



**Draft Environmental Impact Report**  
**SCH No. 2022030544**

**Sierra Business Center**  
**City of Fontana, California**

Lead Agency



**City of Fontana**  
8353 Sierra Avenue  
Fontana, CA 92335

**Public Review Draft | November 10, 2022**

# Draft Environmental Impact Report

## SCH No. 2022030544

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# Sierra Business Center

## City of Fontana, California

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### **Lead Agency**

City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92355

### **CEQA Consultant**

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

### **Project Applicant**

Shea Properties and Acacia Real Estate Group, Inc.

### **Lead Agency Discretionary Permits**

Shea Project:

Design Review Project (DRP 21-034)

Tentative Parcel Map (TPM 21-018)

General Plan Amendment (GPA 21-004)

Zone Change Application (ZCA 21-006)

Acacia Project:

Design Review Project (DRP 21-039)

Tentative Parcel Map (TPM 21-022)

General Plan Amendment (GPA 21-005)

Zone Change Application (ZCA 21-007)

**November 10, 2022**





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- A. Notice of Preparation (NOP) and Written Comments on the NOP
- B1. Air Quality Impact Analysis
- B2. Mobile Source Health Risk Assessment
- C1. Biological Resources Technical Report (Shea Project)
- C2. Biological Resources Technical Report (Acacia Project)
- D. Cultural Resources Study
- E. Energy Analysis
- F1. Geotechnical Investigation (Shea Project)
- F2. Infiltration Testing (Shea Project)
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- F4. Paleontological Assessment
- G. Greenhouse Gas Analysis
- H1. Phase I Environmental Site Assessment (Shea Project)
- H2. Phase I Environmental Site Assessment (Acacia Project)
- I1. Preliminary Hydrology Study (Shea Project)
- I2. Preliminary Water Quality Management Plan (Shea Project)
- I3. Preliminary Hydrology Study (Acacia Project)
- I4. Preliminary Water Quality Management Plan (Acacia Project)
- J1. Noise Impact Analysis (Shea Project)
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- J3. Noise Assessment (Sierra Business Center)
- K1. Vehicle Miles Traveled Analysis (Shea Project)
- K2. Traffic Scoping Agreement and Trip Generation Assessment (Shea Project)
- K3. Traffic Study (Acacia Project)
- K4. VMT Analysis (Combined Shea and Acacia Projects)
- K5. Transportation Safety Evaluation (Combined Shea and Acacia Projects)



## ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
§	Section
>	greater than
≥	greater than or equal to
a.m.	Ante Meridiem (between the hours of midnight and noon)
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
AB 52	Native Americans: California Environmental Quality Act
AB 1493	Pavley Fuel Efficiency Standards
AB 1327	California Solid Waste Reuse and Recycling Act
AB 939	California Solid Waste Integrated Management Act
AB 1881	California Assembly Bill 1881, California Water Conservation Act of 2006
AC	Acres
ACMs	Asbestos Containing Materials
ACOE	Army Corps of Engineers
A.D.	Anno Domini
ADP	Area Drainage Plan
AERMOD	Air Quality Dispersion Modeling
ADT	Average Daily Traffic
AFY	Acre Feet per Year
AIA	Airport Influence Area
AICUZ	Air Installation Compatible Use Zone
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
A-P Act	Alquist-Priolo Earthquake Fault Zoning Act
APS	Alternative Planning Strategy
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
ARB	Air Reserve Base
ASTM	American Society of Testing and Materials
ASTs	Above ground storage tanks
Av.	Avenue
BACM	Best Available Control Measure
BAU	Business as Usual





B.C.	Before Christ
bgs	Below ground surface
Blvd.	Boulevard
BMPs	Best Management Practices
BLM	Bureau of Land Management
BSA	Biological Study Area
C2F6	Hexafluoroethane
C2H6	Ethane
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CA H2 Net	California Hydrogen Highway Network
CalEEMod™	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
Cal Pub Res. Code §42911	California Solid Waste Reuse and Recycling Act of 1991
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAPSSA	Criteria Area Plant Species Survey Area
CARB	California Air Resources Board
CASSA	Criteria Area Species Survey Area
CASQUA	California Stormwater Quality Association
CAT	Climate Action Team
CAW	California American Water
CBC	California Building Code
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCAA	California Clear Air Act
CDC	California Department of Conservation
CDD	Community Development Director
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act



CETAP	Community & Environmental Transportation Acceptability Process
CFC	California Fire Code
CFCs	Chlorofluorocarbons
C2F6	Hexaflouroethane
CF4	Tetraflouromethane
CF3CH2F	HFC-134a
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CGS	California Geologic Survey
CH	Conservation Habitat
C2H6	Ethane
CH4	Methane
CH3CHF2	HFC-152a
CHF3	HFC-23
CHHSL	California Human Health Screening Level
CHL	California Historical Landmark
CHP	combined heat and power
CHRIS	California Historic Resources Information System
CIWMB	California Integrated Waste Management Board
CLCA	California Land Conservation Act
CLOMR	Conditional Letter of Map Revision
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
COG	Council of Governments
CO2	Carbon Dioxide
CO2e	Carbon Dioxide Equivalent
COHb	carboxyhemoglobin
CPUC	California Public Utilities Commission
CREED	Citizens for Responsible Equitable Environmental Development
CSRG	Conservation Summary Report Generator
CTC	California Transportation Commission
CTP	Clean Truck Program
CUP	Conditional Use Permit
CWA	Clean Water Act
CWC	California Water Code
CWHR	California Wildlife Habitat Relationships



CY	Cubic Yards
CZ	Change of Zone
dB	Decibel
dBA	A-weighted Decibels
DBESP	Determination of Biologically Equivalent or Superior Preservation
DEH	Department of Environmental Health
DIF	Development Impact Fee
DOSH	Division of Occupational Safety and Health
DP	Development Permit
DPM	Diesel Particulate Matter
DRC	Design Review Committee
DRRP	Diesel Risk Reduction Plan
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
DU/AC	Dwelling units per acre
DWR	Department of Water Resources
e/o	East of
E+A+P	Existing plus Ambient Growth plus Project Conditions
E+A+P+C	Existing plus Ambient Growth plus Project Conditions plus Cumulative Conditions
E+P	Existing plus Project Conditions
EAP II	Energy Action Plan II
ECS	Environmental Constraints Sheet
EDR	EDR Sanborn
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMFAC	Emission Factor Model
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
EPS	Emission Performance Standard
ESA	Environmental Site Assessment
et seq.	et sequentia, meaning "and the following"
EV	Electric Vehicle
F	Fahrenheit
FAA	Federal Aviation Administration
FAR	floor area ratio



FAR	Federal Aviation Regulations
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
FHA	Federal Housing Administration
FHWA	Federal Highway Administration
FIA	Fiscal Impact Analysis
FICON	Federal Interagency Committee on Noise
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Association
FY	Fiscal Year
FYI	For Your Information
GCC	Global Climate Change
Gg	Gigagrams
GHG	Greenhouse Gas
GIS	Geographic Information System
GISD	Geographic Information Services Database
GgCO <sub>2</sub> e	Gigagrams of carbon dioxide equivalent
GLO	General Land Office
GP	General Plan
GPA	General Plan Amendment
gpd	Gallons per Day
gpm	Gallons per minute
GPS	Global Positioning System
GSA	Groundwater Sustainability Agencies
GVWR	Gross Vehicle Weight Rating
GWP	Global Warming Potential
H <sub>2</sub> O	Water Vapor
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HCS+	Highway Capacity Software Plus
HDV	Heavy-duty vehicles
HFCs	Hydrofluorocarbons
HET	High-Efficiency Toilet
HI	Hazard Index
HMBEP	Hazardous Materials Business Emergency Plan





HMMD	Hazardous Materials Management Division
HMMP	Hazardous Materials Management Plan
HMTA	Hazardous Materials Transportation Act
HMTAUSA	Hazardous Materials Transportation Uniform Safety Act
Hp	horsepower
HPLV	High Pressure Low Volume
HRI	Historical Resource Inventory
HSC	Health and Safety Code
HUC	Hydrologic Unit Code
HVAC	Heating, Ventilation, and Air Conditioning
I	Interstate
i.e.	that is
IA	Implementing Agreement
IBC	International Building Code
ICU	Intersection Capacity utilization
ID	Identification
IE	Infrastructure Element
IEPR	Integrated Energy Policy Report
INCE	Institute of Noise Control Engineering
IPCC	Intergovernmental Panel on Climate Change
IRP	Installation Restoration Program
IS	Initial Study
ITE	Institute of Transportation Engineers
ITS	intelligent transportation systems
JD	Jurisdictional Delineation
JPA	Joint Powers Authority
JPR	Joint Project Review
kg	kilogram
kBTU	kilo-British thermal units
kWh	kilowatt-hour
LACDPW	Los Angeles County Department of Public Works
LACSD	Los Angeles County Sanitation District
LACFD	Los Angeles County Fire Department
LACTMA	Los Angeles County Metropolitan Transport Authority
LAFCO	Los Angeles Flood Control District
LAFCO	Local Agency Formation Commission
LARWQCB	Los Angeles Regional Water Quality Control Board



LBP	Lead based paint
lbs	pounds
LBVI	least Bell's vireo
LCA	Life-cycle analysis
LCFS	low carbon fuel standard
LDA	Light duty autos
LDV	Light duty vehicles
LED	light-emitting diode
Leq	equivalent continuous sound level
LHD	light-heavy duty trucks
LID	low impact development
Lmax	Maximum level measured over the time interval
Lmin	Maximum level measures over the time interval
LOMR	Letter of Map Revision
LOS	Level of Service
LSAA	Lake and Streambed Alteration Agreement
LSTs	Localized Significance Thresholds
LUST	Leaking Underground Storage Tank
M3	Cubic Meter
m-2	heavy manufacturing zone
MACT	Maximum achievable control technology
MBTA	Migratory Bird Treaty Act
MC	Municipal Code
MDP	Master Drainage Plan
MEISC	maximally exposed individual school child
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
mg	milligrams
MGD	million gallons per day
MH	medium-heavy duty truck
MICR	Maximum Individual Cancer Risk
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
MMTCO <sub>2</sub> e	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
Mph	Miles per hour
MPO	Metropolitan Planning Organization
MRZ-3	Mineral Resource Zone 3



MRF	Material Recovery Facility
MS4	Municipal Separate Storm Sewer System
MT	metric ton
MTCO <sub>2</sub> e	Metric Tons of Carbon Dioxide Equivalent
MUTCD	Manual on Uniform Traffic Control Devices
MWD	Metropolitan Water District
N/A	Not Applicable
n/o	North of
N <sub>2</sub>	Nitrogen
n.d.	no date
NAHC	Native American Heritage Commission
NAAQS	National Ambient Air Quality Standards
NAIOP	Commercial Real Estate Association
NATA	National Air Toxic Assessment
NB	Northbound
ND	Negative Declaration
NDC	nationally determined contributions
NEPSSA	Narrow Endemic Plant Species Survey Area
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHP	National Register of Historic Places
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
No.	Number
NO	Nitric Oxide
NO <sub>2</sub>	Nitrogen Dioxide
NOX	Nitrogen Oxides
N <sub>2</sub>	Nitrogen
N <sub>2</sub> O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
n.p.	No page
NPA	No project alternative
NPC	National Park Service
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resources Conservation Service
O <sub>2</sub>	Oxygen



O3	Ozone
OD	Officially Designated
OEHHA	Office of Environmental Health Hazard Assessment
OHWM	Ordinary High-Water Mark
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment
Ord.	Ordinance
Pb	Lead
PCBs	Polychlorinated biphenyls
PCEs	Passenger Car Equivalents
PDF	Project Design Feature
PeMS	Caltrans' Performance System Website
PF	Public Facilities land use designation
PFCs	Perfluorocarbons
PHF	peak hour factor
PHI	Points of Interest
P-I	Public Institutional land use designation
p.m.	Post Meridiem (between the hours of noon and midnight)
PM	Particulate Matter
PM2.5	Fine Particulate Matter (2.5 microns or smaller)
PM10	Fine Particulate Matter (10 microns or smaller)
Porter-Cologne	Porter-Cologne Water Quality Control Act
ppb	parts per billion
ppm	parts per million
pp.	pages
ppt	parts per trillion
PPV	peak particle velocity
PRC	Professional Regulation Commission
PRC	Public Resources Code
PSE	Public Safety Element
PQP	Public/Quasi-Public
PV	photovoltaic
RBBD	Road and Bridge Benefit District
RCA	Regional Conservation Authority
RCP	Reinforced Concrete Pipe
RCP	Regional Comprehensive Plan
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act



Rd.	Road
REC	Recognized environmental Concerns
RECLAIM	Regional Clean Air Incentives Market
REL	Reference Exposure Level
REMEL	Reference Mean Emission Level
RHA	Rivers and Harbor Act of 1899
RIX	Rapid Infiltration Extraction
RME	resource management element
RMP	Resource Management Plan
RMS	root mean square
ROGs	Reactive Organic Gasses
ROW	Right of Way
RPS	Renewable Portfolio Standards
RPW	Relative Permanent Water
RPZ	Runway Protection Zone
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RV	Recreational Vehicle
RWQCB	Regional Water Quality Control Board
s/o	south of
SF/s.f.	square foot or square feet
SARA	Superfund Amendments and Reauthorization Act
SB18	Senate Bill 18, Native American Tribes and Cultural Resources Management
SB	Southbound
SB	Senate Bill
SB 375	California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008
SCAB	South Coast Air Basin
SCAG	Sothern California Association of Governments
SCAQMD	Southern Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCH	California State Clearinghouse (Office of Planning and Research)
SCS	Sustainable Communities Strategy
SCWR	Southern Cottonwood Willow Riparian
SF6	Sulfur Hexafluoride
SLF	Sacred Lands File
SGMA	Sustainable groundwater management act
SHMA	Seismic Hazards Mapping Act



SIP	State Implementation Plan
SKR	Stephens' Kangaroo Rat
SMARA	Surface Mining Reclamation Act
SNUR	Significant New Use Rule
SO <sub>2</sub>	Sulfur Dioxide
SO <sub>4</sub>	Sulfates
SOX	Sulfur Oxides
SOI	Sphere of Influence
SP	Specific Plan
SPA	Specific Plan Amendment
SPT	Standard Penetration Test
SR	State Route
SRA	Source Receptor Area
SRRE	Source Reduction and Recycling Element
St.	Street
STC	Sound Transmission Class
SURGO	Soil Survey Geographic
SUSMP	Standard Urban Stormwater Management Plan
SWANCC	Solid Waste Agency of Northern Cook County vs. USACE
SWFF	Southwestern willow flycatcher
SWH	solar water heaters
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Regional Control Board
TAC	Toxic Air Contaminants
TBD	To be determined
TEA-21	Transportation Equality Act for 21st Century
TIA	Traffic Impact Analysis
TNW	Traditional Navigable Water
TPM	Tentative Parcel Map
TRUs	Transportation Refrigeration Units
TS	Traffic Signal
TSCEA	Toxic Substance Control Act
TSF	Thousand Square Feet
TTM	Tentative Tract Map
TUMF	Transportation Uniform Mitigation Fee
µg	microgram
UBC	Uniform Building Code
UNFCCC	United Nations' Framework Convention on Climate Change





URBEMIS	URBan EMISsions
U.S.	United States
USACE	United States Army Corps of Engineers
USCB	United States Census Bureau
USEPA	United States Environmental Protection Agency
USDA	U.S. Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Society
USTs	Underground storage tanks
UWMP	Urban Water Management Plan
V/C	Volume to Capacity Ratio
VFP	Vehicle Fueling Positions
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
VPH	Vehicles per Hour
WDR	Water discharge report
w/o	West of
WoUS	Waters of the United States
WoS	Waters of the State
WQC	Water Quality Certification Program
WQMP	Water Quality Management Plan
WRF	Water Reclamation Facility
WRP	Water Reclamation Plan
WRRRA	Water Reuse and Recycle Act
WSA	Water Supply Assessment
YBP	Years before Present
Yr	year
ZC	Zone change



## S.0 EXECUTIVE SUMMARY

### S.1 INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

This Environmental Impact Report (EIR), having California State Clearinghouse (SCH) No. 2022030544, was prepared in accordance with CEQA Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed Sierra Business Center (hereafter, the "Project" or "proposed Project"). The Sierra Business Center is comprised of two separate and independent projects, the Sierra Industrial Facility (hereinafter the "Shea Project") and the North Fontana Industrial Complex (hereinafter the "Acacia Project"), both of which are evaluated in this EIR. This EIR does not recommend approval or denial of either the proposed Shea or Acacia Project; rather, this EIR is a source of factual information regarding potential impacts that the Shea and/or Acacia Project may cause to the physical environment. The Draft EIR will be available for public review for a minimum period of 45 days. After consideration of public comment, the City of Fontana will consider certifying the Final EIR and adopting required findings.

This Executive Summary complies with CEQA Guidelines Section 15123, "Summary." This EIR includes a description of the proposed Shea and Acacia Projects individually and collectively and evaluates the physical environmental effects that could result from Shea and/or Acacia Project implementation. Pursuant to CEQA Guidelines § 15063(a), when a lead agency can determine that an EIR will be required for a project, an Initial Study is not required. An Initial Study was not prepared for this Project, however, the City of Fontana has determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines §15161, is required. As stated in CEQA Guidelines §15161, a Project EIR should "...focus primarily on the changes in the environment that would result from the development project," and "...examine all phases of the project including planning, construction, and operation."

The City of Fontana determined that the scope of this EIR should cover 20 subject areas. The scope was determined through the independent judgment of the City of Fontana's pursuant to CEQA Guidelines Section 15063, and in consideration of public comment received by the City in response to this EIR's Notice of Preparation (NOP). The NOP and written comments received by the City in response to the NOP, are attached to this EIR as *Technical Appendix A*. As determined by the City and in consideration of public comment on the NOP, the 20 environmental subject areas that could be reasonably and significantly affected by planning, constructing, and/or operating the proposed Shea and Acacia Projects are analyzed herein, including:



- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. Aesthetics                         | 11. Land Use and Planning         |
| 2. Agriculture and Forestry Resources | 12. Mineral Resources             |
| 3. Air Quality                        | 13. Noise                         |
| 4. Biological Resources               | 14. Population and Housing        |
| 5. Cultural Resources                 | 15. Public Services               |
| 6. Energy                             | 16. Recreation                    |
| 7. Geology and Soils                  | 17. Transportation                |
| 8. Greenhouse Gas Emissions           | 18. Tribal Cultural Resources     |
| 9. Hazards and Hazardous Materials    | 19. Utilities and Service Systems |
| 10. Hydrology and Water Quality       | 20. Wildfire                      |

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. For each of the aforementioned subject areas, this EIR describes: 1) the physical conditions that existed at the approximate time this EIR's NOP was filed with the California State Clearinghouse (March 22, 2022); 2) discloses the type and magnitude of potential environmental impacts resulting from Shea and Acacia Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that the proposed Shea and Acacia Projects may cause. A summary of the proposed Shea and Acacia Projects' significant environmental impacts and the mitigation measures imposed by the City of Fontana on the Shea and Acacia Projects to lessen or avoid those impacts is included in this Executive Summary as Table S-1, *Shea Project Mitigation Monitoring and Reporting Program*, and Table S-2, *Acacia Project Mitigation Monitoring and Reporting Program*. The City of Fontana applies mitigation measures that it determines 1) are feasible and practical for project applicants to implement, 2) are feasible and practical for the City to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Shea and Acacia Project's impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to impose mitigation measures that are duplicative of mandatory regulatory requirements.

## **S.2 PROJECT OVERVIEW**

### **S.2.1 LOCATION AND SETTING**

As defined in EIR Section 1.0, *Introduction*, for purposes of analysis in this EIR, the "Shea Project Site" consists of an approximately 11.1 net acre (11.5 gross acre) property and the "Acacia Project Site" consists of an approximately 19.0 net acre (19.6 gross acre) property, both 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 Shea and Acacia Project Sites are located approximately 1.3 miles south of Interstate 15 (I-15) and 1.7 miles north of Interstate 210 (I-210). The Shea and Acacia Project Sites' location in a regional context is shown on Figure 3-1, *Regional Map*, in EIR Section 3.0, *Project Description*.

At the local scale, the Shea Project Site is located on the east side of Sierra Avenue approximately 700 feet north of Casa Grande Avenue. The Acacia Project Site is located immediately north of the Shea Project Site,



east of Sierra Avenue and south of Duncan Canyon Road. The Shea and Acacia Project Site's location on a local scale is shown on Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*, in Section 3.0 of this EIR.

### **S.2.2 PROJECT SUMMARY**

When the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the proposed Projects, including all discretionary and administrative approvals and permits required for their implementation.

#### **A. Shea Project**

The Shea Project proposes the construction and operation of a single concrete tilt-up dock high commerce center building (type III-B) with up to 199,999 square feet (s.f) including up to 19,900 s.f. of office space. The legislative actions for the Shea Project entail a proposed General Plan Amendment (GPA No. 21-004) and a Zone Change (ZC No. 21-006) from a residential to light industrial designation. The Shea Project Site-specific actions entail a proposed Design Review Project (DRP No. 21-034) and a Tentative Parcel Map (TPM No. 21-018) to permit the development and operation of a one-building commerce center, and action 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).

#### **B. Acacia Project**

The Acacia Project proposes the construction and operation of two concrete tilt-up dock high commerce center buildings (type III-B). Building 1 would be a maximum of 296,297 s.f. and Building 2 would be a maximum of 88,746 s.f. (for a collective total of 385,043 s.f. of total building area at full buildout). The legislative actions for the Acacia Project entail a proposed General Plan Amendment (GPA No. 21-005) and a Zone Change (ZC No. 21-007) from a residential and commercial to light industrial designation. The Acacia Project Site-specific actions entail a proposed Design Review Project (DRP No. 21-039) and a Tentative Parcel Map (TPM No. 21-022) to permit the development and operation of a two-building commerce center, and action 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).

### **S.2.3 PROJECT OBJECTIVES**

The fundamental purpose and goal of the Shea and Acacia Projects is to accomplish the orderly development of commerce center buildings over an approximately 30.1 net acre area (11.1-acre Shea Project Site and 19.0-acre Acacia Project Site). The Shea and Acacia Projects would achieve this goal through the following objectives.

1. To expand economic development and facilitate job creation in the City of Fontana by establishing new commerce center development along an existing truck route.
2. 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.



3. To develop commerce center buildings in north Fontana that have building heights, floor area ratios, and architectural characteristics that are similar to and compatible with other commerce center buildings that were recently built or recently approved for construction in north Fontana.
4. To develop commerce center buildings along or in close proximity to a designated truck route and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.
5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.

### **S.3 EIR PROCESS**

Following preliminary review of the Shea and Acacia Projects' application materials, the City of Fontana concluded that the Shea and Acacia Projects and their associated implementing actions have the *potential* to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City filed a NOP with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared. The NOP was distributed for a 30-day public review period, which began on March 22, 2022. The City of Fontana received written comments on the scope of the EIR during those 30 days, which were considered by the City during the preparation of this EIR. The City also held an EIR scoping meeting open to the interested public agencies and members of the general public in a remote online format on April 6, 2022.

This EIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day review period. During the 45-day public review period, public notices announcing availability of the Draft EIR will be mailed to interested parties, an advertisement will be published in the Fontana Herald News (a newspaper of general circulation in the Shea and Acacia Project areas), and copies of the Draft EIR and its Technical Appendices will be available for review at the locations indicated in the public notices.

After the close of the 45-day Draft EIR public comment period, the City will prepare and publish responses to written comments it received on the environmental effects of the Shea and Acacia Projects. The Final EIR will be considered for certification by the Fontana City Council. Certification of the Final EIR would be accompanied by the adoption of written findings and a statement of overriding considerations for any significant unavoidable environmental impacts identified in the Final EIR. In addition, the City must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR. A MMRP will be separately prepared and implemented for the Shea Project and Acacia Project to ensure that each Project meets its mitigation obligations. The MMRPs will ensure CEQA compliance during Shea and Acacia Project construction and operation.



#### **S.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED**

CEQA Guidelines Section 15123(b)(2) requires the Lead Agency (City of Fontana) to identify any known issues of controversy in the Executive Summary. The Lead Agency has not identified any issues of controversy associated with the Shea and Acacia Projects after consideration of all comments received in response to the NOP. Notwithstanding, the Lead Agency has identified several issues of local concern including, but not limited to, potential impacts to aesthetics, air quality, artificial lighting, noise, traffic, and public health.

Regarding issues to be resolved, this EIR addresses the environmental issues that are known by the City, and that were identified in the comment letters that the City of Fontana received on this EIR's NOP (refer to *Technical Appendix A*), and comments received during the EIR scoping meeting. Items raised in written comment to the NOP are summarized in Table 1-1, *Summary of NOP and Scoping Meeting Comments*, in Section 1.0 of this EIR.

#### **S.5 ALTERNATIVES TO THE PROPOSED PROJECT**

In compliance with CEQA Guidelines Section 15126.6, an EIR must describe a range of reasonable alternatives to the project. A brief description of the alternatives to the Shea and Acacia Projects considered in this EIR is provided below; a detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. The Reduced Project Alternative 1 is identified as the Environmentally Superior Alternative. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis.

##### **S.5.1 NO DEVELOPMENT ALTERNATIVE**

The No Development Alternative considers no development on either the Shea or Acacia Project Sites beyond what occurs on the Shea and Acacia Project Sites under existing conditions. Under this Alternative, the approximately 11.5 gross acre Shea Project Site and the 19.6 gross acre Acacia Project Site would remain undeveloped with the exception of the one residential structure and a shed that are located in the southwest corner of the Shea Project Site, which would remain. No roadway frontage improvements would occur to either Sierra Avenue or Duncan Canyon Road. The Shea and Acacia Project Sites would be subject to routine maintenance (i.e. discing) for weed abatement. This Alternative is considered to compare the environmental effects of the Shea and Acacia Projects with an alternative that would leave both the Shea and Acacia Project Site in their existing state.

Implementation of the No Development Alternative would result in no physical environmental impacts to the Shea and Acacia Project Site beyond those that have previously occurred on the property or that will continue to occur as a result of routine maintenance and existing use. All significant effects of the Shea and Acacia Projects would be avoided by the selection of this alternative. The No Development Alternative would fail to meet all of the Project's objectives.





### **S.5.2 NO PROJECT ALTERNATIVE**

The No Project Alternative considers development of both the Shea and Acacia Project Sites in accordance with the existing land use designation of Multi-family High Density Residential (R-MFH) for the Shea Project Site and R-MFH and General Commercial (C-G) for the Acacia Project Site. The R-MFH land use designation is the highest-density residential category in Fontana and allows up to 50 dwelling units per acre. The C-G land use designation allows for retail, malls, wholesale, auto dealerships and offices, including medical offices and clinics, that can serve a broader regional population. Under this Alternative, the Shea and Acacia Project Sites would be developed with high density residential housing and commercial development. Containing approximately 4.5 net acres of C-G designated property on the Acacia Project Site and 25.6 net acres of R-MMF property on the Shea and Acacia Projects combined, this Alternative assumes a 4.5 net acre commercial shopping plaza containing 70,000 s.f. of floor space and 1,280 multi-family residential units with a 70% lot coverage and 55-foot structure height as permitted by the City's R-5 Zone. The extent of physical ground disturbance is expected to be the same as would occur under the proposed Shea and Acacia Projects. This Alternative was used to compare the environmental effects of the Shea and Acacia Projects 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 Shea and Acacia Project Site's existing land use and zoning designations.

Implementation of the No Project Alternative would result in identical physical environmental impacts as compared to the Shea and Acacia Projects 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 (commercial and 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 Project Alternative, but total vehicle trips would increase trips, operational impacts related to air quality, GHG, and noise would be similar under the No Project Alternative and the GHG impact would remain significant and unavoidable. The Shea and Acacia Project's VMT impact would be omitted as the No Project Alternative's VMT impact would be based on service population and less than significant. The No Project Alternative would not meet any of the Project's objectives.

### **S.5.3 REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT**

The Reduced Project Alternative 1 considers the development of the Shea Project as proposed and no development of the Acacia Project. Under this Alternative, the Shea Project Site would be developed with the proposed one-building commerce center and the Acacia Project Site would remain undeveloped as it is under existing conditions. The Reduced Project Alternative 1 would reduce the Shea and Acacia Project's less than significant impacts to biological resources including elimination of the Acacia Project's significant impact to Parry's spineflower, and reduce the Project's less than significant impacts to cultural resources, energy, geology and soils, hydrology and water quality, noise public services, recreation, tribal cultural resources, utilities and service systems, and increase potential wildfire impacts because the Acacia Project Site would not be developed. All other impacts from the Reduced Project Alternative 1 would be similar to the Shea and





Acacia Projects. The Reduced Project Alternative 1 would meet all of the Shea and Acacia Project's objectives; however, only the Shea Project would be constructed and become operational, and the Acacia Project would not be developed. As such, the Project objectives would be met to a lesser extent than the Shea and Acacia Projects.

#### **S.5.4 REDUCED PROJECT ALTERNATIVE: ACACIA PROJECT DEVELOPMENT**

The Reduced Project Alternative 2 considers the development of the Acacia Project as proposed and no development of the Shea Project. Under this Alternative, the Acacia Project Site would be developed with the proposed two-building commerce center and the Shea Project Site would remain undeveloped, with the exception of the one single-family residence, as it is under existing conditions. The Reduced Project Alternative 2 would reduce the Shea and Acacia Projects' less than significant impacts to biological resources, cultural resources, energy, geology and soils, hydrology and water quality, noise public services, recreation, tribal cultural resources, utilities and service systems, and increase potential wildfire impacts because the Shea Project Site would remain undeveloped. The significant and unavoidable GHG impact would be reduced but not avoided and significant air quality and land use impacts associated with inconsistency with the SCAQMD AQMP would be reduced but not avoided. The transportation impact associated with VMT would not be avoided or reduced and remain significant and unavoidable. All other impacts from the Reduced Project Alternative 2 would be similar to the Shea and Acacia Projects. The Reduced Project Alternative 2 would meet all of the Shea and Acacia Project's objectives; however, only the Acacia Project would be constructed and become operational, and the Shea Project would not be developed. As such, the Project objectives would be met to a lesser extent than the Shea and Acacia Projects.

### **S.6 SUMMARY OF IMPACTS, MITIGATION MEASURES, AND CONCLUSIONS**

#### **S.6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT**

An Initial Study was not prepared for the proposed Shea and Acacia Projects, and thus this EIR evaluates all of the environmental subjects listed in Appendix G to the CEQA Guidelines. There were no issues found to be not significant as a result of the Shea and Acacia Project's NOP process.

#### **S.6.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROPOSED PROJECT**

Table S-1 and Table S-2 provide a summary of the Shea and Acacia Project's environmental impacts, respectively, as required by CEQA Guidelines Section 15123(a). Also presented are the mitigation measures recommended by the City of Fontana to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures, the Shea and Acacia Projects would result in the following significant and unavoidable environmental effects.

Air Quality Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.



Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact. A majority of the Shea and Acacia Projects' greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen), Fontana Ordinance No. 1849 to reduce area-source and mobile-source emissions, neither the Project Applicants nor the City of Fontana can substantively or materially affect additional reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Projects' greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Land Use Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan is a plan adopted for the purpose of avoiding or reducing environmental effects and relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.

Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts. The Acacia Project and the Shea and Acacia Projects combined are unable to achieve a vehicle miles traveled (VMT) trip length that is 15 percent or more below the regional average vehicle trip length based on the Project's service population. Beyond the Projects' design features, the presence of a sidewalk and bike lane along Sierra Avenue, and a planned trail in the adjacent SCE easement, feasible mitigation is not available to reduce the VMT impact to below significant. The Acacia Project and the Shea and Acacia Projects combined also would result in an unavoidable conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Projects would generate VMT that is above the regional baseline.



Table S-1 Shea Project Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>4.1 Aesthetics</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Shea Project would not substantially affect a scenic vista. The Shea Project Site does not contain any designated scenic vistas or scenic corridors. The Shea Project would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Shea Project Site is not located within the viewshed of a scenic highway and does not contain scenic resources.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: No Impact.</u> The Shea Project is located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d: Less-than-Significant Impact.</u> Compliance with Fontana Municipal Code and Fontana	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
General Plan requirements for artificial lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.					
<b>4.2 Agriculture and Forestry</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: No Impact.</u> As mapped by the CDC's FMMP, the Shea Project Site is classified by the FMMP as "Grazing Land." Based on the FMMP, the Shea Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Shea 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 Shea 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



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold c: No Impact.</u> The Shea Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Thresholds d and e: No Impact.</u> There are no forest lands in the Shea Project vicinity, and no lands in the Shea Project vicinity are zoned for timberland, timberland production, or forest uses. The Shea 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
<b>4.3 Air Quality</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Shea Project would require a change to the General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance.	No mitigation is available.	N/A	N/A	N/A	Significant and Unavoidable Direct and Cumulatively-Considerable Impact
<u>Threshold b:</u> Shea Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Thus, the Shea 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:</u> Implementation of the Shea 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:</u> The Shea Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Shea Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>4.4 Biological Resources</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Shea Project's construction would remove habitat for the Los Angeles pocket mouse, the coast horned lizard, and the coastal whiptail, which could result in injury or death of individual species, and which is considered a significant direct and cumulatively-considerable impact to these Special Species of Concern. If construction activities encroach onto adjacent off-site undeveloped parcels, potentially significant indirect effects also could occur.	<b>MM 4.4-2</b> Prior to the issuance of a grading permit or any other permit that would authorize vegetation removal, the applicant is required to retain the services of a qualified biologist to monitor grubbing, clearing, and mass grading activities for sensitive animal species including Los Angeles pocket mouse, coast horned lizard and coastal whiptail. The biologist shall be required to be present during grubbing, clearing, and mass grading activities and if these species are observed, the biologist shall direct or move these animals out of harm's way to the extent practicable, to a location of suitable habitat outside of the project's impact footprint. The grubbing, clearing, and mass grading contractor(s) shall be required via a note on the grading plans to follow the instructions of the monitoring biologist.	Shea Project Applicant	City of Fontana	Prior to the issuance of a grubbing permit or grading permit	Less-than-Significant Impact
	<b>4.4-3</b> At the initiation of construction activities, temporary construction fencing covered with a tarp or other solid barrier material shall be placed along the northern and southern property boundaries where construction activity would occur adjacent to undeveloped land to denote the physical	Shea Project Applicant	City of Fontana	At the initiation of construction	





THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	limits of construction activity. The temporary fencing shall remain in place until the project's permanent perimeter wall or fence is erected. No construction activity shall be permitted to encroach beyond the demarked limits of construction.				
<u>Threshold b:</u> The Shea Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Shea Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> No State- or federally-protected wetlands are located on the Shea Project Site; therefore, no impact to wetlands would occur.	No mitigation is required.	N/A	N/A	N/A	No impact.
<u>Threshold d:</u> There is no potential for the Shea Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Shea 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.	<b>MM 4.4-4</b> 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 ground-disturbing activities must occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist 3 days prior to the ground-disturbing activities. If birds are found to be nesting inside or	Shea Project Applicant; Shea 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



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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.				
<u>Threshold e:</u> The Shea 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:</u> The Shea 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.
<b>4.5 Cultural Resources</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> One historic-period residence is located on the Shea Project that would be demolished to construct the Shea Project, but the structure does not meet the CEQA Guidelines Section 15064.5 definition of a significant historical resource. Therefore, no significant historic resources could be altered	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
or destroyed by construction or operation of the Shea Project, and impacts to historic resources would be less than significant.					
<u>Threshold b: Significant Direct and Cumulatively-Considerable Impact.</u> No known prehistoric resources are present on the Shea Project Site and the likelihood of uncovering buried prehistoric resources on the Shea Project Site is low due to the magnitude of past ground disturbance on the Shea Project Site. Nonetheless, the potential exists for Shea Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Shea Project-related construction activities.	<b>MM 4.5-1</b> Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities within 60 feet of the find or 100 feet of the find if funerary objects are present until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by a qualified archaeologist meeting the Secretary of the Interior Standards and tribal monitor/ consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes including the Yuhaaviatam of San Manuel Nation Cultural Resources Department and/or the Gabrieleno Band of Mission Indians – Kizh Nation) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.	Shea Project Applicant; Shea Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found during the Shea Project's construction	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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 culturally affiliated 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.	Shea Project Applicant; Shea Project Archaeologist	City of Fontana Building and Safety Department	If a significant archaeological resource is discovered during the Shea Project's construction	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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.	Shea Project Applicant; Shea Project Archaeologist	City of Fontana Building and Safety Department	During construction	Less-than-Significant Impact with Mitigation
<u>Threshold c: Less-than-Significant Impact.</u> In the unlikely event that human remains are discovered during Shea Project grading or other ground disturbing activities, the Shea 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	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.					
<b>4.6 Energy</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The amount of energy and fuel consumed by construction and operation of the Shea Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Shea 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:</u> The Shea Project would not cause or result in the need for additional energy production or transmission facilities. The Shea 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
<b>4.7 Geology and Soils</b>					
<b>Summary of Impacts</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold a: Less-than-Significant Impact.</u> Implementation of the Shea Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Shea 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 Shea Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> Implementation of the Shea Project would not result in substantial soil erosion or loss of topsoil. The Shea Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Shea Project's owner or operator would be	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
required by law to implement a SWQMP 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 Shea 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 Site-specific geotechnical report during Shea Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> The Shea Project Site contains soils with low susceptibility to expansion; therefore, the Shea 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 installed on the Shea Project Site.	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.					
<u>Threshold f: Significant Direct and Cumulatively Considerable Impact.</u> The Shea Project would not impact any known paleontological resource or unique geological feature and has a low potential to impact such resources due to the existence of coarse, Holocene alluvial fan deposits which do not yield fossils and the lack of any known fossil specimens or fossil localities from within a several-mile radius. Nonetheless, construction activities on the Shea Project Site conducted at depth in alluvium soils have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.	<b>MM 4.6.1</b> Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist (“paleontologist”) has been retained by the Project Applicant or contractor to be on-call should any suspected paleontological resources be unearthed during Project-related construction activities.	Shea Project Applicant; Shea Project Paleontologist	City of Fontana Building and Safety Department	Prior to the issuance of a grading permit	Less-than-Significant Impact with Mitigation Incorporated
	<b>MM 4.7.2</b> If a suspected paleontological resource is discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer by the construction contractor so as to protect the discovery from further potential damage, and the paleontologist shall be consulted to assess the discovery.	Shea Project Applicant; Shea Project Paleontologist	City of Fontana Building and Safety Department	During earth disturbance activities	Less-than-Significant Impact with Mitigation Incorporated
	<b>MM 4.7.3</b> If a discovery is determined to be significant by the paleontologist, the following shall occur:  a. Monitoring of mass grading and excavation activities in areas identified as	Shea Project Applicant; Shea Project Paleontologist	City of Fontana Building and Safety Department	If a significant paleontological resource is discovered on the Shea Project Site	Less-than-Significant Impact with Mitigation Incorporated



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor for the remainder of ground-disturbing construction processes. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sedimentary deposits.</p> <p>b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or 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 on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.</p> <p>c. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils will be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>d. Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place.</p> <p>e. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>f. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>(2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth.</p> <p>g. In the laboratory, individual fossils will be cleaned of extraneous matrix, any breaks will be repaired, and the specimen, if needed, will be stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).</p> <p>h. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>i. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>retrievable storage (e.g., the San Bernardino County Museum) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Fontana) will be consulted on the repository/museum to receive the fossil material.</p> <p>j. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>				
<b>4.8 Greenhouse Gas Emissions</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Shea Project would produce GHG emissions that would not exceed the SCAQMD	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
significance threshold of 3,000 MTCO <sub>2</sub> e per year. As such, the Shea Project would have a less than significant impact on the environment.					
<u>Threshold b: Less-than-Significant Impact.</u> The Shea Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.9 Hazards and Hazardous Materials</b>					
<b>Summary of Impacts</b>					
<u>Thresholds a and b: Less-than-Significant Impact.</u> During Shea Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Shea 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 Shea Project Site is not located within one-quarter mile of any existing or planned school site,	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
but construction and operation activities have the potential to involve transport of hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, which is a truck route. The transport of hazardous materials is required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials, which would reduce impacts to less-than-significant.					
<u>Threshold d: No Impact.</u> The Shea Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code § 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: No Impact.</u> The Shea Project Site is not located within two miles of a public airport or public use airport.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold f: No Impact.</u> The Shea Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Shea Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.					
<u>Threshold g: Less-than-Significant Impact.</u> Although the Shea Project Site is located within a very high fire hazard severity zone, its development would reduce vegetative fuel on the property and as such expose the Site and area to less fire risk than under existing conditions. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.10 Hydrology and Water Quality</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Shea Project would not violate any water quality standards or waste discharge requirements or	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and SWQMP is required as part of the Shea Project's implementation to address construction- and operational-related water quality.					
<u>Threshold b: Less-than-Significant Impact.</u> The Shea Project would not physically impact any of the major groundwater recharge facilities in the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin. The Shea Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Shea Project would impede sustainable groundwater management of the Basin.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The Shea Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Shea Project would not result in flooding on- or off-site or impede/redirect	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
flood flows. Lastly, the Shea 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.					
<u>Threshold d: No Impact.</u> The Shea Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Shea 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
<b>4.11 Land Use Planning</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Shea 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:</u> The Shea Project would require a change to the site's General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance. There is no mitigation available to	No mitigation is available.	N/A	N/A	N/A	Significant and Unavoidable Direct and Cumulatively-Considerable Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
address the land use change, and the City of Fontana has already maximized air pollutant reduction associated with commerce center land uses through the passage of Ordinance No. 1879 which applies mandatory sustainability standards to industrial commerce center development projects. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.					
<b>4.12 Mineral Resources</b>					
<b>Summary of Impacts</b>					
<u>Thresholds a and b: No Impact.</u> The Shea Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Shea 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.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.13 Noise</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Shea 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	<u>Less-than-Significant Impact</u>
<u>Threshold b:</u> The Shea Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> The Shea Project Site is not located within an area exposed to high levels of noise from the ONT Airport. As such, the Shea Project would not expose people to excessive noise levels associated with a public airport or public use airport.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.14 Population and Housing</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The estimated 81 jobs to be generated by the Shea Project are expected to be filled by a labor force that already resides in the	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
region. Accordingly, the Shea Project would not induce substantial unplanned population growth.					
<u>Threshold b: Less-than-Significant Impact.</u> The Shea Project would remove one existing occupied residence. The removal of one home 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
<b>4.15 Public Services</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Shea Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD's existing fire stations have adequate physical capacity to service the Shea 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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold b: Less-than-Significant Impact.</u> The Shea Project increase the demand for police protection services provided by the Fontana Police Department. Service to the Shea 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 Shea Project or other growth in the area. As such, the Shea 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 effect under CEQA; thus, impacts are less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The Shea 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 Shea Project to have a direct physical impact on	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
any school. For these reasons, less-than-significant impacts to school facilities would occur.					
<u>Threshold d: No Impact.</u> The Shea 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 Shea 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 Shea Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Shea Project Site. However, because the Shea Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Shea Project's demand, impacts to public health facilities would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.16 Recreation</b>					
<b>Summary of Impacts</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold a: No Impact.</u> The Shea 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. No deterioration of the planned Class I bicycle facility to the east of the Shea Project Site is expected from use by Shea Project employees. Parks would not be physically affected by the Shea Project.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold b: No Impact.</u> The Shea Project would install the planned Class II bicycle facility along its Sierra Avenue street frontage. No other on- or off-site recreation facilities or expansion of any existing off-site recreational facilities. 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
<b>4.17 Transportation</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Shea Project would not conflict with an applicable program, plan, ordinance	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
or policy addressing the circulation system.					
<u>Threshold b:</u> The Shea Project alone would screen out of the need to conduct a VMT analysis, and thus not exceed the City's significance threshold. Further, the Shea Project would not conflict with the <i>San Bernardino County CMP</i> .	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> The Shea Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d:</u> Adequate emergency access would be provided to the Shea Project Site during construction and long-term operation. The Shea Project would not result in inadequate emergency access to the Shea Project Site or surrounding properties.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.18 Tribal Cultural Resources</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Shea Project has the potential to result in significant impacts to tribal cultural resources in the absence of	Refer to MM 4.5-1 through MM 4.5-3, above	Shea Project Applicant; Shea Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found on	Less-than-Significant Impact with Mitigation Incorporated



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
protective measures in the event that such resources are discovered during ground-disturbing construction activities.				the Shea Project Site; During construction	
<b>4.19 Utilities and Service Systems</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The physical environmental effects associated with installing the Shea 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 WVWD is expected to have sufficient water supplies to service the Shea Project. The Shea Project would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The IEUA would provide wastewater treatment services to the Shea Project site via RP-4. These facilities have adequate capacity to	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
service the Shea Project and no new or expanded facilities would be needed.					
<u>Threshold d: Less-than-Significant Impact.</u> There is adequate capacity available at the Mid Valley Landfill to accept the Shea Project's solid waste during both construction and long-term operation. The Shea 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 Shea Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.20 Wildfire</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> During construction and as part of ongoing operations at the Shea Project Site, the City will require that adequate access for emergency vehicles be maintained.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
No emergency routes would be affected by the Project. Accordingly, the Shea 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.					
<u>Threshold b: Less-than-Significant Impact.</u> Due to the developed nature of the surrounding area and requirements to construct the Shea Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Shea Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The Shea Project proposes the development of a single commerce center building, no components of which would trigger the installation or maintenance of wildfire management features that	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR SHEA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
could result in exacerbated fire risks.					
<u>Threshold d: Less-than-Significant Impact.</u> There is no potential that the Shea Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Shea Project Site exhibits little topographic variation, and development on the Shea 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, instability, or changes in downstream drainage patterns.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



Table S-2 Acacia Project Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>4.1 Aesthetics</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Acacia Project would not substantially affect a scenic vista. The Acacia Project Site does not contain any designated scenic vistas or scenic corridors. The Acacia Project would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Acacia Project Site is not located within the viewshed of a scenic highway and does not contain scenic resources.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: No Impact.</u> The Acacia Project is located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d: Less-than-Significant Impact.</u> Compliance with Fontana	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
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 the area from on-site lighting elements.					
<b>4.2 Agriculture and Forestry</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: No Impact.</u> As mapped by the CDC's FMMP, the Acacia Project Site is classified by the FMMP as "Grazing Land." Based on the FMMP, the Acacia Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Acacia 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 Acacia 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



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold c: No Impact.</u> The Acacia Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Thresholds d and e: No Impact.</u> There are no forest lands in the Acacia Project vicinity, and no lands in the Acacia Project vicinity are zoned for timberland, timberland production, or forest uses. The Acacia 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
<b>4.3 Air Quality</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Acacia Project would require a change to the General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance.	No mitigation is available.	N/A	N/A	N/A	Significant Direct and Cumulatively-Considerable Impact
<u>Threshold b:</u> Acacia Project construction and operational activities would not exceed the applicable SCAQMD regional	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
threshold for any criteria pollutant. Thus, the Acacia 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:</u> Implementation of the Acacia 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:</u> The Acacia Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Acacia Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
odorous emissions that would create a public nuisance.					
<b>4.4 Biological Resources</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Acacia Project would result in the direct removal of 1,396 individual Parry's spineflower plants, which represents a significant direct and cumulatively considerable adverse effect on this California Rare Plant Rank 1B.1 species. The Acacia Project's construction also would remove habitat for the Los Angeles pocket mouse, the coast horned lizard, and the coastal whiptail which could result in injury or death of individual species, which is considered a significant direct and cumulatively-considerable impact to these Special Species of Concern. If construction activities encroach onto adjacent off-site undeveloped parcels, potentially significant indirect effects also could occur.	<b>4.1-1</b> Prior to the issuance of a grading permit or any other permit that would authorize vegetation removal, the applicant is required to mitigate for the loss of Parry's spineflower plants and habitat for the Los Angeles pocket mouse through one or a combination of the following methods.  1. The applicant shall acquire and preserve in perpetuity an off-site property containing at least 1,396 Parry's spineflower plants. The property shall be located in the Inland Empire and proof of acquisition and perpetual preservation shall be provided to the City of Fontana. Preserved habitat shall be protected with a deed restriction or conservation easement recorded in favor of the local jurisdiction or a local conservation entity.  2. The applicant shall retain a qualified restoration ecologist with experience developing	Acacia Project Applicant	City of Fontana	Prior to issuance of a grubbing or grading permit	Less-than-Significant



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	mitigation plans for sensitive plant species to prepare a Parry's Spineflower Mitigation Plan (Plan) in consultation with the Rancho Santa Ana Botanic Gardens or other qualified entity that has experience with Parry's spineflower. The Plan shall include, at a minimum: (1) collection/salvage methods for Parry's spineflower seed and topsoil from the Acacia Project Site; (2) details regarding the transfer, with or without temporary storage, of the collected/salvaged seed and topsoil; (3) a time schedule for salvage and seeding at a recipient site; (4) identification of an available and suitable location in the City of Fontana or nearby area in the range of the Parry's spineflower with suitable sandy soil that will function as the recipient site for the collected/salvaged seed and soil; (5) detailed site preparation and introduction techniques for the recipient site; (6) a description of				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	supplemental irrigation at the recipient site, if needed; (7) success criteria based on fast and profuse germination, healthy growth rates, adaptive phenotypic plasticity (ability to sustain in the face of environmental variables at the recipient site), and resistance to and high competitive ability, ensuring long-term survival of at least 1,277 plants in a self-sustaining environment; and (8) a detailed monitoring program, commensurate with the success criteria. The Plan shall be submitted to and approved by the City of Fontana and implementation of the Plan shall be a condition of the grading permit. The recipient site shall be protected with a deed restriction or conservation easement recorded in favor of the local jurisdiction or a local conservation entity. Monitoring and maintenance of the recipient site by a qualified biologist shall be required for 5 years or until the success criteria goals of the Plan have been met.				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>3. The applicant shall pay fees into a mitigation bank or in lieu fund established in whole or in part for the purpose of preserving Parry's spineflower plants, to mitigate for the loss of 1,396 plants. Proof of fee payment shall be provided to the City of Fontana.</p>				
	<p><b>4.4-2</b> Prior to the issuance of a grading permit or any other permit that would authorize vegetation removal, the applicant is required to retain the services of a qualified biologist to monitor grubbing, clearing, and mass grading activities for sensitive animal species including Los Angeles pocket mouse, coast horned lizard and coastal whiptail. The biologist shall be required to be present during grubbing, clearing, and mass grading activities and if these species are observed, the biologist shall direct or move these animals out of harm's way to the extent practicable, to a location of suitable habitat outside of the project's impact footprint. The grubbing, clearing, and mass grading contractor(s) shall be required via a note on the grading plans to follow the instructions of the monitoring biologist.</p>	Acacia Project Applicant	City of Fontana	Prior to the issuance of a grubbing permit or grading permit	



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<b>4.4-3</b> At the initiation of construction activities, temporary construction fencing covered with a tarp or other solid barrier material shall be placed along the northern and southern property boundaries where construction activity would occur adjacent to undeveloped land to denote the physical limits of construction activity. The temporary fencing shall remain in place until the project's permanent perimeter wall or fence is erected. No construction activity shall be permitted to encroach beyond the demarked limits of construction.	Shea Project Applicant	City of Fontana	At the initiation of construction	
<u>Threshold b:</u> The Acacia Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Acacia Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> No State- or federally-protected wetlands are located on the Acacia Project Site; therefore, no impact to wetlands would occur.	No mitigation is required.	N/A	N/A	N/A	No impact.
<u>Threshold d:</u> There is no potential for the Acacia Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Acacia	<b>MM 4.4-4</b> 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	Acacia Project Applicant; Acacia Project Biologist	City of Fontana	Prior to the issuance of a grubbing permit or grading permit and within 3 days of	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
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.	period February 1 through September 15). If ground-disturbing activities must occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified 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.			ground-disturbing activities	
<u>Threshold e:</u> The Acacia 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:</u> The Acacia 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.
<b>4.5 Cultural Resources</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> No Impact. No historic resources, as defined by CEQA Guidelines Section 15064.5,	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
are present on the Acacia Project Site; therefore, no historic resources could be altered or destroyed by construction or operation of the Acacia Project.					
<u>Threshold b: Significant Direct and Cumulatively-Considerable Impact.</u> No known prehistoric resources are present on the Acacia Project Site and the likelihood of uncovering buried prehistoric resources on the Acacia Project Site is low due to the magnitude of historic ground disturbance on the Acacia Project Site. Nonetheless, the potential exists for Acacia Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Acacia Project-related construction activities.	<b>MM 4.5-1</b> Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities within 60 feet of the find or 100 feet of the find if funerary objects are present until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by a qualified archaeologist meeting Secretary of Interior standards and tribal monitor/ consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes including the Yuhaaviatam of San Manuel Nation Cultural Resources Department and/or the Gabrieleno Band of Mission Indians – Kizh Nation) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe(s) will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.	Acacia Project Applicant; Acacia Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found during the Acacia Project's construction	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p><b>MM 4.5-2</b> 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 culturally affiliated 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.</p>	Acacia Project Applicant; Acacia Project Archaeologist	City of Fontana Building and Safety Department	If a significant archaeological resource is discovered during the Acacia Project's construction	Less-than-Significant Impact with Mitigation
	<p><b>MM 4.5-3</b> 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</p>	Acacia Project Applicant; Acacia Project Archaeologist	City of Fontana Building and Safety Department	During construction	Less-than-Significant Impact with Mitigation



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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 Acacia Project grading or other ground disturbing activities, the Acacia 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
<b>4.6 Energy</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The amount of energy and fuel consumed by construction	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
and operation of the Acacia Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Acacia Project would not cause or result in the need for additional energy facilities or energy delivery systems.					
<u>Threshold b:</u> The Acacia Project would not cause or result in the need for additional energy production or transmission facilities. The Acacia 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
<b>4.7 Geology and Soils</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> Implementation of the Acacia Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Acacia Project Site is subject to seismic ground shaking associated with earthquakes;	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



<b>THRESHOLD</b>	<b>MITIGATION MEASURES (MM) FOR ACACIA PROJECT</b>	<b>RESPONSIBLE PARTY</b>	<b>MONITORING PARTY</b>	<b>IMPLEMENTATION STAGE</b>	<b>LEVEL OF SIGNIFICANCE AFTER MITIGATION</b>
however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Acacia 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 Acacia Project would not result in substantial soil erosion or loss of topsoil. The Acacia Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Acacia Project's owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> There is no potential for the Acacia Project's construction or operation to cause, or be impacted	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
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 Site-specific geotechnical report during Acacia Project construction.					
<u>Threshold d: No Impact.</u> The Acacia Project Site contains soils with low susceptibility to expansion; therefore, the Acacia 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 installed on the Acacia Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold f: Significant Direct and Cumulatively Considerable Impact.</u> The Acacia Project would not impact any known paleontological	<b>MM 4.7.1</b> Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist (“paleontologist”)	Acacia Project Applicant; Acacia Project Paleontologist	City of Fontana Building and Safety Department	Prior to the issuance of a grading permit	Less-than-Significant Impact with Mitigation Incorporated



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
resource or unique geological feature and has a low potential to impact such resources due to the existence of coarse, Holocene alluvial fan deposits which do not yield fossils and the lack of any known fossil specimens or fossil localities from within a several-mile radius. Nonetheless, construction activities on the Acacia Project Site conducted at depth in alluvium soils have the potential to unearth and adversely impact paleontological resources that may be buried beneath the ground surface.	<p>has been retained by the Project Applicant or contractor to be on-call should any suspected paleontological resources be unearthed during Project-related construction activities.</p> <p><b>MM 4.7.2</b> If a suspected paleontological resource is discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer by the construction contractor so as to protect the discovery from further potential damage, and the paleontologist shall be consulted to assess the discovery.</p> <p><b>MM 4.7.3</b> If a discovery is determined to be significant by the paleontologist, the following shall occur:</p> <p>a. Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor for the remainder of ground-disturbing construction processes. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sedimentary deposits.</p>	<p>Acacia Project Applicant; Acacia Project Paleontologist</p> <p>Acacia Project Applicant; Acacia Project Paleontologist</p>	<p>City of Fontana Building and Safety Department</p> <p>City of Fontana Building and Safety Department</p>	<p>During earth disturbance activities</p> <p>If a significant paleontological resource is discovered on the Shea Project Site</p>	<p>Less-than-Significant Impact with Mitigation Incorporated</p> <p>Less-than-Significant Impact with Mitigation Incorporated</p>





THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or 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 on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.</p> <p>c. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place.</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils will be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.</p> <p>d. Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place.</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>e. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>f. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth.</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>g. In the laboratory, individual fossils will be cleaned of extraneous matrix, any breaks will be repaired, and the specimen, if needed, will be stabilized by soaking in an archivally approved acrylic hardener (<i>e.g.</i>, a solution of acetone and Paraloid B-72).</p> <p>h. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>i. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (<i>e.g.</i>, the San Bernardino County Museum) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (<i>e.g.</i>, the City of Fontana) will</p>				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>be consulted on the repository/museum to receive the fossil material.</p> <p>j. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (<i>i.e.</i>, fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>				
<b>4.8 Greenhouse Gas Emissions</b>					
<b>Summary of Impacts</b>					
Threshold a: <u>Cumulatively Considerable Impact</u> . The Acacia Project would produce GHG emissions that exceed the SCAQMD significance threshold of 3,000 MTCO <sub>2</sub> e per year. As such, the Acacia Project would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment.	The Shea and Acacia Projects 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 solar-ready roofs, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle	Acacia Project Applicant	City of Fontana Building and Safety Department	During construction	Significant Unavoidable Cumulatively-Considerable Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	idling, as required by Ordinance No. 1879). Although mandatory compliance with applicable State and local regulations would reduce Shea and Acacia Project-related GHG emissions, these requirements would not reduce the Shea and Acacia Project' mobile source GHG emissions (i.e., emissions from construction equipment, passenger cars, and heavy-duty trucks), which comprise approximately 66 percent of all Shea and Acacia Project-related GHG emissions, below the level considered significant by the SCAQMD. As advancements in vehicle technology progress, it is expected that a higher percentage of vehicles including trucks will be electric-powered than occurs today. However, until vehicle technology advances and electric trucks are more commonly commercially available with enough power to haul heavy loads over long distances, it is reasonable to assume that the truck fleet that will access the Project Sites will be diesel-powered. 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 of Fontana, the Shea and Acacia				



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Project Applicants, and future Shea and Acacia Project occupants. The City of Fontana has been progressive with adoption of Ordinance No. 1879, with the goal to accelerate air quality pollutant and GHG emission reductions to the extent practical, covering items that are within the jurisdictional control of the City and feasible for commerce center developers and operators to implement. 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. No other mitigation measures are available that are feasible for the City to enforce, beyond those already required by regulations including City Ordinance No. 1897, that have a proportional nexus to the Shea and Acacia Projects' level of impact.				
<u>Threshold b: Less-than-Significant Impact.</u> The Acacia Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.9 Hazards and Hazardous Materials</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>Summary of Impacts</b>					
<u>Thresholds a and b: Less-than-Significant Impact.</u> During Acacia Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Acacia 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 Acacia Project Site is not located within one-quarter mile of any existing or planned school site, but construction and operation activities have the potential to involve transport of hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, which is a truck route. The transport of hazardous materials is required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials, which would	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
reduce impacts to less-than-significant.					
<u>Threshold d: No Impact.</u> The Acacia Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code § 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: No Impact.</u> The Acacia Project Site is not located within two miles of a public airport or public use airport.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold f: No Impact.</u> The Acacia 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, implementation of the Acacia Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold g: Less-than-Significant Impact.</u> Although the Acacia Project Site is located within a very high fire hazard severity zone, its	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
development would reduce vegetative fuel on the property and as such expose the Site and area to less fire risk than under existing conditions. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.					
<b>4.10 Hydrology and Water Quality</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Acacia 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 SWQMP is required as part of the Acacia 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 Acacia Project would not physically impact any of the major groundwater recharge facilities in the Upper Santa Ana	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Valley Groundwater Basin, Rialto-Colton Subbasin. The Acacia Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Acacia Project would impede sustainable groundwater management of the Basin.					
<u>Threshold c: Less-than-Significant Impact.</u> The Acacia Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Acacia Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Acacia 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 Acacia Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold e: Less-than-Significant Impact. The Acacia 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
<b>4.11 Land Use Planning</b>					
<b>Summary of Impacts</b>					
Threshold a: The Acacia Project would not physically divide an established community.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: The Acacia Project would require a change to the site's General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance. There is no mitigation available to address the land use change, and the City of Fontana has already maximized air pollutant reduction associated with commerce center land uses through the passage of Ordinance No. 1879 which applies mandatory sustainability standards to industrial commerce center development projects. The City would ensure compliance with the requirements of Ordinance No.	No mitigation is available.	N/A	N/A	N/A	Significant and Unavoidable Direct and Cumulatively-Considerable Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
1879 as part of their standard building permit review/approval and site inspection processes.					
<b>4.12 Mineral Resources</b>					
<b>Summary of Impacts</b>					
<u>Thresholds a and b: No Impact.</u> The Acacia Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Acacia 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.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.13 Noise</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> The Acacia 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



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold b:</u> The Acacia Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> The Acacia Project Site is not located within an area exposed to high levels of noise from the ONT Airport. As such, the Acacia Project would not expose people to excessive noise levels associated with a public airport or public use airport.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.14 Population and Housing</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The estimated 155 jobs to be generated by the Acacia Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Shea 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: No Impact.</u> No residences are located on the Acacia Project Site and no displacements of housing or people would occur with the Acacia Project.	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<b>4.15 Public Services</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The Acacia Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD's existing fire stations have adequate physical capacity to service the Acacia 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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Acacia Project would increase the demand for police protection services provided by the Fontana Police Department. Service to the Acacia 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 Acacia Project or other growth in the area. As such, the Acacia Project would	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



<b>THRESHOLD</b>	<b>MITIGATION MEASURES (MM) FOR ACACIA PROJECT</b>	<b>RESPONSIBLE PARTY</b>	<b>MONITORING PARTY</b>	<b>IMPLEMENTATION STAGE</b>	<b>LEVEL OF SIGNIFICANCE AFTER MITIGATION</b>
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 effect under CEQA; thus, impacts are less-than-significant.					
<u>Threshold c: Less-than-Significant Impact.</u> The Acacia 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 Acacia 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 Acacia 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 Acacia Project to have a direct physical impact on any library. For these reasons, no	No mitigation is required.	N/A	N/A	N/A	No Impact





THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
impact to library facilities would occur.					
<u>Threshold e: No Impact.</u> The Acacia Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Acacia Project Site. However, because the Acacia Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Acacia Project's demand, impacts to public health facilities would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.16 Recreation</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: No Impact.</u> The Acacia 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. No deterioration of the planned Class I bicycle facility to the east of the Acacia Project Site is expected from use by Acacia	No mitigation is required.	N/A	N/A	N/A	No Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Project employees. Parks would not be physically affected by the Acacia Project.					
<u>Threshold b: No Impact.</u> The Acacia Project would install the planned Class II bicycle facility along its Sierra Avenue street frontage. No other on- or off-site recreation facilities or expansion of any existing off-site recreational facilities. 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
<b>4.17 Transportation</b>					
<b>Summary of Impacts</b>					
<u>Threshold a:</u> Because no feasible mitigation is available to reduce the VMT for the Acacia Project's employees to below the City's calculated average VMT, the Acacia Project's would result in a conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Acacia Project would generate VMT that is above the regional baseline.	Mitigation measures are not available to reduce the Acacia Project's direct and cumulatively-considerable impacts due to Project-related VMT. Transportation Demand Management (TDM) strategies in the form of commute trip reduction program measures could be implemented including commute trip reduction marketing, providing a ridesharing program, implementing subsidized or discounted transit programs, providing end-of-trip facilities, providing employer-sponsored vanpools, price workplace parking, and implementing employee	N/A	N/A	N/A	Significant Direct and Cumulatively-Considerable Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	parking cash-outs. Other regional transportation measures that may reduce VMT include, but are not limited to, improving/increasing access to transit, increasing access to common goods and service, or orientating land uses towards alternative transportation. Neither the Acacia Project Applicant or the City of Fontana has the jurisdictional authority to mandate business practices of private enterprises nor is it feasible for the City to monitor these practices. For these reasons, mitigation to further reduce the Acacia Projects' VMT is not feasible.				
<u>Threshold b:</u> Because no feasible mitigation is available to reduce the VMT for the Acacia Project's employees to below the City's calculated average VMT, the Acacia Project's would result in a significant and unavoidable direct and cumulatively considerable impact under Threshold "b."	Mitigation measures are not available to reduce the Acacia Project's direct and cumulatively-considerable impacts due to Project-related VMT. Transportation Demand Management (TDM) strategies in the form of commute trip reduction program measures could be implemented including commute trip reduction marketing, providing a ridesharing program, implementing subsidized or discounted transit programs, providing end-of-trip facilities, providing employer-sponsored vanpools, price workplace parking, and implementing employee parking cash-outs. Other regional	N/A	N/A	N/A	Significant Direct and Cumulatively-Considerable Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	transportation measures that may reduce VMT include, but are not limited to, improving/increasing access to transit, increasing access to common goods and service, or orientating land uses towards alternative transportation. Neither the Acacia Project Applicant or the City of Fontana has the jurisdictional authority to mandate business practices of private enterprises nor is it feasible for the City to monitor these practices. For these reasons, mitigation to further reduce the Acacia Projects' VMT is not feasible.				
<u>Threshold c:</u> The Acacia Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d:</u> Adequate emergency access would be provided to the Acacia Project Site during construction and long-term operation. The Acacia Project would not result in inadequate emergency access to the Acacia Project Site or surrounding properties.	No mitigation is required.	N/A	N/A	N/A	No Impact
<b>4.18 Tribal Cultural Resources</b>					
<b>Summary of Impacts</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Acacia 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 MM 4.5-1 through MM 4.5-3, above.	Acacia Project Applicant; Acacia Project Archaeologist	City of Fontana Building and Safety Department	If cultural, tribal cultural, or archaeological resources are found on the Acacia Project Site; During construction	Less-than-Significant Impact with Mitigation Incorporated
<b>4.19 Utilities and Service Systems</b>					
<b>Summary of Impacts</b>					
<u>Threshold a: Less-than-Significant Impact.</u> The physical environmental effects associated with installing the Acacia 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 WVWD is expected to have sufficient water supplies to service the Acacia Project. The Acacia Project would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold c: Less-than-Significant Impact.</u> The IEUA would provide wastewater treatment services to the Acacia Project site via RP-4. These facilities have adequate capacity to service the Acacia 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 Acacia Project's solid waste during both construction and long-term operation. The Acacia 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 Acacia Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<b>4.20 Wildfire</b>					
<b>Summary of Impacts</b>					



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<u>Threshold a: Less-than-Significant Impact.</u> During construction and as part of ongoing operations at the Acacia 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 Acacia 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 Acacia Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Acacia Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The Acacia Project	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



THRESHOLD	MITIGATION MEASURES (MM) FOR ACACIA PROJECT	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
proposes the development of two commerce center buildings, no components of which would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks.					
<u>Threshold d: Less-than-Significant Impact.</u> There is no potential that the Acacia Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Acacia Project Site exhibits little topographic variation, and development on the Shea 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, instability, or changes in downstream drainage patterns.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact





## **1.0 INTRODUCTION**

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Fontana (hereinafter the “City”), acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed Sierra Business Center (hereinafter the “Project”). The Sierra Business Center is comprised of two separate and independent projects, the Sierra Industrial Facility (hereinafter the “Shea Project”) and the North Fontana Industrial Complex (hereinafter the “Acacia Project”), both of which are evaluated in this EIR. The City of Fontana opted to evaluate the Shea Project and Acacia Project in a single EIR because the projects are adjacent, propose the same commerce center land use type, and are proposed to be implemented on a similar schedule. Throughout the EIR, the two projects will be evaluated both separately and together as a cumulative project.

