenue. No residential land uses are located to the north or south of the Modified Project Site. The Modified Project is designed to connect with Citrus Avenue, Santa Ana Avenue, and Oleander Avenue, and continue the pattern of development that already has been established to the south and west of the Modified Project Site. The Modified Project does not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Modified Project would not physically divide any existing, surrounding community and would not cause or cumulatively contribute to the division of an established community. As development occurs elsewhere throughout the cities of Fontana, Rialto, Rancho Cucamonga, and the larger San Bernardino County area, any proposal to change the underlying land use or development intensity for a specific property would not have the potential to result in conflict with applicable land plans and result in substantial, adverse environmental effects with implementation of an amendment to the applicable land use plan. The Modified Project would not result in any cumulatively-considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR. (DEIR, p. 4.11-17)

2.5.12 Mineral Resources

As mapped by the DOC, the Modified Project Site does not contain known mineral resource deposits. As such, the Modified Project does not have potential to result in cumulatively-considerable impacts due to the loss of availability of a known mineral resource that would be of value to the region or residents of the State. No cumulatively considerable impacts would occur. The City of Fontana's General Plan does not designate the Modified Project Site as mineral resource recovery sites, and there are no other land use plans that identify the Modified Project Site or surrounding areas for containing mineral resources. As such, the Modified Project does not have potential to result in cumulatively-considerable impacts due to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No cumulatively-considerable impacts would occur. (DEIR, p 4.12-2)

2.5.13 NOISE

Construction Noise: There are several known active, pending, or planned construction projects in the immediate vicinity of the Modified Project Site. To the north at the southeast corner of Citrus Avenue and Slover Avenue is a warehouse project. Southeast of the Modified Project Site is the Goodman Logistics Center Fontana III Warehouse Modified Project and the Fontana Foothills high-cube warehouse and distribution center project. West of the Modified Project Site is the Southwest Industrial Park (SWIP) Specific Plan development which includes industrial, commercial, and office uses. The

complete list of cumulative projects in the vicinity of the Modified Project is provided in Table 4.0-1 in Section 4.0, Environmental Analysis, of this EIR. In the event that construction on the Modified Project Site occurs simultaneously with construction of other nearby projects, the effect to sensitive receptors in proximity to the Modified Project Site (to the north and to the east) would not be cumulatively considerable in consideration of the existing built environment. Specifically, Santa Ana Avenue separates the Modified Project Site from other development projects that may be under construction to the south and Citrus Avenue separates the Modified Project Site from other development projects that may be under construction to the west. Roadway noise would overshadow any construction noise from those projects. Accordingly, there is no potential for the Modified Project to contribute to the exposure of nearby sensitive receptors to substantial temporary (construction-related) increases in daytime or nighttime ambient noise levels.

Stationary Noise: The analysis presented for Threshold “a” addresses the Project’s contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Modified Project area. As previously shown in this Subsection, the Project’s noise contribution would not be perceptible to noise-sensitive receptors in the Modified Project area during daytime or nighttime hours. The Project’s permanent stationary noise impacts would not be cumulatively-considerable.

Traffic Noise: The analysis presented under Threshold “a” evaluates the Projects’ traffic noise contribution along study area roadways with consideration of cumulative development (Opening Year plus Cumulative and Horizon Year scenarios). As summarized in that analysis, the Projects’ traffic noise contributions along study area roadways would not exceed applicable significance thresholds and, therefore, would not be cumulatively-considerable under near- or long-term conditions.

Groundborne Vibration and Noise: During construction, the Project’s peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Modified Project construction, when smaller pieces of equipment are used on-site, the Project’s vibration would be minimal.) Vibration effects diminish rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Modified Project Site could occur on properties abutting these sites. All cumulative development in the area is located south of Santa Ana Avenue, west of Citrus Avenue, or further north (not adjacent to) the Modified Project Site, and as such, vibration sources would be on the opposite sides of these roads or already developed land and not comingle with the Project’s construction-related activities to elevate vibration levels experienced at off-site properties. Accordingly, there is no potential for the Modified Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise. Under long-term conditions, the Modified Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Modified Project Site. Trucks would travel to and from the Modified Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Modified Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

Airport Noise: The Modified Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Modified Project that would contribute airport noise or exposure of additional people to unacceptable levels of

airport noise. Accordingly, the Modified Project would have no potential to cumulatively-contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Additionally, the Modified Project Site and the immediately surrounding area are not subject to substantial airport- or air traffic-related noise. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Modified Project area to excessive airport-related noise levels. (DEIR, p. 4.13-24).

2.5.14 Population And Housing

The Modified Project would not lead to substantial unplanned population growth or remove a substantial amount of housing that would require the construction of replacement housing elsewhere. As such, the Modified Project does not have the potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units. The Modified Project would supply employment opportunities for an estimated 445 to 555 persons. Although population growth resulting from the employment opportunities offered at the Modified Project Site is not expected because the Projects' employees are expected to already live in the local area, based on the availability of a local workforce, the surrounding area has ample supply of housing (with additional housing development expected in the City into the future) to accommodate any population growth in the area that could indirectly occur due to employment-demand generation from the Modified Project and other developments in the area that will offer new employment opportunities. Citywide, Fontana has additionally planned for new housing to meet its RHNA allocation of 17,477 new housing units in the 2021-2029 planning period, for households at a range of income levels (Fontana, 2022). The creation of employment opportunities by the Modified Project would benefit the City and the larger Inland Empire region by helping to achieve a better jobs-to-housing balance and encouraging residents to work locally instead of commuting outside of the City for work. As such, the Project's contribution to unplanned housing and population growth would not be cumulatively considerable. (DEIR, p. 4.14-7)

2.5.15 Public Services

The cumulative study area for public services encompasses the service area of the FFPD, Fontana Police Department, FUSD, and the San Bernardino County Library System, and assumes full buildout of the general plans for jurisdictions within these service areas.

Although the proposed Modified Project would be adequately served by fire protection services based on the proximity from the nearby fire station facility, the Modified Project would nonetheless result in an incremental increase in requests for service, which would affect the fire department's ability to provide acceptable levels of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, increased traffic volumes, and increased population. When considered in the context of on-going cumulative development throughout San Bernardino County, such impacts would be cumulatively considerable. However, the proposed Modified Project and all cumulative developments within San Bernardino County would be required to contribute DIF fees pursuant to County Ordinance No. 659. Mandatory DIF fee contributions by the Modified Project and cumulative developments would ensure that adequate funding is provided to the FFPD for the acquisition of additional facilities, equipment, and personnel. Accordingly, the proposed Project's impact to the FFPD is evaluated as less-than-cumulatively considerable.

Although the Modified Project Site would be adequately served by police facilities, the increased population that would be generated by the Project, when considered in conjunction with other on-going development throughout Fontana, has the potential to adversely affect service response times. However, the proposed Modified Project and all cumulative developments would be required to contribute DIF fees pursuant to City of Fontana Municipal Code Section 21-122, which the City uses in part to fund police protection services. Therefore, with mandatory payment of DIF fees, the Modified Project impacts to police protection services would be less-than-cumulatively considerable.

With respect to school services, the Modified Project would not directly increase the City's population and is not expected to result in an indirect increase in the City's population, and therefore would have no impact on school services. Regardless, the Modified Project Applicant would be required to contribute development impact fees to the FUSD in compliance with California Senate Bill 50 (SB 50, Greene). The payment of school mitigation impact fees authorized by SB 50 is deemed to provide "full and complete mitigation of impacts" on school facilities from the development of real property (California Government Code Section 65995). Accordingly, Modified Project impacts to school services would be less-than-cumulatively considerable.

The Modified Project would also have less-than-significant and less-than-cumulatively considerable impacts to library services because the Modified Project would not directly create a demand for public library facilities and would not directly result in the need to modify existing or construct new libraries.

Although the proposed Modified Project is not expected to result in an increase in the City's service population, the construction and operation of three commerce center buildings on the Modified Project Site could result in an incremental increase in demand for health services due to the addition of employees in the area. Cumulative growth is not expected to result in or require the physical construction, expansion, or alteration of public health facilities; therefore, the Modified Project impacts would be less-than-cumulatively considerable. (DEIR, p. 4.15-9)

2.5.16 Recreation

The Modified Project proposes to develop the Modified Project Site with three commerce center buildings. Accordingly, the Modified Project does not include recreational facilities and the Modified Project does not propose any type of residential use or other land use which would generate a population that would require the construction or expansion of recreational facilities or existing neighborhood or regional parks. Accordingly, no cumulatively considerable impact associated with recreational facility development or use would occur as a result of development of the Project. The Modified Project would not impact any recreational facilities on a cumulatively considerable basis. Cumulative effects associated with implementation of the Modified Project is evaluated throughout this EIR under the appropriate issue headings. Where cumulative impacts have been identified, mitigation measures have been imposed to reduce such impacts to the maximum feasible extent. There are no conditions that would result in cumulatively significant impacts to the environment that are not already disclosed by this EIR or that are inherent to recreation. Therefore, a cumulatively considerable impact associated with recreation facilities would not occur. (DEIR, p. 4.16-4)

2.5.17 Transportation

The Modified Project would conflict with Goal 1, Objective 1.A, of the Fontana Active Transportation Plan, which calls for a reduction of VMT by 4% by 2035. The Modified Project would generate 16.77 VMT per employee (approximately 15.34 percent above the existing baseline) and thereby would conflict with this objective, resulting in a cumulatively-considerable impact. (UC, 2023, p. 72).

The Modified Project would result in a significant and unavoidable VMT impact. Under cumulative traffic conditions, the VMT impact would be cumulatively considerable. In summary, SBTAM was utilized to calculate the Projects' VMT, at 16.77 VMT per employee. The VMT for all traffic analysis scenarios including for future cumulative conditions is then normalized by dividing by the Modified Project TAZ's employees. Modified Project Cumulative Year 2040 VMT per employee is 16.14, which is above the significance threshold of 14.54 VMT per employee by 11 percent. The Modified Project would not conflict with the San Bernardino County CMP none of the goals or policies within the CMP are applicable to private development projects. Therefore, would have no potential to contribute to a conflict with the CMP that would result in a cumulatively considerable environmental effect.

The following mitigation measure is imposed to address VMT impacts. (DEIR, p. 4.17-13)

MM 4.17-1. Building users shall be required to prepare and implement a Transportation Demand Management Program (TDMP), which shall be reviewed and approved by the City of Fontana prior to the issuance of an occupancy permit. The TDMP shall include feasible strategies to reduce vehicle miles traveled by employees, such as carpooling or vanpooling programs, public transportation use incentives, and walking and biking to work incentives.

Finally, the Modified Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds "c" and "d" because the Modified Project would not cause or exacerbate existing transportation design safety concerns or adversely affect emergency access and there are no cumulative development projects adjacent to the Modified Project Site that could contribute additive effects that could degrade motor vehicle or pedestrian safety or emergency vehicle access in proximity to the Modified Project Site. (DEIR, p. 4.17-13).