To implement the Shea Project and Acacia Project, two Project Applicants, Shea Properties, LLC (hereinafter “Shea Project Applicant”) and Acacia Real Estate Group, Inc. (hereinafter “Acacia Project Applicant”) have requested the City of Fontana’s approval for legislative and site development actions. The Shea Project Applicant is proposing a General Plan Amendment (GPA No. 21-004), Zone Change (ZC No. 21-006), Design Review Project (DRP No. 21-034), and Tentative Parcel Map (TPM No. 21-018). The Acacia Project Applicant is proposing a General Plan Amendment (GPA No. 21-005), Zone Change (ZC No. 21-007), Design Review Project (DRP No. 21-039), and Tentative Parcel Map (TPM No. 21-022). Refer to EIR Section 3.0, *Project Description*, for more information about each of the projects.

When the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the proposed Project, including all discretionary and administrative approvals and permits required for its implementation. When the term “Shea Project Applicant” is used, it shall mean Shea Properties, LLC, and when the term “Acacia Project Applicant” is used, it shall mean Acacia Real Estate Group, Inc., which are the entity that submitted applications to the City of Fontana to entitle the Shea and Acacia Project Sites as proposed and as evaluated in this EIR.

### **1.1 PURPOSES OF CEQA AND THIS EIR**

As stated by CEQA Guidelines Section 15002(a), the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed development activities involving discretionary government approvals (including the approval of private development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and



- Disclose to the public the reasons why the governmental agency approved the project in the manner the agency chose (if the project involves significant environmental effects).

Following a preliminary review of the Projects' application materials, the City concluded that the Shea Project and the Acacia Project and their associated implementing actions, both individually and combined, have the *potential* to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City determined that a Project EIR, as described in CEQA Guidelines Section 15161, would be required. Due to the adjacent locations of the Shea and Acacia Projects, and their similar entitlement process and anticipated construction schedules, the City elected to study both the Shea and Acacia Projects in one EIR. Accordingly, this document serves as a Project EIR. As required by CEQA Guidelines Section 15161, this Project EIR shall "...focus primarily on the changes in the environment that would result from the development project," and "...examine all phases of the project including planning, construction, and operation." Also, in conformance with CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Projects, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Projects, both individually and combined, that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen significant environmental effects.

## **1.2 LIST OF PROJECT APPROVALS**

The Shea Project Applicant proposes to develop one 199,999 square foot (s.f.) commerce center building on an approximately 11.1 net acre (11.5 gross acre) property located on the east side of Sierra Avenue approximately 700 feet north of Casa Grande Avenue, in the City of Fontana, San Bernardino County, California (hereinafter the "Shea Project Site"). The Shea Project Applicant has filed applications for the following discretionary actions, which are under consideration by the City of Fontana:

- **General Plan Amendment (GPA) No. 21-004** proposes to amend the City's General Plan Land Use Map to change the land use designation for the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L).
- **Zone Change (ZC) No. 21-006** proposes to amend the City's Zoning District Map to change the zoning classification of the Shea Project Site from Multi-Family High Density Residential (R-5) to "M-1" Light Industrial.
- **Tentative Parcel Map (TPM) No. 21-018** proposes to consolidate the two existing parcels on the Shea Project Site into one parcel for the development of one commerce center building.
- **Design Review Project (DRP) No. 21-034** proposes a development plan for the Shea Project Site that provides for the construction and operation of one commerce center building. The proposed commerce center would include a maximum of 199,999 square feet (s.f.) of building floor area, including up to 19,900 s.f. of office space at full buildout. Proposed improvements also include but are not limited to



the installation of drive aisles, landscaping, utility infrastructure, exterior lighting, walls/fencing, and signage.

The Acacia Project Applicant proposes to develop one 296,297 s.f. commerce center building and one 88,746 s.f. commerce center building on an approximately 19.0 net acre (19.6 gross-acre) property located east of Sierra Avenue and south of Duncan Canyon Road, in the City of Fontana, San Bernardino County, California (hereinafter the “Acacia Project Site”). The Acacia Project Applicant has filed applications for the following discretionary actions, which are under consideration by the City of Fontana:

- **General Plan Amendment (GPA) No. 21-005** proposes to amend the City’s General Plan Land Use Map to change the land use designations for the Acacia Project Site from Multi-Family High Density Residential (R-MFH) and General Commercial (GC) to Light Industrial (I-L).
- **Zone Change (ZC) No. 21-007** proposes to amend the City’s Zoning District Map to change the zoning classification of the Acacia Project Site from Multi-Family High Density Residential (R-5) to “M-1” Light Industrial.
- **Tentative Parcel Map (TPM) No. 21-022** proposes to consolidate the four existing parcels on the Acacia Project Site into two parcels for the development of two commerce center buildings.
- **Design Review Project (DRP) No. 21-039** proposes a development plan for the Project Site that provides for the construction and operation of two commerce center buildings. The buildings are designated “Building 1,” and “Building 2” for reference purposes. The proposed commerce center would include a maximum of 385,043 s.f. of total building floor area at full buildout. Building 1 would be a maximum of 296,297 s.f. including up to 8,000 s.f. of office space and up to an 8,000 s.f. mezzanine. Building 2 would be a maximum of 88,746 s.f., including up to 2,500 s.f. of office space and up to a 2,500 s.f. mezzanine. Proposed improvements also include but are not limited to the installation of drive aisles, landscaping, utility infrastructure, exterior lighting, walls/fencing, and signage.

Components of both the Shea and Acacia Projects are described in more detail in EIR Section 3.0, *Project Description*.

### **1.3 PRIOR CEQA REVIEW**

Both the Shea and Acacia Project Sites are located within the geographical limits of the City of Fontana and are covered by the City’s General Plan Update 2015-2035 (GPU), which provides the fundamental basis for the City’s land use and development policies. The City’s GPU was the subject of review under CEQA (State Clearinghouse (SCH) Number 2016021099). The City of Fontana approved the GPU and certified its Final Program EIR on November 13, 2018. The GPU Program EIR contains information relevant to the environmental condition and setting of the Shea and Acacia Project Sites and surrounding areas. Thus, the Program EIR for the City’s GPU is herein incorporated by reference pursuant to CEQA Guidelines



Section 15150 and is available for public review at the City of Fontana, Planning Division, 8353 Sierra Avenue, Fontana, CA 92335.

## **1.4 LEGAL AUTHORITY**

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq.*).

Pursuant to Public Resources Code Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City of Fontana is the Lead Agency under whose authority this EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Projects, the City has the obligation to: (1) ensure that this EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the Projects that outweigh its unavoidable adverse effects (CEQA Guidelines Section 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City will have the legal authority to do any of the following related to the Shea Project and Acacia Project. The City will act on each Project independently and the same decisions do not need to be made for each of the two Projects:

- Approve the Shea Project and/or the Acacia Project;
- Require feasible changes in any or all activities involved in the Shea Project and/or Acacia Project in order to substantially lessen or avoid significant effects on the environment;
- Deny approval of the Shea Project and/or the Acacia Project in order to avoid one or more significant effects on the environment that would occur if the Shea Project and/or the Acacia Project was approved as proposed; or
- Approve the Shea Project and/or the Acacia Project even though the Shea Project and/or Acacia Project could cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Shea Project and/or the Acacia Project will outweigh significant environmental impacts of the Shea Project and/or the Acacia Project.

This EIR fulfills the CEQA environmental review requirements for the proposed Shea Project General Plan Amendment (GPA) No. 21-004, Zone Change (ZC) No. 21-006, Tentative Parcel Map (TPM) No. 21-018, and Design Review Project (DRP) No. 21-034, and for the proposed Acacia Project General Plan Amendment



(GPA) No. 21-005, Zone Change (ZC) No. 21-007, Tentative Parcel Map (TPM) No. 21-022, and Design Review Project (DRP) No. 21-039, and all other governmental discretionary and administrative actions related to the Project.

## 1.5 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resource Code Section 21104 requires that all EIRs be reviewed by Responsible and Trustee Agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency that have discretionary approval power over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.” The known Responsible and Trustee Agencies for the Shea Project and Acacia Project are listed below. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the proposed Project.

- **Santa Ana Regional Water Quality Control Board (RWQCB)** is identified as a Trustee Agency that is responsible for the protection of California’s water resources and water quality. The Santa Ana RWQCB is responsible for issuance of National Pollutant Discharge Elimination System (NPDES) Permits to ensure that during and after construction of the Projects, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality.
- **South Coast Air Quality Management District (SCAQMD)** is identified as a potential Responsible Agency, in the event that any future tenant of the Project Sites requires a permit to construct or permit to operate. These permits are required to install or operate equipment pursuant to SCAQMD Rules related to specific types and quantities of air pollutant emissions.
- **West Valley Water District (WVWD)** is identified as a Responsible Agency pertaining to approvals required to connect the Projects to the domestic water system.
- **Southern California Edison (SCE)** is identified as a Responsible Agency pertaining to approvals required for the removal of above-ground power poles and undergrounding of overhead power lines.

## 1.6 EIR SCOPE, FORMAT, AND CONTENT

### 1.6.1 EIR SCOPE

The City of Fontana filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Shea and Acacia Projects’ potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to potential Responsible Agencies, Trustee Agencies, and other interested parties on March 22, 2022, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the



City identify the full scope and range of potential environmental concerns associated with the Shea and Acacia Projects so that these issues could be fully examined in this EIR.

In addition, a publicly-noticed EIR Scoping Meeting was held virtually on April 6, 2022. The Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Shea and Acacia Projects, the CEQA review process, and how to submit comments on the scope and range of environmental concerns to be addressed in this EIR.

The NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP and during the Scoping Meeting are summarized below in Table 1-1, *Summary of NOP and Scoping Meeting Comments*. The purpose of this table is to present a summary of the environmental topics that were expressed by public agencies, interested parties, and members of the general public to be of primary interest. Table 1-1 is not intended to list every comment received by the City during the NOP review period. Regardless of whether or not an environmental or CEQA-related comment is listed in the table, all relevant comments received in response to the NOP and during the EIR Scoping Meeting are addressed in this EIR.

**Table 1-1 Summary of NOP and Scoping Meeting Comments**

COMMENTOR	DATE	COMMENT	SECTION IN THIS EIR WHERE COMMENT(S) IS ADDRESSED
Scoping Meeting Verbal Comments	April 6, 2022	<ul style="list-style-type: none"> <li>Concerns with artificial lighting and potential lighting impacts at nearby homes.</li> </ul>	4.1, <i>Aesthetics</i>
Scoping Meeting Verbal Comments	April 6, 2022	<ul style="list-style-type: none"> <li>Potential impacts to construction workers associated with air pollutants and soil contaminants.</li> </ul>	4.3, <i>Air Quality</i> 4.7, <i>Geology and Soils</i>
Scoping Meeting Verbal Comments	April 6, 2022	<ul style="list-style-type: none"> <li>Concerns regarding potential wildlife displacement.</li> </ul>	4.4, <i>Biological Resources</i>
Scoping Meeting Verbal Comments	April 6, 2022	<ul style="list-style-type: none"> <li>Concerns with operational noise particularly related to truck back up alarms potentially audible at nearby homes.</li> </ul>	4.13, <i>Noise</i>
Scoping Meeting Verbal Comments	April 6, 2022	<ul style="list-style-type: none"> <li>Concerns related to safety and security in the Southern California Edison easement along the east property boundary.</li> </ul>	2.0, <i>Environmental Setting</i>
Matthew Dillon	March 23, 2022	<ul style="list-style-type: none"> <li>Concerns with aesthetics and the view from homes</li> <li>Concerns with traffic and congestion</li> <li>Concerns with noise</li> </ul>	4.1, <i>Aesthetics</i> 4.17, <i>Transportation</i> 4.13, <i>Noise</i>
Southwest Regional Council of Carpenters (SWRCC)	April 6, 2022	<ul style="list-style-type: none"> <li>Requests that the Project be conditioned to provide community benefits</li> <li>Requests local hire and use of skilled and trained workforce to build project to</li> </ul>	3.0, <i>Project Description</i> 4.17, <i>Transportation</i> 4.3, <i>Air Quality</i>





Table 1-1 Summary of NOP and Scoping Meeting Comments

COMMENTOR	DATE	COMMENT	SECTION IN THIS EIR WHERE COMMENT(S) IS ADDRESSED
		<p>reduce VMT and provide other environmental benefits.</p> <ul style="list-style-type: none"><li>• Requests the Project be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code</li><li>• Requests that measures be identified to address potential effects associated with COVID-19, particularly during construction</li><li>• Concerns with Air Quality and Greenhouse Gas Emissions</li></ul>	4.8, <i>Greenhouse Gas Emissions</i>
South Coast Air Quality Management District (AQMD)	April 12, 2022	<ul style="list-style-type: none"><li>• Recommends use of SCAQMD's CEQA Air Quality handbook and website be used as guidance in preparing the air quality analysis and greenhouse gas analysis</li><li>• Recommends use of CalEEMod land use emissions software</li><li>• Recommends criteria pollutant emissions be compared to SCAQMD's CEQA regional pollutant emissions significance thresholds and local significance thresholds</li><li>• Requests identification of air quality impacts from all phases of the Project and all air pollutant sources</li><li>• Recommends a mobile source health risk assessment be prepared</li><li>• Requests identification of SCAQMD as Responsible Agency should permits be required</li><li>• Concerned about public health impacts of siting Projects within close proximity to sensitive land uses</li><li>• Requests that in the event of significant air quality impacts, mitigation measures go beyond what is required by law</li><li>• Recommends specific mitigation measures for operational air quality impacts</li><li>• Recommends specific design considerations to reduce air quality and health risk impacts</li></ul>	3.0, <i>Project Description</i> 4.3, <i>Air Quality</i> 4.8, <i>Greenhouse Gas Emissions</i>



Table 1-1 Summary of NOP and Scoping Meeting Comments

COMMENTOR	DATE	COMMENT	SECTION IN THIS EIR WHERE COMMENT(S) IS ADDRESSED
		<ul style="list-style-type: none"><li>• Informs of the requirement to comply with Rule 2305</li></ul>	
California Department of Fish and Wildlife (CDFW)	April 18, 2022	<ul style="list-style-type: none"><li>• Recommends assessment of the flora and fauna with particular emphasis on rare, threatened, endangered, and other sensitive species and associated habitats</li><li>• Recommends assessment and mapping of various habitat types; a general biological inventory; an inventory of rare, threatened, endangered, and sensitive species; assessment of special status plants and natural communities; information on regional setting; and an account of open space and mitigation conservation lands within and adjacent to the Project Sites.</li><li>• Recommends that the City follow the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i></li><li>• Requests discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources.</li><li>• Recommends evaluation of a range of reasonable alternatives and identification of mitigation measures.</li><li>• Expresses concern over potential presence of San Bernardino Kangaroo Rat</li><li>• Recommends incorporation of water-wise concepts in project landscaping design plans</li></ul>	4.4, <i>Biological Resources</i>
Inland Empire Biking Alliance	April 14, 2022	<ul style="list-style-type: none"><li>• Requests that bicycle facilities be provided in and around the Project area.</li><li>• Suggests that the Project construct the Class I bicycle path that is proposed in the Edison right-of-way</li><li>• Requests that the Project construction does not create hazards for bicyclist, avoid the use of “share the road” signage and instead using “bikes may use full lane” signage</li></ul>	2.0, <i>Environmental Setting</i> 3.0, <i>Project Description</i> 4.17, <i>Transportation</i>
Californians Allied for a Responsible Economy (CARE CA)	April 20, 2022	<ul style="list-style-type: none"><li>• Concerns about air quality and public health; requests preparation of a Health Risk Assessment</li></ul>	4.3, <i>Air Quality</i> 4.17, <i>Transportation</i>





Table 1-1 Summary of NOP and Scoping Meeting Comments

COMMENTOR	DATE	COMMENT	SECTION IN THIS EIR WHERE COMMENT(S) IS ADDRESSED
		<ul style="list-style-type: none"><li>Concerns about traffic; requests analysis of heavy trucks in the VMT analysis</li><li>Requests analysis of cold storage space and use of transportation refrigeration units during operation</li><li>Requests that mitigation measures be effective and enforceable and that they incorporate modern technology</li><li>Requests that all sources and referenced materials be made available</li></ul>	7.0, <i>References</i>
Native American Heritage Commission	March 22, 2022	<ul style="list-style-type: none"><li>Requires that the Project follow AB 52 consultation requirements</li><li>Requires that the Project follow SB 18 tribal consultation requirements</li><li>Recommends use of Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC</li><li>Recommends an archaeological records search from the California Historical Research Information Center (CHRIS)</li><li>Recommends the preparation of a professional report detailing findings if an archaeological inventory survey is required</li><li>Recommends that mitigation provisions provide for the identification and evaluation of inadvertently discovered archaeological resources; disposition of recovered cultural items that are not burial associated; and the treatment and disposition of inadvertently discovered Native American human remains</li></ul>	4.5, <i>Cultural Resources</i> 4.18, <i>Tribal Cultural Resources</i>
Center for Community Action and Environmental Justice (CCA EJ)	April 21, 2022	<ul style="list-style-type: none"><li>Acknowledges that the SB 330 requirement for the Shea Project is not identified in the NOP; requests that the SB 330 site be identified and the impacts be studied.</li><li>Concerned about air quality and greenhouse gas emissions and requests mitigation in compliance with the AQMP</li><li>Concerned about additional truck traffic; requests measures to prohibit truck traffic in residential communities</li></ul>	3.0, <i>Project Description</i> 4.3, <i>Air Quality</i> 4.8, <i>Greenhouse Gas Emissions</i> 4.17, <i>Transportation</i>



Upon consideration of all comments received by the City in response to the NOP and during the EIR Scoping Meeting, this EIR provides a detailed analysis of the Shea and Acacia Projects' potential to cause adverse effects under the following topics:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The topics listed above are evaluated in EIR Section 4.0, *Environmental Analysis*.

#### **1.6.2 EIR FORMAT AND CONTENT**

This EIR contains all of the information required to be included in an EIR as specified by the CEQA Statute and Guidelines (California Public Resources Code, Section 21000 *et. seq.* and California Code of Regulations, Title 14, Chapter 5). Table 1-2, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this EIR.

**Table 1-1 Location of CEQA Required Topics**

<b>CEQA REQUIRED TOPIC</b>	<b>CEQA GUIDELINES REFERENCE</b>	<b>LOCATION IN THIS EIR</b>
Table of Contents	Section 15122	Table of Contents
Summary	Section 15123	Section S.0
Project Description	Section 15124	Section 3.0
Environmental Setting	Section 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	Section 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	Section 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented	Section 15126.2(d)	Subsection 5.2
Growth-Inducing Impact of the Project	Section 15126.2(e)	Subsection 5.3



Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	Section 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Project	Section 15126.6	Section 6.0
Effects Not Found to be Significant	Section 15128	Subsection 5.4
Organizations and Persons Consulted	Section 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	Section 15130	Section 4.0
Energy Conservation	Section 15126.2(b) & Appendix F	Subsection 4.5

In summary, the content and format of this EIR is as follows:

- **Section S.0, Executive Summary**, provides an overview of the EIR and CEQA process and provides a brief description of both the Shea and Acacia Projects, including their objectives, locations and regional setting of the Shea and Acacia Project Sites, and potential alternatives to the Shea and Acacia Projects as required by CEQA. The Executive Summary provides a summary of the Shea and Acacia Projects' impacts, mitigation measures, and conclusions, in a table that forms the basis of the Shea Project MMRP and the Acacia Project MMRP.
- **Section 1.0, Introduction** provides introductory information about the CEQA process and the responsibilities of the City of Fontana in its role as Lead Agency, a brief description of the Shea and Acacia Project, the purpose of the EIR, and an overview of the EIR format.
- **Section 2.0, Environmental Setting** describes the environmental setting, including descriptions of the Shea and Acacia Project Sites' physical conditions and surrounding context used as the baseline for analysis in this EIR.
- **Section 3.0, Project Description** includes a detailed project description that identifies the precise location and boundaries of the Shea and Acacia Projects, a map showing the Shea and Acacia Projects' location in a regional perspective, a statement of the Shea and Acacia Projects' objectives, a general description of the Shea and Acacia Projects' technical, economic, and environmental characteristics, and a statement describing the intended uses of the EIR, including a list of agencies expected to use the EIR, and a list of approvals for which the EIR will be used. The project description contains a level of specificity commensurate with the level of detail proposed by the Shea and Acacia Projects.
- **Section 4.0, Environmental Analysis** provides an analysis of potential direct, indirect, and cumulatively considerable impacts that may occur with implementation of the Shea and Acacia Projects. A determination concerning the significance of each impact is addressed and mitigation measures are presented when warranted. The environmental changes identified in Section 4.0 and



throughout this EIR are referred to as “effects” or “impacts” interchangeably. CEQA Guidelines Section 15358 describe the terms “effects” and “impacts” as being synonymous.

In each subsection of Section 4.0, the existing conditions pertaining to the subject area being analyzed are discussed accompanied by a specific analysis of physical impacts that may be caused by implementing the Shea and Acacia Projects. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly as a result of either or both the Shea Project or Acacia Project. Indirect impacts represent secondary effects that would result from implementation of either or both the Shea Project and Acacia Project. Cumulative effects are defined in CEQA Guidelines Section 15355 as “...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The Shea and Acacia Projects are considered together along with other past, present and reasonably foreseeable projects in the area that have the potential to compound environmental effects.

The analyses in Section 4.0 are based in part upon technical reports that are included as Technical Appendices to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the Shea and Acacia Projects and are cited in Section 7.0, *References*.

Where the analysis identifies a significant environmental effect, feasible mitigation measures are recommended. Pursuant to CEQA and the CEQA Guidelines, an EIR must propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. The requirement that EIRs identify mitigation measures realizes CEQA's policy that Lead Agencies adopt feasible measures when approving a project to reduce or avoid its significant environmental effects. Per Public Resources Code Section 21081.6 and CEQA Guidelines Section 15126.4, mitigation measures must be enforceable through conditions of approval, contracts or other means that are legally binding. Pursuant to Public Resources Code Section 21081.6, incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable. This requirement is designed to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. In light of the foregoing, the identified mitigation measures are analyzed to determine whether they would effectively reduce or avoid any significant environmental effects of the Projects. In most cases, implementation of the mitigation measures would reduce an identified significant environmental effect to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the Lead Agency (City of Fontana) pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations** includes specific topics that are required by CEQA. These include a summary of the Shea and Acacia Projects’ significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Shea and/or and Acacia Projects be implemented, as well as potential growth-inducing impacts of the Shea



and Acacia Projects. Section 5.0 also includes a discussion of the potential environmental effects that were found not be significant during preparation of this EIR.

- **Section 6.0, Project Alternatives** describes and evaluates alternatives to the Shea and Acacia Projects that could reduce or avoid the Projects' adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Shea and Acacia Projects but rather to consider a reasonable range of alternatives, including a "No Project" alternative, that will foster informed decision making and public participation.
- **Section 7.0, References** cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted during preparation of this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

### **1.1.2 INCORPORATION BY REFERENCE**

CEQA Guidelines Section 15147 states that the "information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public," and that the "[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting information and analyses as appendices to the main body of the EIR." CEQA Guidelines Section 15150 allows for the incorporation "by reference all or portions of another document... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR.

This EIR relies on a number of Project-specific technical appendices that are bound separately as *Technical Appendices*. The *Technical Appendices* are available for review at the City of Fontana, Community Development Department – Planning Division, 8353 Sierra Ave, Fontana, California 92335, during the City's regular business hours or can be requested in electronic form on the City's website at <https://www.fontana.org/2137/Environmental-Documents> or by contacting the City Community Development Department. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

- A. Notice of Preparation (NOP) and Written Comments on the NOP
- B1. Air Quality Impact Analysis
- B2. Mobile Source Health Risk Assessment
- C1. Biological Resources Technical Report (Shea Project)
- C2. Biological Resources Technical Report (Acacia Project)
- D. Cultural Resources Study
- E. Energy Analysis
- F1. Geotechnical Investigation (Shea Project)



- F2. Infiltration Testing (Shea Project)
- F3. Geotechnical Investigation (Acacia Project)
- F4. Paleontological Assessment
- G. Greenhouse Gas Analysis
- H1. Phase I Environmental Site Assessment (Shea Project)
- H2. Phase I Environmental Site Assessment (Acacia Project)
- I1. Preliminary Hydrology Study (Shea Project)
- I2. Preliminary Water Quality Management Plan (Shea Project)
- I3. Preliminary Hydrology Study (Acacia Project)
- I4. Preliminary Water Quality Management Plan (Acacia Project)
- J1. Noise Impact Analysis (Shea Project)
- J2. Noise Impact Analysis (Acacia Project)
- J3. Noise Assessment (Sierra Business Center)
- K1. Vehicle Miles Traveled Analysis (Shea Project)
- K2. Traffic Scoping Agreement and Trip Generation Assessment (Shea Project)
- K3. Traffic Study (Acacia Project)
- K4. VMT Analysis (Combined Shea and Acacia Projects)
- K5. Transportation Safety Evaluation (Combined Shea and Acacia Projects)

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's Technical Appendices are cited by a link to the online location where the document/website can be viewed. References relied upon by this EIR will be available for public review at the City of Fontana, Community Development Department – Planning Division, 8353 Sierra Ave, Fontana, California 92335.



## 2.0 ENVIRONMENTAL SETTING

### 2.1 REGIONAL SETTING AND LOCATION

The approximately 11.1 net acre (11.5 gross acre) Shea Project Site and the approximately 19.0 net acre (19.6 gross acre) Acacia Project Site are 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 Shea and Acacia Project Sites are located approximately 1.3 miles south of Interstate 15 (I-15) and 1.7 miles north of Interstate 210 (I-210). The City of Rialto jurisdictional boundary is located immediately east of the Project Sites. The location of both the Shea and Acacia Project Sites in a regional context is shown on Figure 3-1, *Regional Map*, in EIR Section 3.0, *Project Description*.

The Shea and Acacia Project Sites are both located in an urbanized area of southern California commonly referred to as the “Inland Empire.” The Inland Empire is an approximate 28,000 square-mile region comprising western San Bernardino County, western Riverside County, and the eastern reaches of Los Angeles County. The Southern California Association of Governments (SCAG) estimates that San Bernardino County as a whole had a population in 2020 of 2,250,000. SCAG estimates that the County’s population will increase to 2,815,000 by 2045 (SCAG, 2020b, Demographics and Growth Forecast Technical Appendix, p. 29).

### 2.2 LOCAL SETTING AND LOCATION

The Shea Project Site is located on the east side of Sierra Avenue approximately 700 feet north of Casa Grande Avenue. The Shea Project Site includes Assessor Parcel Numbers (APNs): 0239-151-09 and -38. The Acacia Project Site is located immediately north of the Shea Project Site, east of Sierra Avenue and south of Duncan Canyon Road. The Acacia Project Site includes APNs: 0239-151-19, -25, -26, and -36. Refer to Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*, for locational information.

The area immediately surrounding the Project Sites contains a variety of uses, including vacant parcels and parcels developed with industrial, residential, school, public utility, and public facility uses. Being located approximately 1.3 miles south of I-15 and 1.7 miles north of I-210 and along Sierra Avenue, which is a truck route, the census tract containing the Project Site (Census Tract 6071002704) is in the 94th percentile for pollution burden which, based on the census tract’s demographic characteristics, results in the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area in the 80th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022). The residential uses in the City of Rialto located immediately east of the Project Sites (Census Tract 6071002703) are ranked in the 52nd percentile for pollution burden and the 54th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).





### **2.3 SURROUNDING LAND USES**

Existing land uses in the immediate vicinity of the Shea and Acacia Project Sites are illustrated on Figure 2-1, *Surrounding Land Uses*, and are described below.

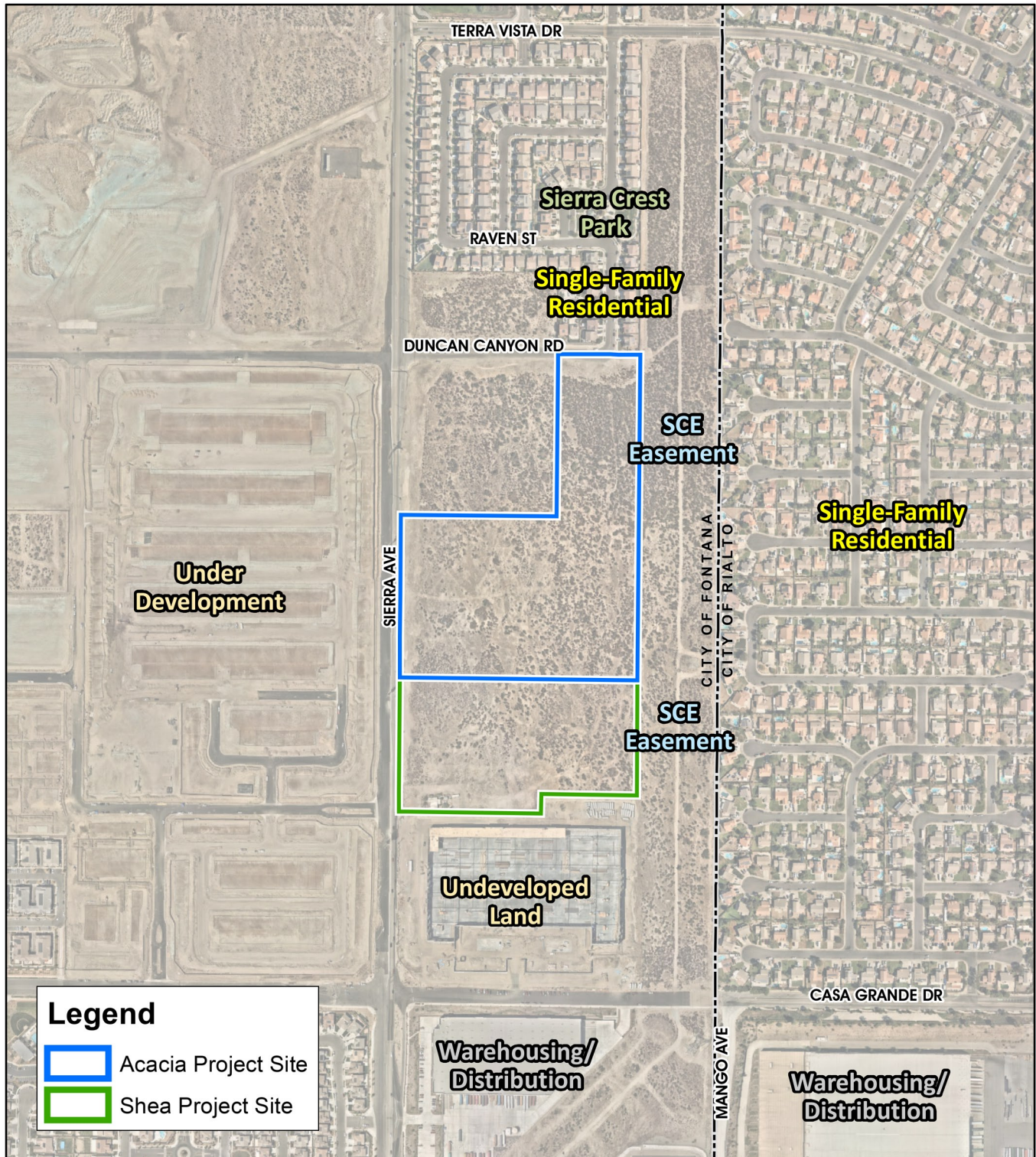
#### **2.3.1 SHEA PROJECT SITE**

- North: To the north of the Shea Project Site is undeveloped land that is the site of the proposed Acacia Project, which is also being evaluated in this EIR. North of the undeveloped land is Duncan Canyon Road and further north is a residential community which includes Sierra Crest Park.
- East: A Southern California Edison easement parallels the east side of the Shea Project Site. Further east is a single-family home residential community. Two schools are located within this community, Fitzgerald Elementary School and Kucera Middle School. Additionally, Alec Fergusson Park and Rialto Fire Department Station 204 are located within the community.
- South: Undeveloped land is located to the south of the Shea Project Site. South of the undeveloped land is warehousing and distribution centers including a Target Distribution Center, LGE Electronics, and a FedEx Supply Chain warehouse.
- West: Sierra Avenue runs along the west side of the Shea Project Site. To the west of Sierra Avenue is land that is currently under development as a residential community. Further west is a residential community which includes two parks, Valley Oak Park and Oak Grove Park.

#### **2.3.2 ACACIA PROJECT SITE**

- North: Duncan Canyon Road runs along the north side of the Acacia Project Site. Further north is a single-family home residential community which includes Sierra Crest Park.
- East: A Southern California Edison easement parallels the east side of the Acacia Project Site. Further east is a single-family home residential community. Two schools are located within this community, Fitzgerald Elementary School and Kucera Middle School. Additionally, Alec Fergusson Park and Rialto Fire Department Station 204 are located within the community.
- South: To the south of the Acacia Project Site is currently undeveloped land that is the site of the proposed Shea Project, which is also being evaluated in this EIR. South of the Shea Project Site is more undeveloped land and further south is warehousing and distribution centers including a Target Distribution Center, LGE Electronics, and a FedEx Supply Chain warehouse.
- West: Sierra Avenue runs along the west side of the Acacia Project Site. To the west of Sierra Avenue is land that is currently under development as a residential community. Further west is a residential community which includes two parks, Valley Oak Park and Oak Grove Park.





Source(s): ESRI, Nearmap Imagery (2022), SB County (2022)

Figure 2-1



## Surrounding Land Uses



## **2.4 PLANNING CONTEXT**

### **2.4.1 CITY OF FONTANA GENERAL PLAN**

The City of Fontana's prevailing planning document is its General Plan, dated November 13, 2018. General Plan land use designations for the Shea and Acacia Project Sites are depicted on Figure 2-2, *Existing General Plan Land Use Designations*.

#### **A. Shea Project Site**

The City's General Plan designates the Shea Project Site as Multi-Family High Density Residential (R-MFHR). This is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du) per acre (Fontana, 2018a, p. 15.25).

#### **B. Acacia Project Site**

The Acacia Project Site is designated in the Fontana General Plan as R-MFH and General Commercial (C-G). The R-MFH is the highest-density residential category in Fontana, allowing for 39.1 to 50 du per acre over approximately 14.5 net acres of the Acacia Project Site. The C-G designations applies to approximately 4.5 net acres of the Acacia Project Site and allows for a 0.1-1 floor area ratio (FAR) and uses such as retail, malls, wholesale, auto dealerships, and offices that serve a broader, regional population (Fontana, 2018a, p. 15.25).

### **2.4.2 ZONING**

Figure 2-3, *Existing Zoning Designations*, shows the City of Fontana Zoning Map designations for both the Shea and Acacia Project Sites.

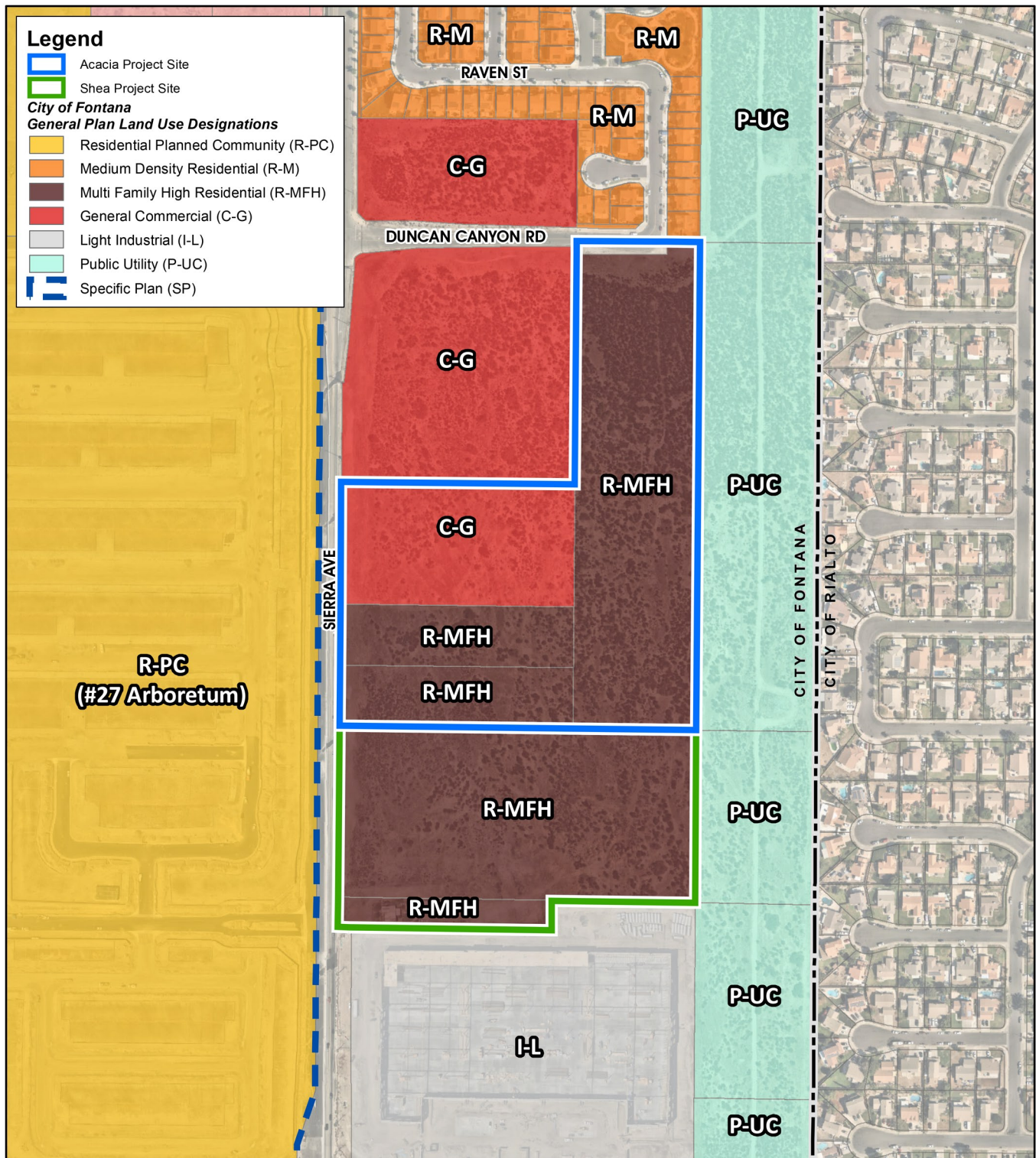
#### **A. Shea Project Site**

The City's Zoning Map designates the Shea Project Site as Multi-Family High Density Residential (R-5). This is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du) per acre (Fontana, 2018a, p. 15.11).

#### **B. Acacia Project Site**

The Acacia Project Site is designated on the Fontana Zoning Map as R-5 and General Commercial (C-2). R-5 is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du) per acre. The C-2 zoning designation allows for general commercial uses including but not limited to retail and wholesale activities, automobile-related sales and services, offices and businesses providing administrative and professional services, and medical offices and clinics (Fontana, 2018a, p. 15.11).





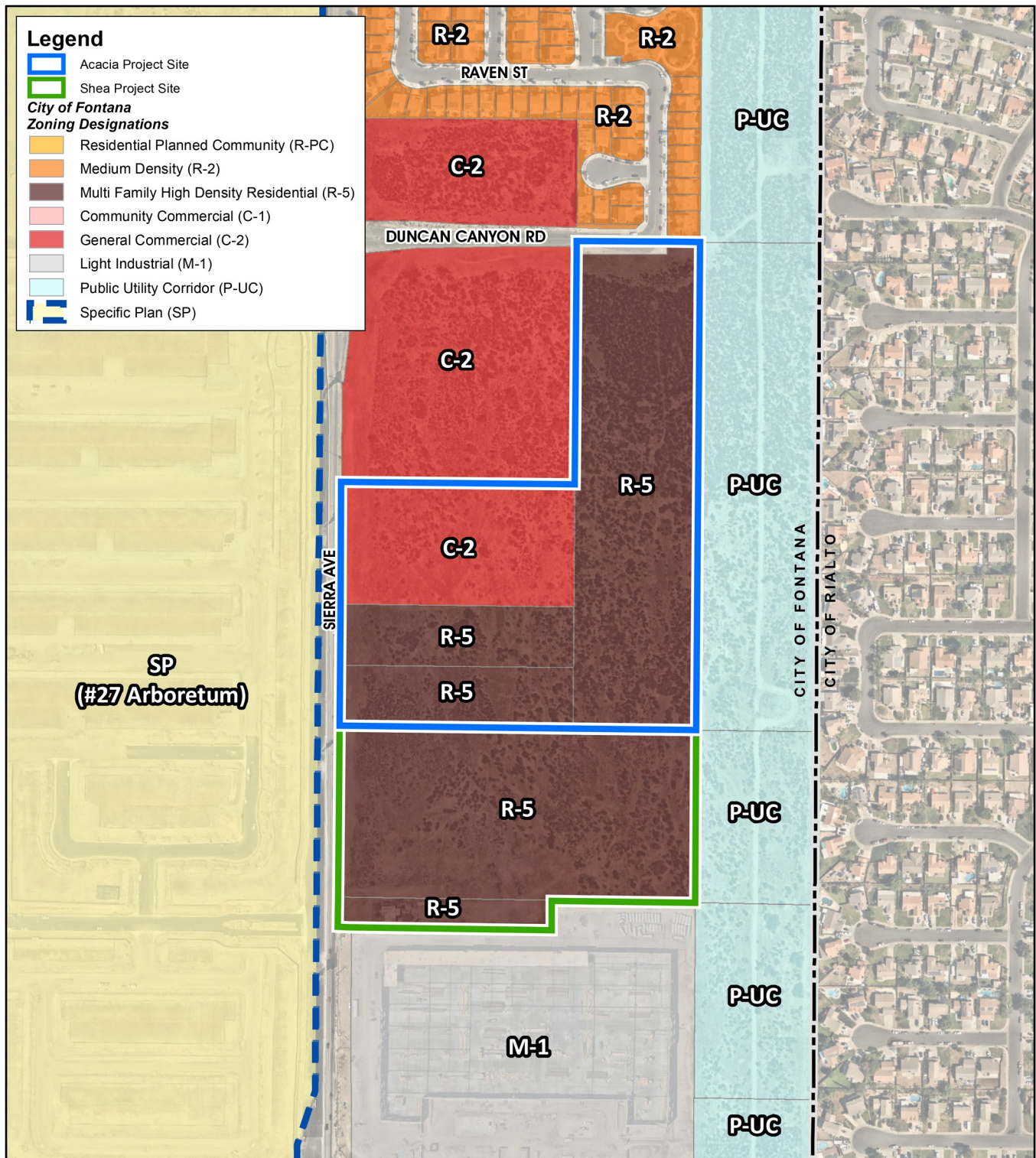
Source(s): ESRI, Fontana (2021), Nearmap Imagery (2022), SB County (2022)

Figure 2-2



## Existing General Plan Land Use Designations





Source(s): ESRI, Fontana (2021), Nearmap Imagery (2022), SB County (2022)

Figure 2-3



## Existing Zoning Designations



### 2.4.3 SCAG REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY

SCAG is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Shea and Acacia Project Sites are within SCAG's regional authority. On September 3, 2020, SCAG's Regional Council approved and adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* ("Connect SoCal"). *Connect SoCal* is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Shea and Acacia Projects. The goals of *Connect SoCal* are to: 1) Encourage regional economic prosperity and global competitiveness; 2) Improve mobility, accessibility, reliability, and travel safety for people and goods; 3) Enhance the preservation, security, and resilience of the regional transportation system; 4) Increase person and goods movement and travel choices within the transportation system; 5) Reduce greenhouse gas emissions and improve air quality; 6) Support healthy and equitable communities; 7) Adapt to a changing climate and support an integrated regional development pattern and transportation network; 8) Leverage new transportation technologies and data-driven solutions that result in more efficient travel; 9) Encourage development of diverse housing types in areas that are supported by multiple transportation options; 10) Promote conservation of natural and agricultural lands and restoration of habitats. Performance measures and funding strategies also are included to ensure that the adopted goals are achieved through implementation of the RTP. (SCAG, 2020a)

## 2.5 EXISTING PHYSICAL SITE CONDITIONS

CEQA Guidelines Section 15125(a)(1), recommends that the physical environmental condition that existed at the time an EIR's NOP is released for public review normally be used as the comparative baseline for the EIR analysis. The NOP for this EIR was released for public review on March 22, 2022, and the following pages include a description of both the Shea and Acacia Project Sites' physical environmental condition ("existing conditions") as of that approximate date. More information regarding the Project's Sites' environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

### 2.5.1 LAND USE

Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The principal discretionary actions required of the City of Fontana to implement the Shea Project and the Acacia Project are described in detail in Section 3.0, *Project Description*, and are listed in Table 3-3, *Project Related Approvals/Permits*. Both projects involve General Plan Amendments, which seek to change the land use designations of the properties; therefore, both Projects are inconsistent with the existing Fontana General Plan Land Use Element.

#### A. Shea Project Site

With the exception of one single-family residence and associated shed located in the southwest corner, the Shea Project Site is undeveloped land covered with native grass and shrub growth. The Shea Project Applicant proposes to develop the approximately 11.1 net acre (11.5 gross acre) property as a one-building commerce center. The Shea Project entails a proposed amendment to the City's General Plan Land Use Map to change



the land use designation for the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L). Thus, the Shea Project is inconsistent with the existing Fontana General Plan Land Use Element.

**B. Acacia Project Site**

The Acacia Project Site is currently undeveloped land with no structures present. The Acacia Project Applicant proposes to develop the approximately 19.0 net acre (19.6 gross acre) property as a two-building commerce center. The Acacia Project entails a proposed amendment to the City's General Plan Land Use Map to change the land use designations for the Acacia Project Site from Multi-Family High Density Residential (R-MFH) and General Commercial (C-G) to Light Industrial (I-L). Thus, the Acacia Project is inconsistent with the existing Fontana General Plan Land Use Element.

**2.5.2 AESTHETICS AND TOPOGRAPHIC FEATURES**

Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts both the Shea and Acacia Project Sites' existing topographic conditions.

**A. Shea Project Site**

The Shea Project Site slopes gradually from the north to the south, but is perceived to be generally flat. The Shea Project Site's high point is approximately 1,780 feet above mean sea level (amsl) in the northern portion of the Shea Project Site and its low point is approximately 1,760 feet amsl in the southern portion of the Shea Project Site. There are shrubs and bushes scattered across the property. There are no rock outcroppings or other unique topographic or aesthetic features present on the property.

**B. Acacia Project Site**

The Acacia Project Site slopes gradually from the north to the south, but is perceived to be generally flat. The Acacia Project Site's high point is approximately 1,840 feet amsl in the northern portion of the Acacia Project Site and its low point is approximately 1,780 feet amsl in the southern portion of the Acacia Project Site. There are shrubs and bushes scattered across the property. There are no rock outcroppings or other unique topographic or aesthetic features present on the property.

**2.5.3 AIR QUALITY AND CLIMATE**

The Shea and Acacia Project Sites are located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, the San Jacinto Mountains to the north and east, and San Diego County to the south. The SCAB is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), the agency charged with bringing air quality in the SCAB into conformity with federal and State air quality standards. As documented in the Shea and Acacia Projects' Air Quality Impact Analysis (*Technical Appendix B1* to this EIR), although the climate of the SCAB is characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. More than 90% of the SCAB's rainfall occurs from November through April.





Temperatures during the year range from an average minimum of 36°F in January to over 100°F maximum in the summer. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed “Santa Ana(s)” each year. (Urban Crossroads, 2022a, pp. 12-13)

At the regional level, air quality in the SCAB has improved over the past several decades; however, the SCAB is currently not in attainment of State and/or federal standards established for Ozone (O<sub>3</sub>; one-hour and eight-hour), particulate matter (PM<sub>10</sub> (State standard only) and PM<sub>2.5</sub>), and lead (only in Los Angeles County). No areas of the SCAB exceeded federal or State standards for nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), or sulfates (Urban Crossroads, 2022a, Table 2-3). According to pollution burden mapping conducted by OEHHA, the census tract containing the Project Sites ranks in the 80th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).

Refer to EIR Subsections 4.3, *Air Quality*, and 4.8, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Shea and Acacia Project areas.

#### **2.5.4 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES**

The City of Fontana is located Inland Empire area of southern California, which had three general prehistoric cultural periods, the Paleo Indian Period, Archaic Period, and Late Prehistoric Period (BFSA, 2022, pp. 1.0-5 through 1.0-11). The City of Fontana lies in an area where the traditional territories of two Native American groups, the Gabrielino and Serrano, adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods. No prehistoric resources were identified on the Shea Project Site or the Acacia Project Site during a pedestrian survey and, based on archaeological records from the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton, no prehistoric artifacts have been previously recorded on the Project Sites (BFSA, 2022a, pp. 1.0-18 and 3.0-2)

Ten recorded historic resources were recorded within a one-mile radius of the Shea and Acacia Project Sites. The recorded historic resources are primarily comprised of historic irrigation features, a homestead, structure remains, road segments, refuse scatters, landscape features, walls and structures, and a historic district. (BFSA, 2022a, pp. 1.0-17 and 1.0-18).

The Shea Project Site contains one historic-era single family residence at 5187 Sierra Avenue, which has a Spanish Revival architectural style that the County of San Bernardino Parcel Information Management System database indicates was built in 1927; however, historic aerial photographs indicate that the structure was not present on the property until between 1953 and 1958 (BFSA, 2022a, p. 3.0-2). The residence was evaluated for listing on the California Register of Historic Place (CRHP) but was found not historically or architecturally significant under any CEQA criteria due to lack of association with any significant persons or events and not a representative example of any specific architectural style, period, or region (BFSA, 2022a, p. 3.0-29).



### **2.5.5 GEOLOGY**

Regionally, the Shea and Acacia Project Sites are located in the Peninsular Ranges geomorphic province, a prominent natural geomorphic province that extends from the Santa Monica Mountains approximately 900 miles south to the tip of Baja California, Mexico, and is bounded to the east by the Colorado Desert. The Peninsular Ranges province is composed of plutonic and metamorphic rock, lesser amounts of Tertiary Volcanic and sedimentary rock, and Quaternary drainage in-fills and sedimentary veneers.

The geologic structure of the entire southern California area is dominated mainly by northwest-trending faults associated with the San Andreas system. Similar to other properties throughout southern California, both the Shea and Acacia Project Sites are located within a seismically active region and are subject to ground shaking during seismic events; however, no known active or potentially active faults exist on or near the Shea and Acacia Project Sites nor is either site situated within an “Alquist-Priolo” Earthquake Fault Zone. (SoCalGeo, 2020, p. 9) (NorCal Engineering, 2021)

#### **A. Shea Project Site**

The Shea Project Site is underlain by native alluvial soils. The near-surface alluvial soils within the upper 2 to 3.5 feet consist of medium dense to dense silty sands with varying gravel content. At greater depths, the alluvium generally consists of dense to very dense gravelly sands, sandy gravels, and gravels with occasional to extensive cobbles and boulders, extending to the maximum depth explored of 20 feet. (SoCalGeo, 2020, p. 6)

#### **B. Acacia Project Site**

The Acacia Project Site is underlain by fill soils and native soils (disturbed and undisturbed). Fill soils are found on the Acacia Project Site at depths ranging from 1 to 1.5 feet below ground surface. The observed fill soils are classified as a brown, fine to medium grained, silty sand with gravel and cobbles. Native soils, classified as light brown, fine to coarse grained, gravelly and cobbely sand with boulders (up to a maximum of 24 inches in diameter). The natural soils encountered were observed to be medium dense and dry to damp. (NorCal Engineering, 2021, p. 3)

### **2.5.6 HYDROLOGY**

The Shea and Acacia Project Sites are located in the Santa Ana River watershed, which drains an approximately 2,650-square-mile area and is the principal surface flow water body within the region. The Santa Ana River starts in Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The Shea and Acacia Project Sites are within the purview of the Santa Ana Regional Water Quality Control Board (RWQCB). The Santa Ana RWQCB’s Santa Ana River Basin Water Quality Control Plan is the governing water quality plan for the region, which sets forth goals and objectives for protecting water quality within the region (RWQCB, 2019, p. 1.1).





According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C7920H, the Shea and Acacia Project Sites are located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood (FEMA, 2021). Under existing conditions, both the Shea and Acacia Project Sites generally drain from north to south. Refer to EIR Subsection 4.6, *Hydrology and Water Quality*, for a more detailed discussion of the Project's Site existing hydrology and water quality setting.

### **2.5.7 NOISE**

Refer to EIR Subsection 4.13, *Noise*, for a more detailed discussion of the Shea and Acacia Project Sites' existing noise setting.

#### **A. Shea Project Site**

Urban Crossroads recorded 24-hour noise readings at five locations in the Shea Project vicinity to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 51.5 equivalent level decibels (dBA  $L_{eq}$ ) to 64.9 dBA  $L_{eq}$  and nighttime noise levels from 52.8 dBA  $L_{eq}$  to 59.5 dBA  $L_{eq}$ . (Urban Crossroads, 2022e, p. 22)

#### **B. Acacia Project Site**

Urban Crossroads recorded 24-hour noise readings at four locations in the Acacia Project vicinity to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 51.5 equivalent level decibels (dBA  $L_{eq}$ ) to 56.0 dBA  $L_{eq}$  and nighttime noise levels from 52.8 dBA  $L_{eq}$  to 57.7 dBA  $L_{eq}$ . (Urban Crossroads, 2022f, p. 22)

### **2.5.8 TRANSPORTATION**

The primary regional travel route serving the Shea and Acacia Project areas is I-15, which is located approximately 1.3 miles to the north, and the I-210 Freeway which is located approximately 1.7 miles to the south, of the Shea and Acacia Project Sites. (Google Earth, 2022) The Project Sites are located east of Sierra Avenue, a truck route. Under existing conditions, there is one private driveway connection from the Shea Project Site to Sierra Avenue from the one single-family residence located in the southwest corner of the property. There are no driveway connections from the Acacia Project Site to Sierra Avenue because the Acacia Project Site is undeveloped. The Acacia Site is located south of Duncan Canyon Road. Under existing conditions, there are no driveway connections from the Acacia Project Site to Duncan Canyon Road because the Acacia Project Site is not developed.

There are no existing bicycle facilities along Sierra Avenue, although Sierra Avenue is planned to contain a Class II bike facility. Also, in the Southern California Edison easement located to the east, and outside of, the Shea and Acacia Project Sites is a planned Class I bike facility (Fontana, 2018a, Exhibit 9.6). Both of these planned bicycle facilities are located outside of the Shea and Acacia Project Sites and are not part of either the Shea or Acacia Project. There are no sidewalks on Sierra Avenue. An existing sidewalk is located on a portion



of the north side of Duncan Canyon Road. The sidewalk extends approximately 185 feet from Condor Avenue along Duncan Canyon Road (Google Earth, 2022).

Public transit service in the region is provided by Omnitrans, a public transit agency that serves various jurisdictions within San Bernardino County. There is an existing bus route, Omnitrans Route 82, located along Sierra Avenue, south of the Shea and Acacia Project Sites. The closest bus stop along this route on Sierra Avenue is located approximately 1.5 miles south of the Shea and Acacia Project Sites at the intersection of Sierra Avenue and Sierra Lakes Parkway. There are currently no transit routes that provide service along Sierra Avenue that could potentially serve the Shea and Acacia Project Sites in the future. (Fontana, 2018a, Exhibit 9.3)

Refer to EIR Subsection 4.17, *Transportation*, for a more detailed discussion of the Shea and Acacia Project Sites' existing transportation setting.

### **2.5.9 UTILITIES AND SERVICE SYSTEMS**

The Shea and Acacia Project Sites are located within the West Valley Water District (WVWD) service area, which is part of the San Bernardino Valley Municipal Water District. Under existing conditions, water mains are installed beneath Sierra Avenue abutting both the Shea and Acacia Project Sites. Wastewater in the Shea and Acacia Project areas is conveyed via City of Fontana maintained sewer lines to the RP-4 wastewater treatment facilities (operated by the Inland Empire Utilities Agency (IEUA)). Solid waste from the Shea and Acacia Project Sites is expected to be disposed at the Mid-Valley Landfill.

A Southern California Edison easement is located to the east, and outside of, the Shea and Acacia Project areas. Neither the Shea or Acacia Project would impact this easement and any plans related to the easement, including the proposed Class I bicycle facility, are not part of the Shea or Acacia Projects.

### **2.5.10 VEGETATION COMMUNITIES**

Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of the Shea and Acacia Project Sites' existing biological setting including a description of plant species and vegetation communities.

The Shea and Acacia Project Sites have been previously grubbed and under existing conditions contain areas of unvegetated bare ground, rock, disturbed non-sensitive vegetation, and sensitive vegetation. Sensitive vegetation types include California buckwheat scrub, disturbed California buckwheat scrub, California buckwheat scrub with scattered chamise chaparral, chamise chaparral, and holly-leaved cherry stand. One sensitive plant species, Parry's spineflower, is present in small numbers on the Shea Project Site (87 plants) and in larger numbers on the Acacia Project Site (1,396 plants). Parry's spineflower has a patchy distribution in San Bernardino, Riverside, and Los Angeles counties because it has specialized habitat requirements and is primarily restricted to alluvial floodplains and alluvial chaparral and scrub vegetation types.



### **2.5.11 WILDLIFE**

Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of wildlife potential on and around the Shea and Acacia Project Sites. During biological field surveys of the Project Sites conducted in 2022, common wildlife species were observed in addition to six sensitive animal species (coast horned lizard, coastal whiptail, Bell's sage sparrow, California horned lark, southern California rufous-crowned sparrow, and Los Angeles pocket mouse). Six additional sensitive species were not observed but have the potential to occur given the Sites' habitat characteristics (southern California legless lizard, coastal California gnatcatcher, burrowing owl, northwestern San Diego pocket mouse, San Bernardino kangaroo rat, and San Diego desert woodrat). Because a large majority of the surrounding area is developed or planned for development, the vegetation communities and wildlife habitat present on the Project Sites are isolated from larger habitat blocks; as such, the Project Sites do not serve as part of a wildlife corridor.

### **2.5.12 RARE AND UNIQUE RESOURCES**

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Shea and Acacia Projects.

The Acacia Project Site contains a sizeable number of Parry's spineflower plants (1,396 plants), which is a plant species that is ranked by the California Native Plant Society as "California Rare Plant Rank 1B.1" and which denotes a species that is seriously threatened in California (i.e., more than 80 percent of occurrences are threatened and have a high degree and immediacy of threat). The Shea Project Site contains a smaller number of Parry's spineflower (87 plants).

Of the wildlife species observed on the Project site during 2022 field surveys, the coast horned lizard, coastal whiptail, and Los Angeles pocket mouse are California Department of Fish and Wildlife (CDFW) State Species of Special Concern, which indicates declining population levels, limited ranges, and/or continuing threats have made the species vulnerable to extinction. The range of the coast horned lizard is throughout most of west-central and southwestern California as well as northwestern Baja California. The coast horned lizard was observed on the Shea Project site during 2022 field surveys and habitat exists throughout the Project Sites. The range of the coastal whiptail extends from Baja California, Mexico and coastal Southern California north into Ventura County. The coastal whiptail was observed on the Shea Project Site during 2022 field surveys and habitat exists throughout the Project Sites. The range of Los Angeles pocket mouse is from approximately the City of Rancho Cucamonga east to Morongo Valley and south to the San Diego County border. During a Project Site trapping survey conducted in 2022, the Los Angeles pocket mouse was trapped eight times on the Acacia Project Site and one time on the Shea Project Site. Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of observed and potential wildlife species located on and around the Shea and Acacia Project Sites.

Based on the existing conditions of the Shea and Acacia Project Sites and surrounding areas described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Sites do not contain any other resources that are rare or unique to the region.



## **3.0 PROJECT DESCRIPTION**

The Sierra Business Center evaluated herein as “the Project” is comprised of two separate and independent Projects, the Sierra Industrial Facility (the “Shea Project”) and the North Fontana Industrial Complex (the “Acacia Project”). The City of Fontana opted to evaluate the Shea Project and Acacia Project in a single EIR because the projects are adjacent, propose the same commerce center land use type, and are proposed to be implemented on a similar schedule.

This section provides all of the information required of an EIR Project Description by CEQA Guidelines Section 15124, including a description of the Shea and Acacia Projects’ precise locations and boundaries; a statement of Project objectives; a description of the Projects’ technical, economic, and environmental characteristics; and a description of the intended uses of this EIR (including a list of the government agencies that are expected to use this EIR in their decision-making processes); a list of the permits and approvals that are required to implement the Shea and Acacia Projects; and a list of related environmental review and consultation requirements.

### **3.1 PROJECT LOCATION**

As shown on Figure 3-1, *Regional Map*, the Shea and Acacia Project Sites are located in the City of Fontana, 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, which is located in the northwestern portion of Riverside County.

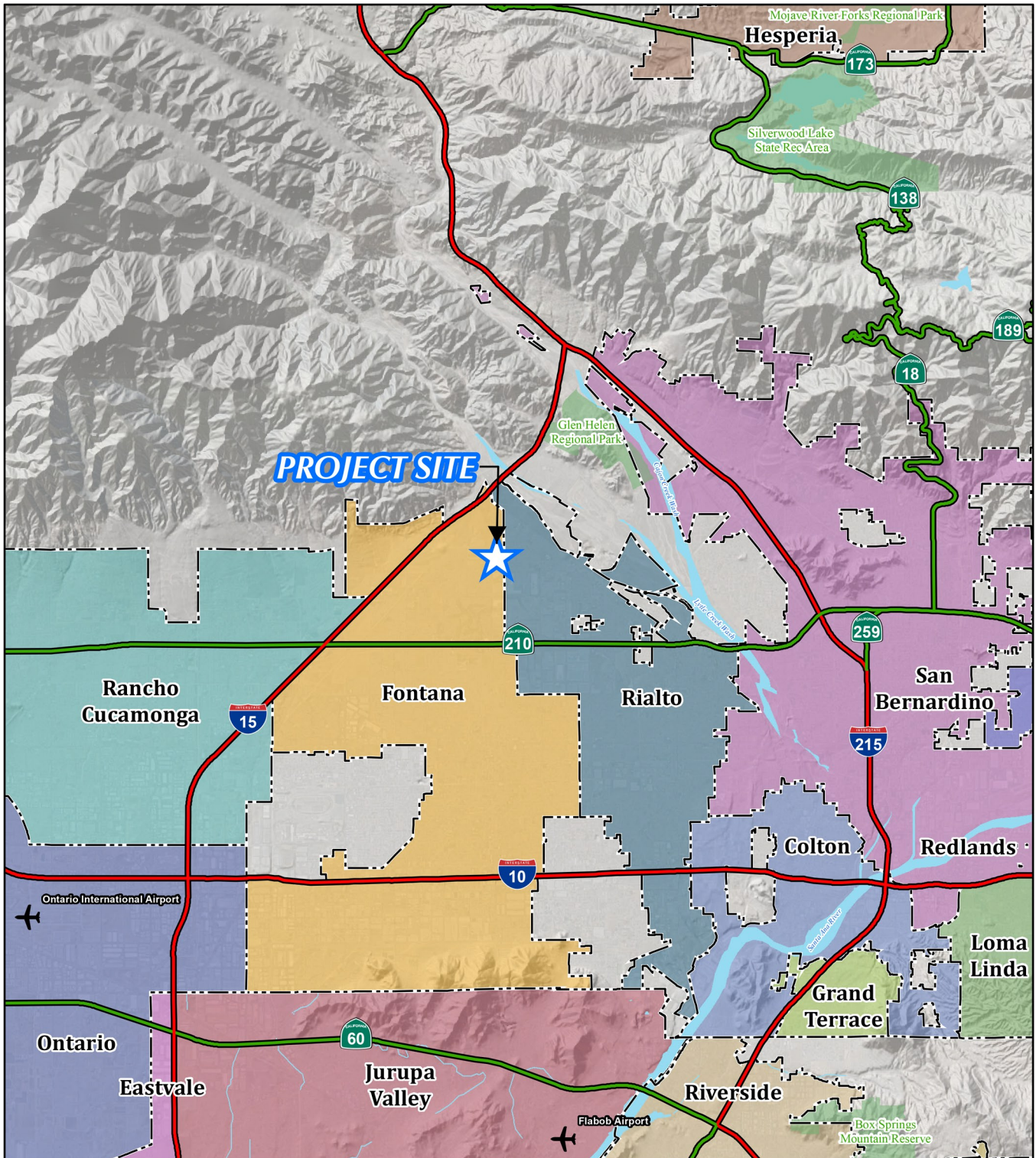
#### **3.1.1 SHEA PROJECT SITE**

The Shea Project Site is located on the east side of Sierra Avenue approximately 700 feet north of Casa Grande Avenue (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The Shea Project Site is located approximately 1.6 miles south of Interstate 15 (I-15) and 1.7 miles north of Interstate 210 (I-210). The approximately 11.5 gross-acre property includes two individual parcels, including Assessor Parcel Numbers (APNs): 0239-151-09 and -38. Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of existing land uses that abut the Shea Project Site.

#### **3.1.2 ACACIA PROJECT SITE**

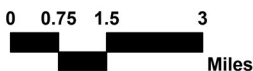
The Acacia Project Site is located east of Sierra Avenue and south of Duncan Canyon Road (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The Acacia Project Site is located approximately 1.5 miles south of Interstate 15 (I-15) and 1.8 miles north of Interstate 210 (I-210). The approximately 19.6 gross-acre property includes four individual parcels, including Assessor Parcel Numbers (APNs): 0239-151-19, -25, -26, and -36. Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of existing land uses that abut the Acacia Project Site.