Although transportation safety impacts would be less than significant, the following mitigation measures are recommended to assure that design features will be implemented as part of the Project's implementation pertaining to bicycle and pedestrian safety (DEIR, p. 4.17-14.).

MM 4.17-2. Signs shall be installed at the truck exit driveways on Oleander Avenue directing trucks to turn southbound only. Trucks shall be prohibited from turning northbound on Oleander Avenue upon exiting the Modified Project Site.

MM 4.17-3. The Modified Project Developer/Applicant and all successors in interest shall install and maintain signs at the Modified Project driveway exits connecting with Citrus Avenue and Oleander Avenue at heights visible to truck drivers that state, "CAUTION, PEDESTRIAN AND BICYCLE CROSSINGS AHEAD." The City shall verify installation of the

signs prior to the issuance of an occupancy permit and require as a condition of the occupancy permit that the signs be maintained in legible condition.

2.5.18 Tribal Cultural Resources

The potential for Modified Project construction to result in cumulatively-considerable impacts to tribal, religious, and cultural resources were analyzed in conjunction with other projects located in southwestern San Bernardino County and northwestern Riverside County that occur in the same tribal influence areas as the Modified Project Site. The other development projects within these areas would have a similar potential to uncover tribal cultural resources during construction activities. Therefore, the potential for Modified Project construction to impact tribal cultural resources is a cumulatively-considerable impact for which mitigation is required. (DEIR, p. 4.18-6)

Mitigation Measures MMs 4.5-1 through 4.5-3 shall apply (DEIR, p. 4.18-5)

MM 4.5-1. *Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Modified 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 Modified Project while evaluation takes place.*

MM 4.5-2. *Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.*

MM 4.5-3. *Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.*

Implementation of MMs 4.5-1 through 4.5- 3 would be reduced to less than significant. (DEIR, p. 4.18-5)

2.5.19 Utilities And Service Systems

The Modified Project would require water, wastewater, and stormwater drainage services and infrastructure, as well as solid waste disposal during construction and operation of the Project. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with ministerial and discretionary review authority. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development Modified Project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Because the comprehensive utility and service planning and coordination activities described above would ensure that new development projects do not disrupt or degrade the provision of utility services, cumulatively considerable impacts to utilities and service systems would not occur. (DEIR, p. 4.19-15)

2.5.20 Wildfire

The Modified Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route, and the Modified Project would not serve as an evacuation route under long-term conditions. During construction, and at Modified Project build-out, the proposed Modified Project would be required to maintain adequate access for emergency vehicles. Other cumulative developments similarly would be required to accommodate emergency access and facilities. As such, cumulatively-considerable impacts would be less-than-significant.

The Modified Project entail the development a property located in an area that is fully developed with limited non-irrigated vegetative fuel. The development of the Modified Project Site as proposed would reduce the risk of wildfire by transforming the property partially developed with residential housing and associated accessory structures into a developed property complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. As such, cumulatively-considerable impacts would be less-than-significant.

The Modified Project proposes to develop three commerce center buildings with associated site improvements. No components of the Modified Project would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks. As such, cumulatively-considerable impacts would be less-than significant.

Under existing and proposed conditions, the Modified Project Site exhibits little topographic variation, and development on the Modified Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards. As such, the Modified Project has no potential to cumulatively contribute to impacts associated with the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Cumulatively considerable impacts would not occur. (DEIR, p. 4.20-8)

2.6 Significant Irreversible Environmental Changes Which Would Be Caused by the Proposed Modified 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)). An environmental change would fall into this category if: a) the Modified Project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the Modified Project would generally commit future generations to similar uses; c) the Modified Project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources are not justified (e.g., the Modified Project results in the wasteful use of energy). (DEIR, p. 5-2)

Determining whether the Modified Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Modified Project Site would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., construction aggregates, fossil fuels). Additionally, the Modified Project is required by law to comply with the California Green Building Standards Code (CALGreen) in effect at the time of building permit issuance, which will minimize the Projects' demand for energy, including energy produced from non-renewable sources. A more detailed discussion of Modified Project energy consumption is provided in EIR Subsection 4.6, *Energy*. (DEIR, p. 5-2)

Implementation of the Modified Project would commit the Modified Project Site to a three-building commerce center facility and reasonably commit a 5.0-acre parcel to developing with an industrial use. The land use proposed for the Modified Project Site is compatible with the existing industrial land use that is located to the south and west and also compatible with the use of Citrus Avenue (which abuts the Modified Project Site on the west) as a City-designated truck route. Accordingly, the Modified Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those that are planned by the City's General Plan. For this reason, the Modified Project would not result in a significant, irreversible change to nearby, off-site properties. (DEIR, p. 5-2)

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the potential for hazardous materials to be transported to/from the Modified Project Site and/or used on the Modified Project Site during construction and operation. As concluded in Subsection 4.8, mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Modified Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the Modified Project Site. (DEIR, p. 5-2)

As discussed in detail under EIR Subsection 4.5, *Energy*, the Modified Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. Accordingly, the Modified Project would not result in a significant, irreversible change to the environment related to energy use. (DEIR, p. 5-3)

Based on the above, Modified Project construction and operation would require the commitment of limited, slowly renewable and non-renewable resources. However, this commitment of resources would not be substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions, and such resources would not be used in an inefficient or wasteful manner. Modified Project construction and operation would adhere to the sustainability requirements of Title 24, Green Building Code, and CALGreen. Therefore, the Modified Project would not result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes. (DEIR, p. 5-3)

2.7 Growth-Inducing Impacts of the Proposed Project

CEQA requires a discussion of the ways in which the proposed Modified Project could be growth inducing. The CEQA Guidelines identify a Modified 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. (DEIR, p. 5-3)

A Modified 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. (DEIR, p. 5-3)

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

opportunities on the Modified Project Site would not induce substantial growth in the area. (DEIR, p. 5-3)

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a Modified 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 Modified 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 Modified 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. (DEIR, p. 5-4)

The area surrounding the Modified Project Site consist of public facilities to the north, public facilities and residential to the east, and industrial to the south and west. Development of the Modified Project Site is not expected to place short-term development pressure on abutting properties because these areas are already built-out. (DEIR, p. 5-4)

Based on the foregoing analysis, the Modified Project would not result in substantial, adverse growth-inducing impacts. (DEIR, p. 5-4)

2.8 Modified Project Alternatives

The EIR analyzed three alternatives to the Modified 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 Modified Project analyzed in the EIR and evaluates them in light of the Modified 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 Modified 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 Modified 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 Modified Project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the Modified 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 Modified 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 Modified Project shall include those that could feasibly accomplish most of the basic objectives of the Modified 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 Modified 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.

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 Modified Project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternative was considered but not carried forward:

A. No Development Alternative

The No Development Alternative considers no development on the Modified Project Site beyond what occurs on the Site under existing conditions. Under this Alternative, the residential uses on the approximately 29.2-acre Modified Project Site would be retained while the undeveloped portions of the Site would be kept vacant for the foreseeable future. No roadway frontage improvements including

sidewalks would occur on Citrus Avenue, Santa Ana Avenue, or Oleander Avenue. This Alternative was used to compare the environmental effects of the proposed Modified Project with an alternative that would leave the property in its existing state. (DEIR, p. 6-2)

Implementation of the No Development Alternative would result in no physical environmental impacts to the Modified Project Site beyond those that have historically occurred on the Modified Project Site and that will continue to occur into the future from routine activities. All potentially significant effects of the Modified Project would be avoided by the selection of this Alternative. However, the No Development Alternative would not facilitate frontage sidewalk improvements to Citrus Avenue, Santa Ana Avenue, and Oleander Avenue and would not generate or accommodate demand for additional housing. Because the No Development Alternative would not result in development of the Modified Project Site and would not promote local economic development, including through the creation of new jobs and the expansion of the local tax base, the No Development Alternative would not meet the Project's objectives. (DEIR, p. 6-10)

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 Modified Project objectives. Those alternatives include:

A. *No Modified Project Alternative*

The No Modified Project Alternative considers the development of the Modified Project Site in accordance with its existing land use designation of "Residential Planned Community (R-PC)" and "Multi-Family Medium/High Residential (R-MFMH)" land uses. The R-PC land use designation allows up to 6.4 dwelling units per acre and the R-MFMH land use designation allows up to 39 dwelling units per acre. Under this alternative, the Modified Project Site is assumed to be developed with high density residential housing. Containing approximately 19.6 acres of R-PC designated property and 9.8 acres of R-MFMH designated property, this alternative assumes 125 dwelling units on the R-PC designated property and 382 dwelling units on the R-MFMH designated property for a total of 507 multi-family residential units on the Modified Project Site. The R-MFMH would have a maximum permitted lot coverage of 70% and the R-PC would have a maximum permitted lot coverage of 45%. Building heights would be up to 55-feet. The extent of physical ground disturbance is expected to be the same as would occur under the proposed Project. This alternative is considered to compare the environmental effects of the Modified Project against a development proposal that conforms to the land use standards and development regulations prescribed by the City of Fontana General Plan and Municipal Code under the Modified Project Site's existing land use and zoning designations (DEIR, pp. 6-2 to 6-3)

The No Modified Project Alternative would result in the development of 507 multi-family residential units with a maximum lot coverage of 70% and 55-foot structure height across the remainder of Modified Project Site. Implementation of the No Modified Project Alternative would result in identical physical environmental impacts as compared to the Modified Project related to biological resources, geology and soils, cultural resources, and tribal cultural resources because the extent and depth of ground disturbance would be similar. Although the building type would be different (multi-family

residential instead of commerce center development), the intensity of use on the site would be similar resulting in similar less than significant construction-related effects and long-term effects associated with aesthetics, public services, utilities and service systems, and wildfire. Because truck traffic would be less under the No Modified Project Alternative, but total vehicle trips would likely increase, operational impacts related to air quality, GHG, and noise would be similar under the No Modified Project Alternative and the GHG impact and short-term construction-related vibration impact would remain significant and unavoidable. The Project's VMT impact would be omitted as the No Modified Project Alternative's VMT impact would be based on service population and less than significant. The No Modified Project Alternative would not meet any of the Project's objectives. (DEIR, p. 6-16)

B. Reduced Modified Project Alternative

The Reduced Modified Project Alternative considers the development of the Modified Project with any of the three buildings being developed in any combination. Under these Alternatives, only Building 1 could be developed, only Building 2 could be developed, only Building 3 could be developed, or any combination of two buildings could be developed, including Buildings 1 and 2, Buildings 1 and 3, or Buildings 2 and 3. Areas not developed with a building would retain their existing condition. These alternatives are used to evaluate scenarios that would reduce the total building area on the Modified Project site relative to the Modified Project but still allow productive commerce center on portions of the Modified Project Site. (DEIR, p. 6-3)

The Reduced Modified Project Alternative scenario in which only one building would be implemented would reduce the Project's significant and unavoidable GHG emission impacts but a scenario in which two buildings would be implemented, the GHG impact would be reduced but not to below a level of significance. In all scenarios of any one or a combination of two buildings being implemented, the alternative would reduce the Project's less than significant impacts to biological resources, cultural resources, energy, geology and soils, hydrology and water quality, noise, public services, recreation, tribal cultural resources, and utilities and service systems. The Reduced Modified Project Alternative would increase impacts associated with wildfire potential due a portion of the site remaining undeveloped or in residential use. All other impacts from the Reduced Modified Project Alternative would be similar to the Project.