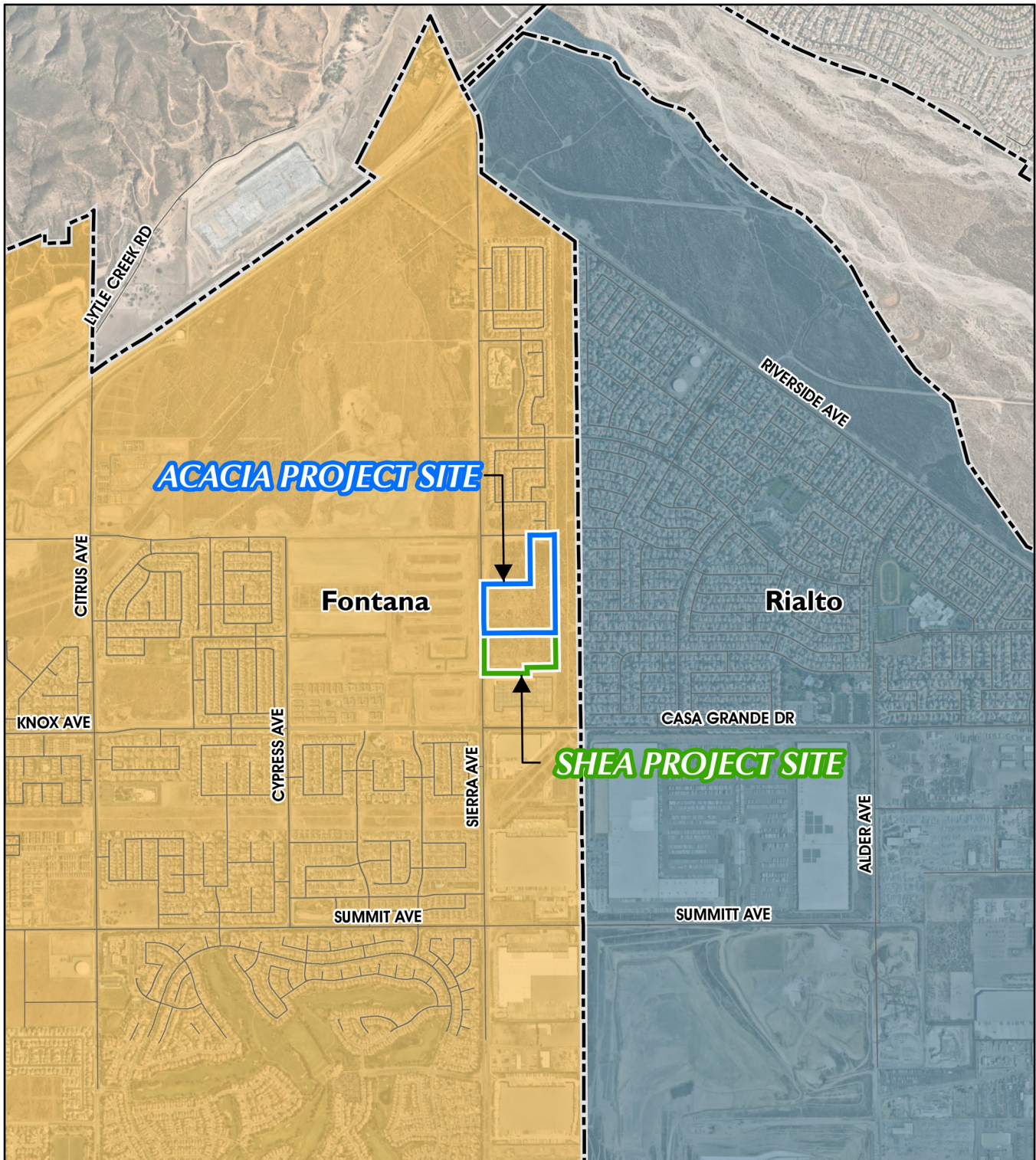
Source(s): ESRI, RCTLMA (2021), SB County (2020)

Figure 3-1



## Regional Map





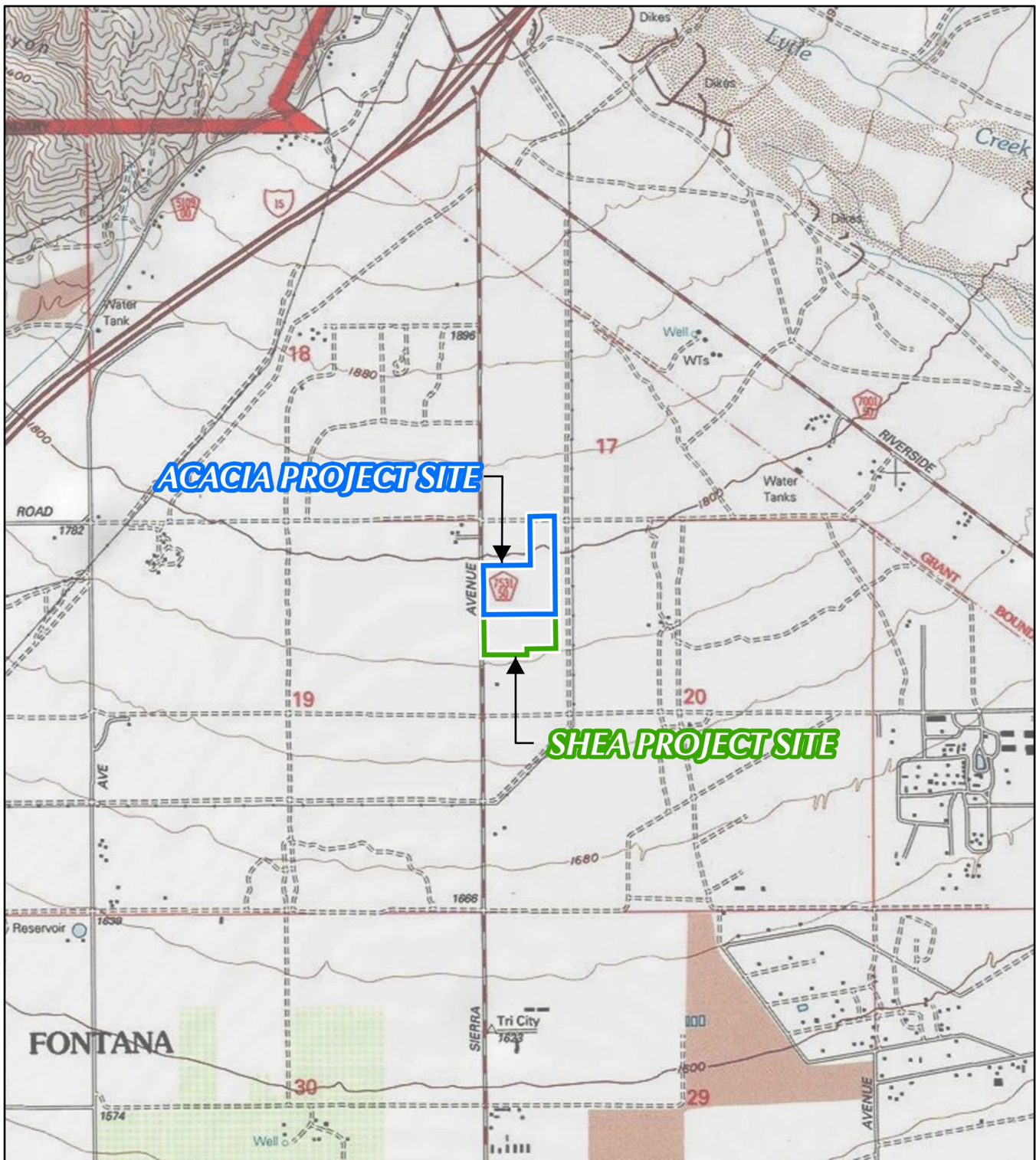
Source(s): ESRI, SB County (2020)

Figure 3-2



Vicinity Map





Source(s): ESRI, USGS (2013)

Figure 3-3



USGS Topographical Map



### **3.2 STATEMENT OF OBJECTIVES**

The fundamental purpose and goal of the Shea and Acacia Projects is to accomplish the orderly development of commerce center buildings over an approximately 30.1 net acre area (11.1 net acre Shea Project Site and 19.0 net acre Acacia Project Site). The Shea and Acacia Projects would achieve this goal through the following objectives.

1. To expand economic development and facilitate job creation in the City of Fontana by establishing new commerce center development along an existing truck route.
2. 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.
3. To develop commerce center buildings in north Fontana that have building heights, floor area ratios, and architectural characteristics that are similar to and compatible with other commerce center buildings that were recently built or recently approved for construction in north Fontana.
4. To develop commerce center buildings along or in close proximity to a designated truck route and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.
5. To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.

### **3.3 PROJECT COMPONENTS**

The Shea and Acacia Projects evaluated in this EIR include legislative and site development actions. The legislative actions for the Shea Project entail a proposed General Plan Amendment (GPA No. 21-004) and a Zone Change (ZC No. 21-006). The legislative actions for the Acacia Project entail a proposed General Plan Amendment (GPA No. 21-005) and a Zone Change (ZC No. 21-007). The general intent of the proposed legislative actions is to change the land use and zoning designations for the Shea Project Site from a residential category to a light industrial category and for the Acacia Project Site from residential and commercial categories to a light industrial category. The Shea Project Site-specific actions entail a proposed Design Review Project (DRP No. 21-034) and a Tentative Parcel Map (TPM No. 21-018) to permit the development and operation of a one-building commerce center. The Acacia Project Site-specific actions entail a proposed Design Review Project (DRP No. 21-039) and a Tentative Parcel Map (TPM No. 21-022) to permit the development and operation of a two-building commerce center. The individual components of the Shea and Acacia Projects are discussed below.

#### **3.3.1 GENERAL PLAN AMENDMENTS**

##### **A. Shea Project (GPA No. 21-004)**

The proposed GPA No. 21-004 would amend the City's General Plan Land Use Map to change the land use designations for the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L). Refer to Figure 3-4, *Shea Project Proposed GPA No. 21-004 and Acacia Project Proposed*





*GPA No. 21-005.* Pursuant to the City’s General Plan, the I-L land use designation generally provides for employee-intensive uses, such as business parks, with a floor area ratio (FAR) ranging between 0.1 to 0.6 (Fontana, 2018a, p. 15.25-26).

***B. Acacia Project (GPA No. 21-005)***

The proposed GPA No. 21-005 would amend the City’s General Plan Land Use Map to change the land use designations for the Acacia Project Site from Multi-Family High Density Residential (R-MFH) and General Commercial (C-G) to Light Industrial (I-L). Refer to Figure 3-4, *Shea Project Proposed GPA No. 21-004 and Acacia Project Proposed GPA No. 21-005*. Pursuant to the City’s General Plan, the I-L land use designation generally provides for employee-intensive uses, such as business parks, with a floor area ratio (FAR) ranging between 0.1 to 0.6 (Fontana, 2018a, p. 15.25-26).

**3.3.2 ZONE CHANGES**

***A. Shea Project (ZC No. 21-006)***

The proposed Zone Change (ZC) No. 21-006 would amend the City’s Zoning District Map to change the zoning classification of the Shea Project Site from Multi-Family High Density Residential (R-5) to Light Industrial (M-1). Refer to Figure 3-5, *Shea Project Proposed ZC No. 21-006 and Acacia Project Proposed ZC No. 21-007*.

Under the existing R-5 zoning designation, up to 555 housing units could occur on the Shea Project Site. To comply with California’s Housing Crisis Act of 2019 (SB 330), the Shea Project would comply with City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Density Bonus/Replacement Program,” which was approved by the Fontana City Council by Ordinance No. 1906 on October 25, 2022 (Fontana, 2022d).

***B. Acacia Project (ZC No. 21-007)***

The proposed ZC No. 21-007 would amend the City’s Zoning District Map to change the zoning classifications of the Acacia Project Site from R-5 and General Commercial (C-2) to M-1. Refer to Figure 3-5, *Shea Project Proposed ZC No. 21-006 and Acacia Project Proposed ZC No. 21-007*.

Under the existing R-5 zoning designation, up to 725 housing units could occur on the residentially-zoned portion of the Acacia Project Site. To comply with California’s Housing Crisis Act of 2019 (SB 330), the Acacia 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 by Ordinance No. 1906 on October 25, 2022 (Fontana, 2022d).



### 3.3.3 TENTATIVE PARCEL MAPS

#### **A. Shea Project (TPM No. 21-018)**

The proposed TPM No. 21-018 would consolidate the two existing parcels on the Shea Project Site into one parcel for the development of one commerce center building. Refer to Figure 3-6, *Shea Project Proposed TPM No. 21-018*.

#### **B. Acacia Project (TPM No. 21-022)**

The proposed TPM No. 21-022 would consolidate the four existing parcels on the Acacia Project Site into two parcels for the development of two commerce center buildings. Refer to Figure 3-7, *Acacia Project Proposed TPM No. 21-022*.

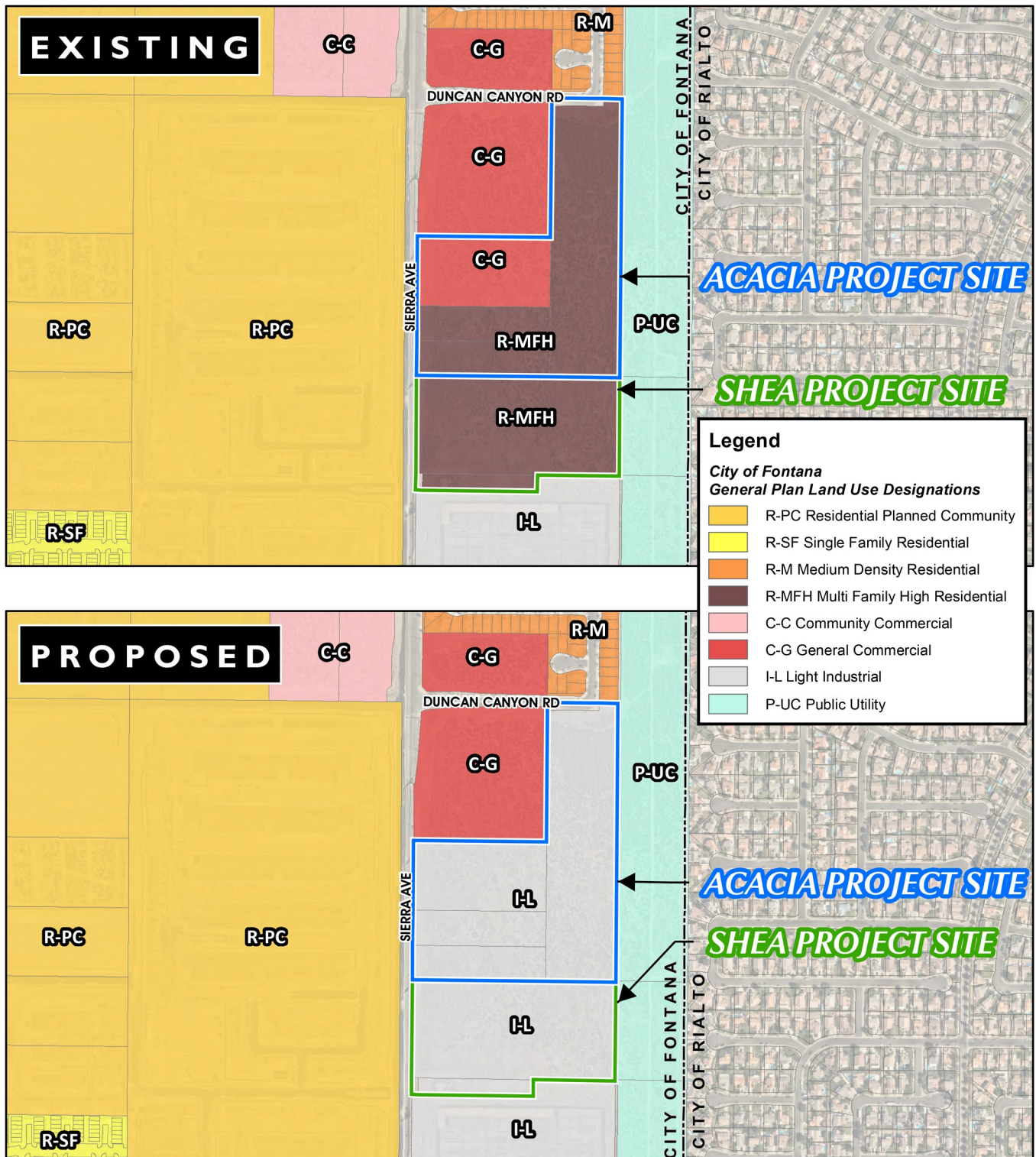
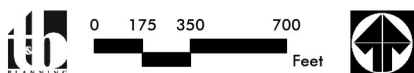
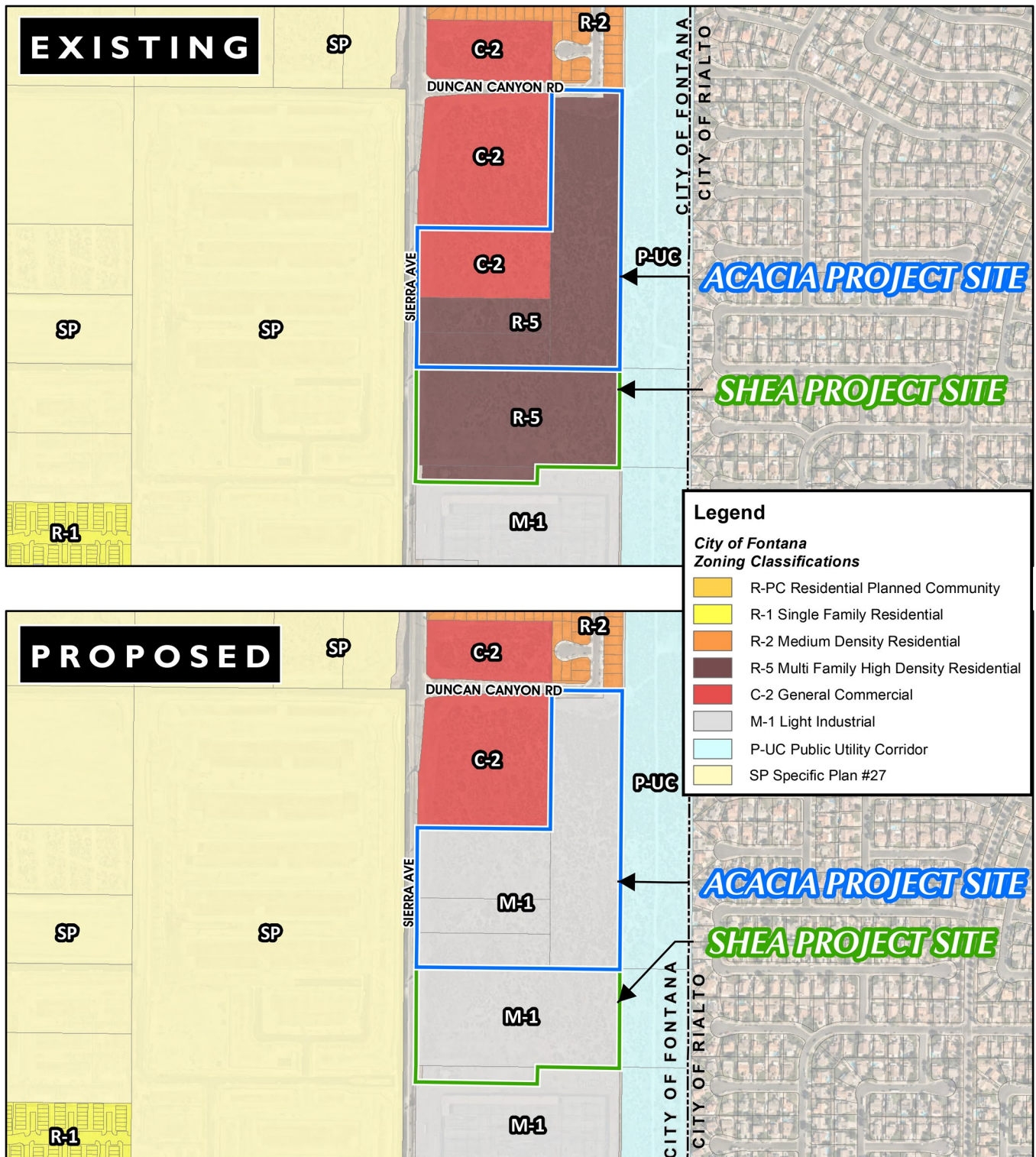


Figure 3-4



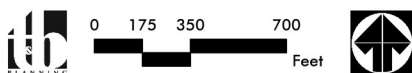
Shea Project Proposed GPA No. 21-004 and  
Acacia Project Proposed GPA No. 21-005





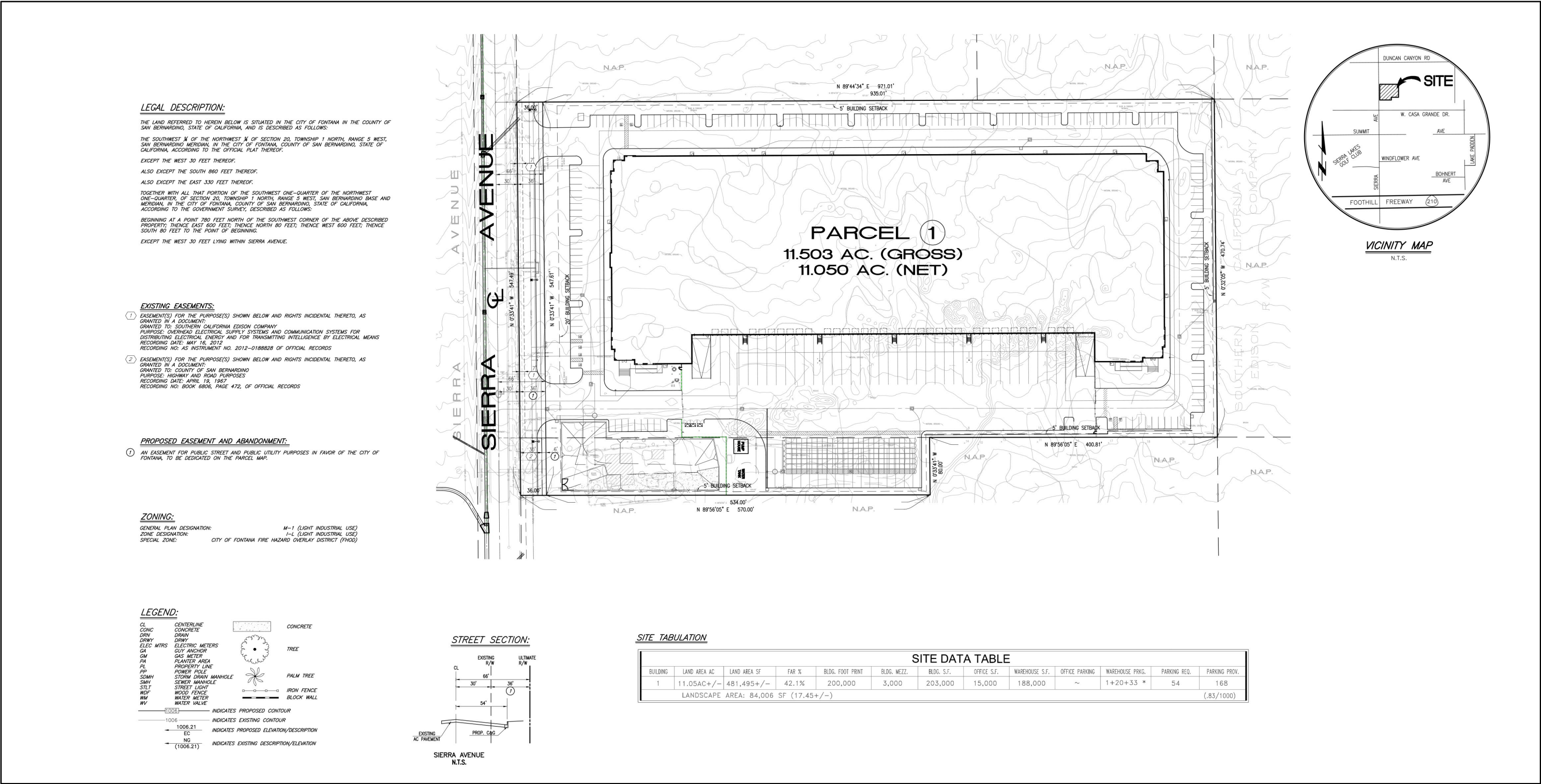
Source(s): ESRI, Nearmap Imagery (2021), SB County (2020), City of Fontana (2021)

Figure 3-5



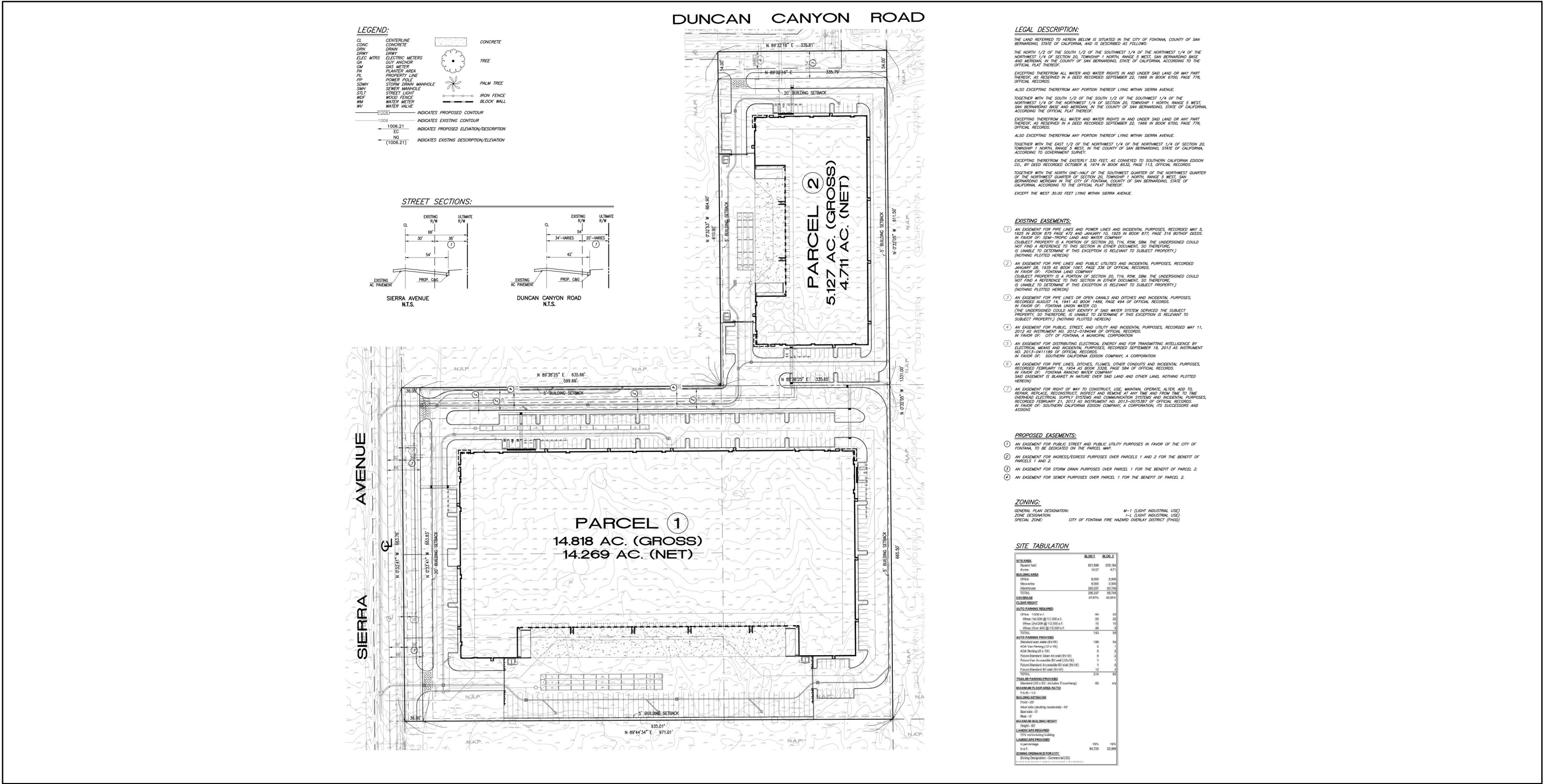
Shea Project Proposed ZC No. 21-006 and  
Acacia Project Proposed ZC No. 21-007





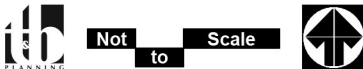
Source(s): Thienes Engineering, Inc. (01-31-2022)

Figure 3-6



Source(s): Thienes Engineering (09-14-2021)

Figure 3-7



Acacia Project Proposed TPM No. 21-022





### **3.3.4 DESIGN REVIEW PROJECTS**

#### **A. Shea Project (DRP No. 21-034)**

##### **1. *Site Layout & Architecture***

DRP No. 21-034 is a proposed development plan for the Shea Project Site that provides for the construction and operation of one commerce center building. The DRP application materials depict a conceptual layout of the proposed building and associated physical design features, conceptual architectural elevation design for the building, and a conceptual landscaping plan. The proposed building would have a maximum of 199,999 square feet (s.f.), which would include up to 188,000 s.f. of commerce center storage area and up to 19,900 s.f. of office space at full buildout. The proposed master plan for DRP No. 21-034 is illustrated on Figure 3-8, *Shea Project Conceptual Site Plan*.

The future occupant of the building is not known at the time of writing this EIR. Prior to the issuance of building permits to construct the building, the Project Applicant would be required to submit construction documents/plans to the City of Fontana for review and approval. The construction documents/plans would be required to comply with the City of Fontana Building Code, which is based on the California Building Code and is included in Chapter 5 of the City of Fontana Municipal Code.

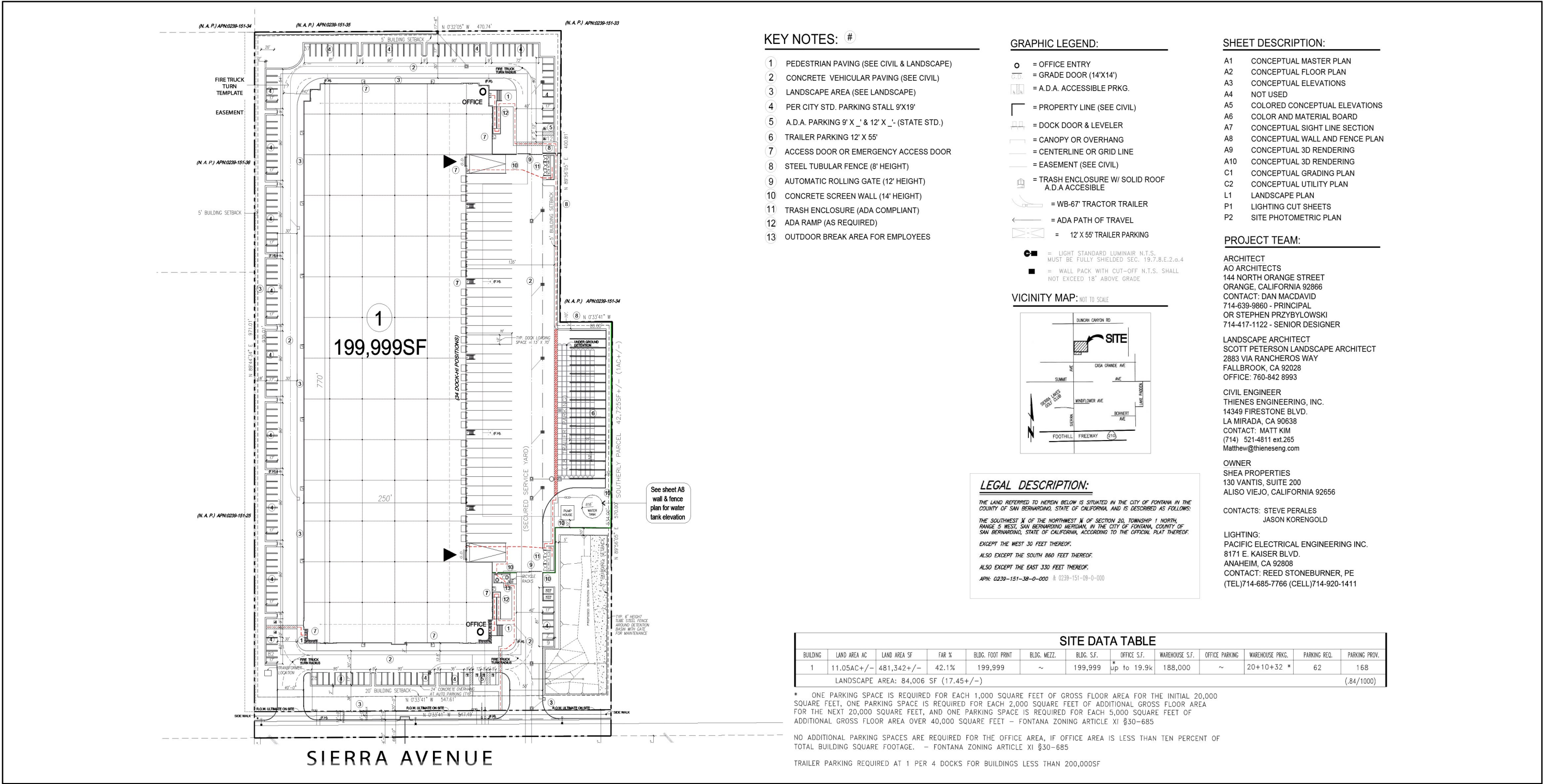
The Shea Project building is proposed as a single concrete tilt-up dock high commerce center building (type III-B) with up to 199,999 s.f., including up to 19,900 s.f. of office space. The building is rectangular shaped with its elongated sides oriented parallel to the Shea Project Site's northern and southern boundaries. A total of 168 automobile parking stalls are located along all sides of the building. A screened truck yard and trailer storage area is located along the south side of the building with 34 docking positions and 18 additional trailer stalls located along the southern boundary of the Shea Project Site. Access to and from the Shea Project Site would be provided from two private driveways connecting to Sierra Avenue.

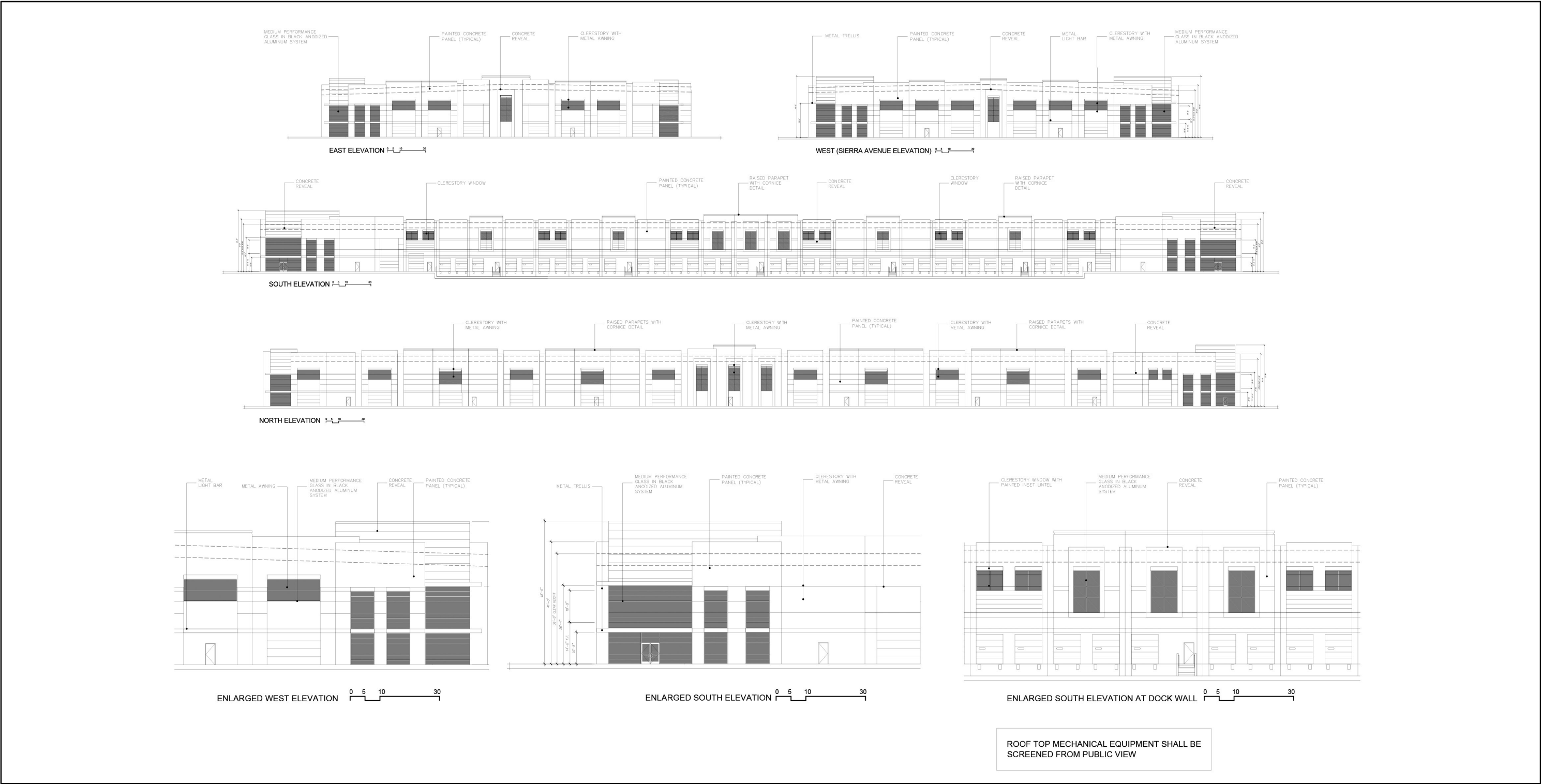
The typical height of the building is designed to reach 41.0 feet above finished floor elevation; however, the building would have a varied roofline and the maximum height (including parapets) would extend to 46.0 feet above finished floor elevation. The building would be constructed of concrete tilt-up panels and low-reflective, blue glass. The building's exterior color palette would be comprised of various shades of grey and white. Decorative building elements include panel reveals, mullions, and canopies at office entries. Conceptual architectural elevations for the building are illustrated on Figure 3-9, *Shea Project Conceptual Architectural Elevations*.

##### **2. *Conceptual Landscape Plan***

All existing vegetation on the Shea Project Site would be removed and replaced with the plant material specified in DRP No. 21-034, which is illustrated on Figure 3-10, *Shea Project Conceptual Landscape Plan*. Proposed landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. As shown on Figure 3-10, trees, shrubs, and groundcover are proposed along the development's street frontage with Sierra Avenue and along the entire property boundary. Landscaping would also occur at the building entrances and around the side of the building.







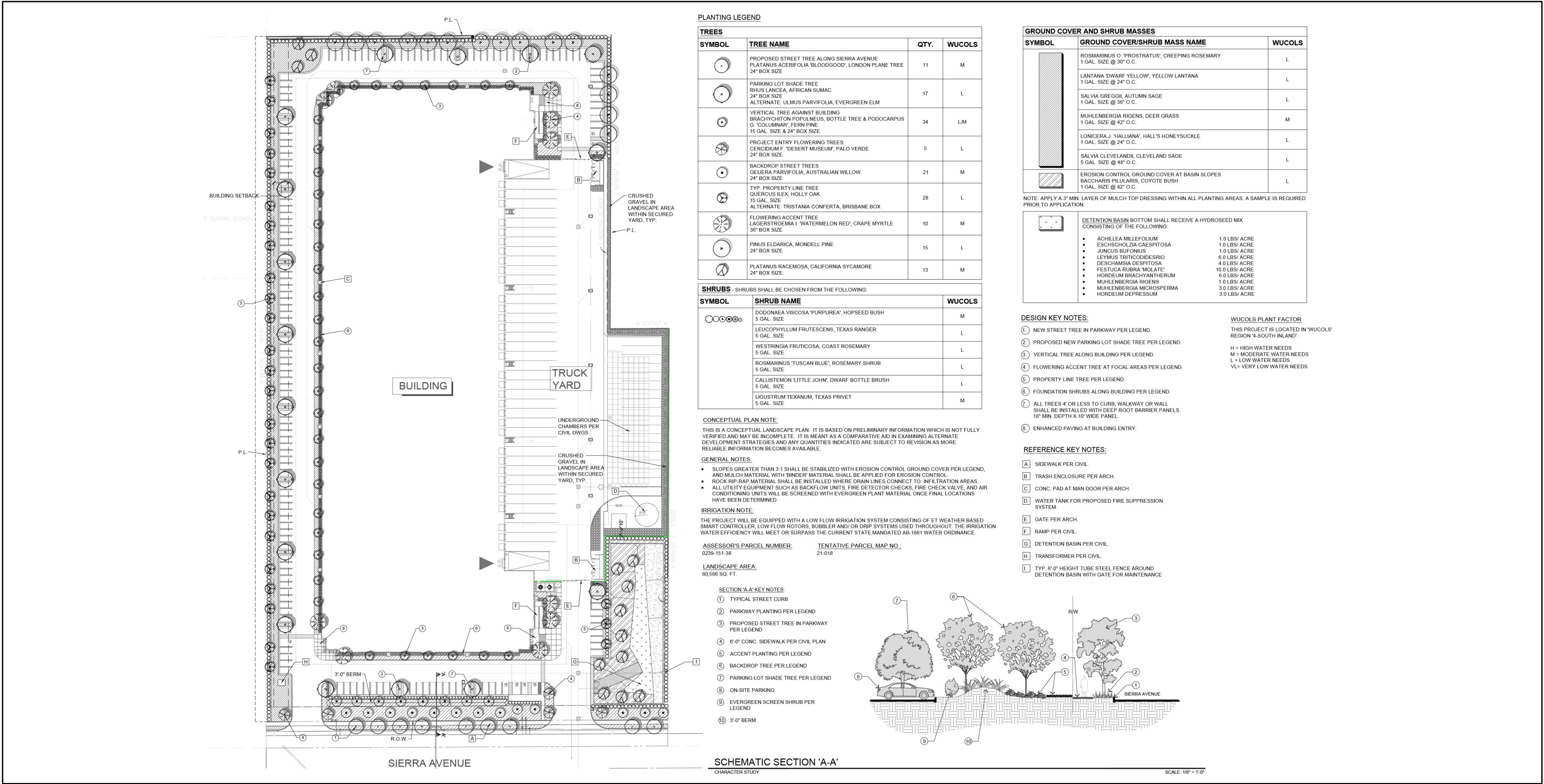
Source(s): AO Architects (04-22-2022)

Figure 3-9

th  
PLANNING  
Not to Scale

Shea Project Conceptual Architectural Elevations





Source(s): SPLA (04-25-2022)

Figure 3-10



A detention basin would be located in the southwest corner of the Shea Project Site. Prior to the issuance of building permits to construct the building, the Shea Project Applicant would be required to submit final planting and irrigation plans to the City for review and approval. The plans are required to comply with the “Landscape and Water Conservation Ordinance” from Chapter 28, Article IV, Sections 28-91 through 28-115 of the Fontana Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (City of Fontana, 2016, Sections 28-91 through 28-115).

**B. Acacia Project (DRP No. 21-039)**

**1. Site Layout & Architecture**

DRP No. 21-039 is a proposed development plan for the Acacia Project Site that provides for the construction and operation of two commerce center buildings. The DRP application materials depict a conceptual layout of the proposed buildings and associated physical design features, conceptual architectural elevation design for the buildings, and a conceptual landscaping plan. The buildings are designated “Building 1,” and “Building 2” for reference purposes. The proposed master plan for DRP No. 21-039 is illustrated on Figure 3-11, *Acacia Project Conceptual Site Plan*.

The future occupants of the buildings are not known at the time of writing this EIR. Prior to the issuance of building permits to construct the buildings, the Acacia Project Applicant would be required to submit construction documents/plans to the City of Fontana for review and approval. The construction documents/plans would be required to comply with the City of Fontana Building Code, which is based on the California Building Code and is included in Chapter 5 of the City of Fontana Municipal Code.

The Acacia Project buildings are proposed as concrete tilt-up dock high commerce center buildings (type III-B). Building 1 would be a maximum of 296,297 s.f. and Building 2 would be a maximum of 88,746 s.f. (for a collective total of 385,043 s.f. of total building area at full buildout). The buildings are rectangular shaped with Building 1 having its elongated sides oriented parallel to the Acacia Project Site’s northern and southern boundaries and Building 2 having its elongated sides oriented parallel to the eastern and western boundaries of the Acacia Project Site. A total of 277 automobile parking stalls are provided at the Acacia Project Site: 214 along all sides of Building 1 and 63 located along the northern, southern, and western sides of Building 2. An additional six motorcycle spaces would be provided, three for each building. Building 1 provides a screened truck yard and trailer storage area along the south side of the building with 35 dock doors and 60 trailer stalls. Building 2 provides 14 dock high doors. Access to and from the Acacia Project Site would be provided from three private driveways: two driveways connecting to Sierra Avenue for Building 1 and one driveway connecting to Duncan Canyon Road for Building 2.

The typical height of both Building 1 and Building 2 is designed to reach 39.0 feet above finished floor elevation; however, the buildings would have a varied roofline and the maximum height (including parapets) would extend to 45 feet 6 inches above finished floor elevation. Both buildings would be constructed of tilt-up panels and low-reflective, blue glass. The exterior color palette of the buildings would be comprised of various shades of grey and white. Decorative building elements include panel reveals, mullions, and canopies



at office entries. Conceptual architectural elevations for the building are illustrated on Figure 3-12, *Acacia Project Conceptual Architectural Elevations*.

## **2. Conceptual Landscape Plan**

All vegetation on the Acacia Project Site would be removed and replaced with the plant material specified in the DRP No. 21-034, which is illustrated on Figure 3-13, *Acacia Project Conceptual Landscape Plan*. Proposed landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. As shown in Figure 3-13, trees, shrubs, and groundcover are proposed along the development's street frontage with Sierra Avenue and Duncan Canyon Road and along the entire property boundary. Landscaping would also occur at the building entrances and around the sides of the building. Prior to the issuance of building permits to construct the building, the Acacia Project Applicant would be required to submit final planting and irrigation plans to the City of Fontana for review and approval. The plans are required to comply with the "Landscape and Water Conservation Ordinance" from Chapter 28, Article IV, Sections 28-91 through 28-115 of the Fontana Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (City of Fontana, 2016, Sections 28-91 through 28-115).

## **3.4 TECHNICAL CHARACTERISTICS OF THE PROJECTS**

### **A. Public Road Improvements**

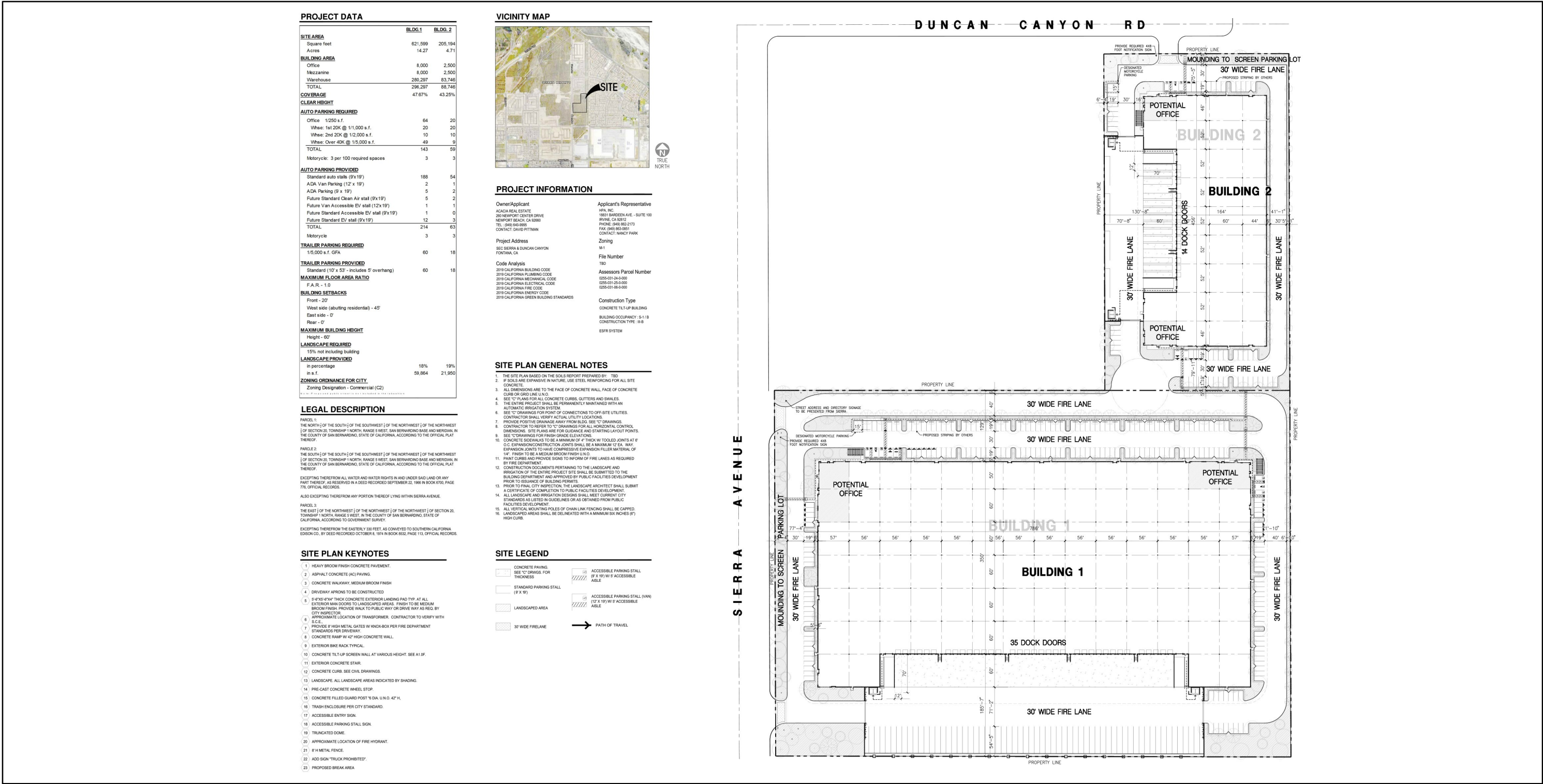
#### **1. Shea Project**

Sierra Avenue is the existing public street abutting the Shea Project Site to the west. Sierra Avenue is substandard consisting of edge of pavement to dirt. The Shea Project would be required to dedicate 36 feet of street right-of-way. Required improvements for this street in addition to some pavement removal and adjustments, would include pavement infill, curb and gutter, two new driveway aprons, sidewalk, lane striping, and landscaping/irrigation (including approximately 11 new street trees), decorative streetlights, fire hydrants, and signage. The ultimate design section for this street includes a future 20-foot-wide raised median.

#### **2. Acacia Project**

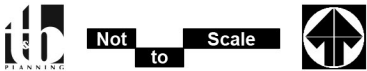
Sierra Avenue is the existing public street that abuts the Acacia Project Site to the west and Duncan Canyon Road is the existing public street that abuts the Acacia Project to the north. The Acacia Project would be required to dedicate 36 feet of street right-of-way. Required improvements for this street in addition to some pavement removal and adjustments, would include pavement infill, curb and gutter, two new driveway aprons, sidewalk, lane striping, and landscaping/irrigation (including approximately 16 new street trees), decorative streetlights, fire hydrants, and signage. The ultimate design section for this street includes a future 20-foot-wide raised median. At the Acacia Project Site's frontage with Duncan Canyon Road, the Acacia Project would be required to dedicate 20 feet of street right-of way. Required improvements for this street would include pavement, curb and gutter, one new driveway apron, sidewalk, lane striping, and landscaping/irrigation (including approximately 10 new street trees), decorative streetlights, a fire hydrant, and signage.



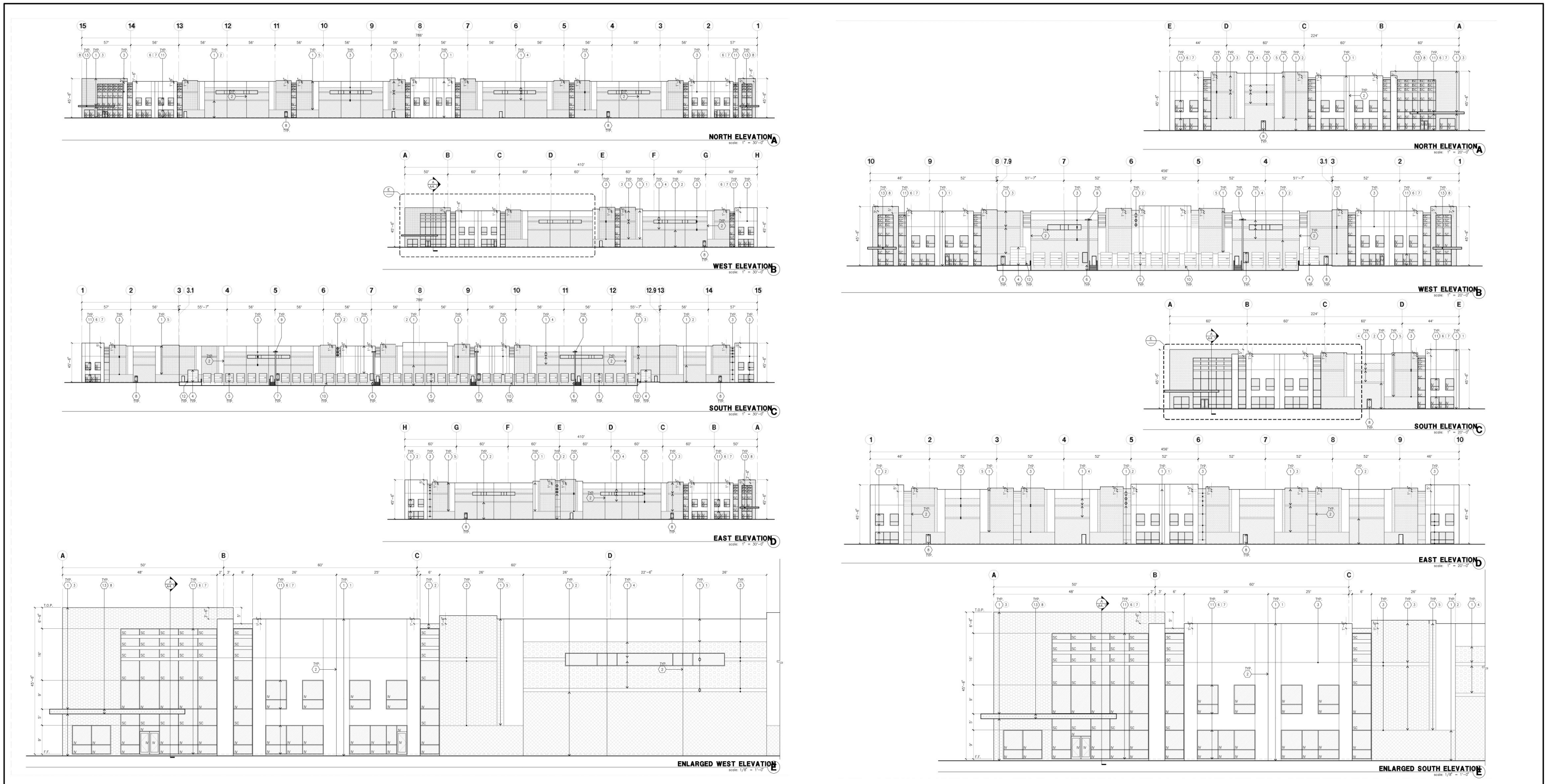


Source(s): HPA (02-16-2021)

Figure 3-11



Acacia Project Conceptual Site Plan



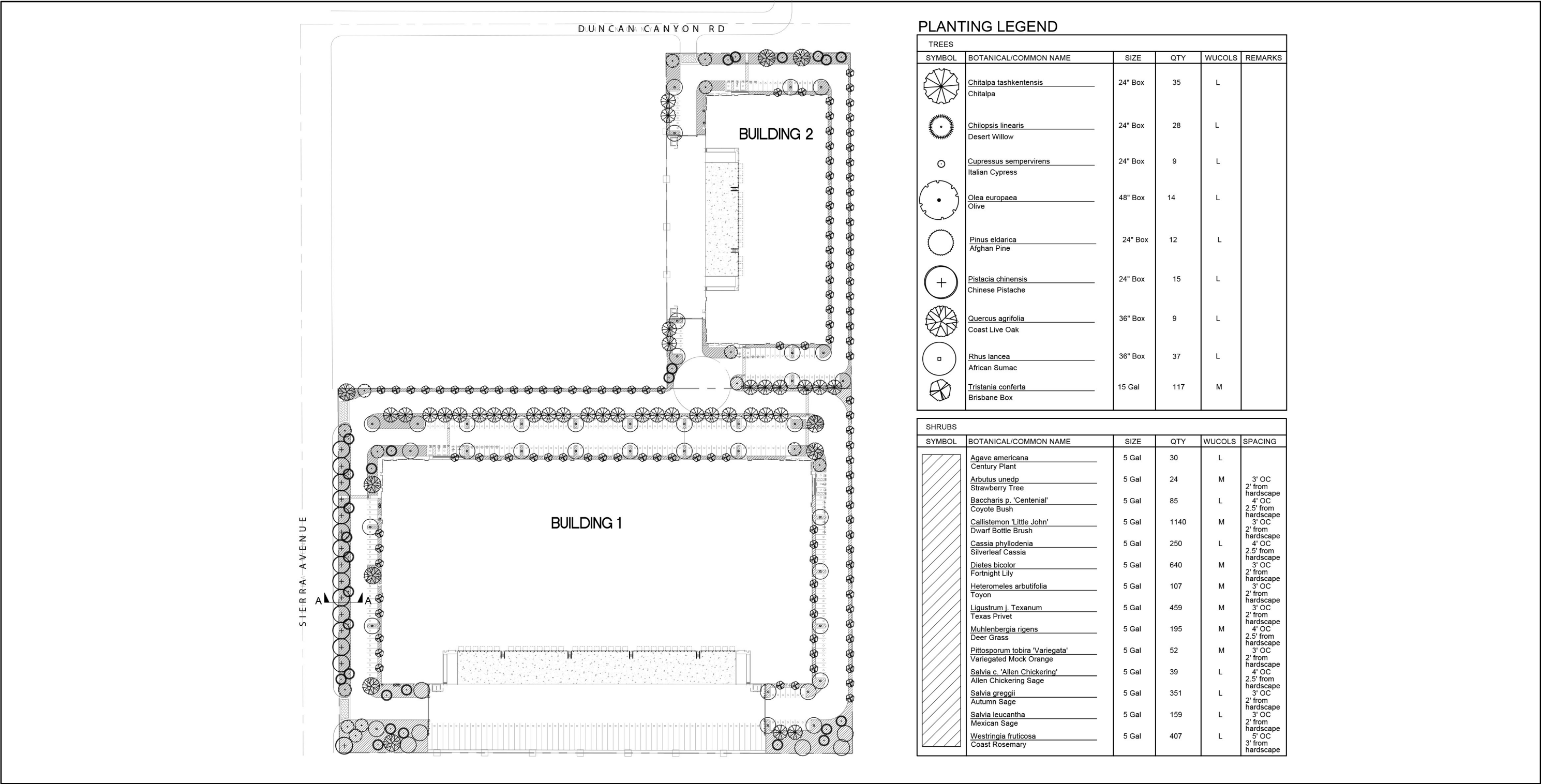
Source(s): HPA (01-14-2022)

Figure 3-12

th  
PLANET  
Not to Scale

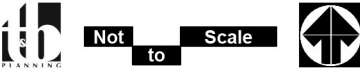
Acacia Project Conceptual Architectural Elevations





Source(s): Hunter Landscape (01-14-2022)

Figure 3-13



Acacia Project Conceptual Landscape Plan



***B. Utility Improvements***

***1. Shea Project***

The Shea Project would be required to underground the existing aerial dry utilities along the Shea Project Site frontage at Sierra Avenue. In order to support the Shea Project, the proposed public storm drain in Sierra Avenue would be extended across the Shea Project's frontage. For sewer service, the Shea Project is located in the City of Fontana service area, and proposes the installation of a new lateral to connect with an existing City sewer main in Sierra Avenue. For domestic water service, the Shea Project Site is located within the service boundary of the West Valley Water District (WVWD), which maintains existing 8-inch and 12-inch water mains in Sierra Avenue. In order to serve the Shea Project along with current and proposed development in the area, WVWD would require the Shea Project to abandon the 8-inch main and install a new 12-inch main across the frontage of the Shea Project Site. The proposed building would mostly be served by two new 2-inch water meters (1 domestic & 1 irrigation), two new 10-inch fire service connections, and an on-site loop of the building. These would connect to the proposed new 12-inch main.

***2. Acacia Project***

The Acacia Project would be required to underground the existing aerial dry utilities along the Acacia Project Site frontage at Sierra Avenue. The Acacia Project would add a 36-inch RCP storm drain extension along the property frontage with Sierra Avenue. The Acacia Project proposes three underground retention facilities for infiltration, as well as three hydrodynamic separators for pretreatment. The first underground retention facility (CMP "A") is designed in the truck yard of Building 1. The second underground retention facility (CMP "B") is designed in the northerly vehicle parking lot of Building 1. The third underground retention facility (CMP "C") is designed in the truck yard of Building 2. For sewer service, the Acacia Project is located in the City of Fontana service area, and proposes the installation of a new lateral to connect with an existing City sewer main in Sierra Avenue. For domestic water service, the Acacia Project Site is located within the service boundary of the WVWD, which maintains existing 8-inch and 12-inch water mains in Sierra Avenue and an 8-inch line in Duncan Canyon Road. In order to serve the Acacia Project along with current and proposed development in the area, WVWD would require the Acacia Project to abandon the 8-inch main and install a new 12-inch main across the frontage of the Acacia Project Site.

***C. Construction Characteristics***

***1. Shea Project***

The Shea Project Applicant anticipates that the construction process will span a length of approximately 13 months. Demolition of on-site structures would occur first, followed by site preparation, then mass-grading and installation of underground infrastructure and retaining walls. Next, fine grading would occur, surface materials would be poured, and the proposed building would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing, screen walls, lighting, signage, and other site improvements would be installed. The estimated Shea Project construction schedule, organized by construction stage, is summarized in Table 3-1, *Shea Project Construction Schedule*. For purposes of analysis in this EIR, construction is assumed to commence in the latter half of 2023 and be completed in late 2024.



**Table 3-1 Shea Project Construction Schedule**

Construction Phase	Start Date	End Date	Duration
Demolition/Crushing	6/01/2023	06/28/2023	20 days
Site Preparation	06/29/2023	07/12/2023	10 days
Grading	07/13/2023	08/23/2023	30 days
Building Construction	08/24/2023	10/16/2024	300 days
Paving	09/19/2024	10/16/2024	20 days
Architectural Coating	09/19/2024	10/16/2024	20 days
<b>Total</b>			<b>13 months</b>

Source: (Urban Crossroads, 2022a, Table 3-10)

The construction equipment fleet that is estimated to be used for Shea Project construction is summarized in Table 3-2, *Shea Project Construction Equipment Fleet*.

**Table 3-2 Shea Project Construction Equipment Fleet**

Activity	Equipment	Number	Hours/Day
Demolition	Concrete/Industrial Saws	1	8
	Excavators	3	8
	Rubber Tired Dozers	2	8
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	2	8
	Scrapers	2	8
	Excavators	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Building Construction	Cranes	1	8
	Crawler Tractors	3	8
	Forklifts	3	8
	Generator Sets	1	8
	Welders	1	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coatings	Air Compressors	1	8

Source: (Urban Crossroads, 2022a, Table 3-11)



Construction workers would travel to the Shea Project Site by passenger vehicle and materials deliveries would occur by medium- and heavy-duty trucks. Construction equipment is expected to operate on the Shea Project Site up to eight hours per day, six days per week. Even though construction activities are permitted to occur between 7:00 a.m. to 6:00 p.m. on Mondays through Fridays, and 8:00 a.m. to 5:00 p.m. on Saturdays pursuant to the Fontana Municipal Code Section 18-63(b)(7)), as is typical to a construction site, construction equipment is not in continual use and some pieces of equipment are used only periodically throughout a typical day of construction. Thus, eight hours of daily use per piece of equipment is a reasonable assumption.

Proposed grading activities would result in physical disturbance to a total of approximately 11.5 acres. Depth of ground disturbance would reach an average of approximately 8 feet. Other than frontage improvements to Sierra Avenue, no other on- or off-site physical impacts are anticipated as part of the Shea Project. As shown on Figure 3-14, *Shea Conceptual Grading Plan*, the Shea Project would result in approximately 29,988 cubic yards of cut and fill. Based on the expected shrinkage and compaction of on-site soils, earthwork activities are expected to balance and no import or export of soil materials would be required.

## 2. Acacia Project

The Acacia Project Applicant anticipates that the construction process will span a length of approximately 13 months. Site preparation would occur first, then mass-grading and installation of underground infrastructure and retaining walls. Next, fine grading would occur, surface materials would be poured, and the proposed buildings would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing, screen walls, lighting, signage, and other site improvements would be installed. The estimated Acacia Project construction schedule, organized by construction stage, is summarized in Table 3-3, *Acacia Project Construction Schedule*. For purposes of analysis in this EIR, construction is assumed to commence in the latter half of 2023 and be completed in late 2024, with the development of proposed Building 1 and Building 2 occurring simultaneously.

**Table 3-3 Acacia Project Construction Schedule**

Construction Phase	Start Date	End Date	Duration
Site Preparation	06/01/2023	06/14/2023	10 days
Grading	06/15/2023	07/26/2023	30 days
Building Construction	07/27/2023	09/18/2024	300 days
Paving	08/22/2024	09/18/2024	20 days
Architectural Coating	08/08/2024	09/18/2024	20 days
<b>Total</b>			<b>13 months</b>

Source: (Urban Crossroads, 2022a Table 3-3)

The construction equipment fleet that is estimated to be used for Acacia Project construction is summarized in Table 3-4, *Acacia Project Construction Equipment Fleet*.