The Reduced Modified Project Alternative would meet all of the Project's objectives; however, only a portion of the Modified Project would be constructed and become operational, and a portion of the Modified Project Site would remain undeveloped or in residential use. As such, the Modified Project objectives would be met to a lesser extent than the Project. (DEIR, p. 6-22)

2.8.3 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives shall identify an environmentally superior alternative among the alternatives evaluated in the EIR. In general, the environmentally superior alternative as defined by CEQA should minimize adverse impacts to the Modified Project Site and its surrounding environment. (DEIR, p. 6-23)

Both the No Development Alternative and No Modified Project Alternative would avoid or reduce all or some of the Project's significant environmental impacts and, therefore, can be considered

environmentally superior to the Project. Both the No Development Alternative and No Modified Project Alternative are considered to be a “no project” alternative as defined by CEQA Guidelines Section 15126.6(e)(3). If a “no project” alternative is identified as the environmentally superior alternative then the EIR shall also identify an environmentally superior alternative among the other alternatives (see CEQA Guidelines Section 15126.6(e)(2). (DEIR, p. 6-23)

The Reduced Modified Project Alternative, in the scenarios of only Building 1 or only Building 3 being implemented, is the Environmentally Superior Alternative, although it does not meet the Modified Project objectives to the extent as the Project. (DEIR, p. 6-23)

3.0 Statement of Overriding Considerations

The City Council hereby declares that it has balanced the benefits of the Modified Project against any unavoidable environmental impacts in determining whether to approve the Project. Pursuant to the CEQA Guidelines Section 15093, if the benefits of the Modified Project outweigh its unavoidable adverse environmental impacts, those impacts may be considered “acceptable.”

Having reduced the adverse significant environmental effects of the Modified Project to the extent feasible by adopting the Mitigation Measures contained in the EIR, the Mitigation Monitoring and Reporting Program (MMRP), and herein, having considered the entire administrative record on the Project, and having weighed the benefits of the Modified Project against its unavoidable adverse impacts after implementation of all feasible mitigation, the City Council has determined that each of the following social, economic and environmental benefits of the Modified Project separately and individually outweigh the potential unavoidable adverse impact and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- A. The Modified Project provides for the development of a functional, well serviced, and attractive commerce center development that improves and maximizes economic viability within the City by the orderly transition of both developed and vacant land into productive commerce center use.
- B. The Modified Project attracts new employment-generating business to the City of Fontana thereby increasing household earnings and reducing the need for members of the local workforce to commute outside the area for employment.
- C. The Modified Project provides for public roadway frontage improvements including a public sidewalk on Citrus Avenue, Santa Ana Avenue, and Oleander Avenue.
- D. The Modified Project will allow a property to be developed as a productive, revenue-generating facility that will contribute revenue to the City of Fontana on an ongoing basis and allow the City to improve the level of services it can provide to its residents and businesses.
- E. The Modified Project will assist in meeting the substantial demand for commerce buildings in the City and across the Inland Empire and will promote a mix of land uses along Santa Ana Avenue that provide for a sound and diversified economic base and ample employment opportunities for the citizens of Fontana.

- F. Through Modified Project design features, mandatory compliance with the CALGreen, and the implementation of the mitigation measures contained in the Final EIR, the Modified Project will implement energy conservation measures and include contemporary energy efficient/energy conserving designs and operational programs.

The City Council hereby declares that the foregoing benefits provided to the public through the approval and implementation of the Modified Project outweigh the identified significant adverse environmental impact of the Modified Project that cannot be mitigated to a less than significant level. The City Council finds the Project's benefits separately and individually outweigh all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

4.0 Additional Facts on Record

4.1 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 Modified Project to mitigate or avoid effects on the environment during Modified Project implementation. The MMRP is on file with the City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335.