Table 3-4 Acacia Project Construction Equipment Fleet

Activity	Equipment	Number	Hours/Day
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	2	8
	Scrapers	2	8
	Excavators	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Building Construction	Cranes	1	8
	Crawler Tractors	3	8
	Forklifts	3	8
	Generator Sets	1	8
	Welders	1	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coatings	Air Compressors	1	8

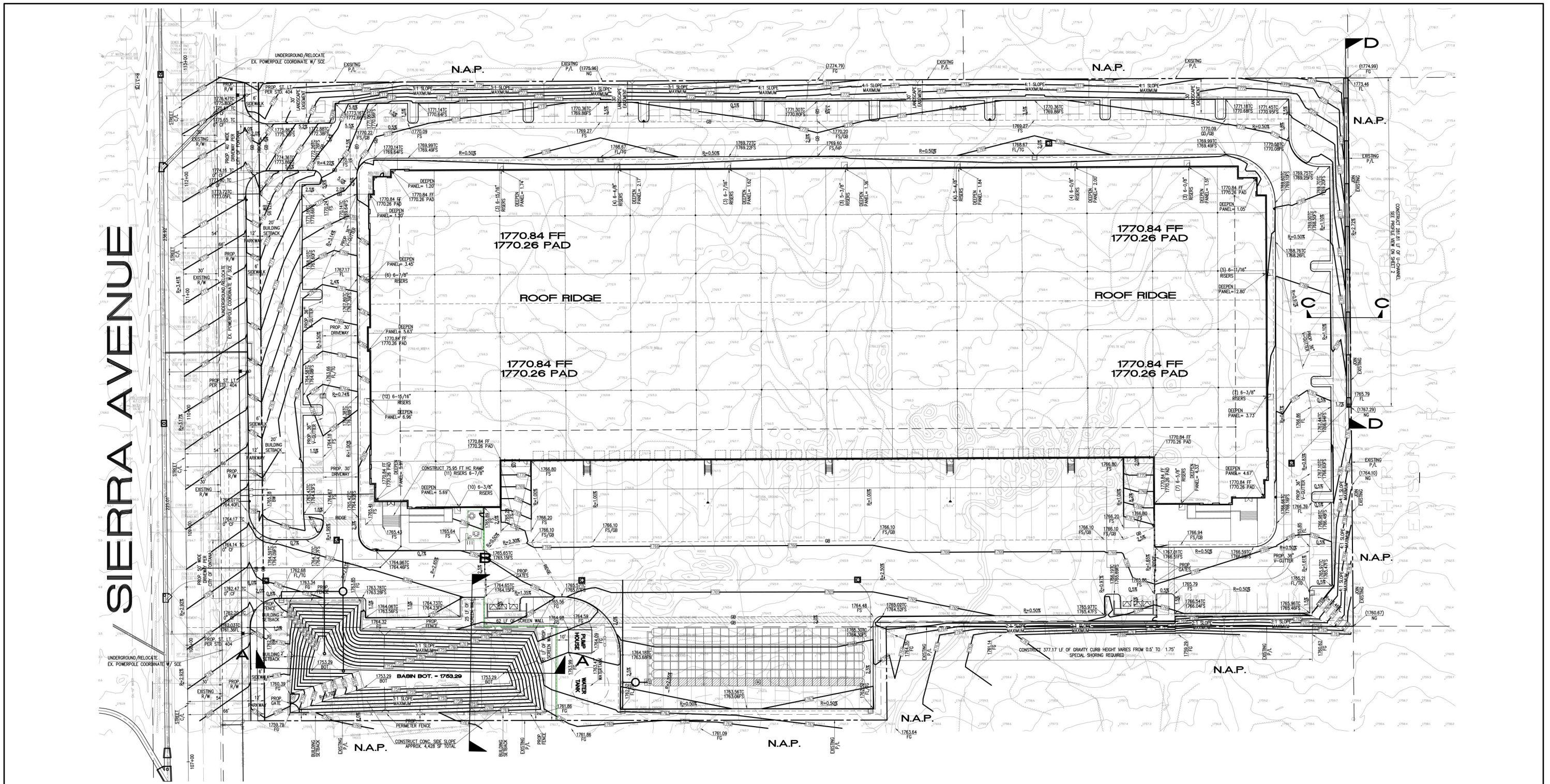
Source: (Urban Crossroads, 2022a, Table 3-4)

Construction workers would travel to the Acacia Project Site by passenger vehicle and materials deliveries would occur by medium- and heavy-duty trucks. Construction equipment is expected to operate on the Acacia Project Site up to eight hours per day, six days per week. Even though construction activities are permitted to occur between 7:00 a.m. to 6:00 p.m. on Mondays through Fridays, and 8:00 a.m. to 5:00 p.m. on Saturdays pursuant to the Fontana Municipal Code Section 18-63(b)(7)), as is typical to a construction site, construction equipment is not in continual use and some pieces of equipment are used only periodically throughout a typical day of construction. Thus, eight hours of daily use per piece of equipment is a reasonable assumption.

Proposed grading activities would result in physical disturbance to a total of approximately 19.6 acres. Depth of ground disturbance is estimated at an average of approximately six feet below grade. Other than roadway frontage improvements to Sierra Avenue and Duncan Canyon Road, no other on- or off-site physical impacts are anticipated as part of the Acacia Project.

As shown on Figure 3-15, *Acacia Conceptual Grading Plan*, the proposed Acacia Project would result in approximately 69,729 cubic yards of cut and fill. Based on the expected shrinkage and compaction of on-site soils, earthwork activities are expected to balance and no import or export of soil materials would be required.





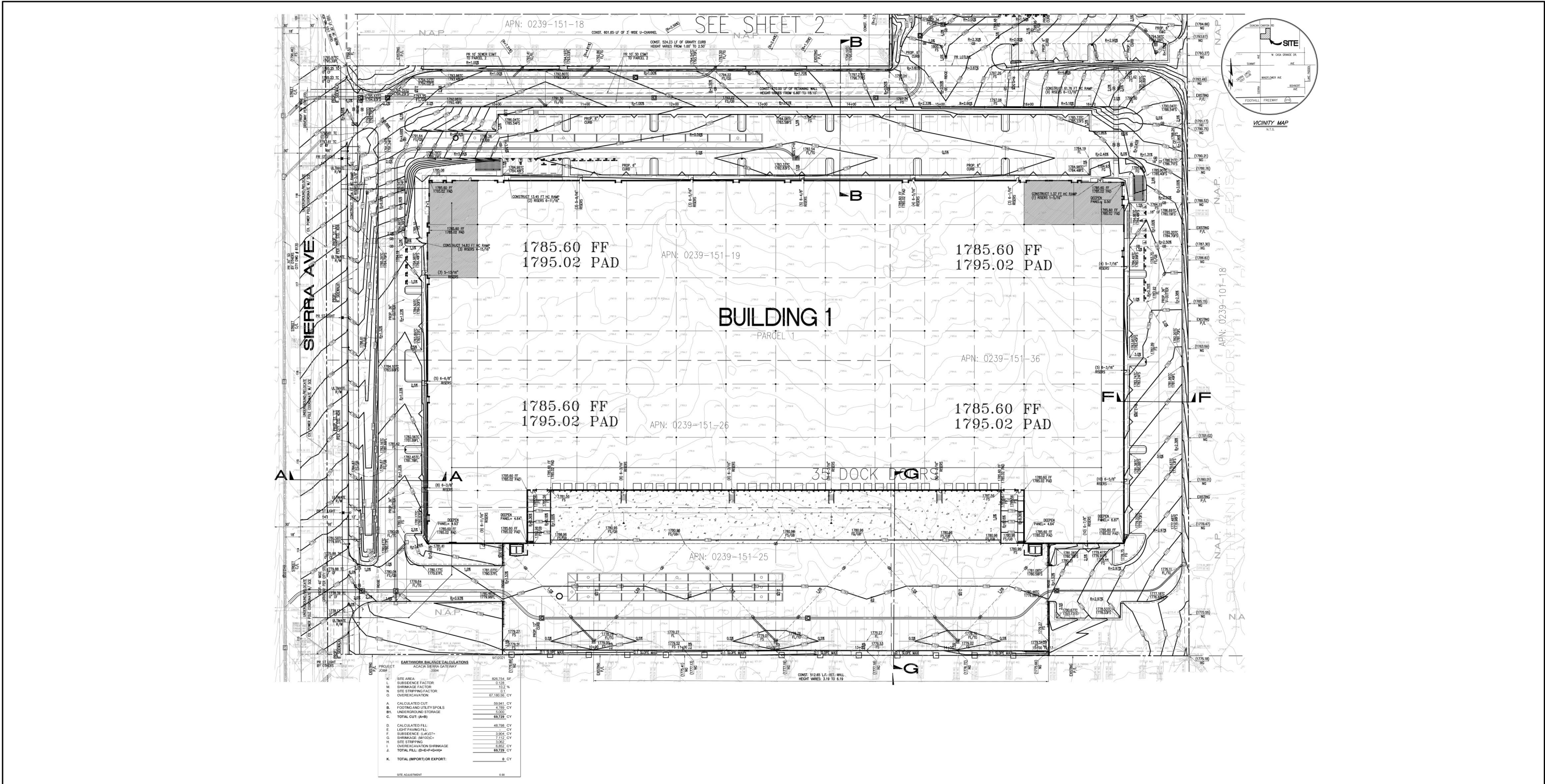
Source(s): Thienes Engineering (01-26-2022)

Figure 3-14



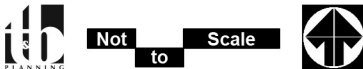
Shea Conceptual Grading Plan





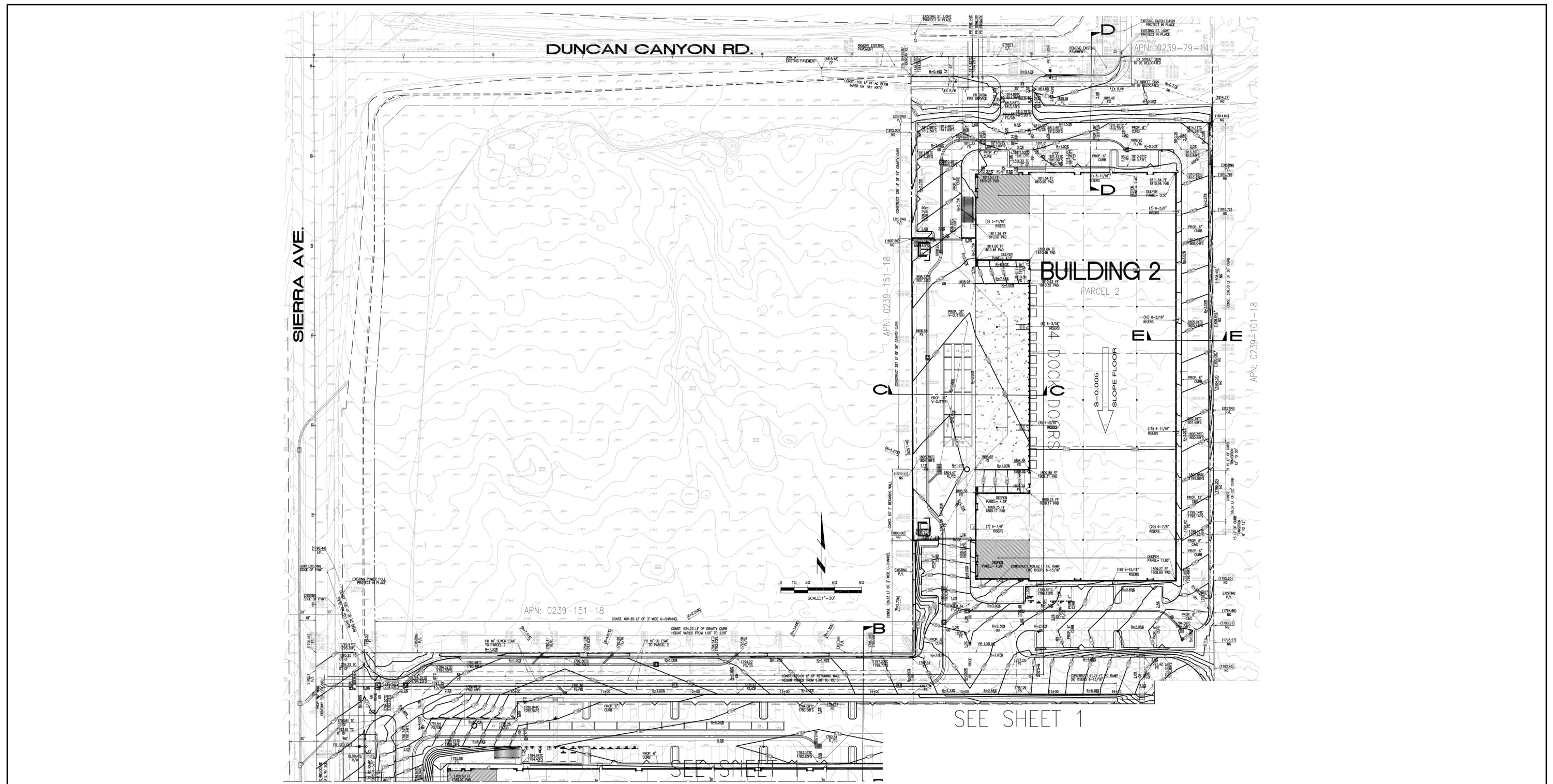
Source(s): Thienes Engineering (12-01-2021)

Figure 3-15A



Acacia Conceptual Grading Plan





**Source(s): Thienes Engineering (03-10-2022)**

Figure 3-15B



**D. Operational Characteristics**

The Shea and Acacia Project buildings have been designed as speculative commerce centers, consistent with industry standards for that type of use. At this time, the future occupant(s) of the Shea and Acacia Project buildings are unknown. It is expected that the proposed commerce center buildings would be used primarily for the storage and distribution of dry goods. The Shea and Acacia Projects are assumed to be operational 24 hours a day, seven days per week for purposes of analysis in this EIR.

**3.5 SUMMARY OF REQUESTED ACTIONS**

The City has primary approval responsibility for the Shea and Acacia Projects. As such, the City serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Section 15050. The City's Planning Commission is a recommending authority for the Shea and Acacia Projects and will consider the Shea and Acacia Projects and make a recommendation to the City Council to approve, approve with changes, or deny the Shea Project and/or the Acacia Projects. The City Council is the ultimate decision-making body concerning the proposed Projects. The City's Planning Commission and City Council will consider the information contained in this EIR and the Shea and Acacia Project's Administrative Record in their decision-making processes.

In the event of approval of the Shea Project and/or the Acacia Project and certification of this EIR, the City would conduct administrative reviews and grant ministerial permits and approvals for plans that substantially conform to the plans approved by the City Council in order to implement Shea Project and/or Acacia Project requirements and conditions of approval. In the event of substantial modifications to the plans approved by the City Council, the modified plans will be reviewed and considered before the responsible City hearing body subject to the applicable provisions outlined in the Fontana Municipal Code.

A list of the actions under City jurisdiction is provided in Table 3-5, *Project-Related Approvals/Permits*. In addition, additional discretionary and/or administrative actions may be necessary from other government agencies to fully implement the Shea and Acacia Projects. Table 3-5 lists the government agencies that are expected to use the Shea and Acacia Project's EIR during their consultation and review of the Shea and Acacia Projects and their implementing actions and provides a summary of the subsequent actions associated with the Shea and Acacia Projects.

**Table 3-5 Project-Related Approvals/Permits**

<b>Public Agency</b>	<b>Approvals and Decisions</b>
<b>City of Fontana</b>	
<b>Proposed Project – City of Fontana Discretionary Approvals</b>	
City Council	<ul style="list-style-type: none"> <li>• <b>Shea Project</b> - Approve, conditionally approve, or deny: <ul style="list-style-type: none"> <li>○ General Plan Amendment (GPA No. 21-004),</li> <li>○ Zone Change (ZC No. 21-006),</li> <li>○ Tentative Parcel Map (TPM No. 21-018),</li> <li>○ Design Review (DRP No. 21-034),</li> <li>○ SB-330 compliance action</li> </ul> </li> </ul>



	<ul style="list-style-type: none"><li>• <b>Acacia Project</b> - Approve, conditionally approve, or deny:<ul style="list-style-type: none"><li>○ General Plan Amendment (GPA No. 21-005),</li><li>○ Zone Change (ZC No. 21-007),</li><li>○ Tentative Parcel Map (TPM No. 21-022),</li><li>○ Design Review (DRP No. 21-039),</li><li>○ SB-330 compliance action</li></ul></li></ul>
<b>Subsequent City of Fontana Discretionary and Ministerial Approvals</b>	
City of Fontana Subsequent Implementing Approvals	<ul style="list-style-type: none"><li>○ Issue demolition permits.</li><li>○ Approve Final Maps, parcel mergers, or parcel consolidations, as may be appropriate.</li><li>○ Approve precise Site plan(s) and landscaping/irrigation plan (s), as may be appropriate.</li><li>○ Approve Conditional or Temporary Use Permits, if required.</li><li>○ Issue Grading Permits.</li><li>○ Issue Building Permits.</li><li>○ Approve Road Improvement Plans.</li><li>○ Approve Sewer Infrastructure Plans.</li><li>○ Issue Encroachment Permits.</li><li>○ Accept public right-of-way dedications.</li><li>○ Approve Water Quality Management Plan (WQMP).</li><li>○ Approval of connections to the municipal sewer system.</li></ul>
<b>Other Agencies – Subsequent Approvals and Permits</b>	
West Valley Water District	<ul style="list-style-type: none"><li>○ Approvals for construction of water infrastructure and connection to water distribution system.</li></ul>
Santa Ana Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"><li>○ Issuance of a Construction Activity General Construction Permit.</li><li>○ Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit.</li><li>○ Approval of WQMP.</li></ul>
Southern California Edison	<ul style="list-style-type: none"><li>○ Approvals for removal of above-ground power poles and undergrounding of overhead power lines.</li></ul>
South Coast Air Pollution Control District	<ul style="list-style-type: none"><li>○ Issue permits to construct and permits to operate, if equipment is proposed to be installed that requires a permit.</li></ul>





## 4.0 ENVIRONMENTAL ANALYSIS

### 4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines Sections 15126-15126.4, this EIR Section 4.0 includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could occur from planning, constructing, and/or operating the proposed Shea and/or Acacia Projects. Both the Shea and Acacia Project are evaluated individually and will also be evaluated cumulatively as one Project in this EIR. Note that because the Projects have independent utility from one another, the City has the ability to act on each Project individually as part of the City's decision-making processes.

In compliance with the procedural requirements of CEQA, a Notice of Preparation (NOP) was prepared and distributed for public review, in accordance with CEQA Guidelines Section 15082. An Initial Study was not prepared for the Project, and as such the NOP indicated that the required EIR will evaluate all of the topics listed in Appendix G to the CEQA Guidelines. Public comment on the scope consisted of written comments received by the City of Fontana in response to the NOP issued for this EIR. A publicly-noticed Scoping Meeting was held virtually on April 6, 2022. Pursuant to Appendix G to the CEQA Guidelines, this EIR evaluates 20 primary environmental subject areas, as listed below. Each Subsection evaluates several specific subject matters related to the general topic of the Subsection. The title of each Subsection is not limiting; therefore, refer to each Subsection for a full account of the subject matters addressed therein.

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

### 4.0.2 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a project. As noted in CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines Section 15130(a)(1)). As defined in CEQA Guidelines Section 15355:

*'Cumulative Impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*



- (a) *The individual effects may be changes resulting from a single project or a number of separate projects.*
- (b) *The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: “1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency [‘the list of projects approach’], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact [‘the summary of projections approach’].”

The summary of projections approach is used in this EIR, except for the evaluation of cumulative transportation effects (for purposes of demonstrating General Plan policy compliance) and vehicular-related air quality, greenhouse gas, and noise impacts, for which the analysis combines the summary of projections approach with the manual addition of past, present, and reasonably foreseeable projects (“combined approach”). The City determined the combined approach to be appropriate because long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effect for all subject areas, with the exception of transportation (and vehicular-related air quality, greenhouse gas, and noise effects), which requires a greater level of detailed study. With the combined approach, the cumulative impact analyses for the air quality, greenhouse gas, noise, and transportation issue areas overstate the Project’s potential cumulatively considerable impacts relative to analyses that rely solely on the list of projects approach or solely on the summary of projections approach; therefore, the combined approach provides a conservative, “worst-case” analysis for the Shea and Acacia Projects’ cumulative air quality, greenhouse gas, noise, and transportation impacts.

The list of projects used to supplement the summary of projections approach includes known approved and pending development projects in proximity to the Shea and Acacia Project Sites. These include 10 other past, present, and reasonably foreseeable projects described in Table 4.0-1, *Cumulative Development Land Use Summary* and illustrated on Figure 4.0-1, *Cumulative Development Location Map*.





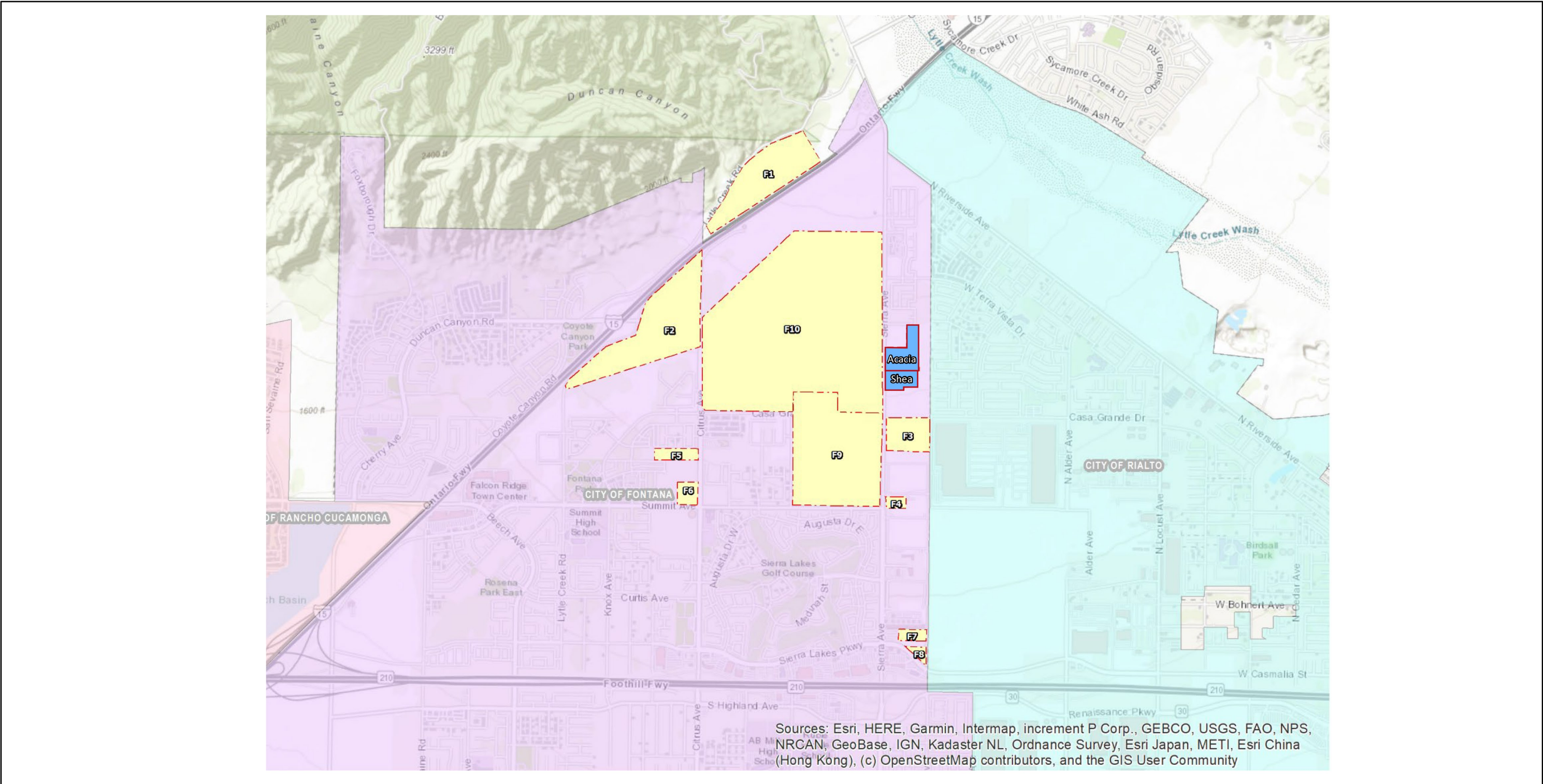
**Table 4.0-1 Cumulative Development Land Use Summary**

No.	Project Name	Land Use	Quantity <sup>1</sup>
<b>City of Fontana:</b>			
F1	I-15 Logistics Center (JN:9688)	High-Cube Logistic Warehouse	1175.720 TSF
F2	Ventana (JN:13769)	Residential	257 DU
F3	Casa Grande Warehouse	Warehousing	188.338 TSF
F4	Sierra/Summit Warehouse	Warehousing	92.380 TSF
F5	Shady Trails PA 13 & 14 Shady	Condominiums	101 DU
F6	Trails PA 16	Condominiums	139 DU
F7	Mango Avenue Industrial	Industrial Warehouse	115.100 TSF
F8	Sierra Lakes & Mango C-Store And Pumps	Convenience Store w/ Fuel Center	4.000 TSF
F9	Summit at Rosena Specific Plan	Residential Single-Family	509 DU
		Detached Townhouse	347 DU
		Commercial (retail, service, and convenience)	20.000 TSF
		Park	20 AC
F10	Arboretum	Multif-Family Detached	986 DU
		Multi Family	613 DU
		Multiy-Family Attached	1927 DU
		Elementary School	12.1 AC
		Jr. High/High School	24.4 AC
		Parks	31.1 AC
		Activity Center (variety of commerical retail and neighborhood services)	8.8 AC

<sup>1</sup> TSF = Thousand Square Feet; DU = Dwelling Unit; AC = Acres

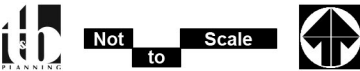
Source: (Urban Crossroads, 2022g, Table 4-3)

For the cumulative impact analyses that rely on the summary projections approach (i.e., all issue areas with the exception of transportation and vehicular-related air quality, greenhouse gas, and noise – as described in the preceding pages), the cumulative study area primarily includes the City of Fontana, the unincorporated communities of Bloomington and Cajon Creek in San Bernardino County, the City of Rialto, and the northeastern portion of the City of Rancho Cucamonga. These jurisdictions encompass the southwestern area of San Bernardino County within proximate distance of the Project Sites, and have similar environmental characteristics as the Project area. The selected study area encompasses the central San Bernardino Valley, which is largely bounded by prominent topographic landforms, such as the San Gabriel Mountains and San



Source(s): Urban Crossroads (04-28-2022)

Figure 4.0-1



Cumulative Development Location Map



Bernardino Mountains to the north, the San Jacinto Mountains to the east, the Temescal Mountains and Santa Ana Mountains to the south, and the Pomona Valley to the west.

This study area exhibits similar characteristics in terms of climate, geology, and hydrology and, therefore, is likely to also have similar biological, archaeological, and tribal cultural resource characteristics as well. This study area also encompasses the service areas of the Shea and Acacia Project Sites' primary public service and utility providers. Areas outside of this study area either exhibit topographic, climatological, or other environmental circumstances that differ from those of the Shea and Acacia Project areas, or are simply too far from the proposed Shea and Acacia Project Sites to produce environmental effects that could be cumulatively-considerable when considered together with the Shea and Acacia Projects' impacts. Exceptions include the cumulative air quality analysis, which considers the entire South Coast Air Basin (SCAB); the greenhouse gas emissions and global climate change analysis, which affects all areas on the planet; and the analysis of potential cumulative hydrology and water quality effects, which considers other development projects located within the Santa Ana River Basin watershed.

Environmental impacts associated with buildout of the Shea and Acacia Projects' cumulative study area were evaluated in CEQA compliance documents prepared for the respective General Plans for the cities of Fontana, and Rialto and named jurisdictions. The location where each of these CEQA compliance documents is available for review is provided below. All of the CEQA compliance documents listed below are herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

- City of Fontana General Plan EIR (SCH No. 2016021099) and Housing Element Update EIR Addendum, available for review at the City of Fontana Planning Division, 8353 Sierra Avenue, Fontana, California 92335;
- San Bernardino Countywide Plan EIR (SCH No. 2017101033), available for review at the County of San Bernardino Land Use Services Department – Planning Division 385 North Arrowhead Avenue, 1st Floor, San Bernardino, California 92415;
- City of Rialto General Plan EIR (SCH No. 2008071100), available for review at the City of Rialto Planning Division, 150 S. Palm Avenue, Rialto, California 92376; and
- City of Rancho Cucamonga General Plan EIR (SCH No. 2021050261), available for review at the City of Rancho Cucamonga, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730.

#### **4.0.3 ANALYSIS FORMAT**

Subsections 4.1 through 4.20 of this EIR evaluate the 20 environmental subjects warranting detailed analysis as determined by the City in consideration of preliminary research findings, public comments, and technical study. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting of the Shea and Acacia Projects individually is discussed first, followed by a discussion of the potential environmental impacts that would result from implementation of the Shea and Acacia Projects (which is based on specified thresholds of significance used as criteria to determine whether potential





environmental effects are significant). A discussion of the cumulative impacts of both the Shea and Acacia Projects together then follows.

The thresholds of significance used in this EIR are based on the thresholds approved by the City in their *Local Guidelines for Implementing the California Environmental Quality Act* (see CEQA Guidelines Section 15064.7). The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, is significant, or is less than significant.

Serving as the CEQA Lead Agency for this EIR, the City of Fontana is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City of Fontana, taking into consideration the City's *Local Guidelines for Implementing the California Environmental Quality Act* (April 2019), the City of Fontana General Plan, the Fontana Municipal Code and adopted City policies, the judgment of the technical experts that prepared this EIR's Technical Appendices, performance standards adopted, implemented, and monitored by regulatory agencies, and significance standards recommended by regulatory agencies.

As required by CEQA Guidelines Section 15126.2(a), Shea and Acacia Project-related effects on the environment are characterized in this EIR as direct, indirect, cumulatively considerable, short-term, long-term, on-site, and/or off-site impacts. A summarized "impact statement" is provided in each subsection following the analysis. Each subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Shea and Acacia Projects and their implementing actions are required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. For any impact identified as significant and unavoidable, the City of Fontana would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 in order to approve the Shea and/or Acacia Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Shea and/or Acacia Project, supported by substantial evidence in the Shea and/or Acacia Project's administrative record, that outweigh the unavoidable impacts.



## 4.1 AESTHETICS

This Subsection describes the aesthetic qualities and visual resources present on and within the vicinity of the Shea and Acacia Project Sites, and evaluates the potential effects that the Shea and Acacia Projects may have on these resources. Descriptions of existing visual characteristics, both on-site and in the vicinity of the Shea and Acacia Project Sites, and the analysis of potential impacts to aesthetic resources are based on field observations and photographs collected by T&B Planning, Inc. in February 2022; analysis of aerial photography (Google Earth, 2022); and the Shea and Acacia Project application materials submitted to the City of Fontana described in Section 3.0, *Project Description*, of this EIR. This Subsection also is based on information contained in the Aesthetics section of the certified Final Program EIR prepared for the City's General Plan (SCH No. 2016021099) (Fontana, 2018a), and the City of Fontana Municipal Code (Fontana, 2021a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.1.1 EXISTING CONDITIONS

#### A. Project Site and Surrounding Areas

The Shea and Acacia Project Sites are located in the City of Fontana, in the southwestern portion of San Bernardino County, California. Pursuant to CEQA Guidelines Section 15125 and as explained in Section 2.0 of this EIR, the physical environmental condition for purposes of establishing the setting of this EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released on March 22, 2022. As of that approximate date, the Shea and Acacia Project Sites were undeveloped vacant lands other than one existing residential home with a shed located in the southwestern portion of the Shea Project Site. Figure 4.1-1, *Project Site Photographs*, illustrates a representative photographic inventory of the Shea and Acacia Project Sites and the immediately surrounding area and are relied upon herein to describe the aesthetic condition and character. These photographs provide a representative visual depiction of visual characteristics as seen from surrounding public viewing areas that offer views of the Project Sites, which consist of public roads. The photographs were all taken during the same session and reflect a field of view approximately five (5) feet above the ground.

##### 1. *Shea Project Site*

The Shea Project Site is located on the easterly side of Sierra Avenue approximately 700 feet north of Casa Grande Avenue. The surrounding area is a mix of single-family residential homes, industrial use, and undeveloped land. The Project Site slopes gradually from the north to the south, but is perceived to be generally flat. The property's high point is approximately 1,780 feet above mean sea level (amsl) in the northern portion of the site and its low point is approximately 1,760 feet amsl in the southern portion of the site. With the exception of one single-family residence and associated shed located in the southwest corner, the Shea Project Site is undeveloped land covered with native grass and shrub growth. There are no rock outcroppings or other unique topographic or aesthetic features present on the property. Under existing conditions, the area surrounding the Shea Project Site from which the Site is visible is as described below.

- North: To the north of the Shea Project Site is currently undeveloped land that is the location of the proposed Acacia Project, which is also being evaluated in this EIR. North of the undeveloped land is



a residential community which includes Sierra Crest Park. Under existing conditions, public views of the Shea Project Site from the north are visible from Duncan Canyon Road and Sierra Avenue. Views of the Shea Project Site are not possible from Sierra Crest Park due to view blockage by intervening residential development.

- East: To the immediate east is a Southern California Edison utility easement containing above-ground lines on support structures, beyond which is a single-family home residential community in the City of Rialto. A solid block wall exists between the residential community in Rialto and the Southern California Edison easement. The solid wall blocks all public views of the Shea Project Site from these properties in Rialto, although views of the Shea Project Site are likely possible from the second stories of private residential homes
- South: Undeveloped land is located to the south of the Shea Project Site. South of the undeveloped land is warehousing and distribution centers including a Target Distribution Center, LGE Electronics, and a FedEx Supply Chain warehouse. Public views of the Shea Project Site are available from the south along Sierra Avenue.
- West: Sierra Avenue parallels the west side of the Shea Project Site, from which public views of the Shea Project Site are available. To the west of Sierra Avenue is undeveloped land under development for a residential community and west of the undeveloped land is an existing residential community which includes two parks, Valley Oak Park and Oak Grove Park. Views of the Shea Project Site are not possible from these parks due to distance and view blockage by intervening residential development.

## **2. *Acacia Project***

The Acacia Project Site is located southeast of the corner of Sierra Avenue and Duncan Canyon Road. The surrounding area is a mix of single-family residential homes, industrial use, and undeveloped land. The property slopes gradually from the north to the south, but is perceived to be generally flat. The Acacia Project Site's high point is approximately 1,840 feet amsl in the northern portion of the site and its low point is approximately 1,780 feet amsl in the southern portion of the site. There is gravel, shrubs and bushes scattered across the property. There are no rock outcroppings or other unique topographic or aesthetic features present on the property. Under existing conditions, the area surrounding the Acacia Project Site from which the Site is visible is as described below.

- North: To the north of the Acacia Project Site is a residential community which includes Sierra Crest Park. Under existing conditions, public views of the Acacia Project Site from the north are visible from Duncan Canyon Road and Sierra Avenue. Views of the Acacia Project Site are not possible from Sierra Crest Park due to view blockage by intervening residential development.
- East: To the immediate east is a Southern California Edison utility easement containing above-ground lines on support structures, beyond which is a single-family home residential community in the City of Rialto. A solid block wall exists between the residential community in Rialto and the Southern





California Edison easement. The solid wall blocks all public views of the Acacia Project Site from these properties in Rialto, although views of the Acacia Project Site are likely possible from the second stories of private residential homes.

- South: To the south of the Acacia Project Site is undeveloped land that is the location of the proposed Shea Project, which is also being evaluated in this EIR. South of the Shea Project Site is warehousing and distribution centers including a Target Distribution Center, LGE Electronics, and a FedEx Supply Chain warehouse. Public views of the Acacia Project Site are available from the south along Sierra Avenue, beyond the Shea Project Site.
- West: Sierra Avenue parallels the west side of the Acacia Project Site, from which public views of the Acacia Project Site are available. To the west of Sierra Avenue is undeveloped land under development for a residential community and west of the undeveloped land is an existing residential community which includes two parks, Valley Oak Park and Oak Grove Park. Views of the Acacia Project Site are not possible from these parks due to distance and view blockage by intervening residential development.

***B. Scenic Vistas and Scenic Resources***

The Shea and Acacia Project Sites are located within a relatively flat valley floor surrounded by rugged hills and mountains. As shown on Figure 4.1-1, the Shea Project Site contains one single-family residence and associated shed located in the southwest corner, but does not contain any scenic resources, such as landscaping of aesthetic value, or any landforms of visual interest. The Acacia Project Site is undeveloped, vacant land and does not contain any scenic resources, such as buildings or landscaping of aesthetic value, or any landforms of visual interest.

Major scenic resources in and around Fontana that contribute to scenic vistas include the San Gabriel Mountains to the north of the City, and Jurupa Hills to the south of the City (Fontana, 2018a, p. 7.6). The San Gabriel Mountains are located approximately 1.7 miles north of the Shea and Acacia Project Sites and are visible under clear weather conditions (Google Earth, 2022). Views of the San Gabriel Mountains can sometimes be obscured from the Shea and Acacia Project Sites and their surroundings during hazy conditions that are common to the Inland Empire area. The Jurupa Hills are located approximately 8.1 miles south of the Shea and Acacia Project Sites and not visible from public viewing areas due to existing intervening development (Google Earth, 2022).

***C. Light and Glare***

Artificial light is associated with the evening and nighttime hours, and sources may include but not be limited to streetlights, illuminated signage, vehicle headlights, and exterior accent and safety lighting common in developed areas. Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light from highly polished surfaces, such as window glass or reflective materials, and, to a lesser degree, from broad expanses of light-colored surfaces. Glare can also be produced during evening and nighttime hours by artificial light directed toward a light-sensitive land use.



The Shea Project Site contains one single-family residence in the southwest corner, which is a source of artificial light. The Acacia Project Site does not contain sources of artificial, exterior lighting under existing conditions because it is undeveloped, vacant land. In the surrounding area, street lighting occurs along Sierra Avenue and other public roadways and sources of artificial light sources are present that are used to illuminate businesses, residential communities, parks, schools, public facility sites, and other developed land uses.

#### **4.1.2 REGULATORY SETTING**

##### **A. State Plans, Policies, and Regulations**

###### *California Scenic Highways*

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program, established in 1963 through Senate Bill 1467, Streets and Highways Code, Sections 260 through 263 to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. Scenic highways are classified as either Officially Designated or Eligible for designation and Caltrans maintains the lists of these highways. (Caltrans, 2021)

There are no officially-designated scenic road or highway corridors on the Project Sites, adjacent to the Project Sites, or within the larger City of Fontana (Caltrans, 2019).

##### **B. Local Plans, Policies, and Regulations**

###### *1. City of Fontana General Plan*

The City of Fontana General Plan guides future development within the City. The General Plan's Community and Neighborhood Element, Conservation, Open Space, Parks and Trails Element, and Land Use, Zoning, and Urban Design Element identify attributes that contribute form, character and quality of life in the communities and neighborhoods where people live. Goals, policies and programs also are presented that are intended to preserve the City's character and scenic resources while improving overall community design.

###### *2. City of Fontana Municipal Code*

The City of Fontana Municipal Code Section 30-544 is applicable to the M-1 Zone, and requires that all lights on M1-zoned properties be directed and/or shielded to prevent the light from adversely affecting adjacent properties. identify outdoor lighting standards for the City. A photometric plan is required to be provided that indicates the amount of light emanating from the proposed/existing light fixtures on a development site in the M-1 zone (Fontana, 2021a, § 30-544).



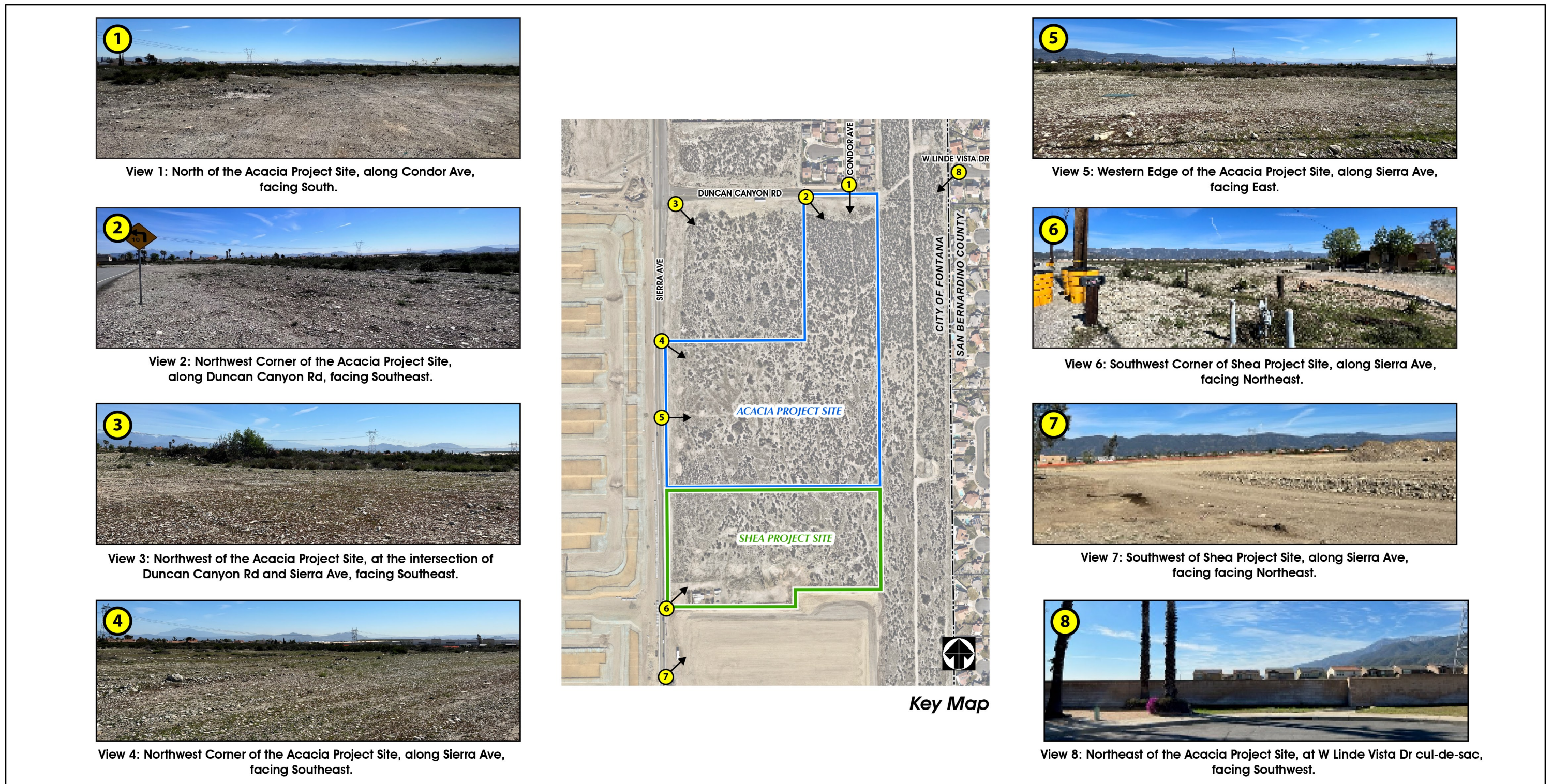


Figure 4.1-1





#### 4.1.3 METHODOLOGY FOR EVALUATING AESTHETICS IMPACTS

The analysis of aesthetics impacts will focus on changes to scenic vistas, viewsheds, and scenic resources, visual character, and the introduction of new sources of light and glare.

The analysis of potential impacts to scenic vistas, viewsheds, and scenic resources will identify whether the Shea or Acacia Project individually or collectively would block or otherwise substantially and adversely affect a unique view of a scenic vista(s) or scenic resource as seen from a public viewing location(s), such as a public road, park, trail, and/or other publicly-owned property at which the general public is legally authorized to use or congregate. Effects to scenic vistas from private properties will not be considered because the City's General Plan calls for the protection of public views and the City does not have any ordinances or policies in place that protect views from privately-owned property.

The U.S. Census Bureau defines an "urbanized area" as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum population density requirements while also being adjacent to territory containing non-residential urban land uses. The Shea and Acacia Project Sites are located in an urbanized area and are within the boundaries of the Census-defined Riverside-San Bernardino urban area (USCB, 2012); therefore, the analysis of potential impacts to visual character will consider whether the Shea and Acacia Project designs conflicts with applicable zoning and other applicable regulations governing scenic quality.

Lastly, the analysis of light and glare will consider if the Shea or Acacia Project individually or collectively would directly expose the surrounding area with bright lights or create unwanted light in the night sky including light trespass, sky glow, or over-lighting, or adversely affect day or nighttime views in the area.

#### 4.1.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to aesthetics that could result from development projects. The Project would result in a significant impact to aesthetic resources if the Project or any Project-related component would:

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



#### 4.1.5 IMPACT ANALYSIS

##### ***Threshold a: Would the Project have a substantial adverse effect on a scenic vista?***

Scenic vistas are generally described in two ways: (1) panoramic views (visual access to a large geographic area, for which the field of view can be wide and extend into the distance); and (2) focal views (visual access to a particular object, scene, or feature of interest).

The photographs provided in Figure 4.1-1 depict the Shea and Acacia Project Sites under existing conditions. As shown, with the exception of one single-family residence and associated shed located in the southwest corner of the Shea Project Site, the remainder of the Shea and Acacia Project Sites are both undeveloped, vacant land. Neither Project Site contains any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees. The City of Fontana General Plan does not identify any scenic vistas or scenic corridors on the Shea Project Site or the Acacia Project Site or in the vicinity of either Project Site (Fontana, 2018b, p. 5.1-1).

Scenic resources within and surrounding the City of Fontana include the San Gabriel Mountains, which are located approximately 1.7 miles north of the Shea and Acacia Project Sites and the Jurupa Hills, which are located approximately 8.1 miles south of the Shea and Acacia Project Sites. Under existing conditions, views of the Jurupa Hills are visible from the Shea and Acacia Project Sites and their vicinity on clear days; however, these distant landforms are not prominently visible from the Shea and Acacia Project Sites and their vicinity on days with high levels of atmospheric haze (which is common throughout the year).

##### ***1. Shea Project***

The San Gabriel Mountains are visible from Sierra Avenue which abuts the western side of the Shea Project Site. The proposed commerce center building would not obscure views of the San Gabriel Mountains from Sierra Avenue, but could obscure the views of the mountains from the residential community in the City of Rialto that is located to the east of the Shea Project Site. The proposed Shea Project building would have a maximum height of 46.0 feet and other vertical features (walls, fences, landscaping, etc.) would be shorter and have substantially less mass than the building. Views of the San Bernardino Mountains would continue to be available above the building. Because public views of the San Gabriel Mountains would still be available from public viewing areas surrounding the Shea Project Site and development on the site would be very low in stature compared to the approximate 10,000-foot peak height of the mountain range, the Shea Project would not have a substantial adverse effect on the mountain view and would have a less-than-significant impact on the San Gabriel Mountains scenic vista.

The Shea Project also would have a less-than-significant impact on public views of the Jurupa Hills. Due to the 8.1-mile distance and existing intervening development, views are obscured from the Shea Project Site and abutting public viewing areas under existing conditions. The obscured views of the Jurupa Hills that are available from public viewing areas that abut the Shea Project Site under existing conditions (i.e., from the Shea Project Site's western boundary with Sierra Avenue) would not be obstructed by future development on the Shea Project Site because a viewer would need to look due south – within the Sierra Avenue public right-of-way – to have a view of the Hills and not southeast across the Shea Project Site; therefore, there is no



potential for future development on the site to encroach within the Sierra Avenue public right-of-way view corridor and obstruct views of the Jurupa Hills.

## **2. *Acacia Project***

The San Gabriel Mountains are visible from the Sierra Avenue segment that abuts the western side of the Acacia Project Site and from Duncan Canyon Road that abuts the northern side of the Acacia Project Site. The proposed commerce center buildings would not obscure views of the San Gabriel Mountains from Sierra Avenue, but could obscure the views of the mountains from the residential community in the City of Rialto that is located to the east of the Acacia Project Site. The proposed Acacia Project buildings would have a maximum height of 45 feet 6 inches and other vertical features (walls, fences, landscaping, etc.) would be shorter and have substantially less mass than the building. Views of the San Bernardino Mountains would continue to be available above the buildings. Because public views of the San Gabriel Mountains would still be available from public viewing areas surrounding the Acacia Project Site and development on the site would be very low in stature compared to the approximate 10,000-foot peak height of the mountain range, the Acacia Project would not have a substantial adverse effect on the mountain view and would have a less-than-significant impact on the San Gabriel Mountains scenic vista.

The Acacia Project also would have a less-than-significant impact on public views of the Jurupa Hills. Due to the 8.1-mile distance and existing intervening development, views are obscured from the Acacia Project Site and abutting public viewing areas under existing conditions. The obscured views of the Jurupa Hills that are available from Sierra Avenue (which abuts the Acacia Project's western boundary) would not be obstructed by future development on the Acacia Project Site because a viewer would need to look due south – within the Sierra Avenue public right-of-way – to have a view of the hills and not southeast across the Acacia Project Site. The view of the Jurupa Hills from Duncan Canyon Road would be obscured by the Acacia Project buildings because a viewer would be looking due south from Duncan Canyon Road, across the Acacia Project Site, to view the Jurupa Hills. Due to the distance to the Jurupa Hills from the Acacia Project Site, the existing intervening development and frequent atmospheric haze obscuring the view, the impact of the Acacia Project to encroach on public right-of-way views of the Jurupa Hills is less-than-significant.

## **3. *Combined Shea and Acacia Projects***

Neither the Shea Project Site nor the Acacia Project Site are considered to be part of a scenic vista and development of the Shea and Acacia Project Sites would not result in a substantial adverse effect to an on-site scenic vista. Development of the three Shea and Acacia Project buildings would not obscure views of the San Gabriel Mountains from either the Sierra Avenue or Duncan Canyon Road public viewing areas, and view obstruction from the residential community to the east in the City of Rialto towards the San Gabriel Mountains would be less than significant because views of the mountains would still be available above the rooflines of the proposed commerce center buildings and development on the Shea and Acacia Project Sites would be very low in stature compared to the approximate 10,000-foot peak height of the mountain range. Distant views of the Jurupa Hills are obscured by existing intervening development and frequent atmospheric haze, and therefore, impacts from the Shea and Acacia Projects to encroach on the public right-of way views of the Jurupa Hills are less-than-significant.





***Threshold b: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

The evaluation of scenic resources is focused on whether identified scenic resources on the Shea and Acacia Project Sites or within the vicinity of the Shea and Acacia Projects would be substantially directly or indirectly damaged. As shown by the photographs in Figure 4.1-1, with the exception of one single-family residence and associated shed located in the southwest corner of the Shea Project Site, the remainder of the Shea and Acacia Project Sites are undeveloped, vacant land. Neither the Shea or Acacia Project Site contains any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees.

Neither the Shea or Acacia Project Sites are located near any designated State scenic highway (Caltrans, 2019). The closest State-Eligible scenic highway to the Project Site is a segment of I-138 that is located approximately 9.5 miles northeast of the Shea and Acacia Project Sites. Due to distance and intervening topography and development, neither the Shea or Acacia Project Sites are visible from this State-Eligible segment of I-138. Accordingly, implementation of the Shea Project and Acacia Project would not adversely impact the viewshed within a scenic highway corridor.

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

The Shea and Acacia Project Sites are located in an area that meets the U.S. Census Bureau's definition of an "urbanized area" and both properties are planned for urban uses by the City's General Plan; therefore, for purposes of evaluation herein both the Shea and Acacia Projects are considered to be located in an urbanized area. For reference associated with the below evaluations, the Shea and Acacia Project's designs, including site layouts, architecture, and landscaping are discussed and illustrated in detail in EIR Section 3.0, *Project Description*.

#### 1. Shea Project

The proposed Shea Project commerce center building would be constructed to an approximate height of 46.0 feet and would feature a contemporary architecture design and color palette with articulated building features (such as a varied roofline, horizontal reveals and other elements) that would minimize the perceived height and size of the building. The Shea Project also would feature landscaping – with plant materials massed along public street frontages, at Project entries, and at building entrances – to soften the proposed building frontages. An artist rendering of the Shea Project's building as seen from Sierra Avenue is provided as Figure 4.1-2, *Shea Project Visual Rendering from Sierra Avenue*.

The Shea Project Applicant applied for Zone Change (ZC) No. 21-006 to amend the City's Zoning District Map to change the zoning classification of the Shea Project Site from Multi-Family High Density Residential (R-5) to Light Industrial (M-1). The City of Fontana reviewed the Shea Project design in detail and did not identify the need for any variances from M-1 zoning standards contained in the City's Municipal Code, Article



VII (Fontana, 2021a). There are no other regulations governing scenic quality applicable to the Shea Project Site; therefore, impacts would be less than significant.

## 2. *Acacia Project*

The proposed Acacia Project commerce center buildings would be constructed to an approximate height of 45 feet 6 inches and would feature a contemporary architecture design and color palette with articulated building features (such as a varied roofline, horizontal reveals and other elements) that would minimize the perceived height and size of the buildings. The Acacia Project also would feature landscaping – with plant materials massed along public street frontages, at Project entries, and at building entrances – to soften the proposed building frontages. A rendering of the Acacia Project’s Building 1 as seen from Sierra Avenue is provided as Figure 4.1-3, *Acacia Project Visual Rendering of Building 1 from Sierra Avenue*. A rendering of the Acacia Project’s Building 2 as seen from Duncan Canyon Road is provided as Figure 4.1-4, *Acacia Project Visual Rendering of Building 2 from Duncan Canyon Road*.

The Acacia Project Applicant applied for ZC No. 21-007 to amend the City’s Zoning District Map to change the zoning classifications of the Acacia Project Site from R-5 and General Commercial (C-2) to M-1. The City of Fontana reviewed the Acacia Project design in detail and did not identify the need for any variances from M-1 zoning standards contained in the City’s Municipal Code, Article VII (Fontana, 2021a). There are no other regulations governing scenic quality applicable to the Acacia Project Site; therefore, impacts would be less than significant.

## 3. *Combined Shea and Acacia Projects*

The three Shea and Acacia Project commerce center buildings would feature a contemporary architecture design and color palette with articulated building features that would minimize the perceived height and size of the buildings. Both Project Applicants submitted Zone Change applications to the City of Fontana to change the zoning classifications of both Project Sites to M-1. The City of Fontana reviewed both Projects’ designs in detail and did not identify the need for any variances from M-1 zoning standards contained in the City’s Municipal Code, Article VII (Fontana, 2021a). There are no other regulations governing scenic quality applicable to the She or Acacia Project Sites; therefore, impacts would be less than significant.

**Threshold d:** *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The analysis of light and glare describes the existing light and glare environments in the Shea and Acacia Project Site areas, identifies the light- and glare-sensitive land uses in the area, describes the light and glare sources under the Shea and Acacia Projects, and qualitatively evaluates whether the Shea and Acacia Projects would result in a substantial increase in nighttime lighting and daytime glare as seen from the area’s sensitive uses. The analysis of lighting impacts focuses on whether the Shea and Acacia Projects would cause or substantially increase adverse night time lighting effects on light sensitive uses. Included in this analysis is consideration of the affected street frontages, the direction in which Shea and Acacia Projects’ lighting would be directed, the potential for sunlight to reflect off the exterior surfaces of the proposed buildings, and the extent to which glare may interfere with the operation of motor vehicles or other activities, if at all.



**1. *Shea Project***

The Shea Project would be required to adhere to the lighting performance requirements as set forth in the City of Fontana Municipal Code Section 30-544, which requires that all lights be directed and/or shielded to prevent the light from adversely affecting adjacent properties. A lighting plan is included in the Shea Project application materials, illustrated in Figure 4.1-5, *Shea Project Photometric Plan*. As shown, all lighting would be LED, in a combination of wall and pole-mounted fixture placement. On the east side of the building facing the Southern California Edison (SCE) easement beyond which is a block wall and behind which is a single-family home community in the City of Rialto, there will be three (3) wall-mounted light fixtures placed at height of 30 feet on the building façade. Light intensity at the eastern property line abutting the SCE easement will range from 0.4 to 0.8 footcandles, which complies with the lighting requirements of the City of Fontana Municipal Code Section 30-544. The eastern portion of the Shea Project Site is designed to be used for passenger vehicle parking, and no pole mounted lighting fixtures are proposed in this area. The nearest pole mounted fixture to the eastern property line would be located near the office entry at the southwest corner of the building, at a height of 30 feet. The City would 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 Shea Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area.

With respect to glare, a majority of Shea Project building materials would consist of tilt-up concrete panels which are low reflective. Although the building would incorporate some glass elements, the glass would result in minimal glare effects because proposed window glazing would be low reflective, would be set back from Sierra Avenue at a distance and would be buffered from Sierra Avenue by landscaping. Thus, glare impacts from the Project would be less-than-significant.

**2. *Acacia Project***

The Acacia Project would be required to adhere to the lighting performance requirements as set forth in the City of Fontana Municipal Code Section 30-544, which requires that all lights be directed and/or shielded to prevent the light from adversely affecting adjacent properties. A lighting plan is included in the Acacia Project application materials, illustrated in Figure 4.1-6, *Acacia Project Photometric Plan*. As shown, all lighting would be LED, in a combination of wall and pole-mounted fixture placement. On the east side of Building 1 and Building 2 facing the Southern California Edison (SCE) easement beyond which is a block wall and behind which is a single-family home community in the City of Rialto, there will be approximately seven wall-mounted light fixtures on the proposed buildings. Light intensity at the eastern property line abutting the SCE easement will range from 1.1 to 3.4 footcandles, which complies with the lighting requirements of the City of Fontana Municipal Code Section 30-544. On the north side of Building 2 facing the Duncan Canyon Road, beyond which is a residential community, there will be approximately three wall-mounted light fixtures on the building. Light intensity at the northern boundary of the onsite parking areas nearest Duncan Canyon Road will range from 1.0 to 1.3 footcandles, which complies with the lighting requirements of the City of Fontana Municipal Code Section 30-544.

The City would confirm compliance with applicable lighting requirements during future review of building permit applications/plans. Mandatory compliance with Municipal Code Section 30-544 would ensure that the



Acacia Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area.

With respect to glare, a majority of Acacia Project building materials would consist of tilt-up concrete panels which are low reflective. Although the buildings would incorporate some glass elements, the glass would result in minimal glare effects because proposed window glazing would be low reflective, would be set back from Sierra Avenue and Duncan Canyon Road at a distance and would be buffered from Sierra Avenue and Duncan Canyon Road by landscaping. Thus, glare impacts from the Acacia Project would be less-than-significant.

### **3. *Combined Shea and Acacia Projects***

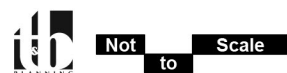
Both the Shea Project and Acacia Project would comply with the lighting requirements as set forth in the City of Fontana Municipal Code Sections 30-265 and 30-266. Along the eastern property boundary abutting the SCE easement, artificial light introduced by the combined projects would range from 0.4 to 3.4 footcandles, which complies with the lighting requirements of the City of Fontana Municipal Code Section 30-544 and thus lighting impacts would be less than significant. Both Projects would use building materials consisting of tilt-up concrete panels which are low reflective. Although the buildings from the combined Shea and Acacia Projects would incorporate some glass elements, the glass would result in minimal glare effects because proposed window glazing would be low reflective, would be set back from public roadways and would be buffered by landscaping. Thus, glare impacts from the combined Shea and Acacia Projects would be less-than-significant.





Source(s): Architects Orange (04-27-2022)

Figure 4.1-2



Shea Project Visual Rendering from Sierra Avenue

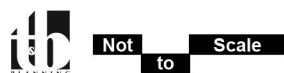




NORTHWEST CORNER AT BUILDING 1

Source(s): HPA (11-11-2021)

Figure 4.1-3



Acacia Project Visual Rendering of Building 1 from Sierra Avenue

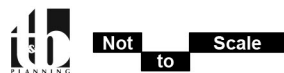




NORTHWEST CORNER AT BUILDING 2

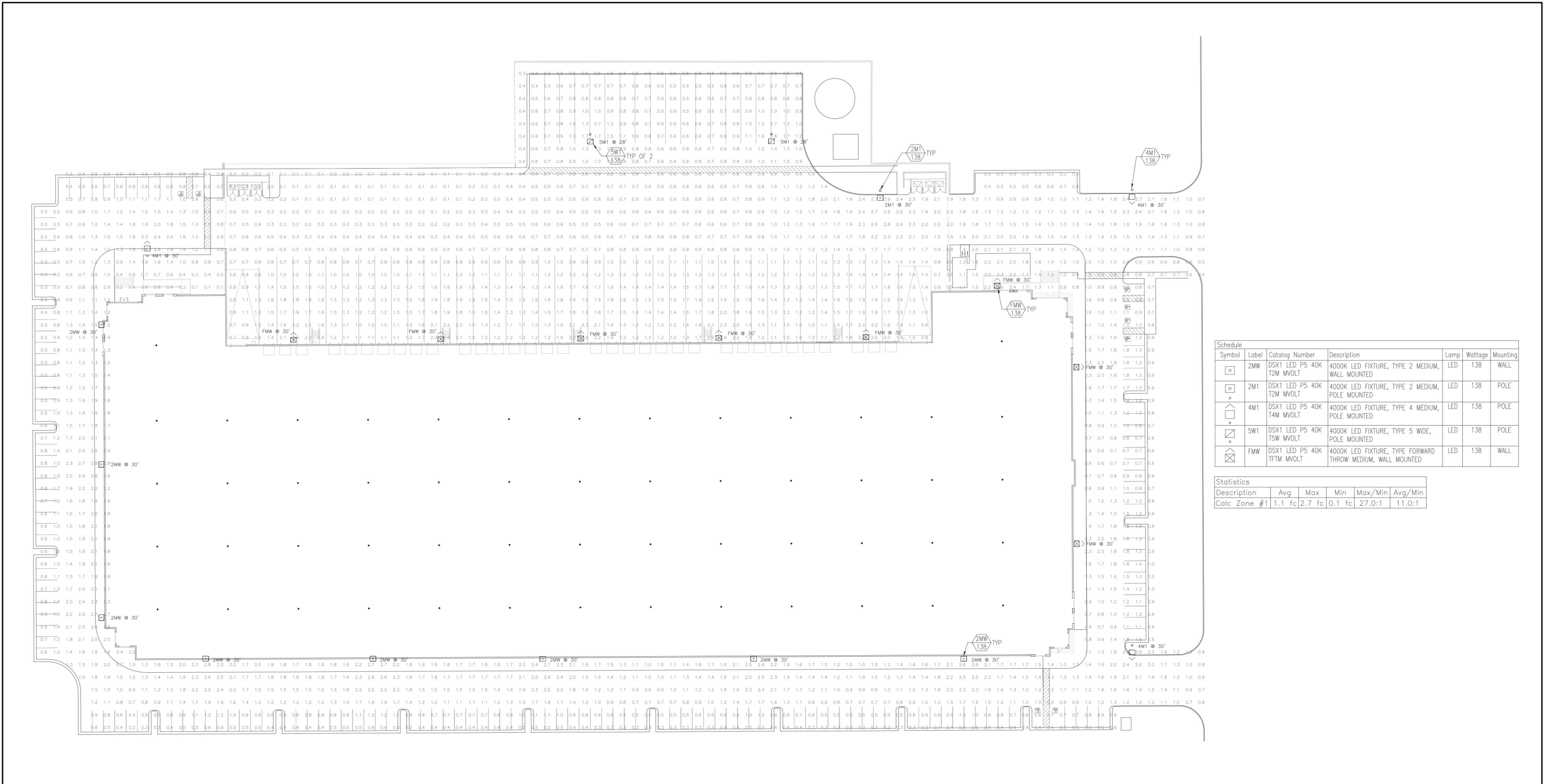
Source(s): HPA (11-11-2021)

Figure 4.1-4



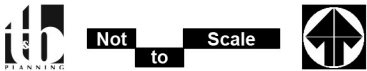
Acacia Project Visual Rendering of Building 2 from Duncan Canyon Road



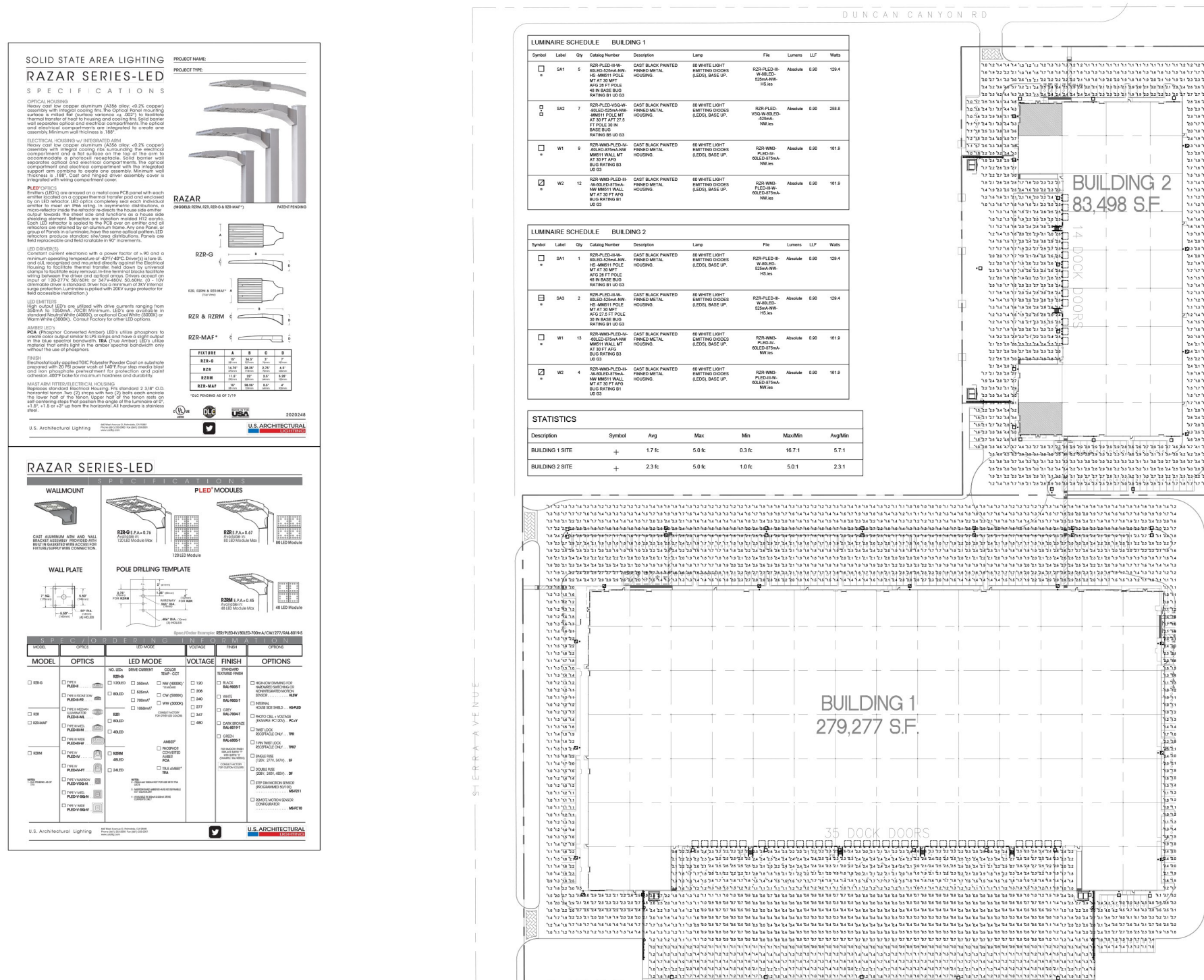


Source(s): Architects Orange (01-17-2022)

Figure 4.1-5



Shea Project Photometric Plan



**Source(s):** HPA (08-20-2021)

Figure 4.1-6



#### **4.1.6 CUMULATIVE IMPACT ANALYSIS**

This cumulative impact analysis considers development of the proposed Shea Project and Acacia Projects in conjunction with other development projects and planned development in the area within the same viewsheds. The CEQA Guidelines define a “cumulative impact” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355). The Shea Project’s and Acacia Projects’ effects to scenic views of the San Gabriel Mountains and Jurupa Hills, if any, would be localized to the immediate Shea and Acacia Project Site areas and would not extend beyond the public viewing areas that immediately abut the Shea and Acacia Project Sites (Sierra Avenue and Duncan Canyon Road). The views that would be affected only occur abutting the Shea and Acacia Project Site and the Shea and Acacia Projects do not contain any off-site components that could adversely affect scenic views that occur elsewhere in the City. Furthermore, the Shea and Acacia Project impacts to local scenic views are inherently site specific and not influenced or exacerbated by effects to scenic views that may occur at other, off-site properties. Because of the site-specific nature of these impacts, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties pursuant to Threshold “a.”

As noted under the analysis of Threshold “b,” the Shea and Acacia Project Sites are not located within close proximity to any designated State scenic routes and does not contain any scenic resources. Therefore, neither the Shea or Acacia Project has potential to contribute to a cumulatively significant impact to scenic resources within a designated scenic route corridor.

Under existing conditions, the area surrounding the Shea and Acacia Project Site is a mix of industrial, residential and undeveloped vacant land. As with the Shea and Acacia Projects, any development in the surrounding area would be subject to applicable development regulations and design standards, including, but not limited to the Fontana Zoning and Development Code and for projects to the east, the requirements of the City of Rialto. Mandatory compliance to applicable development regulations and design standards would ensure that developments would incorporate high quality building materials, site design, and landscaping to preclude potential conflicts with applicable zoning and other regulations governing visual quality.

With respect to potential cumulative light and glare impacts, both the Shea Project and Acacia Project would be required to comply with City of Fontana Municipal Code Section 30-265 and Section 30-266, 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 including the City of Rialto to the east would be required to comply with the light reduction requirements applicable in their respective jurisdiction. Although cumulative development in the Shea and Acacia Projects’ surrounding areas is expected to introduce new sources of lighting and potentially reflective materials, the required compliance with the applicable legal standard and code requirements would ensure that future cumulative development does not introduce substantial sources of lighting or glare. As such, the Shea Project and Acacia Projects would not contribute to cumulatively-considerable, adverse impacts to the existing daytime or nighttime views of the Shea and Acacia Project Sites or their surroundings.



#### 4.1.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

The following is a summary of the significance conclusions reached for each component of the proposed Project evaluated herein.

##### *Threshold a: Scenic Vistas*

Shea Project: Less-than-Significant Impact. The Shea Project would not substantially affect a scenic vista. The Shea Project Site does not contain any designated scenic vistas or scenic corridors. The Shea Project would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not substantially affect a scenic vista. The Acacia Project Site does not contain any designated scenic vistas or scenic corridors. The Acacia Project would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects would not substantially affect a scenic vista. Neither the Shea Project Site nor the Acacia Project Site contains any designated scenic vistas or scenic corridors. The combined Shea and Acacia Projects would not substantially affect views of the San Gabriel Mountains or the Jurupa Hills from nearby public viewing areas.

##### *Threshold b: Scenic Resources within a State Scenic Highway*

Shea Project: Less-than-Significant Impact. The Shea Project Site is not located within the viewshed of a scenic highway and does not contain scenic resources.

Acacia Project: Less-than-Significant Impact. The Acacia Project Site is not located within the viewshed of a scenic highway and does not contain scenic resources.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Project Sites are not located within the viewshed of a scenic highway and do not contain scenic resources.

##### *Threshold c: Regulations Governing Scenic Quality*

Shea Project: No Impact. The Shea Project is located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.

Acacia Project: No Impact. The Acacia Project is located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.





Combined Shea and Acacia Projects: Less-than-Significant Impact. The Shea Project and Acacia Project are adjacent projects located in an urbanized area would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.

*Threshold d: Light and Glare*

Shea Project: Less-than-Significant Impact. 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 the area from on-site lighting elements.

Acacia Project: Less-than-Significant Impact. 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 the area from on-site lighting elements.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The proposed combined Shea and Acacia Projects would comply with the Fontana Municipal Code and the Fontana General Plan requirements for artificial lighting to ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.

#### 4.1.8 MITIGATION

Impacts to aesthetics would be less-than-significant; therefore, mitigation measures are not required.



## 4.2 AGRICULTURE AND FORESTRY RESOURCES

The following analysis is based on information obtained in part from the California Department of Conservation (CDC) (DOC, 2017) (CDC, 2019) (DOC, 2021), the City of Fontana General Plan Update 2015-2035 (Fontana, 2018a), and the City of Fontana General Plan Update 2015-2035 EIR (Fontana, 2018b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.2.1 EXISTING CONDITIONS

#### A. Forestry Resources

No forest resources are located on the Shea Project Site or Acacia Project Site, or in the immediate vicinity of the properties. The Shea Project Site and the Acacia Project Site are located an area of the City that is developed, largely void of tree groves, and that does not contain forestry resources. According to the City's General Plan 2015-2035 EIR, no land in the City of Fontana is designated or zoned as forest land or timberland (Fontana, 2018b, p. 7-10 ).

With the exception of one single-family residence and associated shed located in the southwest corner, the Shea Project Site is undeveloped land covered with native grass and shrub growth and contains no tree clusters or forest resources. The Acacia Project Site is undeveloped land with no structures, covered with native grass and shrub growth and contains no tree clusters or forest resources.

#### B. Agricultural Resources

There are no lands currently used for agricultural purposes on either the Shea Project Site or Acacia Project Site. According to the City's General Plan 2015-2035 EIR, only two percent of the land, or 322 acres, within the City is zoned Resource Area (OS-R) which includes agricultural land (Fontana, 2018b, p. 7-10 ). Areas within the City that include farmland are located in the southwest portion of the City southeast of the intersection of Jurupa Avenue and Locust Avenue and in the northwest portion of the City on the east side of the intersection of I-15 and State Route 210 (DOC, 2021). These areas are not near the Project Sites.

No evidence exists that the Shea or Acacia Project Site were ever used for agriculture purposes. Based on field reconnaissance, key person interviews, agency records review, historical research, and government database review conducted during the Phase I Environmental Site Assessments prepared for the Shea and Acacia Project Sites, (refer to *Technical Appendices H1 and H2*), the sites were previously comprised of vacant, undeveloped land (Roux, 2021, p. 6) (Arden, 2021, p. 10).

#### C. Land Use and Zoning

Planning and zoning documents that have relevance to potential forestry and agricultural resource designations on the Shea Project Site and Acacia Project Sites are the City's General Plan Update 2015-2035 and the City's Zoning Ordinance. Each of these are described below.



1. *City of Fontana General Plan*

The City's prevailing planning document is its General Plan, dated November 13, 2018. The General Plan does not assign any forestry or agricultural designations to the Shea Project Site or Acacia Project Site. General Plan Land Use Designations for the Shea and Acacia Project Sites are shown in Figure 2-2, *Existing General Plan Land Use Designations*.

The City's General Plan designates the Shea Project Site for "Multi-Family High Density Residential (R-MFH)" land uses. The "R-MFH" land use designation is the highest density residential category in Fontana, allowing up to 50 dwelling units (du) per acre. (Fontana, 2018a, p. 15.25) The City's General Plan designates the Acacia Project Site for "Multi-Family High Density Residential (R-MFH)" and "General Commercial (C-G)". The "R-MFH" designation is described above and the "C-G" designation is for retail, including shopping centers, and similar enterprises, that serve residents as well as offices, including medical offices and clinics. (Fontana, 2018a, p. 15.25) These designations are not intended for forestry or agricultural uses.

2. *City of Fontana Zoning Ordinance Designations*

As shown on Figure 2-3, *Existing Zoning Designations*, the City of Fontana Zoning Map shows the zoning designations for the Shea Project Site and Acacia Project Site. The City Zoning Map applies the Multi-Family High Density Residential ("R-5") zoning classification to the both the Shea and Acacia Project Sites. According to the City's Municipal Code, the "R-5" zoning district is the most intense multiple-family residential zoning district and it provides space for high-density residential transit-oriented development commonly found in an urban environment, especially along existing and/or anticipated future bus routes. Permitted uses include multi-story apartments and mixed-use developments. Agriculture and forestry practices are not permitted uses on the either the Shea or Acacia Project Sites under existing zoning (Fontana, 2021).

**D. Agricultural Land Designations**

The California Department of Conservation (CDC) identifies farmlands throughout the State of California as part of its Farmland Mapping and Monitoring Program (FMMP), pursuant to the provisions of CA Government Code § 65570. The FMMP utilizes data from the Natural Resources Conservation Service (NRCS) soil survey and current land use information to categorize lands into eight separate mapping categories: Prime Farmlands, Farmland of Statewide Importance, Unique Farmlands, Farmland of Local Importance, Grazing Land, Urban and Built-up Land, Other Land, and Water. These eight classifications are dependent on soil characteristics, climatic conditions, and water supply. "Farmland" is defined in Section II(a) of Appendix G of the State CEQA Guidelines to mean "Prime Farmland," "Farmland of Statewide Importance," or "Unique Farmland" ("Farmland"). These Farmland types are described below.

- a. Prime Farmland: Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. (CDC, n.d.)
- b. Farmland of Statewide Importance: Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been



used for irrigated agricultural production at some time during the four years prior to the mapping date. (CDC, n.d.)

- c. Unique Farmland. Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. (CDC, n.d.)

As shown on Figure 4.2-1, *FMMP Farmlands Map*, no portions of the Shea or Acacia Project Sites contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland ("Farmland"). As shown on Figure 4.2-1, the Shea and Acacia Project Sites contain land defined as "Grazing Land." This designation is defined by the CDC as:

- Grazing Land: Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres. (CDC, 2004, p. 6)

"Farmland" is defined in Section II (a) of Appendix G of the California Environmental Quality Act (CEQA) Guidelines and by San Bernardino County to mean "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," or "Farmland of Local Importance." Thus, the Shea and Acacia Project Sites do not contain any "Farmland" as mapped by the FMMP.

#### 4.2.2 APPLICABLE ENVIRONMENTAL REGULATIONS

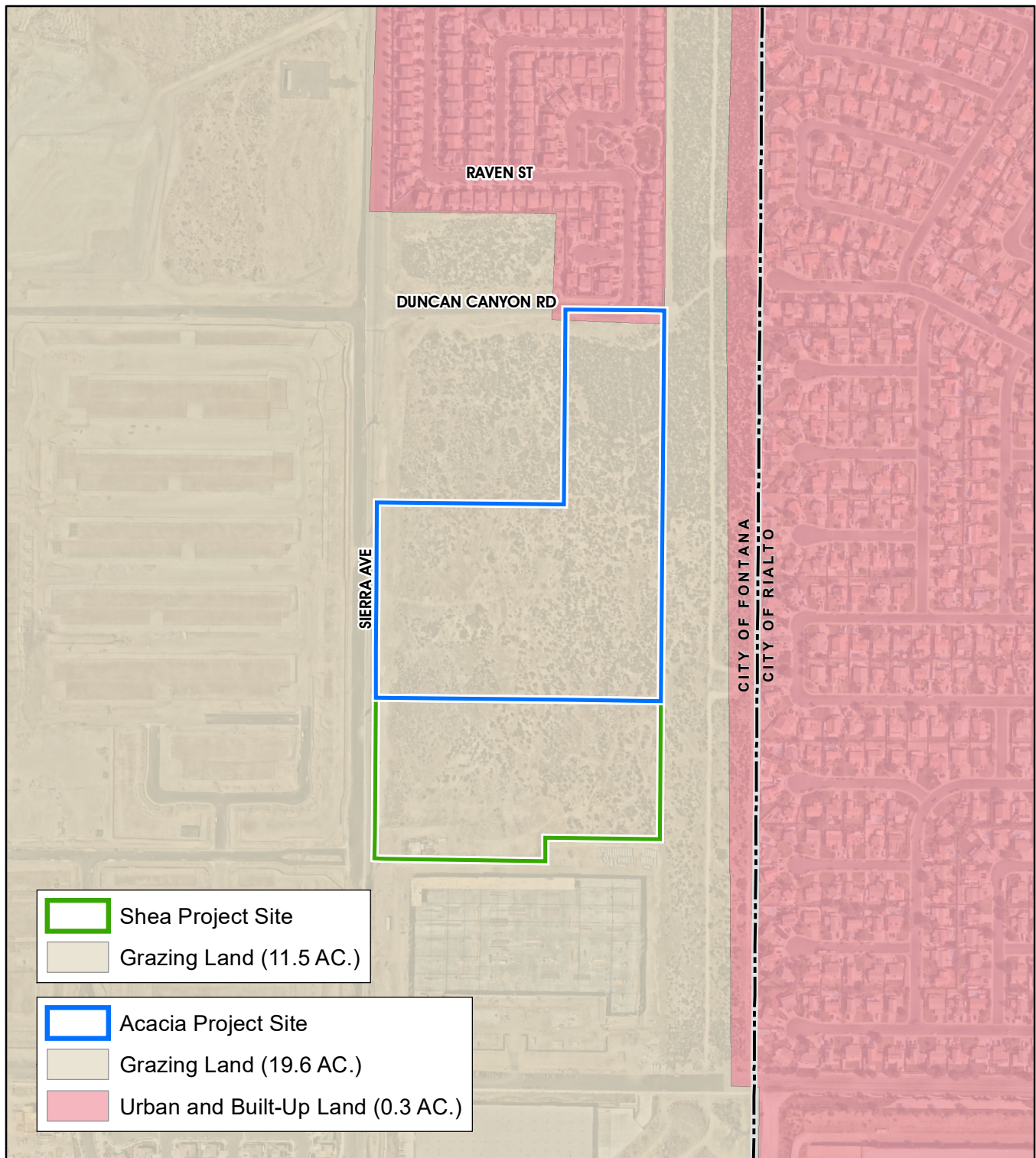
The following is a brief description of the state and local environmental laws and related regulations governing the protection of agricultural and forest resources.

##### A. State Regulations

###### 1. California Land Conservation Act (CLCA)

The California Land Conservation Act (CLCA) of 1965, also known as the Williamson Act (CA Gov. Code § 51200, et seq.), enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Pursuant to California Government Code § 51230, counties and cities may establish Agricultural Preserves, which define boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to the CLCA. Contracts pursuant to the CLCA are only allowed for areas within established Agricultural Preserves. Agricultural Preserves generally must be at least 100 acres in size; however, a city or county may allow for lesser acreage if a finding is made that the characteristics of





Source(s): CA Dept. of Conservation (2018), ESRI, Nearmap Imagery (2022), SB County (2022)

Figure 4.2-1







the agricultural enterprises in the area are unique and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city. Once established, land uses within an Agricultural Preserve must be agricultural in nature, or other such uses that are not incompatible with agricultural uses. (CDC, 2019; CA Legislative Info, n.d.)

## **2. Farmland Mapping and Monitoring Program (FMMP)**

The goal of the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) is to provide consistent, timely, and accurate data to decision makers for use in planning for the present and future of California's agricultural land resources. To meet this goal, FMMP's objective is to provide maps and statistical data to the public, academia, and local, state, and federal governments to assist them in making informed decisions for the best utilization of California's farmland. The FMMP was established in 1982 in response to what was by then a critical need for data on the nature, location, and extent of farmland, grazing land, and urban built-up areas in the State. Government Code § 65570 mandates FMMP to biennially report to the Legislature on the conversion of farmland and grazing land, and to provide maps and data to local government and the public. The FMMP was also directed to prepare and maintain an automated map and database system to record and report changes in the use of agricultural lands. It was the intent of the Legislature and a broad coalition of building, business, government, and conservation interests that FMMP be non-regulatory, and provide a consistent and impartial analysis of agricultural land use and change in California. With this in mind, FMMP provides basic data from which observations and analyses can be made in the land use planning process. (CDC, 2004, p. 3)

## **3. California Forest Practice Act**

The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on privately-owned lands in California. The Forest Practice Act was enacted in 1973 to ensure that logging is done in a manner that will preserve and protect fish, wildlife, forests and streams. The State Board of Forestry and Fire Protection enacts and enforces additional rules to protect these resources. (CAL FIRE, n.d.)

### **B. Local Regulations**

City of Fontana Zoning Ordinance Chapter 30, Article VIII addresses resource areas, including agricultural, within the City of Fontana. This ordinance lists the land uses that may be allowed within the public facilities and open space zoning established by the General Plan, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### **4.2.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to agriculture and forest resources that could result from development projects. The Project would result in a significant impact to agriculture and forest resources if the Project or any Project-related component would:



- a. *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;*
- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract;*
- c. *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));*
- d. *Result in the loss of forest land or conversion of forest land to non-forest use;*
- e. *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.*

#### 4.2.4 IMPACT ANALYSIS

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

According to the Farmland Mapping and Monitoring Program (FMMP) mapping information, neither the Shea or Acacia Project Sites contain any soils classified as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance.” As shown on Figure 4.2-1, the Shea and Acacia Project Sites are designated “Grazing Land” (DOC, 2021). As such, the Shea and Acacia Projects would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

**Threshold b:** *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Shea and Acacia Project Sites are not zoned for agricultural use, nor are they surrounded by land zoned for an agricultural use. Therefore, implementation of the Shea and Acacia Projects have no potential to conflict with existing zoning for an agricultural use.

According to information from the DOC, neither the Shea or Acacia Project Sites, nor any land in the vicinity of the Shea and Acacia Project Sites are under a Williamson Act contract (DOC, 2017). As such, no impact would occur to property under a Williamson Act contract.



***Threshold c: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

Neither the Shea Project Site or Acacia Project Site are zoned as forest land, timberland, or Timberland Production, nor are they surrounded by forest land, timberland, or Timberland Production land. Therefore, neither the Shea Project or Acacia Project has 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.

***Threshold d: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?***

The Shea and Acacia Project Sites do not contain a forest and are not designated as forest land; thus, the proposed Shea and Acacia Projects 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.

***Threshold e: Would the 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?***

“Farmland” is defined in Section II(a) of Appendix G of the CEQA Guidelines as “Prime Farmland,” “Unique Farmland” or “Farmland of Statewide Importance.” As disclosed above in the response to Threshold “a,” neither the Shea or Acacia Project Sites contain any Farmland; therefore, neither the Shea Project or the Acacia Project would convert Farmland to non-agricultural use. Additionally, as described above in the responses to Thresholds “c” and “d,” the Shea and Acacia Project Sites do not contain forest land and are not zoned for forest land and neither the Shea Project or Acacia Project would convert forest land resources to non-forest use.

#### 4.2.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Shea Project and Acacia 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.

As discussed under Threshold a., the Shea and Acacia Project Sites do not contain any Farmland as defined by CEQA Guidelines Appendix G Section II(a), and 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 Shea or Acacia Projects.

The Shea and Acacia Project Sites are not zoned for agricultural use, are not used for agricultural production under existing conditions, and are 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 Shea and Acacia Project Sites that comprise agriculturally-zoned property. Therefore, the Shea and Acacia Projects would not cause development of non-agricultural uses within the vicinity of agriculturally zoned property, and no cumulatively-considerable impacts would occur.

The Shea and Acacia Project Sites, 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 Shea and Acacia Projects have no potential to conflict with such zoning, and no cumulatively-considerable impacts would occur. In addition, the Shea and Acacia Projects have 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 Shea and Acacia Projects 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.

#### 4.2.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Farmland*

Shea Project: No Impact. As mapped by the CDC's FMMP, the Shea Project Site is classified by the FMMP as "Grazing Land." Based on the FMMP, the Shea Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Shea Project would not convert FMMP-designated Farmland to a non-agricultural use, and no impact would occur.

Acacia Project: No Impact. As mapped by the CDC's FMMP, the Acacia Project Site is classified by the FMMP as "Grazing Land." Based on the FMMP, the Acacia Project Site does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As such, the Acacia Project would not convert FMMP-designated Farmland to a non-agricultural use, and no impact would occur.

Combined Shea and Acacia Projects: No Impact. The proposed Shea Project and Acacia Project would not convert FMMP-designated Farmland to non-agricultural use, and no impact would occur.

##### *Threshold b: Agricultural Use*

Shea Project: No Impact. The Shea 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.



Acacia Project: No Impact. The Acacia 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.

Combined Shea and Acacia Projects: No Impact. The proposed Shea Project and Acacia Project would not result in the conversion of land zoned for agricultural use, used for agricultural production, or subject to any Williamson Act contracts. Therefore, no impacts would occur.

*Threshold c: Zoning*

Shea Project: No Impact. The Shea Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.

Acacia Project: No Impact. The Acacia Project would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.

Combined Shea and Acacia Projects: No Impact. The proposed Shea Project and Acacia Projects would have no impact to off-site properties that are agriculturally zoned as no surrounding property is currently used primarily for agricultural purposes.

*Thresholds d and e: Forestland*

Shea Project: No Impact. There are no forest lands in the Shea Project vicinity, and no lands in the Shea Project vicinity are zoned for timberland, timberland production, or forest uses. The Shea Project would not result in the conversion of forest land to non-forest use. No impact would occur.

Acacia Project: No Impact. There are no forest lands in the Acacia Project vicinity, and no lands in the Acacia Project vicinity are zoned for timberland, timberland production, or forest uses. The Acacia Project would not result in the conversion of forest land to non-forest use. No impact would occur.

Combined Shea and Acacia Projects: No Impact. The proposed Shea Project and Acacia Projects would not result in the conversion of forest land to non-forest use.

**4.2.7 MITIGATION**

There would be no impacts to agriculture and forest resources; thus, mitigation measures are not required.





### 4.3 AIR QUALITY

This Subsection 4.3 is based primarily on two technical studies that were prepared by Urban Crossroads, Inc. to evaluate the potential for Project-related construction and operational activities to result in adverse effects on local and regional air quality. The first report, an air quality impact analysis (AQIA), is titled “Sierra Business Center Air Quality Impact Analysis, City of Fontana,” dated April 26, 2022, and is included as *Technical Appendix B1* to this EIR (Urban Crossroads, 2022a). The second report, a mobile source health risk assessment (HRA), is titled “Sierra Business Center Mobile Source Health Risk Assessment, City of Fontana,” dated April 26, 2022, and is included as *Technical Appendix B2* to this EIR (Urban Crossroads, 2022b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

#### 4.3.1 EXISTING CONDITIONS

##### A. Atmospheric Setting

Both the Shea and Acacia Project Sites are located in the South Coast Air Basin (SCAB, or “Basin”), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB encompasses approximately 6,745 square miles and includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and the San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south. (Urban Crossroads, 2022a, p. 12)

##### B. Regional Climate

The regional climate – temperature, wind, humidity, precipitation, and the amount of sunshine – has a substantial influence on air quality. The SCAB’s distinctive climate is determined by its terrain and geographical location, which comprises a coastal plain connected to broad valleys and low hills bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter. The SCAB is semi-arid, with average annual temperatures varying from the low-to-middle 60s, measured in degrees Fahrenheit (F); however, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of the SCAB’s climate. Humidity restricts visibility in the SCAB and the relative high humidity heightens the conversion of sulfur dioxide (SO<sub>2</sub>) to sulfates (SO<sub>4</sub>). The marine layer provides an environment for that conversion process, especially during the spring and summer months. Inland areas of the SCAB, including where the Shea and Acacia Project Sites are located, show more variability in annual minimum/maximum temperatures and lower average humidity than coastal areas within the SCAB due to decreased marine influence. (Urban Crossroads, 2022a, p. 12)

More than 90 percent of the SCAB’s rainfall occurs between November and April. The annual average rainfall within the SCAB varies between approximately nine (9) inches in Riverside to 14 inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB. Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB; the remaining one-quarter is absorbed by clouds. The abundant amount of sunshine (and its associated ultraviolet



radiation) is a key factor to the photochemical reactions of air pollutants in the SCAB. (Urban Crossroads, 2022a, pp. 12-13)

Dominant airflow direction and speed are the driving mechanisms for transport and dispersion of air pollution. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with storms moving through the region from the northwest. This period also brings five to 10 periods of strong, dry offshore winds, locally termed “Santa Anas” each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. During the nighttime, heavy, cool air descends mountain slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. (Urban Crossroads, 2022a, p. 13)

In the SCAB, there are two distinct temperature inversion structures that control the vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides and carbon monoxide, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline. (Urban Crossroads, 2022a, p. 13)

The discussion above summarizes information from the Sierra Business Center AQIA. Refer to Sections 2.2 and 2.3 of the Project’s AQIA (*Technical Appendix B1*) for a detailed description of regional climate and wind patterns.

### **C. Criteria Pollutants and Associated Human Health Effects**

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as “criteria pollutants.” An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages (refer also to Section 2.4 of the Sierra Business Center AQIA for a detailed discussion of criteria pollutants).

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest in the winter during the morning, when there is little to no wind and surface-based inversions trap the pollutant at ground levels.



CO is emitted directly from internal combustion engines; therefore, motor vehicles operating at slow speeds are the primary source of CO and the highest ambient CO concentrations in the SCAB are generally found near congested transportation corridors and intersections. Inhaled CO does not directly affect the lungs but affects tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Therefore, health conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. The most common symptoms associated with CO exposure include headache, nausea, vomiting, dizziness, fatigue, and muscle weakness. Individuals most at risk to the effects of CO include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic oxygen deficiency. (Urban Crossroads, 2022a, p. 14)

- **Sulfur Dioxide (SO<sub>2</sub>)** is a colorless gas or liquid. SO<sub>2</sub> enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO<sub>2</sub> oxidizes in the atmosphere, it forms sulfates (SO<sub>4</sub>). Collectively, these pollutants are referred to as sulfur oxides (SO<sub>x</sub>). SO<sub>2</sub> is a respiratory irritant to people afflicted with asthma. After a few minutes' exposure to low levels of SO<sub>2</sub>, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties in response to SO<sub>2</sub> exposure at low levels, animal studies suggest that very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. (Urban Crossroads, 2022a, p. 15)
- **Nitrogen Oxides (NO<sub>x</sub>)** consist of nitric oxide (NO), nitrogen dioxide (NO<sub>2</sub>) and nitrous oxide (N<sub>2</sub>O) and are formed when nitrogen (N<sub>2</sub>) combines with oxygen (O<sub>2</sub>). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO<sub>2</sub> is a criteria air pollutant, and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO<sub>2</sub> is the most abundant in the atmosphere. As ambient concentrations of NO<sub>2</sub> are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO<sub>2</sub> than those indicated by regional monitoring stations. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO<sub>2</sub>. Short-term exposure to NO<sub>2</sub> can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO<sub>2</sub> can result decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO<sub>x</sub> than healthy individuals. (Urban Crossroads, 2022a, p. 16)
- **Ozone (O<sub>3</sub>)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes.



Individuals exercising outdoors, children, and people with pre-existing lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-groups for ozone effects. Children who participate in multiple outdoor sports and live in communities with high ozone levels have been found to have an increased risk for asthma. (Urban Crossroads, 2022a, pp. 16-17)

- **Particulate Matter less than 10 microns (PM<sub>10</sub>) and less than 2.5 microns (PM<sub>2.5</sub>)** are air pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO<sub>2</sub> release from power plants and industrial facilities and nitrates that are formed from NO<sub>x</sub> release from power plants, automobiles, and other types of combustion sources. The chemical composition of fine particles is highly dependent on location, time of year, and weather conditions. The small size of PM<sub>10</sub> and PM<sub>2.5</sub> allows them to enter the lungs where they may be deposited, resulting in adverse health effects. Elevated ambient concentrations of fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) have been linked to an increase in respiratory infections, number, and severity of asthma attacks, and increased hospital admissions. Some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in PM<sub>2.5</sub> concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children, appear to be the most susceptible to the effects of high levels of PM<sub>10</sub> and PM<sub>2.5</sub>. (Urban Crossroads, 2022a, pp. 17-18)
- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Odors generated by VOCs can irritate the eye, nose, and throat, which can reduce respiratory volume. In addition, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. (Urban Crossroads, 2022a, pp. 18-19)
- **Lead (Pb)** is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. Currently, emissions of lead are largely limited to stationary sources such as lead smelters. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. (Urban Crossroads, 2022a, pp. 19-20)



**D. Existing Air Quality**

Air quality is evaluated in the context of ambient air quality standards published by the federal and State governments. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are detailed in Table 4.3-1, *Attainment Status of Criteria Pollutants in the SCAB*.

**Table 4.3-1 Attainment Status of Criteria Pollutants in the SCAB**

Criteria Pollutant	State Designation	Federal Designation
O <sub>3</sub> – 1-hour standard	Nonattainment	--
O <sub>3</sub> – 8-hour standard	Nonattainment	Nonattainment
PM <sub>10</sub>	Nonattainment	Attainment
PM <sub>2.5</sub>	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO <sub>2</sub>	Attainment	Unclassifiable/Attainment
SO <sub>2</sub>	Unclassifiable/Attainment	Unclassifiable/Attainment
Pb <sup>1</sup>	Attainment	Unclassifiable/Attainment

Note: See Appendix 2.1 from the Project's AQIA for a detailed map of State/National Area Designations within the SCAB

-- = The national 1-hour O<sub>3</sub> standard was revoked effective June 15, 2005.

<sup>1</sup> The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the SCAB.

Source: (Urban Crossroads, 2022a, Table 2-3)

**2. Regional Air Quality**

**Criteria Pollutants**

The SCAQMD monitors levels of various criteria pollutants at 37 permanent monitoring stations and 5 single-pollutant source Pb air monitoring sites throughout the Basin (Urban Crossroads, 2022a, p. 24). The attainment status for criteria pollutants within the SCAB is summarized in Table 4.3-2, *Ambient Air Quality Standards*.

The SCAB has been one of the most unhealthful air basins in the United States and has experienced unhealthful air quality since World War II. However, as a result of the region's air pollution control efforts over the last 60+ years, criteria pollutant concentrations in the SCAB have reduced dramatically and are expected to continue to improve in the future as State regulations become more stringent (Urban Crossroads, 2022a, pp. 31-38). Emissions of O<sub>3</sub>, NO<sub>x</sub>, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled (VMT) in the SCAB continue to increase, NO<sub>x</sub> and VOC levels are decreasing because of federal and State mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO<sub>x</sub> emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. O<sub>3</sub> contour maps show that the number of days exceeding the 8-hour NAAQS decreased between 1980 and 2020. For 2020, there was an overall





Table 4.3-2 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone (O <sub>3</sub> ) <sup>8</sup>	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.070 ppm (137 µg/m <sup>3</sup> )		
Respirable Particulate Matter (PM10) <sup>9</sup>	24 Hour	50 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		—		
Fine Particulate Matter (PM2.5) <sup>9</sup>	24 Hour	—	—	35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	12.0 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m <sup>3</sup> )	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		—	—	
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>10</sup>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemiluminescence	100 ppb (188 µg/m <sup>3</sup> )	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		0.053 ppm (100 µg/m <sup>3</sup> )	Same as Primary Standard	
Sulfur Dioxide (SO <sub>2</sub> ) <sup>11</sup>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m <sup>3</sup> )	
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>10</sup>	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) <sup>10</sup>	—	
Lead <sup>12,13</sup>	30 Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m <sup>3</sup> (for certain areas) <sup>12</sup>	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m <sup>3</sup>		
Visibility Reducing Particles <sup>14</sup>	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>12</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chromatography			

Source: (Urban Crossroads, 2022a, Table 2-2)



**Table 4.1-1 Ambient Air Quality Standards (2 of 2)**

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150  $\mu\text{g}/\text{m}^3$  is equal to or less than one. For PM<sub>2.5</sub>, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15  $\mu\text{g}/\text{m}^3$  to 12.0  $\mu\text{g}/\text{m}^3$ . The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35  $\mu\text{g}/\text{m}^3$ , as was the annual secondary standard of 15  $\mu\text{g}/\text{m}^3$ . The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150  $\mu\text{g}/\text{m}^3$  also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
  
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5  $\mu\text{g}/\text{m}^3$  as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source: (Urban Crossroads, 2022a, Table 2-2)



decrease in exceedance days compared with the 1980 period. Of note, due to higher temperatures and stagnant weather conditions, O<sub>3</sub> levels have increased in the past three years within the SCAB; however, O<sub>3</sub> levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations experienced in the late 1970s, as illustrated on Figure 4.3-1, *SCAB O<sub>3</sub> Trend*. (Urban Crossroads, 2022a, p. 30)

The most recent PM<sub>10</sub> statistics also show an overall improvement within the SCAB as illustrated in Figure 4.3-2, *Average 24-Hour Concentration PM<sub>10</sub> Trend (Based on Federal Standard)*, and Figure 4.3-3, *SCAB Annual Average Concentration PM<sub>10</sub> Trend (Based on State Standard)*. During the period for which data are available, the 24-hour annual average concentration for PM<sub>10</sub> decreased by approximately 46 percent against the federal standard, from 103.7 microgram per cubic meter (µg/m<sup>3</sup>) in 1988 to 55.5 µg/m<sup>3</sup> in 2020. The 24-hour annual average for emissions for PM<sub>10</sub> have decreased by approximately 64 percent against the State standards, from 93.9 µg/m<sup>3</sup> in 1989 to 33.9 µg/m<sup>3</sup> in 2020. (Urban Crossroads, 2022a, p. 31)

Figure 4.3-4, *SCAB 24-Hour Average Concentration PM<sub>2.5</sub> Trend (Based on Federal Standard)*, and Figure 4.3-5, *SCAB Annual Average Concentration PM<sub>2.5</sub> Trend (Based on State Standard)*, shows the most recent 24-hour average PM<sub>2.5</sub> concentrations in the SCAB from 1999 through 2020. Overall, the national and State annual average concentrations have decreased by almost 50 percent and 31 percent, respectively. It should be noted that the SCAB is currently designated as nonattainment for the State and federal PM<sub>2.5</sub> standards. (Urban Crossroads, 2022a, p. 32)

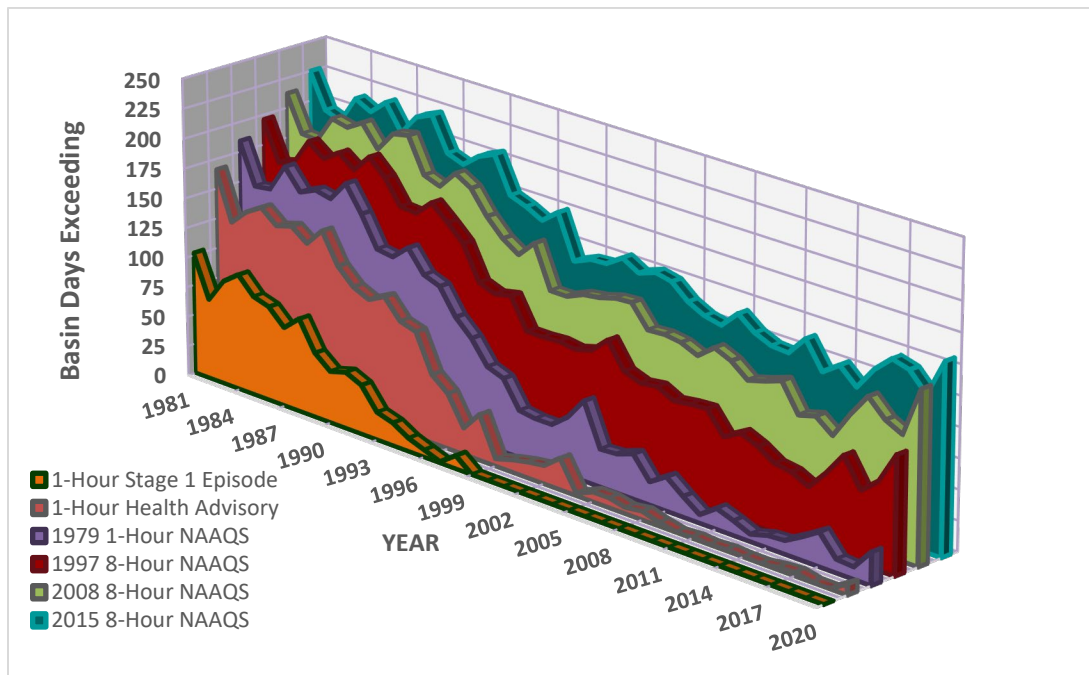
The most recent CO concentrations in the SCAB are shown in Figure 4.3-6, *SCAB 8-Hour Average Concentration CO Trend*. CO concentrations in the SCAB have decreased markedly - a total decrease of more about 80 percent in the peak 8-hour concentration from 1986 to 2012 (Urban Crossroads, 2022a, p. 34). (2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB.)

The most recent NO<sub>2</sub> data for the SCAB is shown in Figure 4.3-7, *SCAB 1-Hour Average Concentration NO<sub>2</sub> Trend (Based on Federal Standard)*, and Figure 4.3-8, *SCAB 1-Hour Average Concentration NO<sub>2</sub> Trend (Based on State Standard)*. Over the last 50 years, NO<sub>2</sub> values have decreased significantly; the peak 1-hour national and State averages for 2020 are approximately 80 percent lower than what they were during 1963 (Urban Crossroads, 2022a, p. 35). The SCAB attained the State 1-hour NO<sub>2</sub> standard in 1994, bringing the entire State into attainment. A new State annual average standard of 0.030 parts per million (ppm) was adopted by the California Air Resources Board (CARB) in February 2007. The new standard is just barely exceeded in the SCAQMD. NO<sub>2</sub> is formed from NO<sub>x</sub> emissions, which also contribute to O<sub>3</sub>. As a result, the majority of the future emission control measures would be implemented as part of the overall O<sub>3</sub> control strategy. Many of these control measures would target mobile sources, which account for more than three-quarters of California's NO<sub>x</sub> emissions, and are expected to bring the SCAQMD into attainment of the State annual average standard. (Urban Crossroads, 2022a, p. 35)



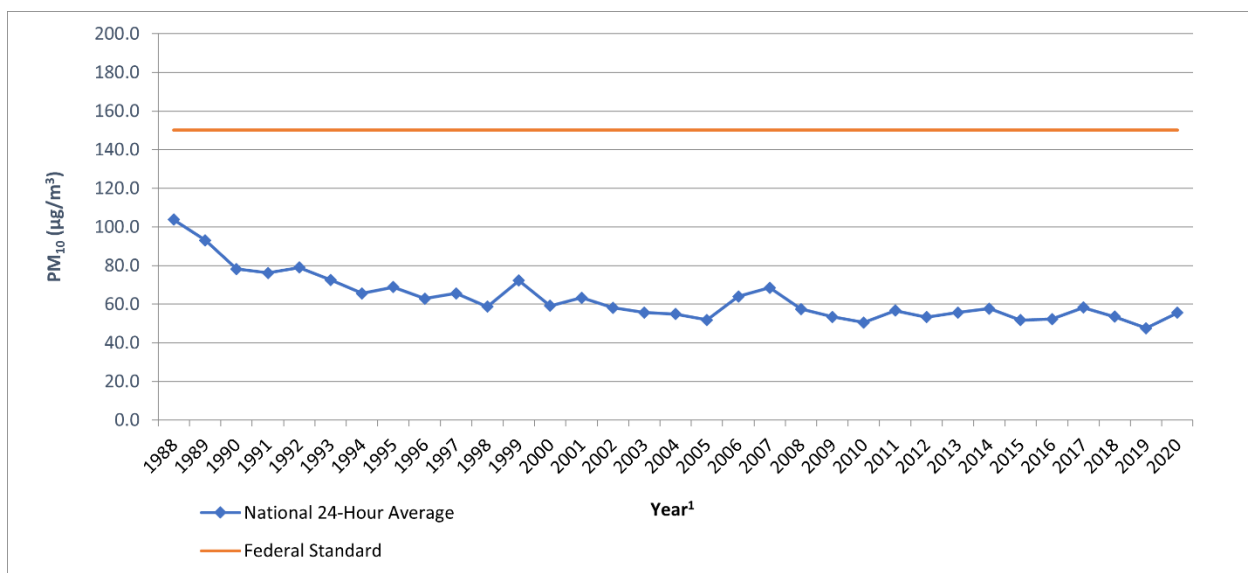


Figure 4.3-1 SCAB O<sub>3</sub> Trend



Source: (Urban Crossroads, 2022a, Table 2-5)

Figure 4.3-2 Average 24-Hour Concentration PM<sub>10</sub> Trend (Based on Federal Standard)



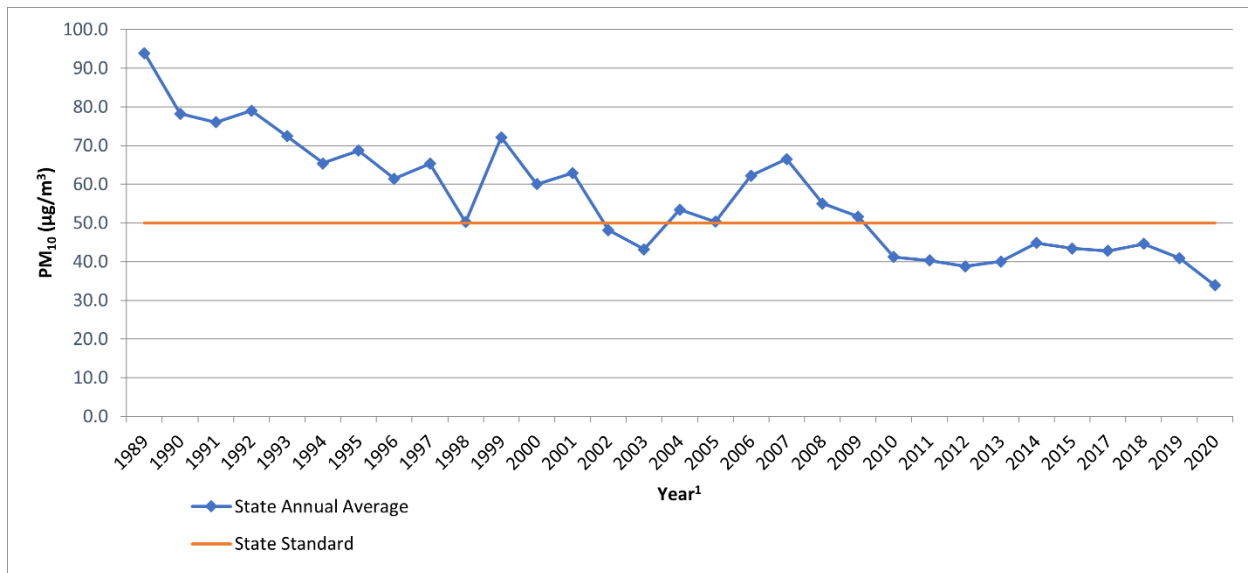
Data from 2020 CARB, iADAM: Top Four Summary: PM<sub>10</sub> 24-Hour Averages (1988-2020)

<sup>1</sup> Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.

Source: (Urban Crossroads, 2022a, Table 2-6)



**Figure 4.3-3 SCAB Annual Average Concentration PM<sub>10</sub> Trend (Based on State Standard)**

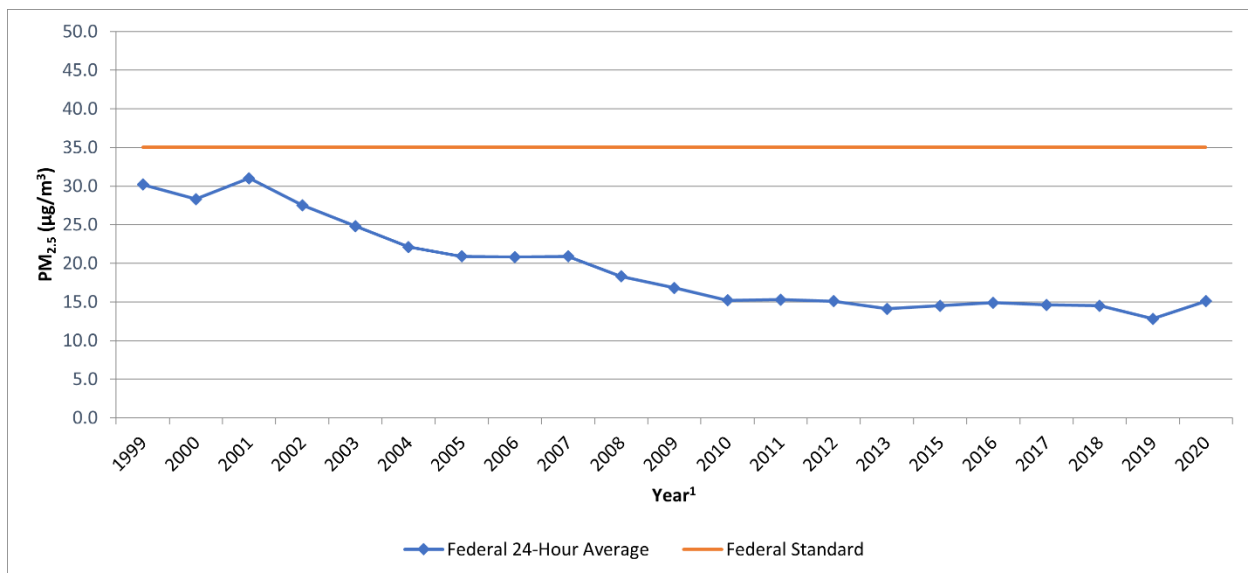


Data from 2020 CARB, iADAM: Top Four Summary: PM<sub>10</sub> 24-Hour Averages (1988-2020)

<sup>1</sup> Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2022a, Table 2-7)

**Figure 4.3-4 SCAB 24-Hour Average Concentration PM<sub>2.5</sub> Trend (Based on Federal Standard)**



Data from 2020 CARB, iADAM: Top Four Summary: PM<sub>2.5</sub> 24-Hour Averages (1999-2020)

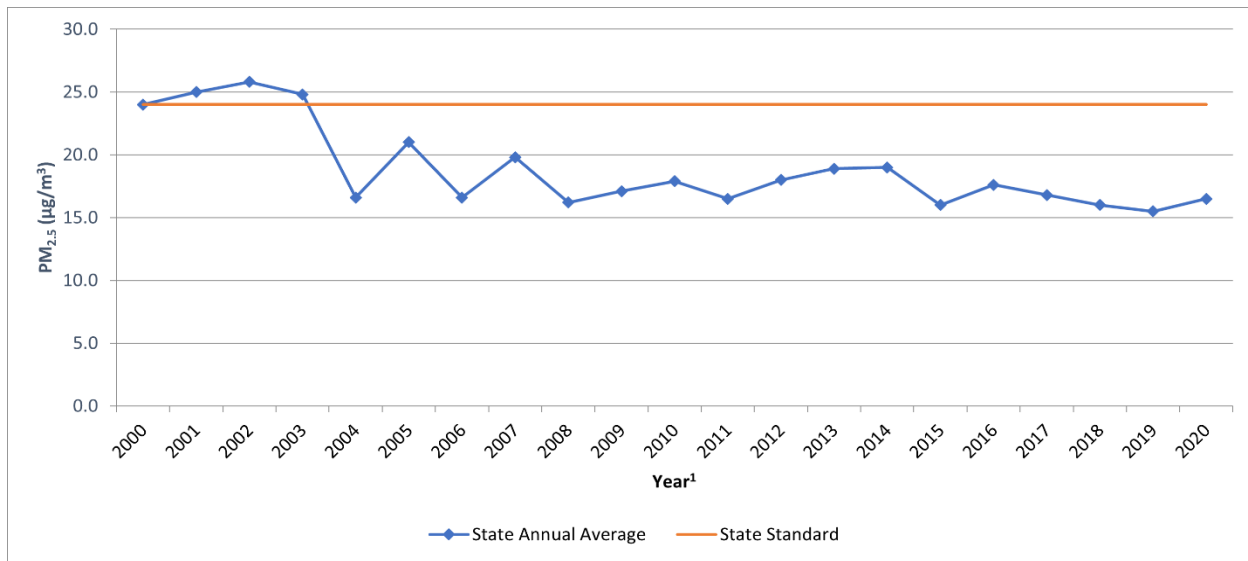
<sup>1</sup> Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2022a, Table 2-8)





**Figure 4.3-5 SCAB Annual Average Concentration PM<sub>2.5</sub> Trend (Based on State Standard)**

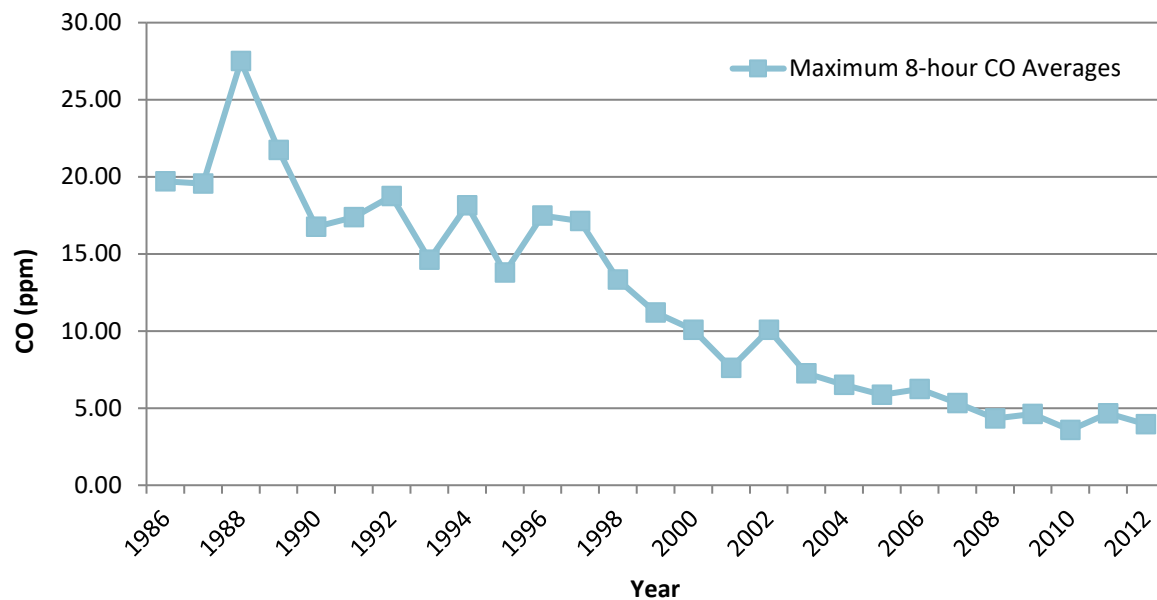


Data from 2020 CARB, iADAM: Top Four Summary: PM<sub>2.5</sub> 24-Hour Averages (1999-2020)

<sup>1</sup> Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of “0” have also been omitted.

Source: (Urban Crossroads, 2022a, Table 2-9)

**Figure 4.3-6 SCAB 8-Hour Average Concentration CO Trend**



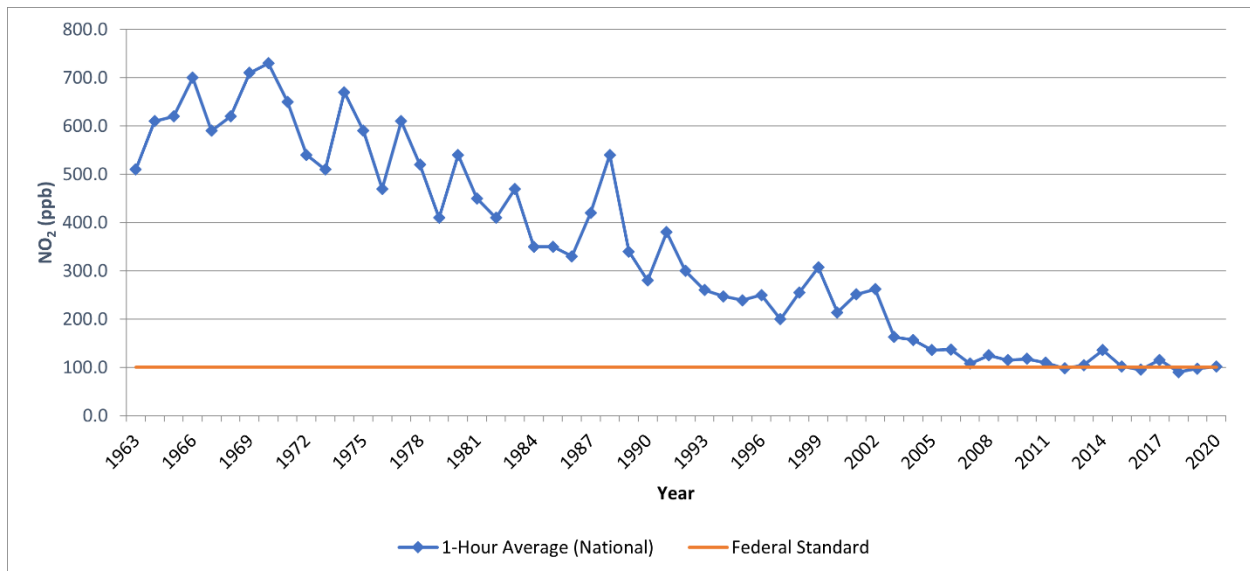
Data from 2020 CARB, iADAM: Top Four Summary: CO 8-Hour Averages (1999-2012)

<sup>1</sup> The most recent year where 8-hour concentration data is available is 2012.

Source: (Urban Crossroads, 2022a, Table 2-10)



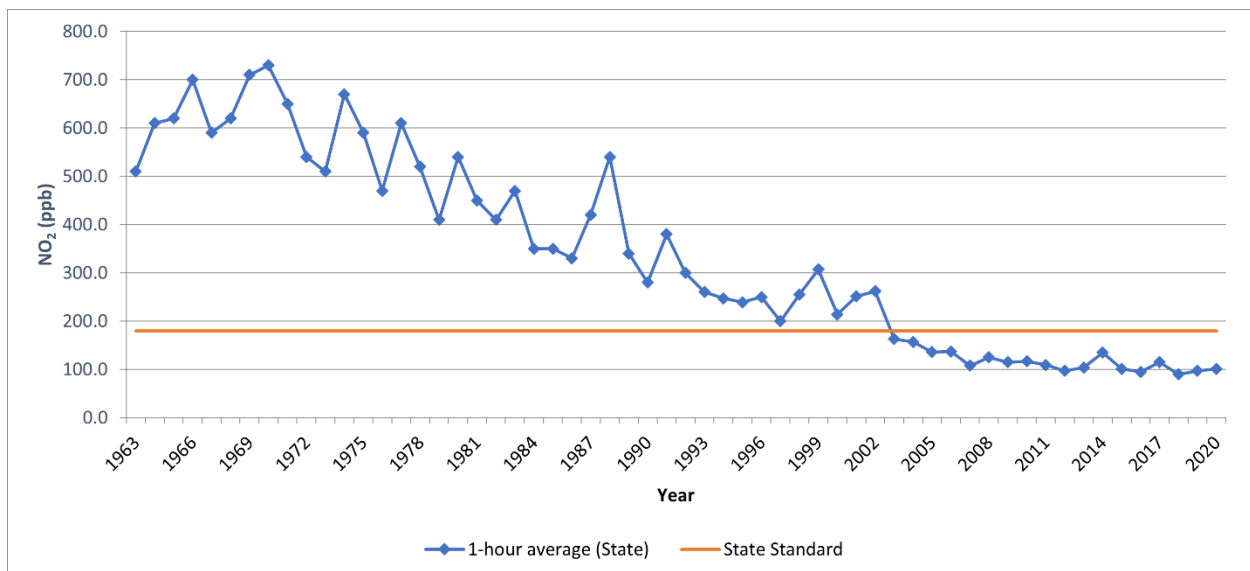
**Figure 4.3-7 SCAB 1-Hour Average Concentration NO<sub>2</sub> Trend (Based on Federal Standard)**



Data from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2020)

Source: (Urban Crossroads, 2022a, Table 2-11)

**Figure 4.3-8 SCAB 1-Hour Average Concentration NO<sub>2</sub> Trend (Based on State Standard)**

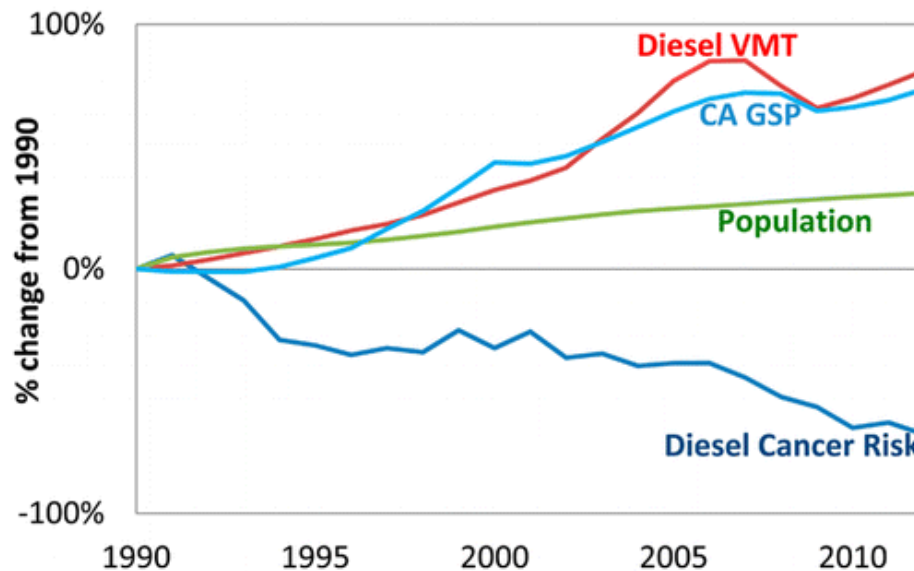


Data from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2020)

Source: (Urban Crossroads, 2022a, Table 2-12)



Figure 4.3-9 DPM and Diesel Vehicle Miles Trend  
California Population, Gross State Product (GSP),  
Diesel Cancer Risk, Diesel Vehicle-Miles-Traveled (VMT)



Source: (Urban Crossroads, 2022a, Exhibit 2-A)

#### ☐ Toxic Air Contaminants

Toxic air contaminants (TACs) are a classification of air pollutants that have been attributed to carcinogenic and non-carcinogenic health risks. Beginning in the mid-1980s, the CARB adopted a series of regulations to reduce the amount of air toxic contaminant emissions resulting from mobile and stationary sources, such as cars, trucks, stationary sources, and consumer products. As a result of CARB's regulatory efforts, ambient concentrations of TACs have declined substantially across the State. To reduce TAC emissions from mobile sources, CARB has required that all light- and medium-duty vehicles sold in California since 1996 be equipped with an on-board diagnostic system to alert drivers of potential engine problems. Also, since 1996, CARB has required the use of cleaner burning, reformulated gasoline in all light- and medium-duty vehicles. These two regulations resulted in an over 85 percent reduction in TAC emissions from light- and medium-duty vehicles in the State between 1990 and 2012 (Urban Crossroads, 2022a, p. 37). The CARB also implemented programs to retrofit diesel-fueled engines and facilitate the use of diesel fuels with ultra-low sulfur content to minimize the amount of diesel emissions and their associated TACs. As a result of CARB's programs, diesel emissions and their associated TACs fell by approximately 71 percent since 2000 despite an approximately 81 percent increase in miles traveled by diesel vehicles during that same time period, as shown on Figure 4.3-9, *DPM and Diesel Vehicle Miles Trend* (Urban Crossroads, 2022a, p. 37). Moreover, the average statewide diesel particulate matter (DPM) emissions for Heavy Duty Trucks (HDT), in terms of grams of DPM generated per mile traveled, are projected to dramatically reduce due to regulatory requirements on vehicular emissions adopted by CARB and the Ports of Los Angeles and Long Beach (Urban Crossroads, 2022a, p. 38).



3. Local Air Quality

☐ **Criteria Pollutants**

Ambient air pollutant concentrations in the Project area are summarized in Table 4.3-3, *Project Area Air Quality Monitoring Summary 2018-2020*. Local air quality data was collected from the SCAQMD air quality monitoring station located nearest to the Project Site: Central San Bernardino Valley 1 area (SRA 34). Data was collected for the three most recent years for which data was available (2018-2020).

**Table 4.3-3 Project Area Air Quality Monitoring Summary 2018-2020**

Pollutant	Standard	Year		
		2018	2019	2020
O <sub>3</sub>				
Maximum Federal 1-Hour Concentration (ppm)		0.141	0.124	0.151
Maximum Federal 8-Hour Concentration (ppm)		0.111	0.109	0.111
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	38	41	56
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	69	67	89
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.9	2.7	1.7
Maximum Federal 8-Hour Concentration	> 20 ppm	1.1	1.0	1.2
NO <sub>2</sub>				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.063	0.076	0.066
Annual Federal Standard Design Value		0.018	0.017	0.019
PM <sub>10</sub>				
Maximum Federal 24-Hour Concentration (µg/m <sup>3</sup> )	> 150 µg/m <sup>3</sup>	64	88	61
Annual Federal Arithmetic Mean (µg/m <sup>3</sup> )		34.1	34.8	35.8
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m <sup>3</sup>	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 µg/m <sup>3</sup>	9	12	6
PM <sub>2.5</sub>				
Maximum Federal 24-Hour Concentration (µg/m <sup>3</sup> )	> 35 µg/m <sup>3</sup>	29.20	46.50	46.10
Annual Federal Arithmetic Mean (µg/m <sup>3</sup> )	> 12 µg/m <sup>3</sup>	11.13	10.84	11.95
Number of Days Exceeding Federal 24-Hour Standard	> 35 µg/m <sup>3</sup>	0	2	1

ppm = Parts Per Million

µg/m<sup>3</sup> = Microgram per Cubic Meter

Source: (Urban Crossroads, 2022a, Table 2-4)



**Toxic Air Contaminants**

As part of preparation of the *MATES-V* study, the SCAQMD collected toxic air contaminant data at 10 fixed sites within the SCAB. None of the fixed monitoring sites are located within the vicinity of the Shea and Acacia Project Sites; however, *MATES-V* extrapolates the excess cancer risk levels throughout the SCAB using mathematical modeling for specific geographic grids. *MATES-V* predicted a cancer risk of 472 in one million for the Shea and Acacia Project area. Diesel PM is shown to be the largest contributor to overall air toxics cancer risk; however, the average levels of diesel PM in *MATES-V* are 53 percent lower at the 10 monitoring sites compared to the prior version of SCAQMD's *MATES* analysis, *MATES-IV*. The trend in the Shea and Acacia Project area of improving toxic air contaminant risk levels mirrors the overall trend of improving air quality within the SCAB, as described earlier in this Subsection. (Urban Crossroads, 2022a, p. 39)

**4.3.2 REGULATORY SETTING**

The following is a brief description of the federal, State, and local environmental laws and related regulations governing air quality emissions.

**A. Federal Plans, Policies, and Regulations**

**1. Federal Clean Air Act**

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>), PM<sub>2.5</sub>, and lead (Pb). (EPA, 2021a)

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. (EPA, 2021a)

The sections of the federal CAA most directly applicable to the development of the Project Site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O<sub>3</sub> (smog), CO, and PM<sub>10</sub>. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2021b) Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO<sub>x</sub> on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. (EPA, 2021c)





Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source. (EPA, 2021a)

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk. (EPA, 2021a)

## **2. *SmartWay Program***

The US EPA's SmartWay Program is a voluntary public-private program developed in 2004, which 1) provides a comprehensive and well-recognized system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains; 2) helps companies identify and select more efficient freight carriers, transport modes, equipment, and operational strategies to improve supply chain sustainability and lower costs from goods movement; 3) supports global energy security and offsets environmental risk for companies and countries; and 4) reduces freight transportation-related emissions by accelerating the use of advanced fuel-saving technologies (EPA, 2021d). This program is supported by major transportation industry associations, environmental groups, State and local governments, international agencies, and the corporate community.

## **B. *State Plans, Policies, and Regulations***

### **1. *California Clean Air Act (CCAA)***

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State's ambient air quality standards, the California Ambient Air Quality Standards (CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources. (SCAQMD, n.d.)



## **2. *Air Toxic Hot Spots Act***

The Air Toxic “Hot Spots” Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code §§ 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts. (SCAQMD, n.d.)

## **3. *Air Quality Management Planning***

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies. (CARB, 2012)

## **4. *Truck & Bus Regulation***

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule, and were all replaced by 2020. (CARB, n.d.)

## **5. *Advanced Clean Truck Regulation***

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class



2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future. (CARB, 2021)

## 6. ***California Air Resources Board Rules***

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

## C. ***Local Plans, Policies, and Regulations***

### 1. ***SCAQMD Air Quality Management Plan***

Under existing conditions, the NAAQS and CAAQS are exceeded in most parts of the SCAB. In response, and in conformance with California Health & Safety Code Section 40702 *et seq.* and the California CAA, the SCAQMD adopted an AQMP to plan for the improvement of regional air quality. AQMPs are updated regularly in order to more effectively reduce emissions and accommodate growth. Each version of the plan is an update of the previous plan and has a 20-year horizon with a revised baseline. The SCAQMD's most recent iteration of the AQMP was adopted in March 2017 (SCAQMD, 2017a).

### 2. ***SCAQMD Rules***

The SCAQMD enforces rules related to air pollutant emissions in the SCAB. Rules with applicability to the Project include, but are not limited to, those listed below.

- SCAQMD Rule 402 (Nuisance Odors): Prohibits the discharge of air contaminants that cause nuisance or annoyance to any considerable number of persons or to the public
- SCAQMD Rule 403 (Fugitive Dust): Requires the implementation of best available dust control measures (BACMs) during activities capable of generating fugitive dust. Rule 403 also requires activities defined as “large operations” to notify the SCAQMD by submitting specific forms; a large operation is defined as any active operation on property containing 50 or more acres of disturbed surface area; or any earth moving operation with a daily earth-moving or throughput volume of 3,850 cubic meters (5,000 cubic yards), three times during the most recent 365-day period.
- SCAQMD Rule 431.2 (Low Sulfur Fuel): Requires the use of diesel fuels that adhere to sulfur content limits.



- SCAQMD Rule 1108 (Cutback Asphalt): Prohibits the use of asphalt that exceeds a specified percentage of VOCs.
- SCAQMD Rule 1113 (Architectural Coatings): Requires all buildings within the SCAQMD to adhere to the VOC limits for architectural coatings.
- SCAQMD Rule 1186 (PM<sub>10</sub> Emissions from Paved and Unpaved Roads, and Livestock Operations): Requires the use of street sweepers that meet minimum standards for cleaning capabilities.
- SCAQMD Rule 1301 (General): Provides pre-construction review requirements to ensure that new or relocated facilities do not interfere with progress in attainment of the NAAQS. Rule 1301 also limits emission increase of ammonia and ozone depleting compounds from new, modified, or relocated facilities by requiring the use of Best Available Control Technology (BACT).
- SCAQMD Rule 1401 (New Source Review of Toxic Air Contaminants): Prohibits a person from discharging into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- SCAQMD Rule 2305 (Warehouse Indirect Source Rule): Requires all operators of warehouses greater than or equal to 100,000 s.f. of indoor floor space to implement measures that reduce nitrogen oxides and particulate matter emissions and/or pay a fee to fund programs to improve regional air quality.

### 3. *City of Fontana Ordinance No. 1879*

City of Fontana Ordinance No. 1879 amends the City's Municipal Code to establish sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. Standards required by Ordinance No. 1879 that would directly reduce local air pollution emissions and minimize potential adverse effects from air pollution emissions include but are not limited to: 1) Restricting diesel truck idling to three minutes or less; 2) Requiring each industrial commerce center to prepare and implement a Truck Routing Plan that utilizes designated truck routes and avoids routes that pass sensitive receptors, to the greatest extent possible; 3) Requiring motorized cargo-handling equipment used at industrial commerce center sites to be zero emission; 4) Requiring buildings with more than 400,000 s.f. of building area to install rooftop solar panels that supply 100 percent of the power need of the non-refrigerated building space; 5) Requiring the installation of electric plug-ins at all loading dock positions that would be utilized by trucks fitted with transport refrigeration units (TRUs); 6) Requiring that five (5) percent of passenger vehicle parking spaces are wired for electric vehicle charging and equipped with a Level 2 charging station and at least 10 percent of passenger vehicle spaces are "EV ready" for future expansion of charging capabilities; and 7) Prohibiting the use of diesel-powered generators, except in case of emergency or for temporary power during construction. The Project would be required to comply with all applicable measures of Ordinance No. 1879. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.



#### 4.3.3 METHODOLOGY FOR CALCULATING PROJECT-RELATED AIR QUALITY IMPACTS

The California Emissions Estimator Model (CalEEMod), version 2020.4.0, was used to calculate all Shea and Acacia Project-related air pollutant emissions (with the exception of localized emissions and diesel particulate matter emissions from Shea and Acacia Project operations). The CalEEMod is a Statewide land use emission computer model developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts, including the SCAQMD, that provides a uniform platform to quantify potential criteria pollutant emissions associated with construction and operation of land development projects.