4.2 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 Planning 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 Aesthetics					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Modified Project Site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Modified Project would not substantially change a scenic view or substantially block or obscure a scenic vista; therefore, impacts to scenic vistas would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: No Impact.</u> The Modified Project Site is not located within the viewshed of a scenic highway and, therefore, the Modified Project Site does not contain any scenic resources visible from a scenic highway.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold c: No Impact.</u> The Modified Project would not conflict with applicable zoning and other regulations governing scenic quality during Modified Project	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
construction or operation. Although the Modified Project would change the visual character of the Site from residential use and vacant land to industrial use, the Project's surrounding area is primarily urbanized land uses. Furthermore, the Modified Project proposes a number of site design, architectural, and landscaping elements consistent with the requirements of SWIP Specific Plan that would ensure the Project's character is consistent with the planned vision for the Specific Plan area. Impacts due to a conflict with applicable zoning and other regulations governing scenic quality would be less-than-significant.					
<u>Threshold d: Less-than-Significant Impact.</u> Compliance with Fontana Municipal Code and Fontana General Plan requirements for artificial lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
the area from on-site lighting elements.					
1.2 Agriculture and Forestry					
Summary of Impacts					
<u>Threshold a: No Impact.</u> As mapped by the DOC's FMMP, the Modified Project Site is classified by the FMMP as "Urban Built-Up Land" and "Other Land." Based on the FMMP, the Modified Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Modified Project would not convert FMMP-designated Farmland to a non-agricultural use, and no impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold b: No Impact.</u> The Modified Project Site is not zoned for agricultural use, is not used for agricultural production, and is not subject to any Williamson Act contracts. Therefore, no impacts would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold c: No Impact.</u> The Modified Project would have no impact to off-site properties that are	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.					
Threshold d and e: No Impact. There are no forest lands in the Modified Project vicinity, and no lands in the Modified Project vicinity are zoned for timberland, timberland production, or forest uses. The Modified Project would not result in the conversion of forest land to non-forest use. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
1.3 Air Quality					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The Modified Project would neither contribute to a delay in the attainment of federal and State air quality standards in the SCAB nor exceed local growth projections. Accordingly, the Modified Project would not conflict with or obstruct implementation of the SCAQMD's AQMP.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less-than-Significant Impact. Modified Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Modified Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.					
<u>Threshold c: Less-than-Significant Impact.</u> Implementation of the Modified Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk thresholds; and 3) would not cause or contribute to the formation of a CO “hot spot.”	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: Less-than-Significant Impact.</u> The Modified Project would not produce air emissions that would lead to unusual or	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
substantial construction-related or operational-related odors. The Modified Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.					
1.4 Biological Resources					
Summary of Impacts					
<u>Threshold a: No Impact.</u> The Modified Project Site does not contain or support any special-status plant or wildlife species. As such, implementation of the proposed Modified Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, and no impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold b.: No Impact.</u> The Modified Project Site does not contain riparian and/or other sensitive natural habitats;	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
therefore, the Modified Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.					
<u>Threshold c: No Impact.</u> No State- or federally-protected wetlands are located on the Modified Project Site; therefore, no impact to wetlands would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d: Significant Direct and Cumulatively-Considerable Impact.</u> There is no potential for the Modified Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Modified Project has the potential to impact nesting migratory birds protected by the MBTA and California Fish and Game Code, should habitat removal occur during the nesting season and should nesting birds be present.	MM 4.4-1 Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 31 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements: a) A nesting bird survey shall be conducted on the Modified Project Site and within suitable habitat located within a 500-foot radius of the Modified Project Site by a qualified biologist within three days prior to initiating vegetation clearing or ground disturbance. b) If the survey identifies the presence of active nests, then the nests shall not be	Modified Project Applicant; Modified Project Biologist	City of Fontana	Prior to the issuance of a grubbing permit or grading permit and within 3 days of ground-disturbing activities	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival.</p> <p>c) If the biologist is not able to verify any of the conditions from sub-item “b,” above, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall</p>				



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.				
<u>Threshold e: No Impact.</u> The Modified Project would not conflict with any local policies or ordinances protecting biological resources.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold f: No Impact.</u> The Modified Project impact area is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
1.5 Cultural Resources					
Summary of Impacts					
<u>Threshold a: Less than Significant Impact.</u> Thirteen historic-period residences and outbuildings are located on the Modified Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Site that would be demolished to construct the Project, but the structures do not meet the CEQA Guidelines Section 15064.5 definition of a significant historical resource. Therefore, no significant historic resources could be altered or destroyed by construction or operation of the Project, and impacts to historic resources would be less than significant.					
<u>Threshold b: Potentially Significant Direct and Cumulatively-Considerable Impact.</u> No known prehistoric resources are present on the Modified Project Site and the likelihood of uncovering buried prehistoric resources on the Modified Project Site is low due to the magnitude of past ground disturbance on the Modified Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric	MM 4.5-1 Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Modified 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	Modified Project Applicant; Modified Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found during the Project's construction	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
archaeological resources should such resources to be discovered during Project-related construction activities.	on other parts of the Modified Project while evaluation takes place. MM 4.5-2 Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.	Modified Project Applicant; Modified Project Archaeologist	City of Fontana Building and Safety Department	If a significant archaeological resource is discovered during the Project's construction	
	MM 4.5-3 Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human	Modified Project Applicant; Modified Project Archaeologist	City of Fontana Building and Safety Department	During construction	



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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.				
<u>Threshold c: Less than Significant Impact.</u> In the unlikely event that human remains are discovered during Modified Project grading or other ground disturbing activities, the Modified Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 <i>et seq.</i> Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
1.6 Energy					
Summary of Impacts					



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold a: Less-than-Significant Impact.</u> The amount of energy and fuel consumed by construction and operation of the Modified Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Modified Project would not cause or result in the need for additional energy facilities or energy delivery systems.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project would not cause or result in the need for additional energy production or transmission facilities. The Modified Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
1.7 Geology and Soils					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> Implementation of the Modified Project would not expose people or structures to substantial direct or indirect adverse effects	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
related to liquefaction or fault rupture. The Modified Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Modified Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.					
<u>Threshold b: Less-than-Significant Impact.</u> Implementation of the Modified Project would not result in substantial soil erosion or loss of topsoil. The Modified Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (SWPPP), and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Project's owner or operator would be required by law to implement a	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Water Quality Management Plan (WQMP) during operation, which would preclude substantial erosion impacts in the long-term.					
<u>Threshold c: Less-than-Significant Impact.</u> There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the Project's site-specific geotechnical reports during Modified Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> The Modified Project Site contains soils with no susceptibility to expansion; therefore, the Modified Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: No Impact.</u> No septic tanks or alternative wastewater disposal systems are proposed to be	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
installed on the Modified Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.					
<u>Threshold f: Direct and Cumulatively-Considerable Impact.</u> The Modified Project would not impact any known paleontological resource or unique geological feature. However, the Modified Project Site is underlain by older alluvium soils with a high sensitivity for paleontological resources. Accordingly, construction activities on the Modified Project Site have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.	<p>MM 4.7-1 Prior to the issuance of a grading permit, the Modified Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist (“paleontologist”) has been retained by the Modified Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.</p> <p>MM 4.7-2 The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed late Pleistocene old alluvial fan deposits starting at a depth of 5 feet below the existing ground surface. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to</p>	<p>Modified Project Applicant; Modified Project Paleontologist</p> <p>Modified Project Applicant; Modified Project Paleontologist</p>	<p>City of Fontana Building and Safety Department</p> <p>City of Fontana Building and Safety Department</p>	<p>Prior to the issuance of a grading permit</p> <p>During earth disturbance activities</p>	<p>Less-than-Significant Impact with Mitigation Incorporated</p>