##### A. Methodology for Calculating Project Construction Emissions

###### 1. *Regional Pollutant Emissions*

###### ☐ Shea Project

The Shea Project's construction period will last approximately 16 months and would include six activity phases: 1) demolition; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) architectural coating. For purposes of the air quality analysis, the Project's construction activities are assumed to occur between June 2023 and October 2024. This assumption represents a conservative analysis scenario because, should construction occur later than the dates assumed in the analysis, construction equipment emissions would be the same or, more likely, lower than presented because emission regulations are becoming more stringent over time and the retirement of older (higher-polluting) equipment and replacement with newer (less-polluting) pieces of equipment is constantly happening in response to State regulations or service needs (Urban Crossroads, 2022a, p. 51). The air quality analysis model utilizes the durations of each construction activity phase and the construction equipment fleet previously presented in EIR Section 3.0, *Project Description*. The analysis assumptions for Shea Project construction are based on information provided by the Shea Project Applicant and the experience and technical expertise of the Shea Project's air quality technical expert (Urban Crossroads).

Refer to Section 3.4 of the Sierra Business Center AQIA for more detail on the methodology utilized to calculate the Shea Project's construction-related regional pollutant emissions.

###### ☐ Acacia Project

The Acacia Project's construction period will last approximately 15 months and will include five (5) activity phases: 1) site preparation; 2) grading; 3) building construction; 4) paving; and 5) architectural coating. For purposes of the air quality analysis, the Acacia Project's construction activities are assumed to occur between June 2023 and September 2024. This assumption represents a conservative analysis scenario because, should construction occur later than the dates assumed in the analysis, construction equipment emissions would be the same or, more likely, lower than presented because emission regulations are becoming more stringent over time and the retirement of older (higher-polluting) equipment and replacement with newer (less-polluting) pieces of equipment is constantly happening in response to State regulations or service needs (Urban Crossroads, 2022a, p. 43). The air quality analysis model utilizes the durations of each construction activity phase and the construction equipment fleet previously presented in EIR Section 3.0, *Project Description*. The analysis assumptions for Acacia Project construction are based on information provided by the Acacia Project





Applicant and the experience and technical expertise of the Acacia Project's air quality technical expert (Urban Crossroads).

Refer to Section 3.4 of the Sierra Business Center AQIA for more detail on the methodology utilized to calculate the Acacia Project's construction-related regional pollutant emissions.

## **2. Localized Pollutant Emissions**

Shea and Acacia Project-related localized pollutant emissions were calculated in accordance with the SCAQMD's *Final Localized Significance Threshold (LST) Methodology* using the process described below. The CalEEMod was utilized to determine the maximum daily on-site emissions that would occur during construction activity. The SCAQMD's *Fact Sheet for Applying CalEEMod to LSTs* was used to determine the maximum Shea and Acacia Project Site acreage that would be actively disturbed based on the construction equipment fleet and equipment hours as estimated in the CalEEMod. The equipment-specific disturbance rates were obtained from the CalEEMod user's guide, *Appendix A: Calculation Details for CalEEMod* (October 2017). SCAQMD's methodology recommends using look-up tables for projects with a disturbance area of less than or equal to five (5) acres in size and using dispersion modeling for projects with a disturbance area greater than five (5) acres in size. Both the Shea and Acacia Projects are anticipated to disturb more than five (5) acres per day during peak construction activities; however, for conservative purposes (to overstate potential impacts), the analysis assumes that all on-site emissions associated with the Shea and Acacia Projects would occur within a concentrated five-acre area. This is a conservative assumption because across a larger area, like the Shea and Acacia Project Sites, emissions would disperse over a wider area and localized concentrations at any one area would be lower, while emissions across a smaller area would be more concentrated (i.e., substantial). Accordingly, the SCAQMD's screening look-up tables were utilized to determine localized pollutant concentration levels at sensitive receptor locations near the Shea and Acacia Project Sites. Emission concentrations were modeled at six receptor locations near both the Shea and Acacia Project Sites, including existing residences to the north (along Duncan Canyon Road), east and southeast (east of the utility right-of-way in the City of Rialto), south (at the corner of Avanti Lane and Delaney Way), and west (in the Gabion Ranch Woodridge community), and an existing industrial site to the south of the Shea Project Site.

The SCAQMD's *Final Localized Significance Threshold Methodology* indicates that off-site mobile emissions from development projects should be excluded from localized emissions analyses. Therefore, for purposes of calculating the Shea and Acacia Project's construction-related localized pollutant emissions, only emissions included in the CalEEMod on-site emissions outputs were considered.

Refer to Section 3.8 of the Sierra Business Center AQIA for more detail on the methodology utilized to calculate Shea and Acacia Project construction-related localized pollutant emissions.



***B. Methodology for Calculating Project Operational Emissions***

***1. Regional Pollutant Emissions***

The Shea and Acacia Project's operational-related regional pollutant emissions analysis quantifies air pollutant emissions from mobile sources, including TRUs, area sources (e.g., architectural coatings, consumer products, landscape maintenance equipment), on-site cargo handling equipment sources, and energy sources.

Mobile source emissions are the product of the number of daily vehicle trips generated by the Shea and Acacia Projects, the composition of the Shea and Acacia Project's vehicle fleet (mix of passenger cars, motorcycles, light-heavy-duty trucks, medium-heavy-duty trucks, and heavy-heavy duty trucks), and the trip length (number of miles driven) by Shea and Acacia Project vehicles. The Shea and Acacia Project's average number of daily vehicle trips and vehicle fleet mix were determined using the methodology described in detail in EIR Subsection 4.17, *Transportation*. The travel length for Shea and Acacia Project-related heavy-duty truck trips is based on the recommendation by SCAQMD for a 40-mile truck trip length. The travel length for Shea and Acacia Project-related passenger vehicles trips is based on the CalEEMod default: 16.6 miles.

In order to account for the possibility of the Shea and Acacia Projects containing refrigerated (cold) storage space, TRUs have been modeled for 10 two-way truck trips (or 5 round trips) accessing the Shea Project Site and 14 two-way truck trips (or 7 round trips) accessing the Acacia Project Site. The TRU calculations are based on the 2017 Off-road Emissions model, version 1.0.1 (Orion), developed by the CARB. Orion does not provide emission rates per hour or mile as with the on-road emission model and only provides emission inventories. Therefore, the emissions inventory was converted into emission rates to accurately calculate emissions from TRU operation associated with project level details. This was accomplished by converting the annual horsepower hours to daily operational characteristics and converting the daily emission levels into hourly emission rates based on the total emission of each criteria pollutant by equipment type and the average daily hours of operation.

The Shea and Acacia Project's operational analysis assumes the use of two, 200 horsepower, compressed natural gas or gasoline powered tractors/loaders/backhoes operating at four (4) hours per day for all 365 days of the year.

The estimated area source emissions and energy source emissions analyses for the Project rely on default inputs within CalEEMod. Pursuant to Ordinance No. 1879, the Project would be required to obtain 100 percent of its electricity demand for non-refrigerated space from rooftop solar panels, thus the air quality analysis assumes that the Project would only draw from the electrical grid to satisfy the energy needs of the refrigerated portion of the proposed building.

Refer to Sections 3.5 and 3.7 of the Sierra Business Center AQIA for detailed information on the methodology utilized to calculate regional pollutant emissions during Shea and Acacia Project operation.



## 2. Localized Pollutant Emissions

The SCAQMD's *Final Localized Significance Threshold Methodology* provides look-up tables for sites with an area of five (5) acres or less. For projects that exceed five acres, the LST look-up tables can be used as a screening tool to determine which pollutants require additional detailed analysis. This approach is conservative as it assumes that all on-site emissions associated with a project would be concentrated within a five-acre area. For the Shea Project, which would cover an approximately 11.5 gross-acre area and the Acacia Project, which would cover an approximately 19.6 gross-acre area, this screening method over predicts potential localized impacts because, by assuming that Shea and Acacia Project Site operational activities are occurring over a smaller area, the resulting volumes of air pollutants are more highly concentrated than they would be for activities if they were spread out over a larger surface area.

The *Final Localized Significance Threshold Methodology* only provides for the evaluation of on-site emissions sources because the CalEEMod outputs do not separate on-site and off-site mobile source emissions. Notwithstanding, on-site mobile source emissions are manually added to the LST analysis by estimating emissions from mobile sources operating on the Shea and Acacia Project Site. The emissions from on-site mobile sources are estimated to be equivalent to five (5) percent of the Shea and Acacia Project's one-way vehicle trip length, which far exceeds the actual maximum distance a passenger car or truck could travel through the Shea and Acacia Project's parking lots and, thus, represents a conservative assumption that overstates the actual localized impact of the Shea and Acacia Project's on-site mobile source emissions.

The operational LST analysis utilizes the same sensitive receptor locations that were utilized in the construction LST analysis.

Refer to Section 3.10 and 3.12 of the Sierra Business Center AQIA for detailed information on the methodology utilized to calculate the Shea and Acacia Project's operational localized pollutant emissions.

## 3. Diesel Particulate Matter Emissions

Diesel particulate matter (DPM) emissions from trucks traveling to and from the Shea and Acacia Project Sites were calculated using emission factors for PM<sub>10</sub> generated with the Emission FACTor 2017 model (EMFAC 2017). Refer to Section 2.3 and 2.8 of the Shea and Acacia Project's HRA for a detailed description of the model inputs and equations used in the estimation of the Shea and Acacia Project-related DPM emissions.

The potential health risks of Shea and Acacia Project-related DPM emissions were quantified in accordance with the guidelines in the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Pursuant to SCAQMD's recommendations, emissions were modeled using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) software program. Refer to Section 2.4 and 2.9 of the Shea and Acacia Project's HRA for a detailed description of the model inputs and equations used in the calculation of average particulate concentrations during operation of the Shea and Acacia Project.

Health risks associated with exposure to DPM emissions at a given concentration are defined in terms of the probability of developing cancer or chronic non-cancer health effects as a result of exposure to DPM emissions



at a given concentration. The cancer and non-cancer risk probabilities are determined through a series of equations to calculate unit risk factor, cancer potency factor, and chronic daily intake. The evaluation results in a maximum health risk value, which is merely a calculation of risk and does not necessarily mean anyone will contract cancer or other non-cancer health concern as a result of the exposure. The equations and input factors utilized in the Shea and Acacia Project analysis were obtained from Office of Environmental Health Hazard Assessment (OEHHA). Refer to Section 2.5 and 2.10 of the Shea and Acacia Project's HRA for a detailed description of the variable inputs and equations used in the calculations of receptor population health risks associated with Shea and Acacia Project operations.

#### 4.3.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects to regional and local air quality that could result from development projects. The proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

- a. *Conflict with or obstruct implementation of the applicable air quality plan;*
- b. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;*
- c. *Expose sensitive receptors to substantial pollutant concentrations;*
- d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

The Shea and/or Acacia Project would result in a significant impact under Threshold "a" if the Shea and/or Acacia Project were determined to conflict with the SCAQMD 2016 AQMP. Pursuant to Chapter 12, Sections 12.2 and 12.3, of the SCAQMD *CEQA Air Quality Handbook*, a project would conflict with the AQMP if either of the following conditions were to occur:

- The Project would increase the frequency or severity of existing NAAQS and/or CAAQS violations, cause or contribute to new air quality violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP; or
- The Project would exceed the 2016 AQMP's future year buildout assumptions.

For evaluation under Threshold "b," per SCAQMD's cumulative impact analysis guidance in their *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, implementation of the Shea and/or Acacia Project would result in a cumulatively-considerable impact if the Project's construction and/or operational activities exceed one or more of the SCAQMD's "Regional Thresholds" for criteria pollutant emissions, as summarized in Table 4.3-4, *Maximum Daily Regional Emissions Thresholds*.



**Table 4.3-4 Maximum Daily Regional Emissions Thresholds**

Pollutant	Regional Construction Threshold	Regional Operational Thresholds
NO <sub>x</sub>	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM <sub>10</sub>	150 lbs/day	150 lbs/day
PM <sub>2.5</sub>	55 lbs/day	55 lbs/day
SO <sub>x</sub>	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Pb	3 lbs/day	3 lbs/day

lbs/day = Pounds Per Day

Source: (Urban Crossroads, 2022a, Table 3-1)

For evaluation under Threshold “c,” the Shea and/or Acacia Project would result in a significant impact if any of the following were to occur:

- The Shea Project’s localized criteria pollutant emissions would exceed one or more of the “Localized Thresholds” listed in Table 4.3-5, *Shea Project Maximum Daily Localized Construction Emissions Thresholds*, and Table 4.3-6, *Shea Project Maximum Daily Localized Operational Emissions Thresholds*.
- The Acacia Project’s localized criteria pollutant emissions would exceed one or more of the “Localized Thresholds” listed in Table 4.3-7, *Acacia Project Maximum Daily Localized Construction Emissions Thresholds*, and Table 4.3-8, *Acacia Project Maximum Daily Localized Operational Emissions Thresholds*.
- The Project would cause or contribute to a CO “Hot Spot;” and/or
- The Project’s toxic air contaminant emissions, like DPM, would expose sensitive receptor populations to an incremental cancer risk of greater than 10 in one million; and/or result in a non-carcinogenic health risk rating (“Acute Hazard Index”) greater than 1.0.

**Table 4.3-5 Shea Project Maximum Daily Localized Construction Emissions Thresholds**

Construction Localized Thresholds			
NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
378 lbs/day	4,142 lbs/day	65 lbs/day	17 lbs/day

Source: (Urban Crossroads, 2022a Table 3-20)





**Table 4.3-6 Shea Project Maximum Daily Localized Operational Emissions Thresholds**

Operational Localized Thresholds			
NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
378 lbs/day	4,142 lbs/day	16 lbs/day	5 lbs/day

Source: (Urban Crossroads, 2022a Table 3-22)

**Table 4.3-7 Acacia Project Maximum Daily Localized Construction Emissions Thresholds**

Construction Localized Thresholds			
NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
270 lbs/day	1,746 lbs/day	14 lbs/day	8 lbs/day

Source: (Urban Crossroads, 2022a, Table 3-16)

**Table 4.3-8 Acacia Project Maximum Daily Localized Operational Emissions Thresholds**

Operational Localized Thresholds			
NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
270 lbs/day	1,746 lbs/day	4 lbs/day	2 lbs/day

Source: (Urban Crossroads, 2022a, Table 3-18)

For evaluation under Threshold “d,” a significant impact would occur if the Project’s construction and/or operational activities result in air emissions leading to an odor nuisance pursuant to SCAQMD Rule 402.

#### 4.3.5 IMPACT ANALYSIS

***Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?***

The SCAQMD 2016 AQMP, which is the applicable air quality plan for the Shea and Acacia Project areas, addresses long-term air quality conditions for the SCAB. The criteria for determining consistency with the 2016 AQMP are analyzed below.

- *Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the NAAQS and CAAQS. Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Shea and/or Acacia Projects were to exceed the SCAQMD’s localized emissions thresholds. As a conservative measure, the Shea and Acacia Projects’ regional emissions of VOC, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> also are considered in this consistency determination because if the Shea or Acacia 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. As disclosed under the analysis for Threshold “c,” below, Shea and Acacia Project-related activities would not exceed SCAQMD localized emissions thresholds during construction or long-term operation. However, as disclosed under the analysis for Threshold “b,” below, cumulative construction of the Shea and Acacia Projects would exceed the SCAQMD regional threshold for VOC emissions. VOCs are precursors for ozone; thus, cumulative Shea and Acacia Project construction activities would contribute a substantial volume of pollutants to the SCAB that could delay the attainment of federal and State ozone standards.

- *Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

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 project does not exceed the growth projections in the applicable local general plan, then the project is considered to be consistent with the growth assumptions in the AQMP. Based on the years of Shea and Acacia Project build-out phase, neither the Shea nor Acacia Project would exceed the assumptions in the AQMP.

The prevailing planning document for the Shea and Acacia Project Sites is the City of Fontana’s General Plan. Under existing conditions, the Shea Project Site is designated for “Multi-Family High Density Residential (R-MFH)” land use and has a zoning designation of Multi-Family High Residential (R-5). The Shea Project Applicant proposes to change the General Plan land use designation to Light Industrial (I-L) and the zoning designation to Light Industrial (M-1).

Under existing conditions, the Acacia Project Site is designated for R-MFH and “General Commercial (C-G)” land uses and has a zoning designation of R-5 and General Commercial (C-2). The Acacia Project Applicant proposes to change the General Plan land use designation to I-L and the zoning designation to M-1.

Neither the Shea nor Acacia Project is consistent with the General Plan land use designation for the subject properties. Accordingly, the both the Shea and Acacia Projects would conflict with Consistency Criterion No. 2.

#### Conclusion

In summary, the cumulative construction of the Shea and Acacia Projects would exceed the SCAQMD regional threshold for VOC emissions. Additionally, both the Shea and Acacia Projects propose to change the land use designations in the General Plan, and would therefore be considered inconsistent with the AMQP.



***Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

As noted earlier in this Subsection, the SCAB has a “non-attainment” designation for ozone (1- and 8-hour) and particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) under existing conditions; thus, any direct emissions of these pollutants or their precursors that exceed applicable SCAQMD significance thresholds would be considered significant.

**A. Construction Emissions Impact Analysis**

**1. *Shea Project***

Overall emissions from Shea Project construction are summarized in Table 4.3-9, *Shea Project Overall Construction Emissions Summary – Without Mitigation*. Detailed air model outputs for the Shea Project are presented in Appendix 3.2 of the Project’s AQIA.

**Table 4.3-9 Shea Project Overall Construction Emissions Summary – Without Mitigation**

Year	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
2023	1.59	29.27	37.48	0.06	9.80	4.63
2024	52.60	28.23	49.04	0.09	4.01	1.54
Winter						
2024	1.59	29.27	37.34	0.06	9.80	4.63
2024	52.56	28.41	47.49	0.09	4.01	1.54
<b>Maximum Daily Emissions</b>	<b>52.60</b>	<b>29.27</b>	<b>49.04</b>	<b>0.09</b>	<b>9.80</b>	<b>4.63</b>
SCAQMD Regional Threshold	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-12)

**2. *Acacia Project***

Overall emissions from Acacia Project construction are summarized in Table 4.3-10, *Acacia Project Overall Construction Emissions Summary – Without Mitigation*. Detailed air model outputs for the Acacia Project are presented in Appendix 3.1 of the Project’s AQIA.



**Table 4.3-10 Acacia Project Overall Construction Emissions Summary – Without Mitigation**

Year	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
2023	2.13	29.27	37.47	0.09	9.80	4.63
2024	66.80	30.61	55.91	0.12	6.35	2.18
Winter						
2024	2.07	29.27	37.42	0.08	9.80	4.63
2024	66.74	30.92	53.32	0.12	6.35	2.18
<b>Maximum Daily Emissions</b>	<b>66.80</b>	<b>30.92</b>	<b>55.91</b>	<b>0.12</b>	<b>9.80</b>	<b>4.63</b>
SCAQMD Regional Threshold	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-5)

### 3. Combined Shea and Acacia Projects

Maximum daily emissions from the combined Shea and Acacia Projects' construction are summarized in Table 4.3-11, *Maximum Daily Construction Emissions (Acacia and Shea Projects) - Unmitigated*.

**Table 4.3-11 Maximum Daily Construction Emissions (Acacia and Shea Projects) - Unmitigated**

Year	Site	Emissions (lbs/day)					
		VOC	NOx	CO	SOx	PM10	PM2.5
Summer							
2023	Acacia	2.13	29.27	37.47	0.09	9.80	4.63
	Shea	1.59	29.27	37.48	0.06	9.80	4.63
2024	Acacia	66.80	30.61	55.91	0.12	6.35	2.18
	Shea	52.60	28.23	49.04	0.09	4.01	1.54
Winter							
2023	Acacia	2.07	29.27	37.42	0.08	9.80	4.63
	Shea	1.59	29.27	37.34	0.06	9.80	4.63
2024	Acacia	66.74	30.92	53.32	0.12	6.35	2.18
	Shea	52.56	28.41	47.49	0.09	4.01	1.54
Maximum Daily Emissions		119.40	59.33	104.96	0.22	19.59	9.26
SCAQMD Regional Threshold		75	100	550	150	150	55
Threshold Exceeded?		YES	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2022a, Table 3-24)



As shown in Table 4.3-11, maximum daily construction-related emissions of NO<sub>x</sub>, CO, SO<sub>x</sub>, and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) would not exceed the applicable SCAQMD regional thresholds. Maximum daily construction-related emissions of VOCs would exceed the applicable SCAQMD regional thresholds. Accordingly, the combined Shea and Acacia Project's construction activities would emit substantial concentrations VOCs and would contribute to an existing or projected air quality violation on a cumulatively-considerable basis. Combined Shea and Acacia Project construction impacts related to emissions of VOCs would be a significant impact.

## B. Operational Emissions Impact Analysis

### 1. *Shea Project*

The calculated peak operational-source emissions for the Shea Project are summarized on Table 4.3-12, *Shea Project Summary of Peak Operational Emissions*. The air model outputs for the Shea Project operational analysis are provided in Appendix 3.2 of the Project's AQIA.

**Table 4.3-12 Shea Project Summary of Peak Operational Emissions**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
Area Source	4.63	3.80E-04	0.04	0.00	1.50E-04	1.50E-04
Energy Source	0.04	0.38	0.32	2.28E-03	0.03	0.03
Mobile Source	1.44	9.03	16.12	0.07	5.08	1.45
TRU Source	0.08	0.62	0.92	0.00	0.01	0.01
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>6.19</b>	<b>10.03</b>	<b>17.40</b>	<b>0.08</b>	<b>5.12</b>	<b>1.49</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Winter						
Area Source	4.63	3.80E-04	0.04	0.00	1.50E-04	1.50E-04
Energy Source	0.04	0.38	0.32	2.28E-03	0.03	0.03
Mobile Source	1.29	9.50	14.46	0.07	5.08	1.45
TRU Source	0.08	0.62	0.92	0.00	0.01	0.01
On-Site Equipment Source	0.00	0.00	0.00	0.00E+00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>6.04</b>	<b>10.50</b>	<b>15.74</b>	<b>0.07</b>	<b>5.12</b>	<b>1.49</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a Table 3-15)





## 2. Acacia Project

The calculated peak operational-source emissions for the Acacia Project are summarized on Table 4.3-13, *Acacia Project Summary of Peak Operational Emissions*. The air model outputs for the Acacia Project operational analysis are provided in Appendix 3.1 of the Project's AQIA.

**Table 4.3-13 Acacia Project Summary of Peak Operational Emissions**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
Area Source	8.77	7.20E-04	0.08	1.00E-05	2.80E-04	2.80E-04
Energy Source	0.07	0.60	0.51	3.62E-03	0.05	0.05
Mobile Source	2.65	21.82	29.93	0.17	10.24	2.96
TRU Source	0.10	0.83	1.20	0.00	0.02	0.01
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>11.59</b>	<b>23.25</b>	<b>31.71</b>	<b>0.17</b>	<b>10.30</b>	<b>3.02</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Winter						
Area Source	8.77	7.20E-04	0.08	1.00E-05	2.80E-04	2.80E-04
Energy Source	0.07	0.60	0.51	3.62E-03	0.05	0.05
Mobile Source	2.39	22.94	27.01	0.16	10.24	2.96
TRU Source	0.10	0.83	1.20	0.00	0.02	0.01
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>11.32</b>	<b>24.37</b>	<b>28.80</b>	<b>0.16</b>	<b>10.30</b>	<b>3.02</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-8)

## 3. Combined Shea and Acacia Projects

The calculated peak operational-source emissions for the combined Shea and Acacia Projects are summarized on Table 4.3-14, *Maximum Daily Operational Emissions (Acacia and Shea Projects) - Unmitigated*.

As summarized in Table 4.3-14, the combined Shea and Acacia Project-related operational emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would not exceed SCAQMD regional criteria thresholds. Accordingly, the combined Shea and Acacia Projects 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 combined Shea



and Acacia Project's long-term emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would be less than significant.

**Table 4.3-14 Maximum Daily Operational Emissions (Acacia and Shea Projects) - Unmitigated**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
Area Source	13.40	1.10E-03	0.12	1.00E-05	4.30E-04	4.30E-04
Energy Source	0.11	0.98	0.83	0.01	0.07	0.07
Mobile Source	4.10	30.85	46.05	0.24	15.32	4.40
TRU Source	0.18	1.44	2.12	0.00	0.03	0.02
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>17.78</b>	<b>33.28</b>	<b>49.12</b>	<b>0.25</b>	<b>15.42</b>	<b>4.50</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Winter						
Area Source	13.40	1.10E-03	0.12	1.00E-05	4.30E-04	4.30E-04
Energy Source	0.11	0.98	0.83	0.01	0.07	0.07
Mobile Source	3.83	31.97	43.14	0.24	15.32	4.40
TRU Source	0.18	1.44	2.12	0.00	0.03	0.02
On-Site Equipment Source	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Maximum Daily Emissions</b>	<b>17.51</b>	<b>34.40</b>	<b>46.20</b>	<b>0.24</b>	<b>15.42</b>	<b>4.50</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-26)

**Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?**

The Shea and Acacia Projects have the potential to result in the exposure of sensitive receptors to substantial pollutant concentrations during construction and operation. The following analysis addresses the potential for Shea and Acacia Project-related activities to exceed applicable LSTs for criteria pollutant emissions; cause or contribute to CO "hot spots," and result in cancer risks and non-cancer health hazards to nearby sensitive receptors.

**A. Localized Criteria Pollutant Analysis**

**1. Construction Analysis**

**☐ Shea Project**

Table 4.3-15, *Shea Project Localized Construction-Source Emissions*, presents the localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Shea Project Site with highest exposure to Shea Project construction activities. Detailed construction model outputs are presented in Appendix 3.2 of



the Project's AQIA. As shown in Table 4.3-15, localized emissions from Shea Project construction would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

**Table 4.3-15 Shea Project Localized Construction-Source Emissions**

Construction Phase	Year	Emissions (lbs/day)			
		NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	2023	17.69	24.67	0.69	0.67
Site Preparation	2023	17.55	22.96	9.59	4.58
Grading	2023	29.22	36.72	5.48	2.58
Building Construction	2023	12.83	19.14	0.18	0.18
Building Construction	2024	12.83	19.14	0.18	0.18
Building Construction, Paving, and Architectural Coating	2024	24.89	38.87	0.60	0.60
<b>Maximum Daily Emissions</b>		<b>29.22</b>	<b>38.87</b>	<b>9.59</b>	<b>4.58</b>
SCAQMD Localized Threshold		378	4,142	65	17
<b>Threshold Exceeded?</b>		<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-21)

#### □ **Acacia Project**

Table 4.3-16, Acacia Project Localized Construction-Source Emissions, presents the localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Acacia Project Site with highest exposure to Acacia Project construction activities. Detailed construction model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.3-16, localized emissions from Acacia Project construction would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

**Table 4.3-16 Acacia Project Localized Construction-Source Emissions**

Construction Phase	Year	Emissions (lbs/day)			
		NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	2023	17.55	22.96	9.59	4.55
Grading	2023	29.22	36.72	5.48	2.58
Building Construction	2023	12.83	19.14	0.18	0.18
Building Construction	2024	12.83	19.14	0.18	0.18
Building Construction, Paving, and Architectural Coating	2024	24.89	38.87	0.60	0.60
<b>Maximum Daily Emissions</b>		<b>29.22</b>	<b>38.87</b>	<b>9.59</b>	<b>4.55</b>
SCAQMD Localized Threshold		270	1,746	14	8
<b>Threshold Exceeded?</b>		<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-17)



2. Operational Analysis

☐ **Shea Project**

Table 4.3-17, *Shea Project Localized Significance Summary of Operations*, presents localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Shea Project Site with highest exposure to Shea Project operational activities. Detailed construction model outputs are presented in Appendix 3.2 of the Project's AQIA. As shown in Table 4.3-17, localized emissions from Shea Project operations would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

**Table 4.3-17 Shea Project Localized Significance Summary of Operations**

Scenario	Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer	1.58	3.27	0.32	0.11
Winter	1.66	3.43	0.32	0.11
<b>Maximum Daily Emissions</b>	<b>1.66</b>	<b>3.43</b>	<b>0.32</b>	<b>0.11</b>
SCAQMD Localized Threshold	378	4,142	16	5
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-23)

☐ **Acacia Project**

Table 4.3-18, *Acacia Project Localized Significance Summary of Operations*, presents localized air pollutant concentrations at the sensitive receptor locations in the vicinity of the Acacia Project Site with highest exposure to Acacia Project operational activities. Detailed construction model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.3-18, localized emissions from Acacia Project operations would not exceed the applicable SCAQMD thresholds for any criteria pollutant and impacts would be less than significant.

**Table 4.3-18 Acacia Project Localized Significance Summary of Operations**

Scenario	Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer	3.52	6.27	0.62	0.21
Winter	3.72	6.57	0.62	0.21
<b>Maximum Daily Emissions</b>	<b>3.72</b>	<b>6.57</b>	<b>0.62</b>	<b>0.21</b>
SCAQMD Localized Threshold	270	1,746	4	2
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2022a, Table 3-19)



**B. CO Hot Spot Impact Analysis**

A CO “hot spot” is an isolated geographic area where localized concentrations of CO exceed the CAAQS one-hour (20 parts per million) or eight-hour (9 parts per million) standards. A Project-specific CO “hot spot” analysis was not performed for the Project because CO attainment in the SCAB was thoroughly analyzed as part of SCAQMD’s 2003 AQMP and the 1992 Federal Attainment for Carbon Monoxide Plan (1992 CO Plan). The 2003 AQMP and the 1992 CO Plan found that peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion. For context, the CO “hot spot” analysis performed for the 2003 AQMP recorded a CO concentration of 8.4 parts per million (8-hour) at the Long Beach Boulevard/Imperial Highway intersection in Los Angeles County; however, only a small portion of the recorded CO concentrations (0.7 parts per million) were attributable to traffic congestion at the intersection. The vast majority of the recorded CO concentrations at the Long Beach Boulevard/Imperial Highway intersection (7.7 parts per million) were attributable to unique local meteorological conditions that resulted in elevated ambient air concentrations. In comparison, the busiest intersections in the Shea and Acacia Project Site vicinity would neither experience peak congestion levels or ambient CO concentrations comparable to the conditions observed at the Long Beach Boulevard/Imperial Highway intersection nor feature atypical meteorological conditions. Further, data from other air pollution control districts in the State indicate that under existing and future vehicle emission rates, an individual development project would have to increase traffic volumes at a single intersection by between 24,000 and 44,000 vehicles per hour in order to generate a significant CO impact; the Shea and Acacia Projects would generate nowhere near this volume of traffic. Based on the relatively low local traffic congestion levels, low existing ambient CO concentrations, and the lack of any unusual meteorological and/or topographical conditions in the Shea and Acacia Project Site vicinity, neither the Shea nor Acacia Project is expected to cause or contribute to a CO “hot spot.” Impacts would be less than significant. (Urban Crossroads, 2022a, pp. 69-71)

**C. Toxic Air Contaminant Emissions Impact Analysis**

The following analysis evaluates the potential for implementation of the Shea and Acacia Projects to result in acute and chronic health hazards – including cancer – at sensitive receptors in the vicinity of the Shea and Acacia Project Sites. Detailed air dispersion model outputs and risk calculations are presented in Appendices 2.1 through 2.8 of the Project’s HRA.

**1. Construction Analysis**

As part of Shea and Acacia Project construction, diesel-fueled equipment would operate on-site. Also, diesel-fueled trucks would travel to/from the Shea and Acacia Project Sites to make deliveries of construction materials and equipment and to haul debris from the Shea and Acacia Project Sites. Diesel-fueled trucks produce DPM emissions, which is a toxic air contaminant and is known to be associated with acute and chronic health hazards – including cancer.

**☐ Shea Project**

The receptor location with the greatest potential exposure to Shea Project construction-related DPM emissions is an existing residence located at 2891 W. Sunrise Drive, approximately 340 feet east of the Shea Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Project is 1.36 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. Shea Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Shea Project Site to substantial DPM emissions. Impacts would be less than significant. (Urban Crossroads, 2022b, p. 5)

☐ **Acacia Project**

The receptor location with the greatest potential exposure to Acacia Project construction-related DPM emissions is an existing residence located at 4893 Condor Avenue, approximately 58 feet north of the Acacia Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Project is 1.79 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. Acacia Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Acacia Project Site to substantial DPM emissions. Impacts would be less than significant. (Urban Crossroads, 2022b, p. 1)

☐ **Combined Shea and Acacia Projects**

The receptor location with the greatest potential exposure to cumulative Shea and Acacia Project construction-related DPM emissions is an existing residence located at 4893 Condor Avenue, approximately 58 feet north of the Acacia Project Site. At this receiver location, the maximum incremental cancer risk attributable to the cumulative Shea and Acacia Projects is 2.02 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. Cumulative Shea and Acacia Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Shea and Acacia Project Sites to substantial DPM emissions. Impacts would be less than significant. (Urban Crossroads, 2022b, p. 8)

2. *Operational Analysis*

The Shea and Acacia Projects do not include any uses that would generate fixed, stationary point-sources of air pollutant emissions. Thus, the Shea and Acacia Project operations would not directly produce toxic air contaminants. However, operation of the Shea and Acacia Projects would generate/attract diesel-fueled truck traffic. Diesel-fueled trucks produce DPM, which is a toxic air contaminant associated with carcinogenic and non-carcinogenic health hazards. Shea and Acacia Project-related DPM health risks are summarized below.

☐ **Shea Project**

At the maximally exposed individual receptor (MEIR), which is a residence located at 2891 W. Sunrise Drive approximately 340 feet east of the Shea Project Site, the maximum incremental cancer risk attributable to Shea Project-related DPM emissions is calculated to be 0.22 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 Shea Project Site would be exposed to lower concentrations



of Shea Project-related DPM emissions than the MEIR due to their increased distance from Shea Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIR identified above. The Shea Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of residential receptors near the Shea Project Site to substantial DPM emissions. Impacts to residential receptors would be less than significant. (Urban Crossroads, 2022b, pp. 5-6)

At the maximally exposed individual worker (MEIW), the industrial facility located approximately 839 feet south of the Shea Project Site, the maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Shea Project Site is calculated to be 0.01 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 Shea Project Site would be exposed to lower concentrations of Shea Project-related DPM emissions than the MEIW due to their increased distance from Shea 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. (Urban Crossroads, 2022b, p. 6)

There are no schools located within a quarter mile of the Shea Project Site. At the maximally exposed school child receptor (MEISC), the Kordyak Elementary School located approximately 3,200 feet north of the Shea Project Site, the maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Shea Project Site is calculated to be 0.01 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 school campuses in the general vicinity of the Shea Project Site would be exposed to lower concentrations of Shea Project-related DPM emissions than the MEISC due to their increased distance from Shea 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. (Urban Crossroads, 2022b, pp. 6-7)

#### **□ Acacia Project**

At the maximally exposed individual receptor (MEIR), which is a residence located at 4893 Condor Avenue approximately 58 feet north of the Acacia Project Site, the maximum incremental cancer risk attributable to Acacia Project-related DPM emissions is calculated to be 0.73 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 Acacia Project Site would be exposed to lower concentrations of Acacia Project-related DPM emissions than the MEIR due to their increased distance from Acacia Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIR identified above. The Acacia Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of residential receptors near the Acacia Project Site to substantial DPM emissions. Impacts to residential receptors would be less than significant. (Urban Crossroads, 2022b, pp. 1-2)

At the maximally exposed individual worker (MEIW), the industrial facility located approximately 1,375 feet south of the Acacia Project Site, the maximum incremental cancer risk attributable to the DPM emissions from



trucks traveling to/from the Acacia Project Site is calculated to be 0.02 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 Acacia Project Site would be exposed to lower concentrations of Project-related DPM emissions than the MEIW due to their increased distance from Acacia 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. (Urban Crossroads, 2022b, p. 2)

There are no schools located within a quarter mile of the Acacia Project Site. At the maximally exposed school child receptor (MEISC), the Kordyak Elementary School located approximately 2,090 feet north of the Acacia Project Site, the maximum incremental cancer risk attributable to the DPM emissions from trucks traveling to/from the Project Site is calculated to be 0.03 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 school campuses in the general vicinity of the Acacia Project Site would be exposed to lower concentrations of Acacia Project-related DPM emissions than the MEISC due to their increased distance from Acacia 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. (Urban Crossroads, 2022b, pp. 2-3)

#### **☐ Combined Shea and Acacia Projects**

At the maximally exposed individual receptor (MEIR), which is a residence located at 4893 Condor Avenue approximately 58 feet north of the Acacia Project Site, the maximum incremental cancer risk attributable to cumulative Shea and Acacia Project-related DPM emissions is calculated to be 0.76 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 Shea and Acacia Project Sites would be exposed to lower concentrations of cumulative Shea and Acacia Project-related DPM emissions than the MEIR due to their increased distance from the Shea and Acacia Project-related truck activity and, therefore, would be exposed to lesser risk than the MEIR identified above. The Shea and Acacia Projects would not directly cause or contribute in a cumulatively-considerable manner to the exposure of residential receptors near the Shea and Acacia Project Sites to substantial DPM emissions. Impacts to residential receptors would be less than significant. (Urban Crossroads, 2022b, p. 9)

At the maximally exposed individual worker (MEIW), the industrial facility located approximately 839 feet south of the Shea Project Site, the maximum incremental cancer risk attributable to the cumulative DPM emissions from trucks traveling to/from the Shea and Acacia Project Sites is calculated to be 0.03 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 Shea and Acacia Project Sites would be exposed to lower concentrations of cumulative Shea and Acacia Project-related DPM emissions than the MEIW due to their increased distance from Shea and Acacia 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. (Urban Crossroads, 2022b, p. 9)

There are no schools located within a quarter mile of the Acacia Project Site. At the maximally exposed school child receptor (MEISC), the Kordyak Elementary School located approximately 2,090 feet north of the Acacia Project Site, the maximum incremental cancer risk attributable to the cumulative DPM emissions from trucks traveling to/from the Shea and Acacia Project Sites is calculated to be 0.04 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 school campuses in the general vicinity of the Shea and Acacia Project Sites would be exposed to lower concentrations of cumulative Shea and Acacia Project-related DPM emissions than the MEISC due to their increased distance from Shea and Acacia 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. (Urban Crossroads, 2022b, pp. 9-10)

### 3. Air Basin-Wide Health Consequences

In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the South Coast AQMD in the *Friant Ranch* case (which is incorporated into *Technical Appendix B1*), South Coast AQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes. (Urban Crossroads, 2022a, pp. 73-74)

The South Coast AQMD discusses that it is infeasible to quantify health risks caused by projects similar to the Project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk--it does not necessarily mean anyone will contract cancer because of the Project. The LST analysis above determined that the Project would not result in emissions exceeding South Coast AQMD's LSTs. Therefore, the Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. As the Project's emissions will comply with federal, state, and local air quality standards, the Project's emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level and would not provide a reliable indicator of health effects if modeled. (Urban Crossroads, 2022a, pp. 73-74)



***Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)***

During construction activities on the Shea and Acacia Project Sites, 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 Shea and Acacia Project Sites would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. Accordingly, the Shea and Acacia Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant. (Urban Crossroads, 2022a, pp. 74-75)

During long-term operation, the Shea and Acacia Projects would operate as commerce centers, which are not typically associated with the emission of objectionable odors. Temporary outdoor refuse storage could be a potential source of odor; however, Shea and Acacia 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 centers 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 Shea and Acacia Projects would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant. (Urban Crossroads, 2022a, pp. 74-75)

#### **4.3.6 CUMULATIVE IMPACT ANALYSIS**

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 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. As described under the analysis for Threshold "a," Shea and Acacia Project implementation would conflict with the SCAQMD's 2016 *AQMP* because cumulative construction of the Shea and Acacia Projects would exceed the SCAQMD regional threshold for VOC emissions and both the Shea and Acacia Projects would require a change in the land use designation of the General Plan. The Shea and Acacia Project's conflict with the *AQMP* is determined to be a significant cumulatively-considerable impact.

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. As discussed in the preceding analysis under Threshold "b," the SCAQMD regional thresholds for VOC emissions would be exceeded during cumulative Shea and Acacia Project construction. Therefore, the regional emissions of VOC resulting from cumulative Shea and Acacia Project construction would be cumulatively-considerable and mitigation would be required.





As discussed under the analysis for “Threshold c,” all other Shea and Acacia Project-related construction- and operational regional and localized air pollutant emissions – including DPM – would not exceed the applicable SCAQMD thresholds and, therefore, are not considered cumulatively considerable.

As indicated in the analysis of Threshold “d,” above, there are no Shea and Acacia Project components that would expose a substantial number of sensitive receptors to objectionable odors. There are no known sources of offensive odors in the Shea and Acacia Project areas. 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 Shea and Acacia Project Sites, there is no potential for odors from the Shea and Acacia Project Sites to commingle with odors from nearby development projects and expose nearby sensitive receptors to substantial, offensive odors. Accordingly, implementation of the Shea and Acacia Projects would result in a less than significant cumulative impact related to odors.

#### 4.3.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Air Quality Plan*

Shea Project: Significant Direct and Cumulatively-Considerable Impact. The Shea Project would change the land use designation of the General Plan, and therefore, potentially conflict with implementation of the AQMP.

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. The Acacia Project would change the land use designation of the General Plan, and therefore, potentially conflict with implementation of the AQMP.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. The cumulative construction of the Shea and Acacia Projects would exceed the SCAQMD regional threshold for VOC emissions and both the Shea and Acacia Projects would require a change in the land use designation of the General Plan, and therefore, potentially conflict with implementation of the AQMP.

##### *Threshold b: Criteria Pollutants*

Shea Project: Less-than-Significant Impact. Shea Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Shea Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.

Acacia Project: Less-than-Significant Impact. Acacia Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Acacia Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.



Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. The cumulative Shea and Acacia Project-related activities would exceed the applicable SCAQMD regional thresholds for VOC emissions during construction. As such, Project-related emissions would violate SCAQMD air quality standards and contribute to the non-attainment of ozone standards in the SCAB.

*Threshold c: Sensitive Receptors*

Shea Project: Less-than-Significant Impact. Implementation of the Shea 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.”

Acacia Project: Less-than-Significant Impact. Implementation of the Acacia 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.”

Combined Shea and Acacia Projects: Less-than-Significant Impact. Implementation of the cumulative Shea and Acacia Projects 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.”

*Threshold d: Odor*

Shea Project: Less-than-Significant Impact. The Shea Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Shea Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Acacia Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The cumulative Shea and Acacia Projects would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Shea and Acacia Projects are required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.



#### 4.3.8 MITIGATION

The following mitigation measure would reduce VOC emissions during cumulative Shea and Acacia Project construction.

	Mitigation Measure	Applicable to:	
		Shea Project	Acacia Project
MM 4.3-1	The architectural coating phases for the Shea and Acacia Projects shall not overlap. The construction contractors shall be required by their contracts to not apply architectural coatings on the same days that architectural coatings are being applied on adjacent buildings. The City of Fontana shall verify that this restriction is included as a note on building plans as part of the building permit plan check process, and contractors shall be required to comply with the note and permit inspection of the construction sites by the City or its designee to ensure that the architectural coating activity is not occurring on multiple buildings on the Shea and Acacia Project Sites simultaneously.	Yes	Yes

#### 4.3.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

##### *Threshold a: Air Quality Plan*

Shea Project: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. The Shea Project would require a change to the General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance.

Acacia Project: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. The Acacia Project would require a change to the General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance.

Combined Shea and Acacia Projects: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. Implementation of MM 4.3-1 would require the Shea and Acacia Project contractors to stagger the architectural coating phases for the Shea and Acacia Projects so that they do not occur concurrently. With implementation of MM 4.3-1, cumulative Shea and Acacia Project VOC emissions during construction would fall below the applicable SCAQMD thresholds (see Table 4.3-19, *Maximum Daily Construction Emissions (Acacia and Shea Projects) - Mitigated*) and the Shea and Acacia Project would be consistent with Criterion 1 of the AQMP. Both the Shea and Acacia Projects would require a change to the General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance.

##### *Threshold b: Criteria Pollutants*



Combined Shea and Acacia Projects: Less-than-Significant Impact with Mitigation. MM 4.3-1 would require the Shea and Acacia Project contractors to stagger the architectural coating phases for the Shea and Acacia Projects so that they do not occur concurrently. With implementation of MM 4.3-1, cumulative Shea and Acacia Project VOC emissions during construction would fall below the applicable SCAQMD thresholds (see Table 4.3-19).

**Table 4.3-19 Maximum Daily Construction Emissions (Acacia and Shea Projects) - Mitigated**

Year	Site	Emissions (lbs/day)					
		VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer							
2023	Acacia	2.13	29.27	37.47	0.09	9.80	4.63
	Shea	1.59	29.27	37.48	0.06	9.80	4.63
2024	Acacia	66.80	30.61	55.91	0.12	6.35	2.18
	Shea	2.85	28.23	49.04	0.09	4.01	1.54
Winter							
2023	Acacia	2.07	29.27	37.42	0.08	9.80	4.63
	Shea	1.59	29.27	37.34	0.06	9.80	4.63
2024	Acacia	66.74	30.92	53.32	0.12	6.35	2.18
	Shea	2.81	28.41	47.49	0.09	4.01	1.54
Maximum Daily Emissions		69.65	59.33	104.96	0.22	19.59	9.26
SCAQMD Regional Threshold		75	100	550	150	150	55
Threshold Exceeded?		NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2022a, Table 3-25)



## 4.4 BIOLOGICAL RESOURCES

This Subsection 4.4 evaluates the potential for Project-related activities to impact sensitive biological resources on or adjacent to the Shea and/or Acacia Project Sites. The analysis in this Subsection is primarily based upon information contained in two reports prepared by Alden Environmental, Inc. (hereinafter, “Alden”). The report for the Shea Project is titled “Biological Technical Report for the Sierra Industrial Facility,” dated September 30, 2022, and is provided as *Technical Appendix C1* to this EIR (Alden, 2022a). The report for the Acacia Project is titled “Biological Technical Report for the North Fontana Industrial Complex,” dated September 30, 2022, and is provided as *Technical Appendix C2* to this EIR (Alden, 2022b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.4.1 EXISTING CONDITIONS

#### A. *Vegetation Communities and Land Cover Types*

Alden conducted field surveys in 2022 to map the existing vegetation communities that occur on the Shea and Acacia Project Sites and within the Projects’ off-site improvement areas. Table 4.4-1, *Vegetation Communities*, summarizes the existing vegetation communities, which are described below and depicted on Figure 4.4-1, *Biological Resources Map (Shea Project)*, and Figure 4.4-2, *Biological Resources Map (Acacia Project)*.

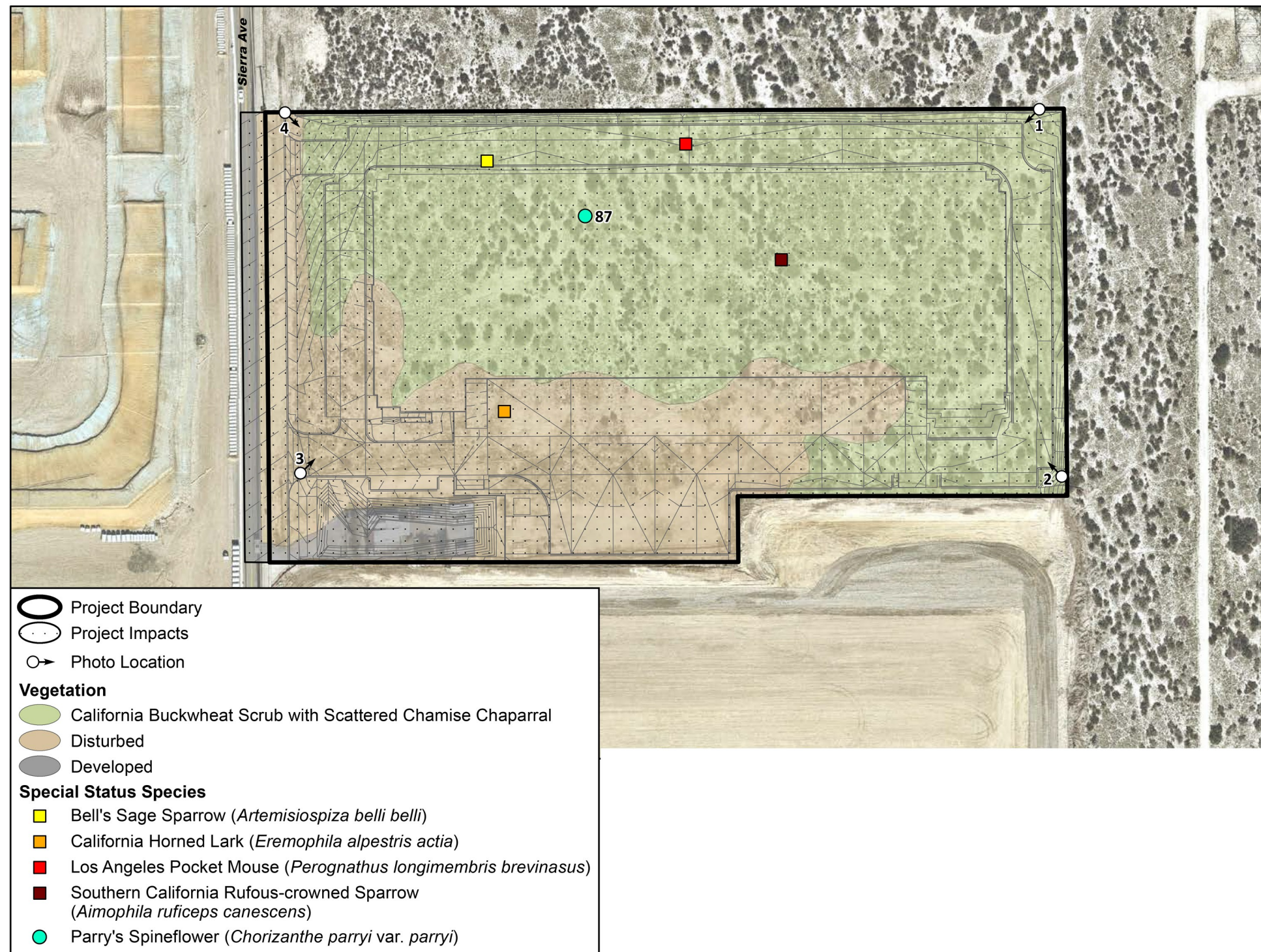
**Table 4.4-1 Vegetation Communities**

Vegetation Community/Land Use	Shea Project Site		Acacia Project Site	
	On-Site (Acres)	Off-Site (Acres)	On-Site (Acres)	Off-Site (Acres)
California buckwheat scrub	0.00	0.00	0.11	0.00
Disturbed California buckwheat scrub	0.00	0.00	4.32	0.00
California buckwheat scrub with scattered chamise chaparral	7.50	0.00	9.74	0.00
Chamise chaparral	0.00	0.00	3.64	0.00
Holly-leaved cherry stand	0.00	0.00	0.22	0.00
Disturbed	3.69	0.13	1.80	0.21
Developed	0.31	0.25	0.11	0.25
<b>TOTAL</b>	<b>11.5</b>	<b>0.38</b>	<b>19.94</b>	<b>0.46</b>

Source: (Alden, 2022a, Table 2; Alden, 2022b, Table 2)

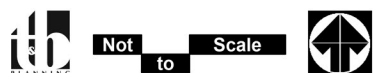
- **California Buckwheat Scrub:** California Buckwheat Scrub is not present on the Shea Project Site. Approximately 0.11-acre is present on the northern portion of the Acacia Project Site, within a larger area of chamise chaparral. California buckwheat scrub is a near monoculture of California buckwheat (*Eriogonum fasciculatum*) that usually results from disturbance and that may transition (back) to coastal sage scrub or chaparral.





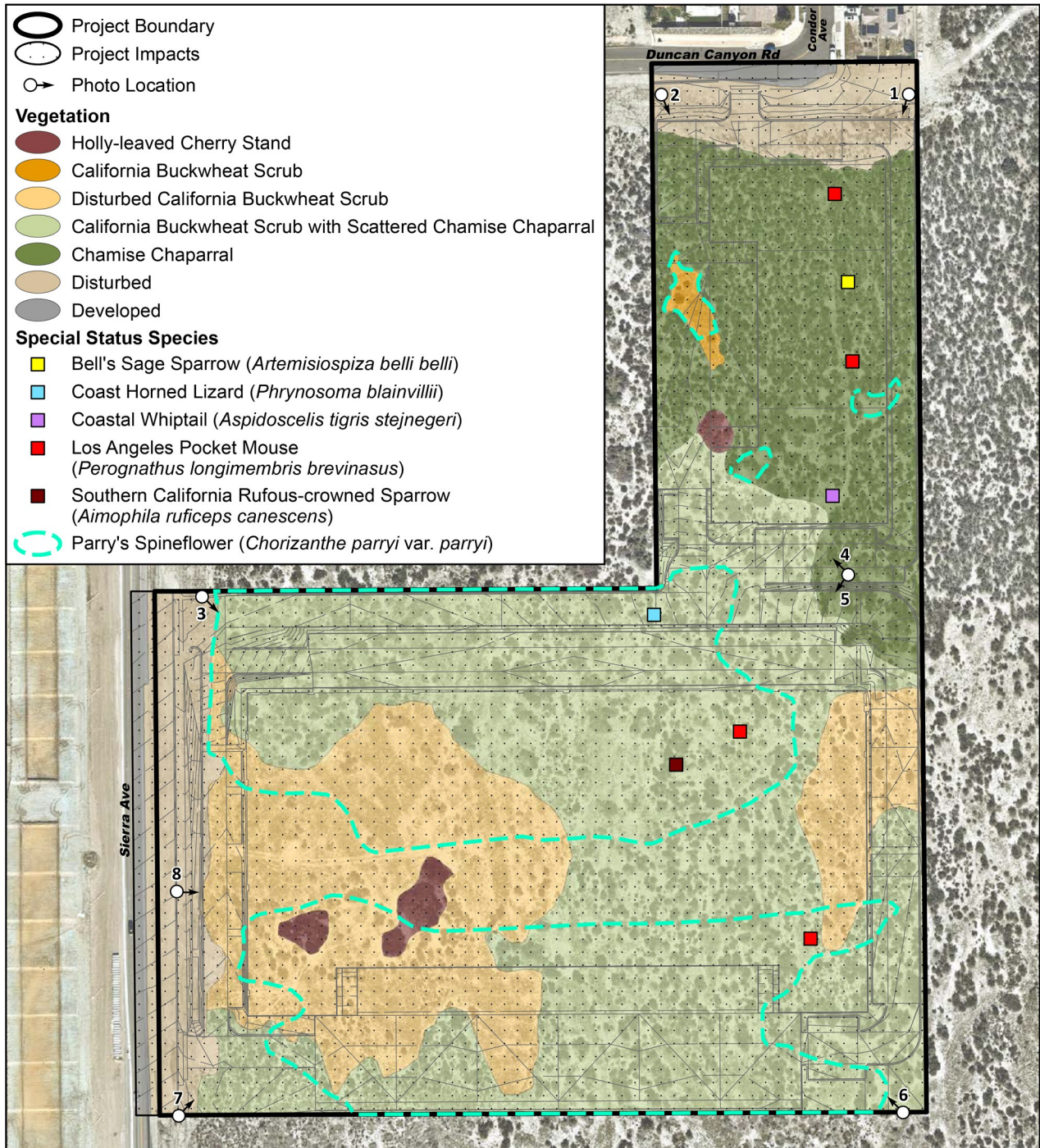
Source(s): Alden Environmental, Inc. (09-30-2022)

Figure 4.4-1



## Biological Resources Map (Shea Project)





Source(s): Alden Environmental, Inc. (09-30-2022)

Figure 4.4-2



Not to Scale



## Biological Resources Map (Acacia Project)



- Disturbed California Buckwheat Scrub: Disturbed California Buckwheat Scrub is not present on the Shea Project Site. Approximately 4.32 acres are present on the southern portion of the Acacia Project Site. Disturbed California buckwheat scrub has a sparser cover of California buckwheat than the undisturbed form of this community. Potential disturbance to this community may have been more extensive or have occurred more times than that of California buckwheat scrub.
- California Buckwheat Scrub with Scattered Chamise Chaparral: California Buckwheat Scrub with scattered Chamise Chaparral is the dominant vegetation community on both the Shea and Acacia Project Sites. Approximately 7.50 acres of the Shea Project Site and 9.74 acres of the Acacia Project Site are covered with this vegetation community. This community may represent chamise chaparral that was once disturbed, became California buckwheat scrub, and is transitioning back to chamise chaparral.
- Chamise Chaparral: Chamise chaparral is not present on the Shea Project Site. Approximately 3.64 acres are present on the northern portion of the Acacia Project Site. Chamise chaparral is dominated by chamise (*Adenostoma fasciculatum*), and associated shrub species contribute little vegetative cover.
- Holly-leaved Cherry Stand: Holly-leaved Cherry Stand is not present on the Shea Project Site. Notable stands of Holly-leaved Cherry are present on approximately 0.22-acre located in the northern and southern portions of the Acacia Project Site. Holly-leaved cherry is a characteristic species of chamise (and other) chaparral communities.
- Disturbed: The Shea Project Site contains approximately 3.69 acres of disturbed area on the western and southern portion of the site and the Acacia Project Site contains approximately 1.80 acres of disturbed area on the northern and western portions of the site. Disturbed areas are characterized by predominately non-native species typically introduced and established through human activity. Characteristic species of disturbed habitat include Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), and non-native grasses (e.g., *Avena* and *Bromus* spp.).
- Developed: The remaining areas of the Shea and Acacia Project Sites are classified as developed. This accounts for 0.31-acre of the southern portion of the Shea Project Site and 0.11-acre of the northern and western portions of the Acacia Project Site. Developed land consists of man-made features such as roadways and residential structures.

**B. Special-Status Plant Species**

Fifty-seven (57) plant species were identified within the Shea and Acacia Project survey areas during 2022 field surveys, 15 of which were non-native species (Alden, 2022a, p. 9; Alden, 2022b, p. 10). The complete list of observed plant species is included in Appendix A to *Technical Appendices C1* and *C2* of this EIR. One sensitive plant species (Parry's spineflower) was observed on both the Shea and Acacia Project Sites during focused sensitive plant surveys conducted on the Sites during the 2022 blooming period. (Alden, 2022a, pp. 10-12; Alden, 2022b, pp. 11-13)



- Parry's spineflower (*Chorizanthe parryi* var. *parryi*) is a California Rare Plant Rank 1B.1, which denotes a plant species designed by the California Native Plant Society as rare, threatened, or endangered in California and elsewhere. Its Threat Rank (i.e., 0.1) denotes a species seriously threatened in California (i.e., more than 80 percent of occurrences are threatened and have a high degree and immediacy of threat). Eighty-seven (87) plants were present on the Shea Project Site and 1,396 plants were present on the Acacia Project Site during the field surveys conducted in 2022.

### C. Special-Status Wildlife Species

Thirty-three (33) animal species were observed within the Shea Project survey area during field surveys. The complete list of observed animal species is included in Appendix B to *Technical Appendix C1* of this EIR. Four (4) sensitive animal species (Bell's sage sparrow, southern California rufous-crowned sparrow, California horned lark, and Los Angeles pocket mouse) were observed on the Shea Project Site (Alden, 2022a, pp. 9-13). Forty-two (42) animal species were observed within the Acacia Project survey area during field surveys. The complete list of observed animal species is included in Appendix B to *Technical Appendix C2* of this EIR. Five (5) sensitive animal species (coast horned lizard, coastal whiptail, Bell's sage sparrow, southern California rufous-crowned sparrow, and Los Angeles pocket mouse) were observed on the Acacia Project Site (Alden, 2022b, pp. 10-13). Because wildlife species are migratory, regardless of which Site the species were observed on, they are considered to occur on both the Shea Project Site and the Acacia Project Site (Alden, 2022a, pp. 11-13; Alden, 2022b, pp. 11-13). Descriptions of the observed sensitive species are as follows:

Coast Horned Lizard (*Phrynosoma blainvillii*) is a State Species of Special Concern, which denotes declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The coast horned lizard ranges throughout most of west-central and southwestern California as northwestern Baja California, Mexico. The coast horned lizard was observed on the Acacia Project Site during the general biological survey and potential habitat for this species occurs throughout the Project Sites.

- Coastal Whiptail (*Aspidoscelis tigris stejnegeri*) is a State Species of Special Concern. The coastal whiptail is a lizard species with a range that includes Baja California, Mexico and coastal Southern California, mostly west of the Peninsular Ranges and south of the Transverse Ranges, and north into Ventura County. The species was observed on the Acacia Project Site during the general biological survey and potential habitat for this species occurs throughout the Project Sites.
- Bell's Sage Sparrow (*Artemisiospiza belli belli*) is a small bird on the State Watch List, which denotes species that were previously designated as "Species of Special Concern" but no longer merit that status, or which do not yet meet Species of Special Concern criteria, but for which there is concern and a need for additional information to clarify status. The Bell's sage sparrow was observed on the Shea and Acacia Project Sites during the general biological survey and potential habitat for this species occurs throughout the Project Sites.





- California Horned Lark (*Eremophila alpestris actia*) is a bird typically found in a variety of open habitats, usually where trees and large shrubs are absent, and is on the State Watch List. The California horned lark was observed on the Shea Project Site during the general biological survey and potential habitat for this species occurs throughout the Project Sites.
- Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*) is a long-tailed bird on the State Watch List that is typically found on or near the ground and nest on the ground. The Southern California rufous-crowned sparrow was observed on the Acacia Project Site during the general biological survey and potential habitat for this species occurs throughout the Project Sites.
- Los Angeles Pocket Mouse (*Perognathus longimembris brevinasus*) is a State species of special concern. The habitat of the Los Angeles pocket mouse is described as being confined to lower elevation grasslands and coast sage scrub habitats, in areas with soils composed of fine sands. The present known distribution of this species extends from Rancho Cucamonga east to Morongo Valley and south to the San Diego County border. Los Angeles pocket mouse forages in open ground and underneath shrubs and was found on the Shea and Acacia Project Sites during a trapping survey conducted for the San Bernardino kangaroo rat, with trapping survey results negative for the kangaroo rat. The Los Angeles pocket mouse was trapped in the Shea Project Site one time and in the Acacia Project Site eight times.

In addition to observed special-status wildlife species, additional special-status wildlife species have the potential to migrate onto on the Shea and Acacia Project Sites based on the presence of habitat and known ranges of the species. The potential for these species to be present is low, but nonetheless, they have the potential to occur (southern California legless lizard, burrowing owl, and San Diego desert woodrat) (Alden, 2022a, pp. 9-13), (Alden, 2022b, pp. 10-13). Descriptions of these species are provided below.

- Southern California legless lizard (*Anniella stebbinsi*) is a State species of special concern. This species is typically found in coastal sand dunes and a variety of interior habitats including sandy washes and alluvial fans. Moisture for this species is essential as it occurs in moist, warm, loose soils with plant cover. There is a low potential for this species to occur on the Shea and Acacia Project Sites due to a lack of moisture on the Sites.
- Burrowing owl (*Athene cunicularia*) is a federal bird of conservation concern and a State species of special concern. No burrowing owl or evidence of the burrowing owl was observed during breeding season surveys conducted on the Project Sites for the species in 2022. Based on existing site conditions, there is a low potential for the burrowing owl to occur on the Shea and Acacia Project Sites.
- San Diego desert woodrat (*Neotoma lepida intermedia*) is a State species of special concern. This species constructs shelters, which are typically visible, of twigs, sticks, cactus parts, and rocks against rock crevices or at the base of a creosote or cactus. No San Diego desert woodrats were observed during 2022 biological field surveys and the potential for the species to occur on the Shea and Acacia Project Sites is low.





Trapping surveys following U.S. Fish and Wildlife Service (USFWS) protocols were conducted in 2022 for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), which is a federally listed endangered species, a State candidate endangered species, and a State species of special concern. The protocol calls for five nights of trapping. One trapping session was conducted from May 30 to June 4, 2022. This species was not trapped during the 2022 trapping surveys and therefore, this species is not expected to occur on the Shea or Acacia Project Sites. Additionally, the northwestern pocket mouse (*Chaetodipus fallax fallax*) was not trapped, indicating that this species also is not present on the Sites. Refer to Appendix E of *Technical Appendices C1 and C2* to this EIR for trapping survey results.

**D. Nesting Birds**

Both the Shea and Acacia Project Sites contains groundcover, shrubs, and trees that could be used for nesting or roosting by a variety of native and/or migratory birds. Thirty-three (33) avian species were observed during the Shea Project Site surveys, and thirty (30) avian species were observed during the Acacia Project Site surveys. Some of these species, if present, could nest on site, including the Bell's sage sparrow, California horned lark, and southern California rufous-crowned sparrow. (Alden, 2022a, p. 18; Alden, 2022b, p. 18)

**E. Riparian/Riverine and Vernal Pool Resources**

Both the Shea and Acacia Project Sites were inspected for riparian/riverine and vernal pool resources, as well as any features that have potential to be considered Waters of the United States or Waters of the State under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and/or California Department of Fish and Wildlife (CDFW), respectively; however, both properties are relatively level with no evidence of ponding water, flowing water, or drainage features of any kind on the site or along its boundaries. (Alden, 2022a, pp. 9-10; Alden, 2022b, pp. 9-10)

**4.4.2 REGULATORY SETTING**

The Project Sites are subject to State of California (hereinafter, "State") and federal regulations that were developed to protect natural resources, including: state and federally listed plants and animals; aquatic resources including rivers and creeks, ephemeral streambeds, wetlands, and areas of riparian habitat; other special-status species which are not listed as threatened or endangered by the State or federal governments; and other special-status vegetation communities. Provided below is an overview of the federal, State, and regional laws, regulations, and requirements that are applicable to the Shea and Acacia Project Sites based on their location and the biological resources observed on each Site by Alden.

**A. Federal Plans, Policies, and Regulations**

**1. Endangered Species Act (ESA)**

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either



endangered or threatened. “Endangered” means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened” means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. (USFWS, 2017)

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.” Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants. (USFWS, 2017)

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the “action” agency receives a “biological opinion” or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers “reasonable and prudent alternatives” about how the proposed action could be modified to avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species. (USFWS, 2017)

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation. (USFWS, 2017)

## **2. *Migratory Bird Treaty Act (16 USC Section 703-712)***

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds. (USFWS, 2020a)



***B. State Plans, Policies, and Regulations***

***1. California Endangered Species Act (CESA)***

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. (CDFW, n.d.)

Section 2081 subdivision (b) of the California Fish and Game Code (CFGF) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). (CDFW, n.d.)

If a species is listed by both the federal ESA and CESA, CFGF Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA. (CDFW, n.d.)

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement. (CDFW, n.d.)

***2. Natural Community Conservation Planning Act (NCCP)***

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. (CDFW, n.d.)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)



There are currently 14 approved NCCPs (includes 6 subarea plans) and more than 20 NCCPs in the active planning phase (includes 10 subarea plans), which together cover more than 7 million acres and will provide conservation for nearly 400 special status species and a wide diversity of natural community types throughout California. (CDFW, n.d.)

### **3. *Native Plant Protection Act (NPPA) of 1977***

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. (CDFW, n.d.)

### **4. *Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)***

Section 3503.5 of the CFGC specifically protects birds of prey, stating: “It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: “It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.” (CA Legislative Info, n.d.)

### **C. Local Plans, Policies, and Regulations**

#### **1. *Fontana Municipal Code***

The City’s Municipal Code (Section 28-67) requires that an arborist certified by the International Society of Arboriculture be retained prior to the removal of any heritage, significant, and specimen tree(s) to make a recommendation as to the feasibility of maintaining or removing the tree(s). If any heritage, significant, or specimen trees are to be removed, replacement trees of a species approved by the Community Development Director or their designee shall be planted on the property from which the tree(s) are to be removed or at an approved off-site location. (Fontana, 2021)

### **4.4.3 METHODOLOGY FOR EVALUATING BIOLOGICAL RESOURCES IMPACTS**

Biological resources impacts are based on literature review, including a review of the California Natural Diversity Data Base (CNDDB), historical and current aerial photographs, USGS topographic maps, U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey maps, the National Hydrography Dataset, and National Wetlands Inventory, and visits to the Shea and Acacia Project Sites between January and June 2022, where existing biological resources on and adjacent to the Project Sites were assessed and mapped. Refer to *Technical Appendices C1* and *C2* of this EIR for detailed descriptions of



the Shea and Acacia Project Sites survey dates, scopes of study, and research and survey methodologies used in the biological resources analysis. (Alden, 2022a, pp. 5-8; Alden, 2022b, pp. 5-8)

#### 4.4.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse energy effects that could result from development projects. The Shea and/or Acacia Project would result in a significant impact to biological resources if the Shea and/or Acacia Project or any Shea and/or Acacia Project-related component would:

- *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;*
- *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 Game or US Fish and Wildlife Service;*
- *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*
- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

#### 4.4.5 IMPACT ANALYSIS

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

##### **A. Direct Impacts to Special-Status Plants**

The Parish's desert-thorn, a sensitive plant species that which based on its range had the potential to occur on the Shea and Acacia Project Sites, was looked for during focused plant surveys conducted on the Project Sites in 2022, but was found not to be present. One special-status plant species, Parry's spineflower, was detected on the Shea and Acacia Project Sites during the 2022 field surveys. Within the City of Fontana, occurrences of Parry's spineflower were included in two CNDDDB records. One of the occurrence records, from 1903, is





possibly extirpated (not there any longer). The precise location of this record is unknown but is described as “west of Jurupa Peak on the border of Riverside and San Bernardino counties.” The other occurrence record is from 2012 (with earlier dated observations), and the population is presumed extant (existing). It is located in the “vicinity of Lytle Creek Wash, Sierra Ave, and Riverside Ave; north of Fontana and southeast of Highway 15”. This record describes the plant as “common in widely scattered patches in 1999, seen in 2003-2007, & 2010...” with 5,000+ plants seen in 2005 in one of the polygons; approximately 15,750 plants seen in 2010 in the other polygons; and 54 plants in the two southernmost polygons in 2012. Therefore, there appear to be approximately 20,750 plants existing at this location. (Alden, 2022a, p. 15; Alden, 2022b, p. 16)

The range of Parry’s spineflower includes Los Angeles, Riverside, and San Bernardino counties. There are 150 total occurrences of the species in the CNDDDB among the three counties, and 137 of the occurrences are presumed extant. Therefore, 13 of the 150 occurrences (or 9 percent) are possibly or presumed extirpated, and 91 percent are presumed extant. Based on the occurrence records, there appear to be approximately 20,750 plants extant at the one location in the City of Fontana (i.e., in the “vicinity of Lytle Creek Wash...”). (Alden, 2022a, p. 15; Alden, 2022b, p. 16)

Impacts to Parry’s spineflower plants that would occur from implementation of the Shea and Acacia Projects are discussed below. For the impact to be significant on a direct or cumulatively considerable basis, this EIR applies a very conservative significance threshold of a one percent (1%) loss or more of known Parry’s spineflower plants in the City of Fontana based on CNDDDB records (207 or more plants based on the documented total of 20,750 plants), or the loss of any number of individual plants that would reduce a Parry’s spineflower location to below 1,000 individual plants, which is the number of individual plants that is considered to be a self-sustaining population. Absent a habitat conservation plan or program applicable to the Project site that identifies through extensive study a conservation goal for Parry’s spineflower in the City of Fontana or larger region, the responsibility to establish a significance threshold for purposes of evaluating any single project in compliance with CEQA rests with the CEQA lead agency. The City has determined that a significance criteria of a 1% loss or diminishment of a population to below 1,000 individual plants is highly conservative based on the expert opinion of Greg Mason, Principal of Alden Environmental (Mason, 2022), and through a review of data compiled for the species and conservation goals for the species documented in the Western Riverside County Multiple Species Conservation Plan (MSHCP). The Western Riverside County MSHCP documents that the distribution of Parry’s spineflower is patchy and poorly understood and that self-sustaining populations of this plant species have more than 1,000 individual plants unless smaller populations can be proven to be self-sustaining. Across the entire Western Riverside County MSHCP Conservation area, the MSHCP’s goal (established in 2005) was to preserve 10 locations of the species having 1,000 or more individual plants per location (MSHCP, 2005). In the MSHCP’s 2017 Rare Plant Survey Report, there were 15 preserved locations confirmed with over 1,000 individual plants per location, demonstrating that conservation goals for the species are being met across its range in western Riverside County, not far from the City of Fontana (MSHCP, 2017). Given this information, a 1% loss across the documented population in the City of Fontana and/or the reduction in size of a population to less than 1,000 plants is a reasonable and conservative basis for determining significance of impacts.



1. *Shea Project*

As shown in Table 4.4-1, construction of the Shea Project would result in the direct removal of 7.5 acres of vegetation communities and 4.38 acres of disturbed and developed land. The Shea Project would impact 87 individual Parry's spineflower plants. Based upon the known record of Parry's spineflower plants in the City of Fontana, the Shea Project's impact to 87 individual plants out of approximately 20,750 plants would represent an impact to approximately 0.4 percent (0.4%) of the plants in the City based on CNDDDB records, which would be a less-than-significant impact considering the range of the species and the number of extant occurrences within the City as well as within its overall range (Alden, 2022a, p. 15). Further, the loss of 87 plants from the total population of 1,483 plants on the Shea and Acacia Project Sites combined would not reduce the population to below a self-sustaining level of at least 1,000 plants.

2. *Acacia Project*

As shown in Table 4.4-1, construction of the Acacia Project would result in the direct removal of 18.03 acres of vegetation communities and 2.37 acres of disturbed and developed land. The Acacia Project would impact 1,396 individual Parry's spineflower plants. Based upon the known record of Parry's spineflower plants in the City of Fontana, the Acacia Project's impacts to 1,396 individual plants out of approximately 20,750 plants would represent an impact to approximately seven percent (7%) of the plants in the City based on CNDDDB records, which would represent a significant impact considering the range of the species and the number of extant occurrences within the City as well as within its overall range (Alden, 2022b, p. 16). Further, the loss of 1,396 plants from the total population of 1,483 plants on the Shea and Acacia Project Sites combined would reduce the population to below a self-sustaining level of at least 1,000 plants, confirming the conclusion that the impact would be significant requiring mitigation.

3. *Combined Shea and Acacia Projects*

As shown in Table 4.4-1, construction of the combined Shea and Acacia Projects would result in the direct removal of 25.53 acres of vegetation communities and 6.75 acres of disturbed and developed land. The combined Shea and Acacia Projects would impact 1,483 individual Parry's spineflower plants, which represents a substantial adverse effect on this sensitive species because 207 or more plants (1% or greater loss of known Parry's spineflower plants in the City of Fontana based on CNDDDB records) would be impacted and the population on the Sites would be completely eliminated. As such, combined Shea and Acacia Project impacts to Parry's spineflower would be a cumulatively considerable significant impact and mitigation would be required.

***B. Direct Impacts to Special-Status Wildlife***

Four (4) special-status animal species (Bell's sage sparrow, southern California rufous-crowned sparrow, California horned lark, and Los Angeles pocket mouse) were detected on the Shea Project Site during field surveys. Five (5) special-status animal species (coast horned lizard, coastal whiptail, Bell's sage sparrow, southern California rufous-crowned sparrow, and Los Angeles pocket mouse) were detected on the Acacia Project Site during field surveys. Potential direct impacts to these special-status species are discussed below. Because wildlife species are migratory, the species are considered to be located on both Project Sites, so potential impacts are addressed collectively.



Coast Horned Lizard

Potential injury or mortality to individual coast horned lizards could occur, and habitat loss would occur over both the Shea and Acacia Project Sites from Project construction. Therefore, both the Shea and Acacia Projects have the potential to cause substantial adverse effects on this sensitive species. The Shea Project and the Acacia Project construction-related impacts to the coast horned lizard would be significant and mitigation would be required.

Coastal Whiptail

Potential injury or mortality to individual species could occur, and habitat loss would occur over both the Shea and Acacia Project Sites from Project construction. Therefore, both the Shea and Acacia Projects have potential to cause substantial adverse effects on this sensitive species. The Shea Project and the Acacia Project construction-related impacts to the coastal whiptail would be significant and mitigation would be required.

Bell's Sage Sparrow

The Bell's sage sparrow, which is on the State Watch List, was previously designated as a Species of Special Concern but no longer merits that sensitive status. Therefore, this species is of lower sensitivity, and combined with its fairly wide range, and the small area of total impact on both the Shea and Acacia Project Sites, the Projects' impacts would not cause a substantial adverse effect on this species from habitat loss. Additionally, the Bell's sage sparrow would be expected to fly away from construction activity and, therefore, not be injured or killed during construction. Shea and Acacia Project construction impacts to the Bell's sage sparrow would be less-than-significant.

California Horned Lark

The California horned lark, which is on the State Watch List, used to be a Species of Special Concern. Therefore, this species is of lower sensitivity, and combined with its fairly wide range, and the small area of total impact on both the Shea and Acacia Project Sites, the Shea and Acacia Projects' construction would not cause a substantial adverse effect on this species from habitat loss. Additionally, the California horned lark would be expected to fly away from construction activity and, therefore, not be injured or killed by construction. Shea and Acacia Project construction impacts to the California horned lark would be less-than-significant.

Southern California Rufous-crowned Sparrow

The southern California rufous-crowned sparrow, which is on the State Watch List, used to be a Species of Special Concern. Therefore, this species is of lower sensitivity, and combined with its fairly wide range and the small area of total impact in both the Shea and Acacia Project Sites, the Shea and Acacia Projects' impacts would not cause a substantial adverse effect on this species from habitat loss. Additionally, the southern California rufous-crowned sparrow would be expected to fly away from construction activity and, therefore, not be injured or killed by construction. Shea and Acacia Project construction impacts to the southern California rufous-crowded sparrow would be less-than-significant.



#### Los Angeles Pocket Mouse

The Los Angeles pocket mouse is a Species of Special Concern that is present on the Shea and Acacia Project Sites in the same general location as Parry's spineflower. It was trapped in the Shea Project Site one time and was trapped in the Acacia Project Site eight times during trapping surveys conducted in 2022. Potential injury or mortality to individual mice could occur, and habitat loss would occur on both the Shea and Acacia Project Sites during the Projects' construction. Because this pocket mouse is a Species of Special Concern, the impacts may cause a substantial adverse effect on this species through potential injury or mortality and habitat loss. Shea and Acacia Project construction-related impacts to the Los Angeles pocket mouse would be significant and mitigation would be required.

#### Other Species

Three (3) other special-status animal species (southern California legless lizard, burrowing owl, and San Diego desert woodrat) were not observed on the Project Sites during 2022 field surveys and no signs of these species being present were observed; thus, they have low potential to occur on the Project Sites and there is no reasonable potential for these species to migrate onto the Sites given that the Project Sites are bounded by Sierra Avenue to the west, a SCE easement, block wall, and a developed residential community to the east, and properties that are developed or planned for development to the north and to the south. Therefore, there is no reasonable potential for the Shea and Acacia Projects to significantly impact these species.

#### **C. Potential Indirect Impacts to Special-Status Biological Resources**

Development projects located adjacent to natural open spaces have the potential to result in indirect effects to biological resources such as fugitive dust, noise, water quality, invasive plant species, nuisance animal species, night lighting, and human activity. Each of these potentially indirect impacts may adversely affect protected natural communities and/or wildlife that occur adjacent to a project site. Since the Shea and Acacia Project Sites are already bordered by roads and development to the north, east, and west, neither the Shea nor Acacia Project would have any substantial indirect impacts on protected natural communities or wildlife in these directions. To the south of the Shea Project Site and to the northwest of the Acacia Project site are small vacant parcels in private ownership that have similar biological characteristics as the Shea and Acacia Project Sites. Construction and operational activities on the Shea and Acacia Project sites have the potential to result in minor indirect effects on the biological resources existing on these parcels; however, any such effects would be less than significant through compliance with regulatory requirements and Project design features such as requirements for construction dust control (SCAQMD Rule 403), noise abatement through perimeter wall design (refer to EIR Subsection 4.13, Noise), water quality control through regulatory requirements and best management practices (refer to EIR Subsection 4.10, Hydrology and Water Quality), and landscape and lighting design (refer to EIR Figures 3-10 and 3-13 for the Projects' conceptual landscape plans and EIR Figures 4.1-5 and 4.1-6 for the Projects' photometric plans). If construction activities encroach beyond the boundaries of the construction site, indirect effects may occur, resulting in potentially significant indirect effects, for which mitigation in the form of temporary construction fencing will be required.



***Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

Based on field surveys conducted on the Shea and Acacia Project Sites in 2022, no riparian habitat is present on either Project Site and, as noted previously under Subsection 4.4.1, none of the vegetation communities or land cover types observed on the Shea and Acacia Project Sites (i.e., California buckwheat scrub, Disturbed California buckwheat scrub, California buckwheat scrub with scattered chamise chaparral, Chamise chaparral, Holly-leaved cherry stand, and disturbed and developed land) are classified as a sensitive or natural community. There would be no substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. Therefore, all of the impacts to vegetation communities and developed and disturbed land would be less than significant.

***Threshold c: Would the Project have 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?***

The Shea and Acacia Project Sites do 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 (Alden, 2022a, p. 15; Alden, 2022b, p. 15). As such, neither the Shea or Acacia Project would 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.

***Threshold d: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

The Shea and Acacia Project Sites do not contain natural, surface drainage/watercourse or ponding features. Additionally, there are no water bodies on or adjacent to the Shea and Acacia Project Sites that could support fish (Alden, 2022a, p. 15; Alden, 2022b, p. 15). Therefore, there is no potential for the Shea or Acacia Projects to interfere with the movement of native resident or migratory fish. The Shea and Acacia Project Sites also do not serve as wildlife corridors nor are they connected to an established corridor, and there are no native wildlife nurseries on or adjacent to either the Shea or Acacia Project Site (Alden, 2022a, p. 18; Alden, 2022b, p. 18). Therefore, there is no potential for the Shea or Acacia Project to impede the use of a native wildlife nursery Site. Based on the foregoing information, neither the Shea nor Acacia Project would result in impacts to any native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites.

Both the Shea and Acacia Projects would remove vegetation (i.e., trees, shrubs, and grasses) from the Project Sites that provides potential roosting and nesting habitat for birds common to the Fontana area. Thirty (30) avian species were observed during field surveys on the Shea Project Site, and thirty-three (33) avian species were observed during the surveys of the Acacia Project Site, some of which, if present, could nest on the Sites, including the Bell's sage sparrow, California horned lark, and southern California rufous-crowned sparrow (Alden, 2022a, p. 18; Alden, 2022b, p. 18). If construction of the Shea and Acacia Projects occur during the





avian nesting season (February 1 through September 15) and active nests are present on either the Shea or Acacia Project Sites, significant impacts to nesting birds could occur. Both the Shea and Acacia Projects' potential to impact nesting birds is a significant impact for which mitigation is required.

***Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Landscape plans for the Shea and Acacia Projects would be required to be in compliance with the City's General Plan policy of using drought-resistant species and potentially enhancing shade through tree planting. Also, there are no trees on the site that qualify under the City's Municipal Code (Section 28-67) as heritage, significant, and specimen trees. As such, no impacts would occur.

***Threshold f: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

The Shea and Acacia Project Sites are 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.

#### 4.4.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the Shea and Acacia Projects in conjunction with other development projects in the vicinity of the Shea and Acacia Project Sites as well as full General Plan buildout of the cities of Fontana, Rialto, Rancho Cucamonga and nearby areas of unincorporated San Bernardino County.

##### Sensitive Plant Species

Construction of the combined Shea and Acacia Projects would result in the direct removal of 25.53 acres of vegetation communities and 6.75 acres of disturbed and developed land. The combined Shea and Acacia Projects also would impact 1,483 individual Parry's spineflower plants, which represents a substantial adverse effect on this sensitive species. Combined with the loss of Parry's spineflower in other parts of its range, the Acacia Project's cumulative contribution (loss of 1,396 plants) and the Shea and Acacia Projects' collective cumulative contribution (loss of 1,483 plants) is considered a cumulatively considerable and significant impact for which mitigation is required.

##### Sensitive Wildlife Species

Construction of the combined Shea and Acacia Projects would result in significant and cumulatively considerable impacts to the Los Angeles pocket mouse due to the small range of the Los Angeles pocket mouse, and also would result in significant and cumulatively considerable impacts to the coast horned lizard and coastal whiptail due to potential injury, mortality, and habitat loss. The Projects' impacts to other sensitive wildlife species are not considered cumulatively significant given the small size of the habitat area affected by development on the Shea and Acacia Project Sites and the likely corresponding small number of individuals present compared to the overall large range of the wildlife populations for the species including the Bell's sage



sparrow, California horned lark, and southern California rufous-crowned sparrow and the fact that the three bird species would fly away from construction activity and not be injured or killed by construction of the Projects.

#### Riparian and Natural Communities

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

#### Wetlands

The Shea and Acacia Projects would not impact any State-protected or federally-protected wetlands. Accordingly, the Shea and Acacia Projects have no potential to contribute to a cumulatively-considerable impact to State or federally protected wetlands.

#### Migratory Fish or Wildlife Species

The Shea and Acacia Project Sites do not contain habitat or fish or contribute to a wildlife corridor, but contain habitat that can support migratory nesting birds. The Projects' construction activities would remove vegetation on the property that have 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 Shea and Acacia Projects have the potential to contribute to a cumulatively-considerable impact to nesting birds.

#### Local Policies and Ordinances

The Shea and Acacia Projects 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 Shea and Acacia Projects 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.

#### Habitat Conservation Plans

The Shea and Acacia Project Sites are 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 Shea and Acacia Project impact areas, there is no potential for the Shea and Acacia Projects to contribute to the violation of a conservation plan. No cumulative impact would occur.

#### **4.4.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

##### *Threshold a: Candidate, Sensitive, or Special Status Species*

Shea Project: Potentially Significant Direct, Indirect, and Cumulatively-Considerable Impact. The Shea Project's construction would remove habitat for the Los Angeles pocket mouse, the coast horned



lizard, and the coastal whiptail, which could result in injury or death of individual species, and which is considered a significant direct and cumulatively-considerable impact to these Special Species of Concern. If construction activities encroach onto adjacent off-site undeveloped parcels, potentially significant indirect effects also could occur.

Acacia Project: Significant Direct, Potentially Indirect, and Cumulatively-Considerable Impact. The Acacia Project would result in the direct removal of 1,396 individual Parry's spineflower plants, which is a significant direct and cumulatively considerable adverse effect on this California Rare Plant Rank 1B.1 species. The Acacia Project's construction also would remove habitat for the Los Angeles pocket mouse, the coast horned lizard, and the coastal whiptail which could result in injury or death of individual species, which is considered a significant direct and cumulatively-considerable impact to these Special Species of Concern. If construction activities encroach onto adjacent off-site undeveloped parcels, potentially significant indirect effects also could occur.

Combined Shea and Acacia Projects: Significant Direct, Potentially Indirect, and Cumulatively-Considerable Impact. The Shea Project and Acacia Project when considered together would result in the direct removal of 1,483 individual Parry's spineflower plants, which is a significant direct and cumulatively considerable adverse effect on this California Rare Plant Rank 1B.1 species. The Projects' construction also would remove habitat for the Los Angeles pocket mouse, the coast horned lizard, and the coastal whiptail which could result in injury or death of individual species, which is considered a significant direct and cumulatively-considerable impact to these Special Species of Concern. If construction activities encroach onto adjacent off-site undeveloped parcels, potentially significant indirect effects also could occur.

*Threshold b: Riparian Habitat or Other Sensitive Natural Communities*

Shea Project: Less-than-Significant Impact. The Shea Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Shea Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.

Acacia Project: Less-than-Significant Impact. The Acacia Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Acacia Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The cumulative Shea and Acacia Project Sites do not contain riparian and/or other sensitive natural habitats; therefore, the Shea and Acacia Projects would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.

*Threshold c: State or Federally Protected Wetlands*

Shea Project: No Impact. No State- or federally-protected wetlands are located on the Shea Project Site; therefore, no impact to wetlands would occur.



Acacia Project: No Impact. No State- or federally-protected wetlands are located on the Acacia Project Site; therefore, no impact to wetlands would occur.

Combined Shea and Acacia Projects: No Impact. No State- or federally-protected wetlands are located on the Shea and Acacia Project Sites; therefore, no impact to wetlands would occur.

*Threshold d: Migratory Fish or Wildlife Species*

Shea Project: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Shea Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Shea 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.

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Acacia Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Acacia 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.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the cumulative Shea and Acacia Projects to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Shea and Acacia Projects have 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.

*Threshold e: Local Policies or Ordinances*

Shea Project: No Impact. The Shea Project would not conflict with any local policies or ordinances protecting biological resources.

Acacia Project: No Impact. The Acacia Project would not conflict with any local policies or ordinances protecting biological resources.

Combined Shea and Acacia Projects: No Impact. The cumulative Shea and Acacia Projects would not conflict with any local policies or ordinances protecting biological resources.

*Threshold f: Conservation Plans*

Shea Project: No Impact. The Shea Project 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.



Acacia Project: No Impact. The Acacia Project 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.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Projects are 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.

#### 4.4.8 MITIGATION

The following mitigation measures be applicable to the Shea and Acacia Projects.

	Mitigation Measures	Applicable to:	
		Shea Project	Acacia Project
MM 4.4-1	<p>Prior to the issuance of a grading permit or any other permit that would authorize vegetation removal, the applicant is required to mitigate for the loss of Parry's spineflower plants and habitat for the Los Angeles pocket mouse through one or a combination of the following methods.</p> <ol style="list-style-type: none"><li>1. The applicant shall acquire and preserve in perpetuity an off-site property containing at least 1,396 Parry's spineflower plants. The property shall be located in the Inland Empire and proof of acquisition and perpetual preservation shall be provided to the City of Fontana. Preserved habitat shall be protected with a deed restriction or conservation easement recorded in favor of the local jurisdiction or a local conservation entity.</li><li>2. The applicant shall retain a qualified restoration ecologist with experience developing mitigation plans for sensitive plant species to prepare a Parry's Spineflower Mitigation Plan (Plan) in consultation with the Rancho Santa Ana Botanic Gardens or other qualified entity that has experience with Parry's spineflower. The Plan shall include, at a minimum: (1) collection/salvage methods for Parry's spineflower seed and topsoil from the Acacia Project Site; (2) details regarding the transfer, with or without temporary storage, of the collected/salvaged seed and topsoil; (3) a time schedule for salvage and seeding at a recipient site; (4) identification of an available and suitable location in the City of Fontana or nearby area in the range of the Parry's spineflower with suitable sandy</li></ol>	No	Yes





	<p>soil that will function as the recipient site for the collected/salvaged seed and soil; (5) detailed site preparation and introduction techniques for the recipient site; (6) a description of supplemental irrigation at the recipient site, if needed; (7) success criteria based on fast and profuse germination, healthy growth rates, adaptive phenotypic plasticity (ability to sustain in the face of environmental variables at the recipient site), and resistance to and high competitive ability, ensuring long-term survival of at least 1,277 plants in a self-sustaining environment; and (8) a detailed monitoring program, commensurate with the success criteria. The Plan shall be submitted to and approved by the City of Fontana and implementation of the Plan shall be a condition of the grading permit. The recipient site shall be protected with a deed restriction or conservation easement recorded in favor of the local jurisdiction or a local conservation entity. Monitoring and maintenance of the recipient site by a qualified biologist shall be required for 5 years or until the success criteria goals of the Plan have been met.</p> <p>3. The applicant shall pay fees into a mitigation bank or in lieu fund established in whole or in part for the purpose of preserving Parry's spineflower plants, to mitigate for the loss of 1,396 plants. Proof of fee payment shall be provided to the City of Fontana.</p>		
MM 4.4-2	<p>Prior to the issuance of a grading permit or any other permit that would authorize vegetation removal, the applicant is required to retain the services of a qualified biologist to monitor grubbing, clearing, and mass grading activities for sensitive animal species including Los Angeles pocket mouse, coast horned lizard and coastal whiptail. The biologist shall be required to be present during grubbing, clearing, and mass grading activities and if these species are observed, the biologist shall direct or move these animals out of harm's way to the extent practicable, to a location of suitable habitat outside of the project's impact footprint. The grubbing, clearing, and mass grading contractor(s) shall be required via a note on the grading plans to follow the instructions of the monitoring biologist.</p>	Yes	Yes
MM 4.4-3	<p>At the initiation of construction activities, temporary construction fencing covered with a tarp or other solid barrier material shall be placed along the northern and southern property boundaries where construction activity would occur adjacent to undeveloped land to</p>	Yes	Yes



	denote the physical limits of construction activity. The temporary fencing shall remain in place until the project's permanent perimeter wall or fence is erected. No construction activity shall be permitted to encroach beyond the demarked limits of construction.		
MM 4.4-4	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 ground-disturbing activities must occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified 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.	Yes	Yes

#### 4.4.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

##### *Threshold a: Candidate, Sensitive, or Special Status Species*

Shea Project: Less-than-Significant Impacts with Mitigation. MM 4.4-2 would require that the Shea Project Site be monitored by a qualified biologist during grubbing, clearing, and mass grading activities for sensitive animal species including the coast horned lizard, coastal whiptail, and Los Angeles pocket mouse, and if these animals are detected the biologist would move them out of harm's way to a location of suitable habitat outside of the project's impact footprint. With implementation of MM 4.4-2 and MM 4.4-3, potential direct and indirect and cumulatively considerable impacts to sensitive wildlife species would be mitigated to a level that is less than significant.

Acacia Project: Less-than-Significant Impacts with Mitigation. MM 4.4-1 would require the Acacia Project proponent to mitigate impacts to Parry's spineflower and habitat for the Los Angeles pocket mouse through either off-site acquisition and preservation of occupied habitat; the collection of seed and topsoil from the Acacia Project Site and transfer of such to a recipient site as part of a Parry's Spineflower Mitigation Plan; and/or payment of fees into a mitigation bank or in lieu fund. MM 4.4-2 would require that the Acacia Project Site be monitored by a qualified biologist during grubbing, clearing, and mass grading activities for sensitive animal species including the coast horned lizard, coastal whiptail, and Los Angeles pocket mouse, and if these animals are detected the biologist would move them out of harm's way to a location of suitable habitat outside of the project's impact footprint. With implementation of MM 4.4-1, MM 4.4-2, and MM 4.4-3, direct, potentially indirect, and cumulatively considerable impacts to sensitive plant and wildlife species would be mitigated to less than significant.

Combined Shea and Acacia Projects: Less-than-Significant Impacts with Mitigation. MM 4.4-1 would require the Acacia Project proponent to mitigate impacts to Parry's spineflower and habitat for the Los



Angeles pocket mouse through either off-site acquisition and preservation of occupied habitat; the collection of seed and topsoil from the Acacia Project Site and transfer of such to a recipient site as part of a Parry's Spineflower Mitigation Plan; and/or payment of fees into a mitigation bank or in lieu fund. MM 4.4-2 would require that the Shea Project Site and the Acacia Project Site be monitored by a qualified biologist during grubbing, clearing, and mass grading activities for sensitive animal species including the coast horned lizard, coastal whiptail, and Los Angeles pocket mouse, and if these animals are detected the biologist would move them out of harm's way to a location of suitable habitat outside of the project's impact footprint. With implementation of MM 4.4-1, MM 4.4-2, and MM 4.4-3, direct, potentially indirect, and cumulatively considerable impacts to sensitive plant and wildlife species would be mitigated to less than significant.

*Threshold d: Migratory Fish or Wildlife Species*

Shea Project: Less-than-Significant Impacts with Mitigation. MM 4.4-4 assures compliance with the MBTA, which would reduce the Shea Project's potential impact to migratory nesting birds to below a level of significance.

Acacia Project: Less-than-Significant Impacts with Mitigation. MM 4.4-4 assures compliance with the MBTA, which would reduce the Acacia Project's potential impact to migratory nesting birds to below a level of significance.

Combined Shea and Acacia Projects: Less-than-Significant Impacts with Mitigation. MM 4.4-4 assures compliance with the MBTA, which would reduce the combined Shea Project's and Acacia Project's potential impacts to migratory nesting birds to below a level of significance.



## 4.5 CULTURAL RESOURCES

The analysis in this Subsection 4.5 is based on a cultural resources report prepared by Brian F. Smith and Associates, Inc. (hereinafter, “BFSA”). This report, titled “Cultural Resources Study for the Sierra Business Center Project” and dated March 23, 2022 (BFSA, 2022), is included as *Technical Appendix D* to this EIR.

Confidential information has been redacted from *Technical Appendix D* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Gov. Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (Cal. Code Regs. Section 15120(d)).

### 4.5.1 EXISTING CONDITIONS

#### A. Prehistoric and Protohistoric Resources

##### 1. Regional Setting

The Shea and Acacia Project Sites are located within City of Fontana, which is in the Inland Empire area of the southern California region. The Paleo Indian Period, Archaic Period, and Late Prehistoric Period are the three (3) general prehistoric cultural periods represented in the Inland Empire, the resources of which that have likely potential for discovery are summarized briefly below. Refer to *Technical Appendix D* for a more detailed discussion about the prehistoric cultural periods in the Inland Empire (BFSA, 2022, pp. 1.0-5 through 1.0-11).

- Paleo Indian Period (Late Pleistocene: 11,500 to circa 9,000 years before the present [YBP]): The Paleo Indian Period is associated with the terminus of the late Pleistocene (12,000 to 10,000 YBP). The late Pleistocene environment was cool and moist, allowing for glaciation in the mountains and the formation of deep, pluvial lakes in the deserts and basin lands; however, by the terminus of the late Pleistocene, the climate became warmer, causing glaciers to melt, sea levels to rise, greater coastal erosion, large lakes to recede and evaporate, extinction of Pleistocene megafauna, and major vegetation changes. The coastal shoreline at 10,000 YBP, depending upon the particular area of the coast, was near the 30-meter isobath, or two to six kilometers further west than its present location.
- Archaic Period (Early and Middle Holocene: circa 9,000 to 1,300 YBP): The Archaic Period of prehistory began with the onset of the Holocene around 9,000 YBP. In southern California, the general climate at the beginning of the early Holocene was marked by cool/moist periods and an increase in warm/dry periods and sea levels. The coastal shoreline at 8,000 YBP, depending upon the particular area of the coast, was near the 20-meter isobath, or one to four kilometers further west than its present location.
- Late Prehistoric Period (Late Holocene: 1,300 YBP to 1790): Approximately 1,350 YBP, a Shoshonean-speaking group from the Great Basin region moved into San Bernardino County, marking



the transition to the Late Prehistoric Period. This period has been characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversified and intensified during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, yet effective, technological innovations. Technological developments during this period included the introduction of the bow and arrow between A.D. 400 and 600 and the introduction of ceramics.

The City of Fontana lies in an area of the Inland Empire where the traditional territories of two Native American groups, the Gabrielino and Serrano, adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods.

The territory of the Gabrielino at the time of Spanish contact covers much of present-day Los Angeles and Orange counties. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of southern California. The Gabrielino lived in permanent villages and smaller resource gathering camps occupied at various times of the year depending upon the seasonality of the resource. Permanent villages were located along rivers and streams, as well as in sheltered areas along the coast.

Aboriginally, the Serrano occupied an area east of present-day Los Angeles: the San Bernardino Mountains east of Cajon Pass and at the base of and north of the mountains near Victorville, east to Twentynine Palms, and south to the Yucaipa Valley. The Serrano were part of “exogamous clans” and formed alliances amongst their own clans and with Cahuilla, Chemehuevi, Gabrielino, and Cupeño clans. Serrano village locations were typically located near water sources and the Serrano were primarily hingers and gatherers.

## 2. *Project Site Conditions*

BFSA surveyed the Shea and Acacia Project Sites for the presence of prehistoric and protohistoric archaeological resources. BFSA noted that both properties appeared to have been previously graded and developed and dirt access roads were located throughout the properties. Ground visibility was limited in some areas due to patches of dense vegetation. Piles of rocks, construction debris, bricks, and broken glass were identified throughout both the Shea and Acacia Project Sites, all of them modern. BFSA did not observe any prehistoric or protohistoric resources on either the Shea or Acacia Project Sites. (BFSA, 2022, p. 3.0-2)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton. The records search provided information regarding previous archaeological studies in the Shea and Acacia Project areas and any previously recorded sites within a one-mile radius of the Shea and Acacia Project Sites. The results of the records search indicate that no prehistoric or protohistoric resources were recorded on the Shea or Acacia Project Sites. (BFSA, 2022, pp. 1.0-17 and 1.0-18)





**B. Historic Resources**

**1. Regional Setting**

The general historical setting for the southern California region and the City of Fontana is summarized below. Refer to *Technical Appendix D* for a more detailed discussion of the local historic setting.

In 1769, the first Spanish colonizing expedition reached southern California and by the late eighteenth century, a large portion of southern California was overseen by Mission San Luis Rey (San Diego County), Mission San Juan Capistrano (Orange County), and Mission San Gabriel (Los Angeles County), who began colonizing the region and surrounding areas. In 1774, to establish an overland route from Sonora to Monterey, Juan Bautista de Anza passed through Riverside County. As the missions grew and livestock holdings increased, so did theft of livestock, prompting southern California missions to expand inland to provide additional security. During this inland expansion, in 1810 in what is present-day Bryn Mawr, Father Francisco Dumetz of Mission San Gabriel, established a religious site, Guachama, dedicated to San Bernardino de Siena. This site is where the San Bernardino Valley got its name. (BFSA, 2022, p. 1.0-12)

In 1822, Mexico gained independence from Spain and encouraged its citizens to immigrate to California by issuing land grants known as “ranchos.” During the Rancho Period, treatment of Native Americans declined, with most being forced off their land or put to work in the privately-owned ranchos as slave labor. In 1848, California was annexed to the United States, which brought a wave of settlers searching for gold mines, business opportunities, political opportunities, religious freedom, and adventure. By 1850, California had become a state and was eventually divided into 27 separate counties. Southern California grew at a much slower rate than northern California, and was still dominated by the cattle industry that was established during the earlier Rancho Period. (BFSA, 2022, pp. 1.0-13 and 1.0-14)

Southern California saw its first major expansion in 1869, with the completion of the Southern Pacific Railroad. Connections between the Southern Pacific Railroad in Sacramento and the transcontinental Central Pacific Railroad in Los Angeles, expanded the population with farmers, land speculators, and prospective developers. Riverside County was founded, circa 1870, by Judge John Wesley North and associates and the first orange trees were planted circa 1871. (BFSA, 2022, pp. 1.0-13 and 1.0-14)

In 1887, the Semi-Tropic Land and Water Company was incorporated and purchased large tracts of land around Lytle Creek and established Rosena. A.B. Miller purchased Rosena in 1903, and by 1906 had taken over the Semi-Tropic Land and Water Company and created the Fontana Farms Company and the Fontana Land Company. The town of Fontana was platted in 1913 between Foothill Boulevard and the Santa Fe railroad tracks. (BFSA, 2022, pp. 1.0-15 and 1.0-16)

In the 1940’s, Kaiser Steel was founded by Henry J. Kaiser, and became one of the main producers of steel west of the Mississippi River. Mr. Kaiser also constructed the Fontana Kaiser Permanente medical facility to provide for his workers’ health needs. The City of Fontana was incorporated on June 25, 1952 and the Kaiser Steel Mill continued to expand through the 1960’s. In 1983, the Steel Mill closed and residential development became the primary economic growth in Fontana. (BFSA, 2022, pp. 1.0-16 and 1.0-17)



## 2. *Project Site Conditions*

BFSA conducted a pedestrian survey of the Shea and Acacia Project Sites and reviewed historical records databases to identify the presence or absence of historical resources on either the Shea or Acacia Project Sites. One historic era single-family residence was identified within the Shea Project Site and evaluated for significance. Department of Parks and Recreation (DPR) site forms were submitted to the SCCIC on March 23, 2002. The single-family residence located at 5187 Sierra Avenue is a Spanish Revival-style that the County of San Bernardino Parcel Information Management System database indicates was built in 1927; however, historic aerial photographs indicate that the structure was not present on the property until between 1953 and 1958 (BFSA, 2022, p. 3.0-2). The residence was evaluated for listing on the California Register of Historic Place (CRHP) but was found not historically or architecturally significant under any CEQA criteria due to lack of association with any significant persons or events and not a representative example of any specific architectural style, period, or region (BFSA, 2022, p. 3.0-29).

BFSA also performed an archaeological records search through the SCICC at CSU Fullerton. The records search provided information regarding previous archaeological studies in the Shea and Acacia Project area and any previously recorded sites within a one-mile radius of the Shea and Acacia Project Sites. The results of this records search indicate that no historic artifacts have been recorded on the Shea or Acacia Project Sites but 10 historic resources have been recorded within a one-mile radius of the Shea and Acacia Project Sites. The recorded historic resources are primarily comprised of historic irrigation features, a homestead, structure remains, road segments, refuse scatters, landscape features, walls and structures, and a historic district. (BFSA, 2022, pp. 1.0-17 and 1.0-18)

BFSA also requested a Sacred Lands Files (SLF) search from the Native American Heritage Commission (NAHC) which was positive for the presence of a sacred site or locations of religious or ceremonial importance within the search radius (BFSA, 2022, p. 1.0-18). Refer to EIR Subsection 4.18, *Tribal Cultural Resources*, for additional information on the involvement of Native American tribes in the consultation and review process related to this EIR and the potential for discovery of tribal cultural resources.

### 4.5.2 REGULATORY SETTING

#### A. Federal Plans, Policies, and Regulations

##### 1. *National Historic Preservation Act*

The National Historic Preservation Act of 1966 (NHPA) was passed primarily to acknowledge the importance of protecting our nation's heritage. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony." (NPS, 2021a)



NHPA and related legislation sought a partnership among the federal government and the states that would capitalize on the strengths of each. The federal government, led by the National Park Service (NPS) provides funding assistance; basic technical knowledge and tools; and a broad national perspective on America's heritage. The states, through State Historic Preservation Officers (SHPOs) appointed by the governor of each state, would provide matching funds, a designated state office, and a statewide preservation program tailored to state and local needs and designed to support and promote state and local historic preservation interests and priorities. (NPS, 2021a)

An Advisory Council on Historic Preservation (ACHP), the first and only federal entity created solely to address historic preservation issues, was established as a cabinet-level body of Presidentially-appointed citizens, experts in the field, and federal, state, and local government representatives, to ensure that private citizens, local communities, and other concerned parties would have a forum for influencing federal policy, programs, and decisions as they impacted historic properties and their attendant values. (NPS, 2021a)

Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions. (NPS, 2021a)

A number of additional executive and legislative actions have been directed toward improving the ways in which all federal agencies manage historic properties and consider historic and cultural values in their planning and assistance. Executive Order 11593 (1971) and, later, Section 110 of NHPA (1980, amended 1992), provided the broadest of these mandates, giving federal agencies clear direction to identify and consider historic properties in federal and federally assisted actions. The National Historic Preservation Amendments of 1992 further clarified Section 110 and directed federal agencies to establish preservation programs commensurate with their missions and the effects of their authorized programs on historic properties. (NPS, 2021a)

## **2. *National Register of Historic Places (NRHP)***

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the NHPA of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. (NPS, 2022b)

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- **Age and Integrity.** Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- **Significance.** Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural



history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past? (NPS, 2022b)

Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state. (NPS, 2022b)

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access. (NPS, 2022b)

### **3. *National Historic Landmarks Program***

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, over 2,600 historic places bear this national distinction. Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks. (NPS, 2022a)

### **4. *Native American Graves Protection and Repatriation Act (NAGPRA)***

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. (NPS, 2021b)

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s). (NPS, 2021b)

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native



Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items. (NPS, 2021b)

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee. (NPS, 2021b)

**B. State Plans, Policies, and Regulations**

**1. California Administrative Code, Title 14, Section 4308**

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.” (NPS, n.d.)

**2. California Code of Regulations Title 14, Section 1427**

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found.” (NAHC, n.d.)

**3. California Register of Historic Resources**

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. (OHP, n.d.)

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).





- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource. (OHP, n.d.)

Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects. (OHP, n.d.)

#### **4. *Traditional Tribal Cultural Places Act (SB 18)***

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. (OPR, 2005) The consultation and notice requirements apply to adoption and amendment of general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). More information about SB 18 is found in Subsection 4.18, *Tribal Cultural Resources*.

#### **5. *Assembly Bill 52 (AB 52)***

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process (OPR, 2017a). More information about AB 52 is found in Subsection 4.18, *Tribal Cultural Resources*.

#### **6. *State Health and Safety Code***

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery..." until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove



interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Info, n.d.)

#### **7. *California Code of Regulations Section 15064.5***

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows: (CRNA, 2019)

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
  - Is associated with the lives of persons important in our past;
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section



5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

#### 4.5.3 METHODOLOGY FOR EVALUATING CULTURAL RESOURCES IMPACTS

The analysis of historic and pre/protohistoric archaeological resources is based on a cultural resources records search through SCCIC at CSU Fullerton, historic background research, a review of historic aerial photographs, and a visit to the She and Acacia Project Sites.

#### 4.5.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to cultural resources that could result from development projects. The Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

- a. *Cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5;*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;*
- c. *Disturb any human remains, including those interred outside of formal cemeteries.*

#### 4.5.5 IMPACT ANALYSIS

**Threshold a:** *Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5*

##### A. Shea Project

One historic period single-family residence, constructed between 1953 and 1958 is present on the Shea Project Site. This structure would be demolished as part of the Shea Project's construction. BFSa evaluated the residence for significance and concluded that it is not eligible for listing on the CRHR and is not significant under CEQA due to a lack of integrity combined with a lack of any association with significant persons or noteworthy architectural elements (BFSa, 2022, pp. 3.0-25 through 3.0-29). Refer to *Technical Appendix D* of this EIR for a detailed evaluation of the structure and technical determination. Accordingly, implementation of the Shea 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.



**B. Acacia Project**

No historic structures or features are present on the Acacia Project Site (BFSA, 2022). Accordingly, implementation of the Acacia Project would not result in a substantial adverse change to any historical resource as defined by CEQA Guidelines Section 15064.5. No impact would occur.

***Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?***

BFSA conducted a cultural resources inventory of the Shea and Acacia Project Sites, which included a records search through the SCCIC at CSU Fullerton and an intensive pedestrian survey of the Shea and Acacia Project Sites. The results of this records search indicate that no pre/protohistoric cultural resources have been recorded on or within a one-mile radius of the Shea or Acacia Project Site. Additionally, no pre/protohistoric resources were observed on the Shea or Acacia Project Site during the intensive field survey (BFSA, 2022, pp. 1.0-17, 1.0-18, and 3.0-2). Therefore, implementation of the Shea and/or Acacia Projects would not cause a substantial adverse change in the significance of a known prehistoric archeological resource pursuant to CEQA Guidelines Section 15064.5.

Given the lack of any previously identified pre/protohistoric sites within or near either the Shea or Acacia properties and the magnitude of ground disturbances on the Shea and Acacia Project Sites over the previous 90-plus years, there is little potential for any pre/protohistoric resources to be present or disturbed by the proposed developments. Notwithstanding, excavations on portions of the Shea or Acacia Project Sites 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 2.5 to 8.5 feet below the ground surface; thus, excavations on-site that would occur within previously undisturbed soils could, in theory, contain pre/protohistoric archaeological resources. If any pre/protohistoric cultural resources are unearthed during Shea or Acacia Project construction that meet the definition of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed or damaged by Project construction activities, impacts to those pre/protohistoric cultural resources would be potentially significant. Mitigation is thus required in the form of conditions of approval imposed on the Projects 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.

***Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?***

Neither the Shea nor Acacia Project Site contain a cemetery and no known formal cemeteries are located within the immediate Site vicinity (Google Earth, 2022). Field surveys conducted on the Shea and Acacia Project Sites did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the Shea or Acacia Project Sites (BFSA, 2022, p. 3.0-2). Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Shea or Acacia Project construction.



If human remains are unearthed during Shea or Acacia 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 Shea or Acacia Project would be less than significant.

#### **4.5.6 CUMULATIVE IMPACT ANALYSIS**

The potential for implementation of the Shea or Acacia Projects 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 Shea or Acacia Project Site; therefore, implementation of the Shea and/or Acacia Project has no potential to contribute towards a significant cumulative impact to historical sites and/or resources.

The potential for Shea or Acacia 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 Shea and Acacia Project Sites. Development activities on the Shea and Acacia Project Sites would not impact any known prehistoric archaeological resources and the likelihood of uncovering previously unknown prehistoric archaeological resources during Shea and/or Acacia Project construction are low due to the magnitude of disturbance that has occurred on both the Shea and Acacia Sites 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 Shea and/or Acacia Project Site – and other development project sites in the region – during construction activities. Accordingly, the Shea and/or Acacia Projects have the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Shea and/or Acacia Projects would result in a cumulatively-considerable impact to prehistoric archaeological resources, if such resources are unearthed during Shea or Acacia 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.

#### 4.5.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a, Historical Resources:*

Shea Project: Less than Significant Impact. One historic-period residence is located on the Shea Project that would be demolished to construct the Shea Project, but the structure does 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 Shea Project, and impacts to historic resources would be less than significant.

Acacia Project: No Impact. No historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Acacia Project Site; therefore, no historic resources could be altered or destroyed by construction or operation of the Acacia Project.

Combined Shea and Acacia Projects: Less-than-Significant Impact. One historic-period residence that would be demolished is located on the Shea Project Site, but it does not meet the CEQA Guidelines Section 15064.5 definition of a significant historical resource. Because no historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Shea and Acacia Project Sites, impacts to historic resources would be less than significant.

##### *Threshold b, Archaeological Resources:*

Shea Project: Potentially Significant Direct and Cumulatively-Considerable Impact. No known prehistoric resources are present on the Shea Project Site and the likelihood of uncovering buried prehistoric resources on the Shea Project Site is low due to the magnitude of past ground disturbance on the Shea Project Site. Nonetheless, the potential exists for Shea Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Shea Project-related construction activities.

Acacia Project: Potentially Significant Direct and Cumulatively-Considerable Impact. No known prehistoric resources are present on the Acacia Project Site and the likelihood of uncovering buried prehistoric resources on the Acacia Project Site is low due to the magnitude of historic ground disturbance on the Acacia Project Site. Nonetheless, the potential exists for Acacia Project-related construction activities to result in a direct and cumulatively-considerable impact to significant



subsurface prehistoric archaeological resources should such resources to be discovered during Acacia Project-related construction activities.

Combined Shea and Acacia Projects: Potentially Significant Direct and Cumulatively-Considerable Impact. No known prehistoric resources are present on the Shea and Acacia Project Sites and the likelihood of uncovering buried prehistoric resources on the Shea and Acacia Project Sites is low due to the magnitude of historic ground disturbance on the Shea and Acacia Project Sites. Nonetheless, the potential exists for Shea and Acacia Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Shea and Acacia Project-related construction activities.

*Threshold c, Potential for Discovery of Human Remains:*

Shea Project: Less than Significant Impact. In the unlikely event that human remains are discovered during Shea Project grading or other ground disturbing activities, the Shea 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 *et seq.* Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.

Acacia Project: Less than Significant Impact. In the unlikely event that human remains are discovered during Acacia Project grading or other ground disturbing activities, the Acacia 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 *et seq.* Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.

Combined Shea and Acacia Projects: Less than Significant Impact. In the unlikely event that human remains are discovered during Shea and Acacia Project grading or other ground disturbing activities, the Shea and Acacia Projects 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 *et seq.* Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.

#### 4.5.8 MITIGATION

The following mitigation measures address the potential for Shea and/or Acacia Project construction activities to impact significant cultural resources that may be discovered during ground-disturbing construction activities. Mitigation Measures MM 4-5-1, MM 4.5-2, and MM 4.5-3 would be applied in the form of conditions of approval imposed on the Projects to set forth the procedures that would be followed should subsurface resources be discovered during construction.



	Mitigation Measure	Applicable to:	
		Shea Project	Acacia Project
MM 4.5-1	Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities within 60 feet of the find or 100 feet of the find if funerary objects are present until the find can be assessed. All cultural, tribal and archaeological resources unearthed by Project construction activities shall be evaluated by a qualified archaeologist meeting Secretary of Interior standards and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes, including the Yuhaaviatam of San Manuel Nation Cultural Resources Department and/or the Gabrieleno Band of Mission Indians – Kizh Nation) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.	Yes	Yes
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 culturally affiliated 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.	Yes	Yes
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.	Yes	Yes



#### 4.5.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

*Threshold b:*

Shea Project: Less than Significant Impact with Mitigation. Implementation of MMs 4.5-1 through 4.5-3, which would be imposed as conditions of approval on the Project, would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Shea Project construction. With implementation of the required mitigation, the Shea 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.

Acacia Project: Less than Significant Impact with Mitigation. Implementation of MMs 4.5-1 through 4.5-3, which would be imposed as conditions of approval on the Project, would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Acacia Project construction. With implementation of the required mitigation, the Acacia 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.

Combined Shea and Acacia Projects: Less than Significant Impact with Mitigation. Implementation of MMs 4.4-1 through 4.4-3, which would be applied as conditions of approval on the Projects, would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Shea and Acacia Project construction. With implementation of the required mitigation, the Shea and Acacia Projects' potential impacts to important archaeological resources would be reduced to less than significant. Cumulatively-considerable impacts would likewise be reduced to less than significant.



## 4.6 ENERGY

The analysis in this Subsection 4.6 is primarily based on information contained in a technical report prepared by Urban Crossroads, Inc. titled, “Sierra Business Center, Energy Analysis, City of Fontana,” dated April 26, 2022 (Urban Crossroads, 2022c). The technical report is included as *Technical Appendix E* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

### 4.6.1 EXISTING CONDITIONS

#### A. Electricity Consumption

The Shea and Acacia Project Sites are located within the service area of Southern California Edison (SCE). SCE provides electricity to a population of more than 15 million within a service area encompassing approximately 50,000 square miles. SCE generates electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. (Urban Crossroads, 2022c, p. 13)

#### B. Natural Gas Consumption

The Shea and Acacia Project Sites are located within the service area of the Southern California Gas Company (SoCalGas) which is regulated by the California Public Utilities Commission (CPUC). SoCalGas provides service to approximately 5.9 million customers. Natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The gas transported to California via the interstate pipelines, as well as some of the California-produced gas, is delivered into SoCalGas intrastate natural gas transmission pipelines systems (commonly referred to as California's "backbone" pipeline system). Natural gas on the utilities' backbone pipeline system is then delivered to the local transmission and distribution pipeline systems, or to natural gas storage fields. (Urban Crossroads, 2022c, pp. 14-15)

#### C. Transportation Energy/Fuel Consumption

Gasoline and other vehicle fuels are commercially-provided commodities. The Department of Motor Vehicles (DMV) identified 35.8 million registered vehicles in California, and those vehicles consume an estimated 17.4 billion gallons of fuel each year (Urban Crossroads, 2022c, p. 17). In 2017, Californians used approximately 15.8 billion gallons of gasoline and in 2019, 3.9 billion gallons of diesel fuel was consumed (Urban Crossroads, 2022c, p. 10).

### 4.6.2 REGULATORY SETTING

#### A. Federal Plans, Policies, and Regulations

##### 1. Intermodal Surface Transportation Efficiency Act (ISTEA)

The ISTEA promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining





the social, economic, energy, and environmental values guiding transportation decisions. (Urban Crossroads, 2022c, p. 20)

**2. *The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)***

The TEA-21 was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety. (Urban Crossroads, 2022c, p. 20)

**B. State Plans, Policies, and Regulations**

**1. *Integrated Energy Policy Report***

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations. The 2020 Integrated Energy Policy Report (2020 IEPR) continues to work towards improving electricity, natural gas, and transportation fuel energy use in California. The 2020 IEPR identifies actions the state and others can take to ensure a clean, affordable, and reliable energy system. California's innovative energy policies strengthen energy resiliency, reduce GHG emissions that cause climate change, improve air quality, and contribute to a more equitable future. (Urban Crossroads, 2022c, pp. 20-21)

**2. *State of California Energy Plan***

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access. (Urban Crossroads, 2022c, p. 21)

**3. *California Code Title 24, Part 6, Energy Efficiency Standards***

California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. The newest 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. The CEC indicates that the 2019 Title 24 standards will reduce energy



consumption by 30 percent for nonresidential buildings above that achieved by the prior code. (Urban Crossroads, 2022c, p. 21)

4. *Pavley Fuel Efficiency Standards (AB 1493)*

California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Under this legislation, CARB adopted regulations to reduce GHG emissions from non-commercial passenger vehicles (cars and light-duty trucks). Although aimed at reducing GHG emissions, specifically, a co-benefit of the Pavley standards is an improvement in fuel efficiency and consequently a reduction in fuel consumption. (Urban Crossroads, 2022c, p. 21)

5. *California Renewable Portfolio Standards (RPS)*

First established in 2002 under Senate Bill (SB) 1078, California's RPS requires retail sellers of electric services to increase procurement from eligible renewable resources to 33 percent of total retail sales by 2020. (Urban Crossroads, 2022c, p. 21)

6. *Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015*

In October 2015, the legislature approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40 percent by 2024, and 25% by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western U.S. (Urban Crossroads, 2022c, p. 22)

7. *California Solar Rights and Solar Shade Control Acts*

The Solar Rights Act sets parameters for establishing solar easements, prohibits ordinances and private covenants which restrict solar systems, and requires communities to consider passive solar and natural heating and cooling opportunities in new construction. This Act is applicable to all California cities and counties. California's solar access laws appear in the state's Civil, Government, Health and Safety, and Public Resources Codes. California Pub Res Code § 25980 sets forth the Solar Shade Control Act, which encourages the use of trees and other natural shading except in cases where the shading may interfere with the use of active and passive solar systems. (EPIC, 2014; EPIC, 2010)



**C. Local Plans, Policies, and Regulations**

**1. Fontana Municipal Code**

The City adopted the California Building Standards Code (2019 Edition), including its Building Code, Energy Code, and Green Building Code (CalGreen) components, and codified in Chapter 5 of the Fontana Municipal Code. The City's Building Code regulates and controls the minimum energy and resource efficiencies of all new development within the City.

**2. City of Fontana Ordinance No. 1879**

City of Fontana Ordinance No. 1879 amends the City's Municipal Code to establish sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. Standards required by Ordinance No. 1879 that would directly affect the consumption of energy resources include but are not limited to: 1) Restricting diesel truck idling to three minutes or less; 2) Requiring motorized cargo-handling equipment used at industrial commerce center sites to be zero emission; 3) Requiring buildings with more than 400,000 s.f. of building area to install rooftop solar panels that supply 100 percent of the power need of the non-refrigerated building space; 4) Requiring the installation of electric plug-ins at all loading dock positions that would be utilized by trucks fitted with transport refrigeration units (TRUs); 5) Requiring that five (5) percent of passenger vehicle parking spaces are wired for electric vehicle charging and equipped with a Level 2 charging station and at least 10 percent of passenger vehicle spaces are "EV ready" for future expansion of charging capabilities; and 6) Prohibiting the use of diesel-powered generators, except in case of emergency or for temporary power during construction. The Project would be required to comply with all applicable measures of Ordinance No. 1879. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.

**4.6.3 METHODOLOGY FOR CALCULATING PROJECT ENERGY DEMANDS**

Information from the CalEEMod (version 2020.4.0) outputs from the Shea and Acacia Projects' AQIA (see *Technical Appendix B1*) was utilized to detail the Shea and Acacia Projects' construction equipment, transportation energy demands, and facility energy demands. These outputs are referenced in Appendices 4.1 and 4.2 of the Shea and Acacia Projects' energy analysis report (see *Technical Appendix E*). Additionally, CARB's EMFAC2017 model was used to calculate emission rates, fuel consumption, and VMT for light duty vehicles, light-heavy duty trucks, medium-heavy duty trucks, and heavy-heavy duty trucks traveling to and from the Shea and Acacia Project Sites during construction and operational activities. Data from the EMFAC 2017 model outputs are included in Appendix 4.3 of the Shea and Acacia Projects' energy analysis report.

**4.6.4 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse energy effects that could result from development projects. The Shea and/or Acacia Project would result in a significant impact to energy if the Shea and/or Acacia Project or any Shea and/or Acacia Project-related component would:



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

Under Threshold “a,” the Shea and/or Acacia Project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy if energy consumed by the Shea and/or Acacia Project’s construction and/or operation cannot be accommodated with existing available resources and energy delivery systems, and requires and/or consumes more energy than industrial uses in California of similar scale and intensity.

#### 4.6.5 IMPACT ANALYSIS

**Threshold a:** *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Various renewable energy features are incorporated into the Shea and Acacia Projects. Specifically, pursuant to City of Fontana Ordinance No. 1879, the Shea Project would 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 423,864 kWh per year. Similarly, the Acacia Project would 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 824,551 kWh per year.

#### **A. Energy Use During Construction**

##### **1. Shea Project**

The Shea Project’s construction process would require the use of fuels (gasoline and diesel) and electricity. Shea Project-related construction would represent a “single-event” energy demand and would not require on-going or permanent commitment of energy resources. Shea Project construction activities are estimated to consume approximately 63,323 kilowatt hours (kWh) of electricity, approximately 57,968 gallons of diesel fuel from operation of construction equipment, 20,293 gallons of diesel fuel from construction vendor trips, and 30,833 gallons of fuel from construction worker trips. (Urban Crossroads, 2022c, pp. 36-41) Detailed calculations for all components of the Shea Project’s construction energy use are provided in Subsection 4.5 of the Shea Project’s energy analysis (refer to *Technical Appendix E*).

The equipment used for Shea Project construction would conform to CARB regulations and State emissions standards. There are no unusual Shea 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, Shea 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, Shea 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. (Urban Crossroads, 2022c, p. 42) Accordingly, the equipment and vehicles employed in construction of the Shea Project would not result in inefficient wasteful, or unnecessary consumption of fuel.

Indirectly, the Shea Project would realize construction energy efficiencies and energy conservation through the bulk purchase, transport and use of construction materials. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations. (Urban Crossroads, 2022c, p. 42)

As supported by the preceding discussion, the Shea Project's construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

## **2. Acacia Project**

The Acacia Project's construction process would require the use of fuels (gasoline and diesel) and electricity. Acacia Project-related construction would represent a "single-event" energy demand and would not require on-going or permanent commitment of energy resources. Acacia Project construction activities are estimated to consume approximately 112,040 kilowatt hours (kWh) of electricity, approximately 54,352 gallons of diesel fuel from operation of construction equipment, 34,312 gallons of diesel fuel from construction vendor trips, and 52,627 gallons of fuel from construction worker trips. (Urban Crossroads, 2022c, pp. 26-31) Detailed calculations for all components of the Acacia Project's construction energy use are provided in Subsection 4.3 of the Project's energy analysis (refer to *Technical Appendix E*).

The equipment used for Acacia Project construction would conform to CARB regulations and State emissions standards. There are no unusual Acacia 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, Acacia 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, Acacia 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. (Urban Crossroads, 2022c, pp. 31-32) Accordingly, the equipment and vehicles employed in construction of the Acacia Project would not result in inefficient wasteful, or unnecessary consumption of fuel.

Indirectly, the Acacia Project would realize construction energy efficiencies and energy conservation through the bulk purchase, transport and use of construction materials. Use of materials in bulk reduces energy demands





associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations. (Urban Crossroads, 2022c, p. 32)

As supported by the preceding discussion, the Acacia Project's construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

**B. Energy Use During Project Operation**

**1. Shea Project**

Energy consumption in support of or related to Shea Project operations would include transportation energy demands (energy consumed by passenger car and truck vehicles accessing the Shea Project Site) and facility energy demands (energy consumed by building operations and Shea Project Site maintenance activities).

The Shea Project's energy demand is calculated to be 139,709 gallons of fuel, 1,300,613 kWh of electricity, and 1,417,347 kBTU of natural gas per year (Urban Crossroads, 2022c, pp. 44-45). Refer to Subsection 4.6 from the Shea Project's energy analysis (see *Technical Appendix E*) for detailed calculations of all components of the Shea Project's operational energy use. It should be noted that City of Fontana Ordinance No. 1879 requires the Shea 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 423,864 kWh per year.

The Shea Project's proposed building incorporates contemporary, energy-efficient/energy-conserving design and operational programs (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CalGreen). The Shea Project will be subject to compliance with 2019 Energy Code and CalGreen standards, which became effective on January 1, 2020, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. On this basis, the Shea Project will inherently use less energy than comparable buildings constructed under prior versions of the Energy and CalGreen Codes. 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 Shea Project Site is within the existing service areas of SCE and SoCalGas, is capable of being served by both energy providers, and implementation of the Shea Project would not cause or result in the need for additional energy facilities or energy delivery systems. From a transportation energy perspective, the Shea 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. Furthermore, the Shea 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. (Urban Crossroads, 2022c, pp. 44-45)

As supported by the preceding discussion, the Shea Project's operational energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.



## 2. Acacia Project

Energy consumption in support of or related to Acacia Project operations would include transportation energy demands (energy consumed by passenger car and truck vehicles accessing the Acacia Project Site) and facility energy demands (energy consumed by building operations and Acacia Project Site maintenance activities).

The Project's energy demand is calculated to be 311,893 gallons of fuel, 2,129,113 kWh of electricity, and 2,247,134 kBtu of natural gas per year (Urban Crossroads, 2022c, pp. 33-34). Refer to Subsection 4.4 from the Project's energy analysis (see *Technical Appendix E*) for detailed calculations of all components of the Project's operational energy use. It should be noted that City of Fontana Ordinance No. 1879 requires the Acacia 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 824,551 kWh per year.

The Acacia Project's proposed building incorporates contemporary, energy-efficient/energy-conserving design and operational programs (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CalGreen). The Acacia Project will be subject to compliance with 2019 Energy Code and CalGreen standards, which became effective on January 1, 2020, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. On this basis, the Acacia Project will inherently use less energy than comparable buildings constructed under prior versions of the Energy and CalGreen Codes. Acacia 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 Acacia Project Site is within the existing service areas of SCE and SoCalGas, is capable of being served by both energy providers, and implementation of the Acacia Project would not cause or result in the need for additional energy facilities or energy delivery systems. From a transportation energy perspective, the Acacia 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. Furthermore, the Acacia 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. (Urban Crossroads, 2022c, pp. 32-33)

As supported by the preceding discussion, the Acacia Project's operational energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

<p><b><u>Threshold b:</u></b> <i>Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</i></p>
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The following section analyzes the Shea and Acacia Project's consistency with the applicable federal, State, and local regulations for renewable energy or energy efficiency.

### A. Consistency with Federal Energy Regulations

#### Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Transportation and access to the Shea and Acacia Project Sites is provided by the local and regional roadway systems. Neither the Shea nor Acacia Project would interfere with, nor otherwise obstruct intermodal



transportation plans or projects that may be realized pursuant to the ISTEA because SCAG is not planning for intermodal facilities on or through either the Shea or Acacia Project Site. (Urban Crossroads, 2022c, p. 50)

*The Transportation Equity Act for the 21st Century (TEA-21)*

The Shea and Acacia Project Sites are located along major transportation corridors with proximate access to the Interstate freeway system. The Sites selected for the Shea and Acacia Projects facilitates access, acts to reduce vehicle miles traveled, takes advantage of existing infrastructure systems, and promotes land use compatibilities through collocation of similar uses. The Shea and Acacia Projects support the strong planning processes emphasized under TEA-21. The Shea and Acacia Projects are therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21. (Urban Crossroads, 2022c, p. 50)

**B. Consistency with State Energy Regulations**

*Integrated Energy Policy Report*

The IEPR provides policy recommendations to be implemented by energy providers in California. Electricity would be provided to the Shea and Acacia Projects by SCE. SCE's Clean Power and Electrification Pathway (CPEP) builds on existing State programs and policies that support the IEPR goals of improving electricity, natural gas, and transportation fuel energy use in California. SCE is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2020 IEPR. Thus, because the SCE is consistent with the 2020 IEPR, the Shea and Acacia Projects are consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2020 IEPR. (Urban Crossroads, 2022c, p. 50)

Additionally, the Shea and Acacia Projects would comply with the applicable Title 24 standards which would ensure that the Shea and Acacia Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the Shea and Acacia Projects would support the goals presented in the 2020 IEPR. (Urban Crossroads, 2022c, p. 50)

*State of California Energy Plan*

The Shea and Acacia Project Sites are located adjacent to major transportation corridors with proximate access to the Interstate freeway system. The location of the Shea and Acacia Project Sites facilitates access, minimizes VMT, and takes advantage of existing infrastructure systems. Therefore, the Shea and Acacia Projects support urban design and planning processes identified under the State of California Energy Plan, are consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan. (Urban Crossroads, 2022c, p. 51)

*California Code Title 24, Part 6, Energy Efficiency Standards*

The Shea and Acacia Projects 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 2019 Energy Efficiency Standards, which would be confirmed by the City during the building permit review process. The Shea and Acacia Projects also are required by State law to be designed, constructed, and operated to meet or exceed 2019 Energy Efficiency Standards. On this basis, the Shea and Acacia Projects are determined to be



consistent with, and would not interfere with, nor otherwise obstruct implementation of the State's 24 Energy Efficiency Standards. (Urban Crossroads, 2022c, p. 51)

*Pavley Fuel Efficiency Standards (AB 1493)*

AB 1493 is not directly applicable to the Shea and Acacia Projects as it is a statewide measure establishing vehicle emissions standards. No feature of the Shea and Acacia Projects 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 Shea and Acacia Project Sites are required by law to comply with the legislation's fuel efficiency requirements. (Urban Crossroads, 2022c, p. 51)

*California Renewable Portfolio Standards (SB 1078)*

California's RPS is not directly applicable to the Shea and Acacia Projects as it is a statewide measure that establishes a renewable energy mix. No feature of the Shea and Acacia Projects would interfere with implementation of the requirements under RPS. Notwithstanding, energy directly or indirectly supplied to the Shea and Acacia Project Sites by electric corporations is required by law to comply with SB 1078. (Urban Crossroads, 2022c, p. 51)

*Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015*

Energy directly or indirectly supplied to the Shea and Acacia Project Sites by electric corporations is required by law to comply with SB 350. No feature of the Shea and Acacia Projects would interfere with implementation of the requirements under SB 350. (Urban Crossroads, 2022c, p. 51)

**C. Consistency with Local Energy Regulations**

*Fontana Municipal Code*

The City of Fontana would require the Shea and Acacia Projects 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 Shea and Acacia Project's compliance with the Building Code as part of the building permit review process. On this basis, the Shea and Acacia Projects are determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the California Building Standards Code.