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.</p> <p>MM 4.7-3 Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into the collections of the Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.</p> <p>MM 4.7-4 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to</p>	<p>Modified Project Applicant; Modified Project Paleontologist</p> <p>Modified Project Applicant; Modified Project Paleontologist</p>	<p>City of Fontana Building and Safety Department</p> <p>City of Fontana Building and Safety Department</p>	<p>If a significant paleontological resource is discovered on the Modified Project Site</p> <p>Prior to issuance of first occupancy permit</p>	



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	the City of Fontana prior to issuance of the first occupancy permit.				
1.8 Greenhouse Gas Emissions					
Summary of Impacts					
<u>Threshold a: Cumulatively Considerable Impact.</u> The Modified Project would exceed the SCAQMD significance threshold of 3,000 MTCO ₂ e per year. As such, the Modified Project would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment.	MM 4.8-1 No portion of the buildings shall include cold storage space. MM 4.8-2 Building roofs shall be solar-ready and shall be outfitted with a solar photovoltaic system that either supplies 100 percent of the building user's anticipated electricity demand or is the maximum size feasible given applicable Building Code requirements, clearance requirements around roof-mounted equipment, Southern California Edison interconnection regulations, transformer capacity, and other code compliance constraints. Prior to issuance of a shell building permit, the City of Fontana shall verify that all or part of the roof structure is designed to support the installation of solar panels. The roof-mounted solar photovoltaic systems shall be installed within 12 months of issuance of the first occupancy permit.	Modified Project Applicant Modified Project Applicant	City of Fontana Building and Safety Department City of Fontana Building and Safety Department	Prior to issuance of a building permit Prior to issuance of a building permit	Significant Unavoidable Cumulatively-Considerable Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project would be consistent with or	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.					
1.9 Hazards and Hazardous Materials					
Summary of Impacts					
Thresholds a and b: <u>Less-than-Significant Impact</u> . During Modified Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Modified Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact</u> . The Modified Project Site is located within one-quarter mile of Jurupa Hills High School, Fontana Adult School, and Citrus High School; however, the Modified Project would comply with applicable federal, State, and local regulations related to the handling, storage, use, and transport of hazardous materials to ensure that students at Jurupa Hills	Even though impacts would be less-than-significant with the Modified Project Applicant's compliance to applicable federal, State, and local regulations addressing hazardous materials, the following mitigation measures are recommended to ensure regulatory compliance. MM 4.9-1 Prior to the issuance of any new occupancy permit for a use/user within the Project's commerce center buildings, and to	Modified Project Applicant	City of Fontana Building and Safety Department	Prior to issuance of first occupancy permit	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
High School, Fontana Adult School, and Citrus High School are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.	the extent hazardous materials exist on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Modified Project Applicant shall provide a copy of its approved Emergency Response Plan to the Superintendent's Office and Facilities Office of the Fontana Unified School District as well as the Principal of Jurupa Hills High School, Fontana Adult School, and Citrus High School outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Modified Project Site. If so requested, the Modified Project Applicant shall also meet with School District and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Modified Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Fontana's Planning Division, with input from the Fontana Unified School District Superintendent as appropriate. All meetings shall be documented and documentation shall be provided to the City Planning Department within 30 days of each meeting.				



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Modified Project Site.				
<u>Threshold d: No Impact.</u> The Modified Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Modified Project is consistent with the restrictions and requirements of the ONT ALUCP. As such, the Modified Project would not result in an airport safety hazard for people residing or working in the Modified Project area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold f: Less-than-Significant Impact.</u> The Modified Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly,	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
implementation of the Modified Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.					
<u>Threshold g: No Impact.</u> The Modified Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Modified Project would not expose people or structures to a significant wildfire risk.	No mitigation is required.	N/A	N/A	N/A	No Impact
1.10 Hydrology and Water Quality					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Modified Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and WQMP is required as part of the Project's implementation to address construction- and operational-related water quality.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
would not physically impact any of the major groundwater recharge facilities in the Chino Groundwater Basin. The Modified Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Modified Project would impede sustainable groundwater management of the Basin.					
<u>Threshold c: Less-than-Significant Impact.</u> The Modified Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Modified Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Modified Project would not create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> The Modified Project Site would not be	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
subject to inundation from tsunamis, seiches, or other hazards.					
<u>Threshold e: Less-than-Significant Impact.</u> The Modified Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
1.11 Land Use Planning					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Modified Project would not physically divide an established community.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project proposes to change the General Plan land use designation and the zoning designation, however, the Modified Project on an individual bases does not have an impact and as such, would not conflict with the goals and objectives of the AQMP.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
1.12 Mineral Resources					
Summary of Impacts					
<u>Threshold a and b: No Impact.</u> The Modified Project Site does not contain any known mineral	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
resources that would be of value to the region or the residents of the State. As such, the Modified Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan and no impact would occur.					
1.13 Noise					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Modified Project would generate short-term construction and long-term operational noise but would not generate noise levels that exceed the standards established by the Fontana General Plan or Municipal Code.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Significant Direct Impact.</u> The Project's construction activities would exceed the Fontana Adult School relocatable classrooms damage thresholds at the building façade.	MM 4.13-1 As a condition of the Building 2 grading permit and building permit, to reduce construction noise, the contractor shall be required to install a minimum 8-foot-high temporary construction perimeter noise barrier for the duration of construction activities at the property boundary that	Modified Project Applicant	City of Fontana Building and Safety Department	Prior to issuance of a grading permit for the Building 2 site; prior to issuance of a building permit for Building 2 and during construction	Significant Direct Short-Term Unavoidable Impact



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



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



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>requirement also shall be noted on all grading plans, building plans, and shall be specified in construction bid documents and construction contracts.</p> <p>MM 4.13-3 Prior to the commencement of construction activities on the Building 2 site, the Modified Project Applicant/Developer or construction contractor shall be required to supply its construction schedule to Fontana Adult School. Best efforts shall be made by the Modified Project Applicant/Developer to work with Fontana Adult School and schedule construction activities that are least disruptive to school activities occurring in the relocatable classrooms located within 20 feet of the Building 2 construction site. The Modified Project Applicant/Developer also shall work with Fontana Adult School on the feasibility of temporarily relocating the classrooms to another portion of the school campus while Modified Project construction activity is occurring</p>	Modified Project Applicant	Fontana Building and Safety Department	Prior to the commencement of construction on the Building 2 Site.	
<u>Threshold c: Less-than-Significant Impact.</u> The proposed Modified Project would be compatible with noise levels from the ONT and operation of the Modified Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
would not expose future employees on the Modified Project Site to excessive noise levels.					
1.14 Population and Housing					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The estimated 453 to 563 jobs to be generated by the Modified Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Modified Project would not induce substantial unplanned population growth.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project would remove eight residences, seven of which are occupied. The removal of eight homes would not displace substantial numbers of people or require the construction of replacement housing elsewhere.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
1.15 Public Services					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Modified Project would increase the demand for fire protection services provided by the	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
FFPD. Although demand would be increased, the FFPD's existing fire stations have adequate physical capacity to service the Project. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental effect under CEQA; thus, impacts are less-than-significant.					
<u>Threshold b: Less-than-Significant Impact.</u> The Modified Project would increase the demand for police protection services provided by the Fontana Police Department. Service to the Modified Project Site is provided by the Fontana Police Department Headquarters, and the Fontana Police Department has no plans to physically construct or expand a station due to the Modified Project or other growth in the area. As such, the Modified Project would have no physical environmental effects on police protection services. Increased demand, unless it results in some form of a physical environmental impact, is not an environmental	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
effect under CEQA; thus, impacts are less-than-significant.					
<u>Threshold c: Less-than-Significant Impact.</u> The Modified Project would not result in or require new or expanded public school facilities and would not result in any direct demand for school facilities. There is no potential for the Modified Project to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> The Modified Project would not result in or require new or expanded public library facilities and would not result in any direct demand for library space. There is no potential for the Modified Project to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Modified Project would result in an incremental increase in demand for public	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
health services associated with persons that would be employed at or visit the Modified Project Site. However, because the Modified Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Project's demand, impacts to public health facilities would be less-than-significant.					
1.16 Recreation					
Summary of Impacts					
<u>Threshold a: No Impact.</u> The Modified Project does not propose any type of residential use or other land use that would generate a population that would increase the use of recreation facilities or existing neighborhood or regional parks. Parks would not be physically affected by the Project.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold b: No Impact.</u> No on- or off-site recreation facilities or expansion of any existing off-site recreational facilities would occur. No impacts related to the construction or expansion of recreational facilities would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact



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



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



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Modified Project Site or surrounding properties.					
1.18 Tribal Cultural Resources					
Summary of Impacts					
<u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Modified Project has the potential to result in significant impacts to tribal cultural resources in the absence of protective measures in the event that such resources are discovered during ground-disturbing construction activities.	Refer to MMs 4.5-1 through 4.5-3, above.	Modified Project Applicant, Modified Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found on the Modified Project Site; During construction	Less-than-Significant Impact with Mitigation Incorporated
1.19 Utilities and Service Systems					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The physical environmental effects associated with installing the Project's water, wastewater, stormwater drainage, and dry utility infrastructure is evaluated throughout this EIR and no adverse impacts specific to the provision utilities services have been identified.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The FWC is expected to	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
have sufficient water supplies to service the Project. The Modified Project would not exceed the FWC's available supply of water during normal years, single-dry years, or multiple-dry years.					
<u>Threshold c: Less-than-Significant Impact.</u> The IEUA would provide wastewater treatment services to the Modified Project site via RP-4. These facilities have adequate capacity to service the Modified Project and no new or expanded facilities would be needed.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: Less-than-Significant Impact.</u> There is adequate capacity available at the Mid Valley Landfill to accept the Project's solid waste during both construction and long-term operation. The Modified Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure to handle the waste.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Modified Project would comply with all applicable solid waste statutes and regulations;	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
as such, impacts related to solid waste statutes and regulations would be less-than-significant.					
1.20 Wildfire					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> During construction and as part of ongoing operations at the Modified Project Site, the City will require that adequate access for emergency vehicles be maintained. No emergency routes would be affected by the Project. Accordingly, the Modified Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and impacts would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> Due to the developed nature of the surrounding area and requirements to construct the Modified Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Modified Project would expose the Modified Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



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



THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
instability, or changes in downstream drainage patterns.					