*City of Fontana Ordinance No. 1879*

The City of Fontana would require the Shea and Acacia Projects to be designed, constructed, and operated to meet the requirements of Ordinance No. 1879, including the installation and operation of rooftop solar panels. The City would confirm the Project's compliance with Ordinance No. 1879 as part of the building permit review process and as part of the City's on-going code compliance process. On this basis, the Shea and Acacia Projects are determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of Ordinance No. 1879.



**D. Conclusion**

As supported by the preceding analysis, the Shea and Acacia Projects would not conflict with or obstruct a federal, State or local plan for renewable energy or energy efficiency and a less than significant impact would occur.

**4.6.6 CUMULATIVE IMPACT ANALYSIS**

The Shea and Acacia Projects 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 Shea and Acacia Projects 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.

**4.6.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

*Threshold a: Energy Consumption*

Shea Project: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of the Shea Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Shea Project would not cause or result in the need for additional energy facilities or energy delivery systems.

Acacia Project: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of the Acacia Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Acacia Project would not cause or result in the need for additional energy facilities or energy delivery systems.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of both the Shea and Acacia Projects would not be inefficient, wasteful, or unnecessary. Furthermore, both the Shea and Acacia Projects would not cause or result in the need for additional energy facilities or energy delivery systems.

*Threshold b: Consistency with Energy Plans*

Shea Project: Less-than-Significant Impact. The Shea Project would not cause or result in the need for additional energy production or transmission facilities. The Shea 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.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not cause or result in the need for additional energy production or transmission facilities. The Acacia 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.





Combined Shea and Acacia Projects: Less-than-Significant Impact. The Shea and Acacia Projects would not cause or result in the need for additional energy production or transmission facilities. The Shea and Acacia Projects 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.

#### **4.6.8 MITIGATION**

Impact would be less than significant; therefore, mitigation is not required.



## 4.7 GEOLOGY AND SOILS

The analysis in this Subsection 4.7 is based primarily on information contained in two technical reports: one prepared for the Shea Project by Southern California Geotechnical titled, “Geotechnical Investigation, Proposed Industrial Building, Sierra Avenue, 800+ feet North of Casa Grande Drive, Fontana, California for Shea Properties” and dated May 24, 2020 (SCG, 2020), and one prepared for the Acacia Project by NorCal Engineering titled, “Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Southeast Corner of Sierra Avenue and Duncan Canyon Road, Fontana, California” and dated July 16, 2021 (NorCal Engineering, 2021). The technical reports are included as *Technical Appendices F1 and F3*. In addition, a paleontological resources assessment prepared by Brian F. Smith and Associates, Inc titled “Paleontological Assessment for the Sierra Business Center Project” and dated January 31, 2022 (BFSA, 2022), was used in this analysis. This report is included as *Technical Appendix G*. Additional sources of information used to support the analysis in this Subsection include the Final EIR prepared for the City of Fontana General Plan Update 2015-2035 (Fontana, 2018b) and the Fontana Municipal Code (Fontana, 2021a). All of the references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.7.1 EXISTING CONDITIONS

#### A. Soils

##### 1. *Shea Project*

During a soils and geotechnical investigation of the Shea Project Site performed by Southern California Geotechnical, native alluvial soils were encountered at the ground surface at all of the boring and trench locations. The near-surface alluvial soils within the upper 2 to 3.5± feet at some of the borings consist of medium dense to dense silty sands with varying gravel content. At greater depths, the alluvium generally consists of dense to very dense gravelly sands, sandy gravels, and gravels with occasional to extensive cobbles and boulders, extending to maximum depth explored of 20± feet. (SCG, 2020, p. 6)

##### 1. *Acacia Project*

Two (2) types of soil conditions were encountered on the Acacia Project Site during a soils and geotechnical investigation performed by NorCal Engineering: fill soils and natural soils. Fill soils classified as brown, fine to medium grained, silty sand with gravel and cobbles were encountered across the site to depths ranging from 1 to 1.5 feet below ground surface. These soils were noted to be loose and dry to damp. Native undisturbed soils classified as light brown, fine to coarse grained, gravelly and cobbely sand with boulders (up to a maximum of 24 inches in diameter) was encountered beneath the upper fill soils. The native soils as encountered were observed to be medium dense and dry to damp. (NorCal Engineering, 2021, p. 3)

#### B. Groundwater

Southern California Geotechnical did not encounter any groundwater during the drilling of any of the borings or during excavation of any of the trenches on the Shea Project Site. Based on the lack of water within the borings and trenches, and the moisture depths of the recovered soil samples, the static groundwater is considered to have existed at a depth in excess of 20± feet at the time of the subsurface exploration. According to the California Department of Water Resources database, historic high groundwater recorded at the nearest



monitoring well approximately 0.5-mile northwest of the Shea Project Site was 159± feet below the ground surface in January 1992. (SCG, 2020, p. 6) NorCal Engineering did not encounter any groundwater during test excavations at the Acacia Project Site.

**C. Seismic Hazards**

The Shea Project Site and Acacia Project Site are located in an area of southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. The nearest active fault to the Shea and Acacia Project Sites is the Cucamonga Fault, located approximately 1.2 miles to the northwest (Google Earth, 2022; CGS, 2015a). An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch (roughly the last 11,000 years).

Secondary hazards associated with earthquakes include surface rupture, ground failure, unstable soils and slopes. Each of these hazards is briefly described below.

**1. *Fault Rupture***

Fault rupture can occur along pre-existing, known active fault traces; however, fault rupture also can splay from known active faults or rupture along unidentified fault traces. The Shea Project Site is not located within an Alquist-Priolo Earthquake Fault Zone and Southern California Geotechnical did not identify any evidence of faulting during the geotechnical investigation. Therefore, the possibility of significant fault rupture on the Shea Project Site is considered to be low. (SCG, 2020, p. 9) Similarly, the Acacia Project Site also lies outside of any Alquist-Priolo Special Studies Zone and the potential for damage due to direct fault rupture is also considered unlikely. (NorCal Engineering, 2021, p. 4)

**2. *Liquefaction***

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions, which causes the soil to behave as a viscous liquid. Liquefaction is generally limited to the upper 50 feet of subsurface soils. Research and historical data indicate that loose granular soils of Holocene to late Pleistocene age below a near-surface groundwater table are most susceptible to liquefaction, while the stability of most clayey material is not adversely affected by vibratory motion (SCEC, 1999, pp. 5-6).

Based on a geologic hazard mapping conducted by the County of San Bernardino, Southern California Geotechnical determined the Shea Project Site is not located within a zone of liquefaction susceptibility. In addition, the subsurface conditions at the boring and trench locations are not considered to be conducive to liquefaction. Therefore, based on the mapping performed by San Bernardino County and the conditions encountered at the boring and trench locations, liquefaction is not considered to be a design concern for the Shea Project. (SCG, 2020, p. 11) Similarly, based on geologic hazard mapping conducted by the County of San Bernardino, NorCal Engineering determined the Acacia Project Site does not lie within a zone of “Suspected Liquefaction Susceptibility.” (NorCal Engineering, 2021, p. 5)



3. *Unstable Soils and Slopes*

Both the Shea and Acacia Project Sites are generally flat and do not contain, nor are adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on either the Shea or Acacia Project Sites (Google Earth, 2022; CGS, 2015b). As such, neither the Shea or Acacia Project Site is susceptible to seismically-induced landslides and rockfalls.

**D. Slope and Instability Hazards**

1. *Soil Erosion*

Erosion is the process by which the upper layers of the surface (such as soils) are worn and removed by the movement of water or wind. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion than those soils having higher permeability and cohesive strength. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water is able to flow faster down steeper gradients, the steeper the slope on which a given soil is located, the more readily it will erode. According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), soils on the Shea and Acacia Project Sites and in the surrounding area are slightly susceptible to erosion (NRCS, 2022).

Wind erosion can damage land and natural vegetation by removing soil from one place and depositing it in another. It mostly affects dry, sandy soils in flat, bare areas, but wind erosion may occur wherever soil is loose, dry, and finely granulated. According to the USDA NRCS, soils on the Shea and Acacia Project Sites and in the surrounding area are highly susceptible to wind erosion. (NRCS, 2022)

2. *Settlement Potential*

Settlement refers to unequal compression of a soil foundation, shrinkage, or undue loads being applied to a building after its initial construction that affect the soil foundation. According to Southern California Geotechnical, the native alluvial soils present on the Shea Project Site have settlement potential (SCG, 2020, p. 11). Similarly, and according to NorCal Engineering, the compacted fill and medium dense native soils present on the Acacia Project Site also have settlement potential (NorCal Engineering, 2021, p. 9).

3. *Shrinkage/Subsidence Potential*

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume).

Based on subsurface exploration and laboratory testing conducted by Southern California Geotechnical on soils collected from the Shea Project Site, there is potential for minor shrinkage and subsidence (SCG, 2020, p. 12 - 13). Similarly, testing conducted by NorCal Engineering on soils collected from the Acacia Project Site indicates that soils have potential for minor shrinkage and subsidence (NorCal Engineering, 2021, p. 9).



4. *Soil Expansion Potential*

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. Sites with expansive soils (expansion index >20) require special attention during project design and maintenance.

Soil testing conducted by Southern California Geotechnical found that Shea Project Site soils generally consist of silty sands and fine to coarse sands with varying amounts of gravel, cobbles, and boulders, which are classified as non-expansive (SCG, 2020, p. 11). Based on soil testing conducted by NorCal Engineering, the upper soils on the Acacia Project Site have very low expansion potential (expansion index = 0-20) (NorCal Engineering, 2021, p. 14).

5. *Landslide Potential*

The Shea and Acacia Project Sites and immediately surrounding properties are located on a generally flat valley floor and contain no steep natural or manufactured slopes (Google Earth, 2022); thus, the potential for landslides on or near the Project Sites is minimal.

***E. Paleontological Setting***

1. *Regional Setting*

The City of Fontana is primarily underlain by Quaternary (Pleistocene to Holocene) younger alluvial fan deposits. Although younger fan deposits do not have the potential to contain significant paleontological resources the City also contains areas of Pleistocene older fan deposits exposed at surface levels that have been mapped along the western area of the City near the intersection of Interstate 15 and Interstate 210 and also in the southwestern areas of the City. Within these Pleistocene older deposits, the potential for paleontological resources is considered to be high. Vertebrate land mammal fossils that have been discovered in the City include the saber-tooth cat, mammoth, camels, and horses. (CDC, 2015; Fontana, 2018b, p. 5.4-8)

2. *Project Site Conditions*

The Shea and Acacia Project Sites are underlain by Holocene-aged young alluvial fan deposits consisting of unconsolidated to moderately consolidated, coarse-grained sand to boulder alluvial-fan deposits having slightly to moderately dissected surfaces (BFSA, 2022, p. 5). No paleontological resources have been discovered on either the Shea or Acacia Project Sites or vicinities. The nearest known fossil localities to the Shea and Acacia Project Sites were located approximately three miles to the southwest, near the intersection of Interstate 15 and Interstate 210 (BFSA, 2022, p. 7). The existence of coarse, Holocene alluvial fan deposits at the Project Sites, and the lack of any known fossil specimens or fossil localities from within a several-mile radius encompassing the Project Sites, indicates a low possibility of paleontological resources being present beneath the site. (BFSA, 2022, p. 8).

**4.7.2 REGULATORY SETTING**

The following is a brief description of the federal, State, and local environmental laws and related regulations governing issues related to geology and soils.





**A. Federal Plans, Policies, and Regulations**

**1. *Clean Water Act***

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters (EPA, 2021f).

**B. State Plans, Policies, and Regulations**

**1. *Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)***

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults (CA Legislative Info, n.d.). The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards.

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific Site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

There are no active faults on the Shea Project Site or Acacia Project site and neither Project Site is located within an Alquist-Priolo Earthquake Fault Zone (SCG, 2020, p. 9) (NorCal Engineering, 2021, p. 4).



**2.      *Seismic Hazards Mapping Act***

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards. (CDC, n.d.)

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. (CDC, n.d.)

The SHMA requires site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. (CDC, n.d.)

**3.      *Natural Hazards Disclosure Act***

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone. (CA Legislative Info, n.d.)

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires. (CA Legislative Info, n.d.)

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers. (CA Legislative Info, n.d.)

**4.      *California Building Standards Code (Title 24)***

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards (reference California Health and Safety Code § 18909). Health and Safety Code (state law) § 18902 gives CCR Title 24 the name California Building Standards Code (CBSC). (CBSC, 2019, p. 1)



The CBSC in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code §§ 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code §§ 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code §§ 17958.7 and 18941.5). (CBSC, 2019, p. 1)

#### **5. *Porter-Cologne Water Control Act***

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water (SWRCB, 2014a). The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 *et seq.*), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The Storm Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.



The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. The Project Site is located in the Santa Ana River Watershed, which is within the purview of the Santa Ana RWQCB. The Santa Ana's RWQCB's *Santa Ana River Basin Water Quality Control Plan* is the governing water quality plan for the region.

**C. Local Plans, Policies, and Regulations**

**1. *City of Fontana General Plan***

The Infrastructure and Safety Element of the City of Fontana General Plan provides information about natural and human-made hazards in Fontana and establishes goals and actions to prepare and protect the community from such risks. The Infrastructure and Safety Element states that the City shall reduce the risk of geologic hazards to the community by enforcing building codes, requiring the preparation of geotechnical hazard analyses as applicable, and continuously update the City's geologic and seismic hazards maps in concert with updates from the California Geological Survey and local surveys. (Fontana, 2018a, Chapter 11)

**2. *City of Fontana Local Hazard Mitigation Plan***

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address earthquake and landslide concerns on a community-wide level. The LHMP mitigation measures include: evaluating proposed developments for geologic hazards, performing a seismic review on existing City-owned buildings, mitigated unreinforced masonry buildings in the City, working with local insurance brokers to encourage earthquake insurance for homeowners, providing automatic shutoff valves for gas meters, encouraging homeowners in high landslide hazard areas to plant native trees and shrubbery, and developing of public education and awareness materials regarding vegetation and erosion control.

**3. *City of Fontana Building Code***

The City of Fontana Building Code is based on the CBSC and is supplemented with local amendments. The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Fontana. The Building Code is included in Chapter 5 of the Fontana Municipal Code. (Fontana, 2021a)



#### 4. City of Fontana Municipal Code

The City of Fontana Municipal Code (Chapter 9, Article II) requires development projects to incorporate an erosion and dust control plan to minimize water and windborne erosion. Specific dust control measures are required to be listed on the grading/construction plan. The erosion and dust control plan is required to be approved by City of Fontana staff prior to the issuance of the applicable construction permit. (Fontana, 2021a)

The City of Fontana Municipal Code (Chapter 23, Article IX) requires all development activities subject to the City's NPDES permit to prepare and implement a Water Quality Management Plan (WQMP), which shall identify proposed structural BMPs and source and treatment control BMPs to infiltrate and/or adequately treat the projected stormwater and urban runoff from the development Site. (Fontana, 2021a)

Lastly, the City of Fontana Municipal Code (Chapter 26, Division 4) requires development project sites to be evaluated by a preliminary soils report that identifies geologic and seismic conditions applicable to the subject property and provides Site-specific recommendations to preclude any expected adverse impacts from Site-specific soils-related hazards. These reports are required to recommend corrective action to preclude any structural damage/hazards that may be caused by geological hazards or unstable soils. (Fontana, 2021a)

#### 5. SCAQMD Rule 403 (Fugitive Dust)

SCAQMD Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures (BACM) during active operations capable of generating fugitive dust. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources. (SCAQMD, 2005)

### 4.7.3 METHODOLOGY FOR EVALUATING GEOLOGY & SOILS IMPACTS

The analysis of potential geology and soils-related impacts is based upon the individual geotechnical investigations prepared specifically for the Shea Project Site and the Acacia Project Site. The geotechnical investigations included site reconnaissance, review of published reports, maps, and aerial photographs, geotechnical field explorations, laboratory testing, engineering analysis, and soil borings. The City's General Plan and information sources from State and Federal agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

### 4.7.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to geology and soil resources that could result from development projects. The Project would result in a significant impact to geology and soil resources if the Project or any Project-related component would:

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other*





*substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

- ii. *Strong seismic ground shaking*
  - iii. *Seismic-related ground failure, including liquefaction*
  - iv. *Landslides*
- b. *Result in substantial soil erosion or the loss of topsoil;*
- c. *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;*
- d. *Be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;*
- e. *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;*
- f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

#### 4.7.5 IMPACT ANALYSIS

**Threshold a:** *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?*

##### **A. Rupture of Known Earthquake Fault**

###### **1. Shea Project**

There are no known active or potentially active faults on or trending toward the Shea Project Site and the Shea Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (SCG, 2020, p. 9). Because there are no known faults located on or trending towards the Shea Project Site, there is no potential for the Shea Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

###### **2. Acacia Project**

There are no known active or potentially active faults on or trending toward the Acacia Project Site and the Acacia Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (NorCal Engineering, 2021, p. 4). Because there are no known faults located on or trending towards the Acacia Project Site, there is



no potential for the Acacia Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

### 3. *Combined Shea and Acacia Projects*

The combined Shea and Acacia Project Sites are not located on known active or potentially active faults and are not located within a mapped Alquist-Priolo Earthquake Fault Zone. Therefore, there is no potential for the combined Shea and Acacia Projects to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture, and no impact would occur.

### **B. Strong Seismic Ground Shaking**

Both the Shea and Acacia Project Sites are located in a seismically active area of southern California and are expected to experience moderate to severe ground shaking during the lifetime of the Projects. This risk is not substantially different than the risk to other properties throughout the southern California area. As a mandatory condition of Shea and Acacia Projects' approvals, both the Shea Project Applicant and the Acacia Project Applicant would be required to construct the proposed buildings in accordance with the CBSC and the Fontana Building Code, which is based on the CBSC with local amendments (Fontana Municipal Code, Chapter 5). The CBSC and Fontana Building Code, which have been specifically tailored for California earthquake conditions, provide building standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures. In addition, the CBSC (Chapter 18) (adopted by the City as Municipal Code Chapter 5, Article III, Section 5-61) and the Fontana Municipal Code (Chapter 26, Division 4) require development project sites to be evaluated in preliminary soils reports to identify site-specific geologic and seismic conditions and provide site-specific recommendations to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, and selection of appropriate structural systems.

#### 1. *Shea Project*

The Shea Project Applicant retained a professional geotechnical firm, Southern California Geotechnical, to prepare a geotechnical report for the Shea Project Site, which is included as *Technical Appendix F1* to this EIR. The geotechnical report includes recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Shea Project's specific design. The recommendations include seismic design considerations, geotechnical design considerations, site grading recommendations, construction considerations, foundation design and construction, floor slab design and construction, retaining wall design and construction, and pavement design parameters. This geotechnical report complies with the requirements of Chapter 18 of the CBSC and Chapter 26, Division 4 of the Fontana Municipal Code. In conformance with the Municipal Code, the City will condition the Shea 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 Shea 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.



2. *Acacia Project*

The Acacia Project Applicant retained a professional geotechnical firm, NorCal Engineering, to prepare a geotechnical report for the Acacia Project Site, which is included as *Technical Appendix F3* to this EIR. The geotechnical report includes recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Acacia Project's specific design. The recommendations include seismic design considerations, geotechnical design considerations, site grading recommendations, construction considerations, foundation design and construction, floor slab design and construction, retaining wall design and construction, and pavement design parameters. This geotechnical report complies with the requirements of Chapter 18 of the CBSC and Chapter 26, Division 4 of the Fontana Municipal Code. In conformance with the Municipal Code, the City will condition the Acacia 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 Acacia 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.

3. *Combined Shea and Acacia Projects*

The combined Shea and Acacia Projects would comply with the standards and recommendations contained within the geotechnical reports prepared for each Project, to ensure that the combined Shea and Acacia Projects would not directly or indirectly expose people and structures to substantial adverse effects, including loss, injury or death, involving seismic shaking. Impacts of the combined Shea and Acacia Projects would be less-than-significant.

**C. Seismic-Related Ground Failure**

1. *Shea Project*

Based on observed soil conditions and according to available mapping data, the Shea Project Site is not expected to be subjected to a significant risk associated with seismic-related ground failure, including liquefaction (SCG, 2020, p. 9 - 11). Regardless, the Shea 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 Shea Project would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical report for the Shea Project Site to further reduce the risk of seismic-related ground failure due to liquefaction. Refer to *Technical Appendix F1* to this EIR. Therefore, implementation of the Shea 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.

2. *Acacia Project*

Based on observed soil conditions and according to available mapping data, the Acacia Project Site is not expected to be subjected to a significant risk associated with seismic-related ground failure, including



liquefaction (NorCal Engineering, 2021, p. 4 - 5). Regardless, the Acacia 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 Acacia Project would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical report for the Acacia Project Site to further reduce the risk of seismic-related ground failure due to liquefaction. Refer to *Technical Appendix F3* to this EIR. Therefore, implementation of the Acacia 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.

### 3. *Combined Shea and Acacia Projects*

The combined Shea and Acacia Projects are not expected to be subjected to a significant risk associated with seismic-related ground failure, including liquefaction. Both the Shea and Acacia Project Sites would be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the CBSC and Fontana Building Code. Therefore, implementation of the combined Shea and Acacia Projects 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.

#### D. Landslides

##### 1. *Shea Project*

The Shea Project Site is relatively flat, as is the immediately surrounding area. There are no recorded landslides, hillsides, or steep slopes on the Shea Project Site or in the immediate vicinity of the Site (CGS, 2015b; Google Earth, 2022). Mandatory compliance with the recommendations contained within the Shea Project Site's geotechnical report would ensure that the Shea Project is engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site areas. Refer to *Technical Appendix F1* to this EIR. Accordingly, the Shea Project would not be exposed to substantial landslide risks, and implementation of the Shea Project would not pose a substantial direct or indirect landslide risk to surrounding properties. Impacts would be less-than-significant.

##### 2. *Acacia Project*

The Acacia Project Site is relatively flat, as is the immediately surrounding area. There are no recorded landslides, hillsides, or steep slopes on the Acacia Project Site or in the immediate vicinity of the Site (CGS, 2015b; Google Earth, 2022). Mandatory compliance with the recommendations contained within the Acacia Project Site's geotechnical report would ensure that the Acacia Project is engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site areas. Refer to *Technical Appendix F3* to this EIR. Accordingly, the Acacia Project would not be exposed to substantial landslide risks, and implementation of the Acacia Project would not pose a substantial direct or indirect landslide risk to surrounding properties. Impacts would be less-than-significant.



3. *Combined Shea and Acacia Projects*

The combined Shea and Acacia Projects would be engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site areas. Accordingly, the combined Shea and Acacia Projects would not be exposed to substantial landslide risks, and implementation would not pose a substantial direct or indirect landslide risk to surrounding properties. Impacts would be less-than-significant.

***Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?***

***A. Construction-Related Erosion Impacts***

Development of the Shea Project and Acacia Project would include grading and construction activities that would expose and disturb soils. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to removal of stabilizing vegetation and exposure of these erodible materials to wind and water.

Pursuant to the requirements of the State Water Resources Control Board, both the Shea Project Applicant and the Acacia Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, both the Shea and Acacia Projects 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 Shea and Acacia Project Applicants would 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 properties. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, both the Shea and Acacia Projects 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 Shea and Acacia Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with the Shea Project and Acacia Project construction activities would be less-than-significant and no mitigation measures would be required.

***B. Post-Development Erosion Impacts***

Upon build-out of the Shea Project and Acacia Project, the Shea and Acacia Project Sites would be covered by buildings, landscaping, and impervious surfaces. Stormwater runoff from the Shea Project Site and the Acacia 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 either the Shea or Acacia Project Sites would be minimal and would be comparable to existing conditions.





To meet the requirements of the City's Municipal Storm Water Permit, and in accordance with Fontana Municipal Code Chapter 23, Article IX, both the Shea and Acacia Project Applicants 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 SWQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The SWQMP for the Shea Project (*Technical Appendix J2*) and for the Acacia Project (*Technical Appendix J4*) identifies 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 Shea Project SWQMP and the Acacia Project SWQMP is also required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the WQMP would be required as a condition of approval for both the Shea and Acacia Projects, as will the long-term maintenance of erosion and sediment control features. Because the Shea and Acacia Projects would both be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, the both Shea Project and the Acacia Project would result in less-than-significant impacts related to soil erosion.

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

**A. Shea Project**

The Shea Project Site is relatively flat, no substantial natural or man-made slopes are located on or adjacent to the Shea Project Site, and the Shea Project does not propose the construction of any sizable manufactured slopes (Google Earth, 2022). Accordingly, the Shea Project would result in less-than-significant impacts associated with landslide hazards.

Southern California Geotechnical determined that construction of the Shea Project would result in an average soil shrinkage of 7 to 22± percent with approximately 0.1 to 0.15± feet (SCG, 2020, p. 12-13). However, the geotechnical report prepared for the Shea Project Site (*Technical Appendix F1*) indicates that the Shea Project 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 (SCG, 2020, p. 11). The City will condition the Shea Project to comply with the Site-specific ground preparation and construction recommendations contained in the Shea Project's geotechnical report. Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less-than-significant.

Lateral spreading is primarily associated with liquefaction hazards. As noted above under the discussion of Threshold "a," the Shea Project Site is not susceptible to liquefaction (SCG, 2020, p. 10-11). Thus, the



potential for lateral spreading is low. Accordingly, impacts associated with lateral spreading would be less-than-significant.

**B. Acacia Project**

The Acacia Project Site is relatively flat, no substantial natural or man-made slopes are located on or adjacent to the Acacia Project Site, and the Acacia Project does not propose the construction of any sizeable manufactured slopes (Google Earth, 2022). Accordingly, the Acacia Project would result in less-than-significant impacts associated with landslide hazards.

NorCal Engineering determined that construction of the Acacia Project would result in soils shrinkage on-site to the magnitude of 5 to 10 percent with approximately 0.2 feet of subsidence (NorCal Engineering, 2021, p. 9). However, the geotechnical report prepared for the Acacia Project Site (*Technical Appendix F3*) indicates that the Acacia Project 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 (NorCal Engineering, 2021, p. 7-8). The City will condition the Acacia Project to comply with the Site-specific ground preparation and construction recommendations contained in the Acacia Project's geotechnical report. Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less-than-significant.

Lateral spreading is primarily associated with liquefaction hazards. As noted above under the discussion of Threshold "a," the Acacia Project Site is not susceptible to liquefaction (NorCal Engineering, 2021, p. 5). Thus, the potential for lateral spreading is low. Accordingly, impacts associated with lateral spreading would be less-than-significant.

**C. Combined Shea and Acacia Projects**

The combined Shea and Acacia Projects are relatively flat and do not propose the construction of any sizeable manufactured slopes; therefore, the combined Shea and Acacia Projects would have less-than-significant impacts associated with landslides. Both the Shea and Acacia Projects would be required to comply with site-specific ground preparation and construction recommendations contained in the geotechnical reports for each Project. Therefore, impacts from the combined Shea and Acacia Projects related to soil shrinkage/subsidence and collapse would be less-than-significant. Neither the Shea or Acacia Project is located in an area susceptible to liquefaction; therefore, the potential for lateral spreading from the combined Shea and Acacia Projects is low.

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

**A. Shea Project**

Based on expansion index testing of soil samples, Southern California Geotechnical determined that near surface soils on the Shea Project are non-expansive (SCG, 2020, p. 11). Accordingly, the Shea 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.

**B. Acacia Project**

Based on expansion index testing of soil samples, NorCal Engineering determined that upper soils on the Acacia Project Site are non-expansive (NorCal Engineering, 2021, Table II). Accordingly, the Acacia 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.

**C. Combined Shea and Acacia Projects**

Neither the Shea or Acacia Project Sites have expansive soils, therefore, the combined Shea and Acacia Project Sites would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impacts would occur.

[Note: Threshold “d” is based on Appendix G of the CEQA Guidelines and references Table 18-1-B of the 1994 Uniform Building Code (UBC) which has been superseded by the 2016 CBSC. The 2016 CBSC references ASTM D-4829, a standard procedure for testing and evaluating the expansion index (or expansion potential) of soils established by ASTM International, which was formerly known as the American Society for Testing and Materials (ASTM). ASTM D-4829 was used as the standard for evaluating the Shea and Acacia Project’s potential impact related to expansive soils in the above analysis.]

**Threshold e:** *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

Both the Shea and Acacia Projects would connect to the existing sewer line installed beneath Sierra Avenue. Neither the Shea or Acacia Project would utilize septic tanks or alternative wastewater systems. No impact would occur.

**Threshold f:** *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The existence of coarse, Holocene alluvial fan deposits at the Project Sites and the lack of any known fossil specimens or fossil localities from within a several-mile radius encompassing the Project Sites support a conclusion that there is a low potential to discover paleontological resources at either Project Site. Nonetheless, there is a remote potential that paleontological resources could be encountered during ground-disturbing construction activities conducted at depth in older alluvium soils (BFSA, 2022, p. 8). In the event that the Shea or Acacia Project’s construction activities extend at depth into previously undisturbed older alluvium deposits, the Shea or Acacia Project could result in impacts to important paleontological resources if such resources are unearthed and not properly treated (ibid.). Therefore, the Shea and Acacia Projects’ 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. As discussed below, with implementation of mitigation, potential direct cumulatively-considerable impacts would be less than significant.



#### 4.7.6 CUMULATIVE IMPACT ANALYSIS

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 Shea and Acacia Project Sites, 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 Shea and Acacia 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 both the Shea Project and Acacia Project geotechnical report, which will be incorporated into the Shea and Acacia 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.

As discussed under Threshold “b,” regulatory requirements mandate that the Shea and Acacia Projects 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 Shea and Acacia Project Sites would be required to comply with the same regulatory requirements as the Shea and Acacia Projects to preclude substantial adverse water and wind erosion impacts. Because the Shea and Acacia Projects 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 Shea and Acacia Projects’ potential to result in cumulative impacts to paleontological resources is low due to the existence of coarse, Holocene alluvial fan deposits at the Project Sites and the lack of any known fossil specimens or fossil localities from within a several-mile radius encompassing the Project Sites. Nonetheless, if fossils are encountered that are determined to be important, the potential impact to paleontological resources is a cumulatively-considerable impact when considered in context with other development projects in the region with the potential to impact paleontological resources. The potential impact is therefore considered cumulatively considerable for which mitigation is required. As discussed below, with implementation of mitigation, cumulatively-considerable impacts would be less than significant.

#### 4.7.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Rupture, Seismic Shaking, and Landslides*

Shea Project: Less-than-Significant Impact. Implementation of the Shea Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Shea 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 Shea Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.

Acacia Project: Less-than-Significant Impact. Implementation of the Acacia Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Acacia 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 Acacia Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects would comply with mandatory local and State regulatory requirements and building codes and impacts associated with liquification of fault rupture would be less-than-significant.

*Threshold b: Soil Erosion and Topsoil*

Shea Project: Less-than-Significant Impact. Implementation of the Shea Project would not result in substantial soil erosion or loss of topsoil. The Shea Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Shea Project's owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.

Acacia Project: Less-than-Significant Impact. Implementation of the Acacia Project would not result in substantial soil erosion or loss of topsoil. The Acacia Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Acacia Project's owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Both the Shea and Acacia Project Applicants would obtain a NPDES permit, adhere to a SWPPP, and prepare an erosion control plan. Each Shea and Acacia Project owners or operators would implement the required SWQMP during operation, and impacts of the combined Projects would be less-than-significant.

*Threshold c: Unstable Soil*

Shea Project: Less-than-Significant Impact. There is no potential for the Shea 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 Site-specific geotechnical report during Shea Project construction.





Acacia Project: Less-than-Significant Impact. There is no potential for the Acacia 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 Site-specific geotechnical report during Acacia Project construction.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Both the Shea and Acacia Projects would comply with mandatory recommendations contained in the Site-specific geotechnical reports during construction and impacts of the combined Projects would be less-than-significant.

*Threshold d: Expansive Soil*

Shea Project: No Impact. The Shea Project Site contains soils with low susceptibility to expansion; therefore, the Shea Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

Acacia Project: No Impact. The Acacia Project Site contains soils with low susceptibility to expansion; therefore, the Acacia Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

Combined Shea and Acacia Projects: No Impact. The combined Shea and Acacia Projects would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

*Threshold e: Septic Tanks and Wastewater*

Shea Project: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Shea Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Acacia Project: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Acacia Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Combined Shea and Acacia Projects: No Impact. Neither the Shea or Acacia Project would install septic tanks or alternative wastewater disposal systems, and therefore, no impact would occur associated with soil compatibility for wastewater disposal systems.

*Threshold f: Paleontology*

Shea Project: Significant Direct and Cumulatively Considerable Impact. The Shea Project would not impact any known paleontological resource or unique geological feature and has a low potential to impact such resources due to the existence of coarse, Holocene alluvial fan deposits which do not yield



fossils and the lack of any known fossil specimens or fossil localities from within a several-mile radius. Nonetheless, construction activities on the Shea Project Site conducted at depth in alluvium soils have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.

Acacia Project: Significant Direct and Cumulatively Considerable Impact. The Acacia Project would not impact any known paleontological resource or unique geological feature and has a low potential to impact such resources due to the existence of coarse, Holocene alluvial fan deposits which do not yield fossils and the lack of any known fossil specimens or fossil localities from within a several-mile radius. Nonetheless, construction activities on the Acacia Project Site conducted at depth in alluvium soils have the potential to unearth and adversely impact paleontological resources that may be buried beneath the ground surface.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively Considerable Impact. The combined Shea and Acacia Projects would have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface due to the Shea and Acacia Project Sites being underlain with older alluvium soils with a high sensitivity for paleontological resources.

#### 4.7.8 MITIGATION

The following mitigation measures would address the Shea and Acacia Projects' potential to impact important paleontological resources, as identified under Threshold "f." Paleontological monitoring may be reduced on the observations and recommendations of the professional-level project paleontologist.

	Mitigation Measure	Applicable to:	
		Shea Project	Acacia Project
MM 4.7-1	Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Fontana that a qualified paleontologist ("paleontologist") has been retained by the Project Applicant or contractor to be on-call should any suspected paleontological resources be unearthed during Project-related construction activities.	Yes	Yes
MM 4.7-2	If a suspected paleontological resource is discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer by the construction contractor so as to protect the discovery from further potential damage, and the paleontologist shall be consulted to assess the discovery.	Yes	Yes
MM 4.7-3	If a discovery is determined to be significant by the paleontologist, the following shall occur:	Yes	Yes



	<p>a. Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor for the remainder of ground-disturbing construction processes. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sedimentary deposits.</p> <p>b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or 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 on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.</p> <p>c. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils will be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.</p> <p>d. Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon</p>		
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	<p>buckets. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place.</p> <p>e. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>f. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth.</p> <p>g. In the laboratory, individual fossils will be cleaned of extraneous matrix, any breaks will be repaired, and the specimen, if needed, will be stabilized by soaking in an archivally approved acrylic hardener (<i>e.g.</i>, a solution of acetone and Paraloid B-72).</p> <p>h. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>i. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (<i>e.g.</i>, the San Bernardino County Museum) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior</p>		
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	<p>to curation, the lead agency (<i>e.g.</i>, the City of Fontana) will be consulted on the repository/museum to receive the fossil material.</p> <p>j. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (<i>i.e.</i>, fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>		
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#### 4.7.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

##### *Threshold f: Paleontology*

Shea Project: Less-than-Significant Impact with Mitigation Incorporated. MMs 4.7-1 through 4.7-3 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Shea Project. Therefore, with implementation of MMs 4.7-1 through 4.7-3, the Shea Project's potential impact to paleontological resources would be reduced to less-than-significant.

Acacia Project: Less-than-Significant Impact with Mitigation Incorporated. MMs 4.7-1 through 4.7-3 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Acacia Project. Therefore, with implementation of MMs 4.7-1 through 4.7-3, the Acacia Project's potential impact to paleontological resources would be reduced to less-than-significant.

Combined Shea and Acacia Project: Less-than-Significant Impact with Mitigation Incorporated. Both the Shea and Acacia Projects would implement MMs 4.7-1 through 4.7-3 to ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities, thereby reducing the potential impact of the Shea and Acacia Projects to paleontological resources to less-than-significant.





## 4.8 GREENHOUSE GAS EMISSIONS

The analysis provided in this Subsection 4.8 evaluates whether greenhouse gas (GHG) emissions resulting from the Shea Project, Acacia Project, or both Projects collectively have the potential to contribute substantially to Global Climate Change (GCC) and its associated environmental effects. This analysis is based on a report prepared by Urban Crossroads, Inc. titled, “Sierra Business Center (Comprised of the North Fontana Industrial Complex (Acacia Project) & Sierra Industrial Facility (Shea Project)), Greenhouse Gas Analysis, City of Fontana,” dated April 26, 2022 (Urban Crossroads, 2022d). The GHG analysis report (GHGA) is included as *Technical Appendix G* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.8.1 EXISTING CONDITIONS

#### A. Introduction to Global Climate Change

GCC is defined as the change in average meteorological conditions on Earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than in the past due to human activity and industrialization over the past 200 years. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in planet Earth’s atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. (Urban Crossroads, 2022d, p. 19)

An individual land development project is not capable of generating the magnitude of GHG emissions necessary to cause a discernible effect on global climate. However, individual development projects may contribute to GCC by generating GHGs that combine with other regional and global sources of GHGs. (Urban Crossroads, 2022d, p. 19)

#### B. Greenhouse Gases

Carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) emissions are the focus of evaluation in this Subsection because these gases are the primary contributors to GCC resulting from land development projects. Although other substances, such as fluorinated gases, also contribute to GCC, sources of fluorinated gases are not well-defined and no accepted emissions factors or methodology exist to accurately calculate the emissions of these gases. (Urban Crossroads, 2022d, pp. 19-20)

A global warming potential (GWP) value represents the effectiveness of a gas to trap heat in the atmosphere. Individual GHGs have varying GWP values, as assigned by the Intergovernmental Panel on Climate Change (IPCC). The atmospheric lifetime and GWP of selected GHGs are summarized in Table 4.8-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in Table 4.8-1, GWP values range from 1 for CO<sub>2</sub> up to 23,500 for Sulfur Hexafluoride (SF<sub>6</sub>).



Table 4.8-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	GWP (100-year time horizon)	
		2 <sup>nd</sup> Assessment Report	5 <sup>th</sup> Assessment Report
CO <sub>2</sub>	See*	1	1
CH <sub>4</sub>	12 .4	21	28
N <sub>2</sub> O	121	310	265
HFC-23	222	11,700	12,400
HFC-134a	13.4	1,300	1,300
HFC-152a	1.5	140	138
SF <sub>6</sub>	3,200	23,900	23,500

\*As per Appendix 8.A. of IPCC's 5th Assessment Report, no single lifetime can be given.

Adapted from Table 2.14 of the IPCC Fourth Assessment Report, 2007

Source: (Urban Crossroads, 2022d, Table 2-2)

Provided below is a description of the various gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3 of *Technical Appendix G* and the reference sources cited therein.

- Water Vapor (H<sub>2</sub>O)** is the most abundant and variable GHG in the atmosphere. Changes in the concentration of water vapor in the atmosphere are considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity rises (in essence, the air is able to ‘hold’ more water when it is warmer), leading to more water vapor in the atmosphere. The higher concentration of water vapor in the atmosphere is then able to absorb more indirect thermal energy radiated from the Earth, further warming the atmosphere and causing the evaporation cycle to perpetuate. This is referred to as a “positive feedback loop.” The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are able to reflect incoming solar radiation and thereby allow less energy to reach the Earth’s surface and heat it up. There are no human health effects from water vapor itself; however, certain pollutants can dissolve in water vapor and the water vapor can then act as a pollutant-carrying agent. (Urban Crossroads, 2022d, pp. 20-21)
- Carbon Dioxide (CO<sub>2</sub>)** is an odorless and colorless GHG that is emitted from natural and man-made sources. Natural CO<sub>2</sub> sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Man-made CO<sub>2</sub> sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, human activities that produce CO<sub>2</sub> have increased dramatically. As an example, prior to the industrial revolution, CO<sub>2</sub> concentrations in the atmosphere were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Exposure to CO<sub>2</sub> in high



concentrations can cause adverse human health effects, but outdoor (atmospheric) levels are not high enough to be detrimental to human health. (Urban Crossroads, 2022d, p. 21)

- **Methane (CH<sub>4</sub>)** absorbs thermal radiation extremely effectively (i.e., retains heat). Over the last 50 years, human activities such as rice cultivation, cattle ranching, natural gas combustion, and coal mining have increased the concentration of methane in the atmosphere. Other man-made sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces. (Urban Crossroads, 2022d, p. 22)
- **Nitrous Oxide (N<sub>2</sub>O)** concentrations began to rise in the atmosphere at the beginning of the industrial revolution. N<sub>2</sub>O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N<sub>2</sub>O is produced by microbial processes in soil and water, including reactions that occur in nitrogen-containing fertilizer. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N<sub>2</sub>O also is used as an aerosol spray propellant, as a preservative in potato chip bags, and in rocket engines and in race cars. Also, known as laughing gas, N<sub>2</sub>O is a colorless GHG that can cause dizziness, euphoria, and hallucinations. In small doses, it is considered harmless; however, heavy and extended use can cause brain damage. (Urban Crossroads, 2022d pp. 22-23)
- **Chlorofluorocarbons (CFCs)** are gases formed synthetically by replacing all hydrogen atoms in CH<sub>4</sub> or ethane (C<sub>2</sub>H<sub>6</sub>) with chlorine and/or fluorine atoms. CFCs are non-toxic, non-flammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and has been extremely successful, so much so that levels of CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years. (Urban Crossroads, 2022d, p. 23)
- **Hydrofluorocarbons (HFCs)** are synthetic, man-made chemicals that are used as a substitute for CFCs and have one of the highest global warming potential ratings. The HFCs with the largest measured atmospheric abundances are (in order largest to smallest), HFC-23 (CHF<sub>3</sub>), HFC-134a (CF<sub>3</sub>CH<sub>2</sub>F), and HFC-152a (CH<sub>3</sub>CHF<sub>2</sub>). No human health effects are known to result from exposure to HFCs, which are man-made and used for applications such as automobile air conditioners and refrigerants. (Urban Crossroads, 2022d, p. 24)
- **Perfluorocarbons (PFCs)** are primarily produced for aluminum production and semiconductor manufacture. PFCs have stable molecular structures and do not break down through chemical processes in the lower atmosphere. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF<sub>4</sub>) and hexafluoroethane (C<sub>2</sub>F<sub>6</sub>). No human health effects are known to result from exposure to PFCs. (Urban Crossroads, 2022d, p. 24)



- **Sulfur Hexafluoride (SF<sub>6</sub>)** is an inorganic, odorless, colorless, nontoxic, nonflammable gas. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. (Urban Crossroads, 2022d, p. 24)
- **Nitrogen Trifluoride (NF<sub>3</sub>)** is a colorless gas with a distinctly moldy odor. The World Resources Institute (WRI) indicates that NF<sub>3</sub> has a 100-year GWP of 17,200. NF<sub>3</sub> is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display (LCD) panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis. (Urban Crossroads, 2022d, p. 25)

**C. Greenhouse Gas Emissions Inventory**

**1. *Global and National***

Worldwide, man-made GHG emissions are tracked by the IPCC. Man-made GHG emissions data is available through 2018 for industrialized nations (referred to as Annex I). Based on the latest available data, total GHG emissions from Annex I nations were approximately 28,768,440 gigagrams (Gg) of carbon dioxide equivalent (CO<sub>2</sub>e). The United States is the world's second-largest emitter of GHGs, producing 6,676,650 Gg CO<sub>2</sub>e in 2018. (Urban Crossroads, 2022d, p. 26)

**2. *State of California***

Based on the most recent GHG inventory data compiled by the CARB, California emitted an average of approximately 418.1 million metric tons (MMT) CO<sub>2</sub>e per year between 2000-2019. This total represents approximately six (6) percent of the GHGs generated by the United States. (Urban Crossroads, 2022d, p. 27)

**D. Potential Effects of Climate Change in California**

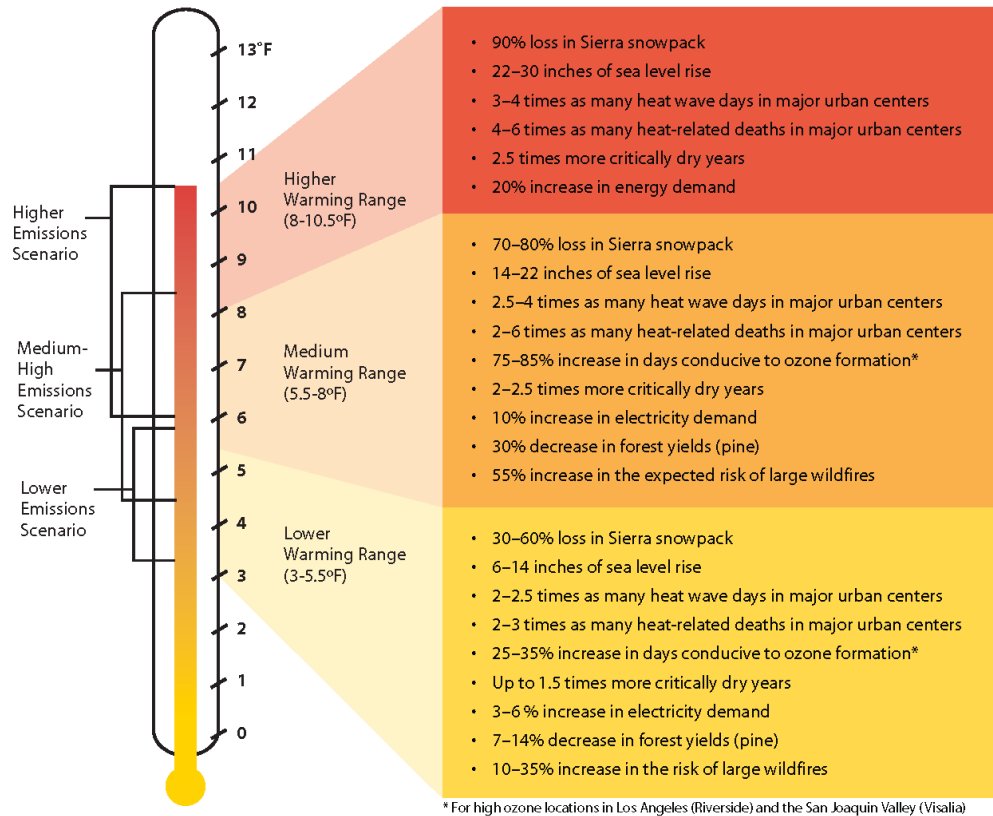
In 2006, the California Climate Change Center (CCCC) published a report titled "Scenarios of Climate Change in California: An Overview" (the "Climate Scenarios report") that is generally instructive about effects of climate change in California. The Climate Scenarios report used a range of emissions scenarios developed by the IPCC to project a series of potential warming ranges (i.e., temperature increases) that may occur in California during the 21st century: lower warming range (3.0-5.4°F); medium warming range (5.5-7.8°F); and higher warming range (8.0-10.4°F). (CCCC, 2006, p. 7)

In 2009, the California Natural Resources Agency adopted the "California Climate Adaptation Strategy." This report details many vulnerabilities arising from climate change with respect to matters such as temperature extremes, sea level rise, wildfires, floods and droughts and precipitation changes, and responds to the Governor's Executive Order (EO) S-13-2008 that called on state agencies to develop California's strategy to identify and prepare for expected climate impacts. (CNRA, 2021, p. 3)



Based on the estimated scenarios presented in the Climate Scenario and California Climate Adaption Strategy reports, 4.8-5, *Summary of Projected Global Warming Impact, 2070-2099*, presents potential impacts of GCC within California.

Table 4.8-2 Summary of Projected Global Warming Impact, 2070-2099



Source: (Urban Crossroads, 2022d, Exhibit 2-A)

The potential effects of climate change in California are summarized below and include, but are not limited to, the following:

- **Human Health Effects.** Climate change can affect the health of Californians by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation, oppressive heat, and wildfires. The primary concern is not the change in average climate, but rather the projected increase in extreme conditions that are responsible for the most serious health consequences. In addition, climate change has the potential to influence asthma symptoms and the incidence of infectious disease. (CCCC, 2006, p. 26)
- **Water Resource/Supply Effects.** Although most climate model simulations predict relatively moderate changes in precipitation over the 21st century, rising temperatures are expected to lead to diminishing snow accumulation in mountainous watersheds, including the Sierra Nevada. Warmer conditions during the last few decades across the western United States have already produced a shift toward more precipitation falling as rain instead of snow, and snowpacks over the region have been melting earlier in the spring.





Delays in snow accumulation and earlier snowmelt can have cascading effects on water supplies, natural ecosystems, and winter recreation. (CCCC, 2006, p. 14)

- **Agriculture Effects.** Agriculture, along with forestry, is the sector of the California economy that is most likely to be affected by a change in climate. California agriculture is a \$68 billion industry. California is the largest agricultural producer in the nation and accounts for 13% of all U.S. agricultural sales, including half of the nation's total fruits and vegetables. Regional analyses of climate trends over agricultural regions of California suggest that climate change is already affecting the agriculture industry. Over the period 1951 to 2000, the growing season has lengthened by about a day per decade, and warming temperatures resulted in an increase of 30 to 70 growing degree days per decade, with much of the increase occurring in the spring. Climate change affects agriculture directly through increasing temperatures and rising CO<sub>2</sub> concentrations, and indirectly through changes in water availability and pests. (CCCC, 2006, p. 19)
- **Forest and Landscape Effects.** Climate changes and increased CO<sub>2</sub> concentrations are expected to alter the extent and character of forests and other ecosystems. The distribution of species is expected to shift; the risk of climate-related disturbance such as wildfires, disease, and drought is expected to rise; and forest productivity is projected to increase or decrease – depending on species and region. In California, these ecological changes could have measurable implications for both market (e.g., timber industry, fire suppression and damages costs, public health) and nonmarket (e.g., ecosystem services) values. (CCCC, 2006, p. 22)
- **Sea Level Effects.** Coastal observations and global model projections indicate that California's open coast and estuaries will experience rising sea levels during the next century. Sea level rise already has affected much of the coast in southern California, Central California, and the San Francisco Bay and estuary. These historical trends, quantified from a small set of California tide gages, have approached 0.08 inches per year (in/yr), which are rates very similar to those estimated for global mean sea level. So far, there is little evidence that the rate of rise has accelerated, and indeed the rate of rise at California tide gages has actually flattened since about 1980. However, projections indicate that substantial sea level rise, even faster than the historical rates, could occur during the next century. Sea level rise projections range from 5.1–24.4 inches (in.) higher than the 2000 sea level for simulations under the lower emissions scenario, from 7.1–29.9 in. for the medium-high emission scenario, and from 8.5–35.2 in. for the higher emissions scenario. (CCCC, 2006, p. 10)

#### 4.8.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to GHG emissions.

##### A. International Plans, Policies, and Regulations

###### 1. *Kyoto Protocol*

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its Parties by setting internationally binding emission reduction targets (UNFCCC, n.d.). Recognizing that developed countries are principally responsible for the current high levels



of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities."

The Kyoto Protocol was adopted in Kyoto, Japan, on December 11, 1997 and entered into force on February 16, 2005. The detailed rules for the implementation of the Protocol were adopted at Conference of the Parties (COP) 7 in Marrakesh, Morocco, in 2001, and are referred to as the "Marrakesh Accords." Its first commitment period started in 2008 and ended in 2012.

On December 8, 2012, in Doha, Qatar, the "Doha Amendment to the Kyoto Protocol" was adopted. The amendment includes:

- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from January 1, 2013 to December 31, 2020;
- A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

During the first commitment period, 37 industrialized countries and the European Community committed to reduce GHG emissions to an average of five percent against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels in the eight-year period from 2013 to 2020; however, the composition of Parties in the second commitment period is different from the first.

## **2. *The Paris Agreement***

The Paris Agreement entered into force on November 4, 2016. The Paris Agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort.

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (UNFCCC, n.d.). Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework.

The Paris Agreement requires all Parties to put forward their best efforts through "nationally determined contributions" (NDCs) and to strengthen these efforts in the years ahead. This includes requirements that all Parties report regularly on their emissions and on their implementation efforts.



On June 1, 2017, President Donald Trump announced he would begin the process of withdrawing the United States from the Paris Agreement. In accordance with articles within the Paris Agreement, the earliest effective date for the United States' withdrawal from the Agreement was November 4, 2020, at which time the withdrawal became official. On January 20, 2021, President Joseph Biden signed the executive order for the United States to rejoin the Paris Agreement, which became official on February 19, 2021.

**B. Federal Plans, Policies, and Regulations**

**3. Clean Air Act**

Coinciding with the 2009 meeting of international leaders in Copenhagen, on December 7, 2009, the EPA issued an Endangerment Finding under Section 202(a) of the Clean Air Act (CAA), opening the door to federal regulation of GHGs (EPA, 2021a; DOJ, 2021). The Endangerment Finding notes that GHGs threaten public health and welfare and are subject to regulation under the CAA. To date, the EPA has not promulgated regulations on GHG emissions, but it has begun to develop them.

Previously the EPA had not regulated GHGs under the CAA because it asserted that the Act did not authorize it to issue mandatory regulations to address Global Climate Change (GCC) and that such regulation would be unwise without an unequivocally established causal link between GHGs and the increase in global surface air temperatures. In *Massachusetts v. Environmental Protection Agency et al.* (127 S. Ct. 1438 [2007]); however, the U.S. Supreme Court held that GHGs are pollutants under the CAA and directed the EPA to decide whether the gases endangered public health or welfare. The EPA had also not moved aggressively to regulate GHGs because it expected Congress to make progress on GHG legislation, primarily from the standpoint of a cap-and-trade system. However, proposals circulated in both the House of Representative and Senate have been controversial and it may be some time before the U.S. Congress adopts major climate change legislation. The EPA's Endangerment Finding paves the way for federal regulation of GHGs with or without Congress.

**C. State Plans, Policies, and Regulations**

**4. Title 24 Building Energy Standards**

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020 (CEC, 2018). The 2019 Building Energy Efficiency Standards are seven (7) percent more efficient than the previous (2016) Building Energy Efficiency Standards for residential construction and 30 percent more efficient than the previous Standards for non-residential construction. The 2016 Building Energy Efficiency Standards already were 28 percent more efficient for residential construction and five (5) percent more efficient for nonresidential construction than the 2013 Building Energy Efficiency Standards they replaced.



Part 11 of Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality.” The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code.

As previously stated, the Title 24 Energy Efficiency Standards and CALGreen Code are updated on a regular basis, with the most recent approved updates consisting of the 2022 Energy Efficiency Standards and 2022 CALGreen Code, which will become effective on January 1, 2023. Non-residential mandatory measures included in the 2022 CALGreen Code include:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors’ entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106. 5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or



5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).

- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
  - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
  - Urinals. The effective flush volume of wall-mounted urinals shall not exceed
  - 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
  - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
  - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).





- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

**5. *California Assembly Bill No. 1493 (AB 1493)***

AB 1493 required the CARB to adopt the nation's first GHG emission standards for automobiles (CARB, n.d.). On September 24, 2009, CARB adopted amendments to the "Pavley" regulations that reduce greenhouse gas (GHG) emissions in new passenger vehicles from model year 2009 through 2016. These amendments were part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016. CARB's September amendments cement California's enforcement of the Pavley rule starting in 2009 while providing vehicle manufacturers with new compliance flexibility. The amendments also prepare California to harmonize its rules with the federal rules for passenger vehicles.

The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. The first California request to implement GHG standards for passenger vehicles, known as a waiver request, was made in December 2005, and was denied by the EPA in March 2008. That decision was based on a finding that California's request to reduce GHG emissions from passenger vehicles did not meet the CAA requirement of showing that the waiver was needed to meet "compelling and extraordinary conditions." With the granting of the waiver, it is estimated that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs.

The CARB has adopted a new approach to passenger vehicles – cars and light trucks – by combining the control of smog-causing pollutants and greenhouse gas emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California.

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**6. *Executive Order S-3-05***

Executive Order (EO) S-3-05 documents GHG emission reduction goals, creates the Climate Action Team and directs the Secretary of the California EPA to coordinate efforts with meeting the GHG reduction targets with the heads of other state agencies (CA State Library, 2005). The EO requires the Secretary to report back to the Governor and Legislature biannually to report: progress toward meeting the GHG goals; GHG impacts to California; and applicable Mitigation and Adaptation Plans. EO S-3-05 documents goals for GHG emissions



reductions include: reducing GHG emissions to 2000 levels by the year 2010; reducing GHG emissions to 1990 levels by the year 2020; and reducing GHG emissions to 80 percent below 1990 levels by 2050.

7. *California Assembly Bill 32 – Global Warming Solutions Act of 2006*

In September 2006, Governor Schwarzenegger signed Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020, which represents a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario (CARB, 2018). Pursuant to AB 32, the CARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

AB 32 specifically required that CARB do the following:

- Prepare and approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHGs by 2020, and update the Scoping Plan every five years.
- Maintain and continue reductions in emissions of GHG beyond 2020.
- Identify the statewide level of GHG emissions in 1990 to serve as the emissions limit to be achieved by 2020.
- Identify and adopt regulations for discrete early actions that could be enforceable on or before January 1, 2010.
- Adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHG emissions.
- Convene an Environmental Justice Advisory Committee to advise the Board in developing and updating the Scoping Plan and any other pertinent matter in implementing AB 32.
- Appoint an Economic and Technology Advancement Advisory Committee to provide recommendations for technologies, research, and GHG emission reduction measures.

In November 2007, CARB completed its estimated calculations of Statewide 1990 GHG levels. Net emission 1990 levels were estimated at 427 MMTs; emission sources by sector were: transportation – 35 percent; electricity generation – 26 percent; industrial – 24 percent; residential – seven (7) percent; agriculture – five (5) percent; and commercial – three (3) percent. Accordingly, 427 MMTs of carbon dioxide equivalent (MMTCO<sub>2e</sub>) was established as the emissions limit for 2020. For comparison, CARB’s estimate for baseline GHG emissions was 473 MMTCO<sub>2e</sub> for 2000 and “business as usual” (without GHG reductions measures) GHG emissions were projected to be 532 MMTCO<sub>2e</sub> in 2010 and 596 MMTCO<sub>2e</sub> in 2020. (CARB, 2007)

AB 32 required CARB to develop a Scoping Plan which lays out California’s strategy for meeting the goals. The Scoping Plan must be updated every five years. In December 2008, CARB approved the initial Scoping Plan, which included a suite of measures to sharply cut GHG emissions. Table 4.8-3, *Scoping Plan GHG Reduction Measures Towards 2020 Target*, shows the proposed reductions from regulations and programs outlined in the Scoping Plan. CARB’s original determination was that to achieve the 1990 emission level in



2020 a reduction in GHG emissions of approximately 28.5 percent would be needed in the absence of new laws and regulations. The Scoping Plan evaluated opportunities for sector-specific reductions, integrates all CARB and Climate Action Team (CAT) early actions and additional GHG reduction measures, identifies additional measures to be pursued as regulations, and outlines the role of the cap-and-trade program.

When the 2020 emissions level projection was updated to account for regulatory measures in effect, the 2020 projection in the “business as usual” condition was reduced to 507 MMTCO<sub>2</sub>e. As a result, CARB determined that achieving the 1990 emissions level in 2020 would now only require a reduction of GHG emissions of 80 MMTCO<sub>2</sub>e, or approximately 16 percent from the “business as usual” condition (down from the original estimate of 28.5 percent).

In May 2014, CARB approved the First Update to the Climate Change Scoping Plan (Update), which builds upon the initial Scoping Plan with new strategies and recommendations. The Update highlights California’s progress toward meeting the near-term 2020 GHG emission reduction goals, highlights the latest climate change science and provides direction on how to achieve long-term emission reduction goal described in Executive Order S-3-05. The Update recalculates 1990 GHG emissions using new global warming potentials identified in the IPCC Fourth Assessment Report released in 2007. Based on the revised emissions level projections, achieving the 1990 emissions level in 2020 would require a reduction of 78 MMTCO<sub>2</sub>e, or approximately 15.3 percent from the “business as usual” condition (down, again, from the original estimate 28.5 percent). (CARB, 2018; CARB, 2017)

In December 2017, CARB adopted the Second Update to the Scoping Plan, which identifies the State’s post-2020 reduction strategy. The Second Update reflects the 2030 target of a 40 percent GHG emissions reduction below 1990 levels set by SB 32. The Second Update builds upon the Cap- and-Trade Regulation; the Low Carbon Fuel Standard; much cleaner cars, trucks and freight movement; cleaner, renewable energy; and strategies to reduce methane emissions from agricultural and other wastes to reduce GHG emissions. (CARB, 2017)



**Table 4.8-3 Scoping Plan GHG Reduction Measures Towards 2020 Target**

<i>Recommended Reduction Measures</i>	<i>Reductions Counted toward 2020 Target of 169 MMT CO<sub>2</sub>e</i>	<i>Percentage of Statewide 2020 Target</i>
<b>Cap and Trade Program and Associated Measures</b>		
California Light-Duty Vehicle GHG Standards	31.7	19%
Energy Efficiency	26.3	16%
Renewable Portfolio Standard (33 percent by 2020)	21.3	13%
Low Carbon Fuel Standard	15	9%
Regional Transportation-Related GHG Targets <sup>1</sup>	5	3%
Vehicle Efficiency Measures	4.5	3%
Goods Movement	3.7	2%
Million Solar Roofs	2.1	1%
Medium/Heavy Duty Vehicles	1.4	1%
High Speed Rail	1.0	1%
Industrial Measures	0.3	0%
Additional Reduction Necessary to Achieve Cap	34.4	20%
<b>Total Cap and Trade Program Reductions</b>	<b>146.7</b>	<b>87%</b>
<b>Uncapped Sources/Sectors Measures</b>		
High Global Warming Potential Gas Measures	20.2	12%
Sustainable Forests	5	3%
Industrial Measures (for sources not covered under cap and trade program)	1.1	1%
Recycling and Waste (landfill methane capture)	1	1%
<b>Total Uncapped Sources/Sectors Reductions</b>	<b>27.3</b>	<b>16%</b>
<b>Total Reductions Counted toward 2020 Target</b>	<b>174</b>	<b>100%</b>
<b>Other Recommended Measures – Not Counted toward 2020 Target</b>		
State Government Operations	1.0 to 2.0	1%
Local Government Operations	To Be Determined <sup>2</sup>	NA
Green Buildings	26	15%
Recycling and Waste	9	5%
Water Sector Measures	4.8	3%
Methane Capture at Large Dairies	1	1%
<b>Total Other Recommended Measures – Not Counted toward 2020 Target</b>	<b>42.8</b>	<b>NA</b>

Source: CARB, 2008, MMTons CO<sub>2</sub>e: million metric tons of CO<sub>2</sub>e

<sup>1</sup>Reductions represent an estimate of what may be achieved from local land use changes. It is not the SB 375 regional target.

<sup>2</sup>According to the Measure Documentation Supplement to the Scoping Plan, local government actions and targets are anticipated to reduce vehicle miles by approximately 2 percent through land use planning, resulting in a potential GHG reduction of 2 million metric tons of CO<sub>2</sub>e (or approximately 1.2 percent of the GHG reduction target). However, these reductions were not included in the Scoping Plan reductions to achieve the 2020 Target

#### 8. California Senate Bill No. 1368 (SB 1368)

In 2006, the State Legislature adopted Senate Bill (SB) 1368 (Perata, Chapter 598, Statutes of 2006), which directs the California Public Utilities Commission (CPUC) to adopt a GHG emission performance standard (EPS) for the future power purchases of California utilities (CEC, n.d.). SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed specified emissions criteria. Accordingly, SB 1368 effectively prevents California's utilities from investing in, otherwise financially supporting, or



purchasing power from new coal plants located in or out of the State. SB 1368 will lead to dramatically lower GHG emissions associated with California energy demand.

**9. *Executive Order S-01-07***

Executive Order (EO) S-01-07 is effectively known as the Low Carbon Fuel Standard (LCFS). The Executive Order seeks to reduce the carbon intensity of California's passenger vehicle fuels by at least 10 percent by 2020 (CA State Library, 2007). The LCFS requires fuel providers in California to ensure that the mix of fuel they sell into the California market meet, on average, a declining standard for GHG emissions measured in CO<sub>2</sub>e grams per unit of fuel energy sold.

**10. *Senate Bill 1078***

Senate Bill (SB) 1078 establishes the California Renewables Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20% of their renewable power by December 31, 2017 for the purposes of increasing the diversity, reliability, public health, and environmental benefits of the energy mix (CA Legislative Info, n.d.).

**11. *Senate Bill 107***

SB 107 directed California Public Utilities Commission's Renewable Energy Resources Program to increase the amount of renewable electricity (Renewable Portfolio Standard) generated per year, from 17% to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010 (CA Legislative Info, n.d.).

**12. *Executive Order S-14-08***

On November 17, 2008, Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33% of their load from renewable energy sources by 2020 (CA State Library, 2008). In order to meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects will be needed. Executive Order S-14-08 seeks to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issues two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California Department of Fish and Wildlife (CDFW) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects.

**13. *Senate Bill 97***

By enacting SB 97 in 2007, California's lawmakers expressly recognized the need to analyze GHGs as a part of the CEQA process. SB 97 required the Governor's Office of Planning and Research (OPR) to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions (CA Legislative Info, n.d.). Those CEQA Guidelines amendments clarified several points, including the following:





- Lead agencies must analyze the GHG emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (See CEQA Guidelines Section 15064.4.)
- When a project's GHG emissions may be significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions. (See CEQA Guidelines Section 15126.4(c).)
- Lead agencies must analyze potentially significant impacts associated with placing projects in hazardous locations, including locations potentially affected by climate change. (See CEQA Guidelines Section 15126.2(a).)
- Lead agencies may significantly streamline the analysis of GHGs on a project level by using a programmatic GHG emissions reduction plan meeting certain criteria. (See CEQA Guidelines Section 15183.5(b).)
- CEQA mandates analysis of a proposed project's potential energy use (including transportation-related energy), sources of energy supply, and ways to reduce energy demand, including through the use of efficient transportation alternatives. (See CEQA Guidelines, Appendix F.)

The CEQA Guideline amendments do not identify a quantitative threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a "good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies' discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses. The GHG analysis thresholds incorporated into the CEQA Guidelines' Environmental Checklist (Guidelines Appendix G) are addressed in this EIR. The amendments to the CEQA Guidelines implementing SB 97 became effective on March 18, 2010.

#### **14. Senate Bill 375**

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities (CARB, n.d.). Under the Sustainable Communities Act, CARB sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, CARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). CARB will periodically review and update the targets, as needed.

Each of California's MPOs must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate "alternative planning strategy" (APS) to meet the targets.



The Sustainable Communities Act also establishes incentives to encourage local governments and developers to implement the SCS or the APS. Developers can get relief from certain environmental review requirements under CEQA if their new residential and mixed-use projects are consistent with a region's SCS (or APS) that meets the targets (see Cal. Public Resources Code Sections 21155, 21155.1, 21155.2, 21159.28.).

**15.     *Executive Order B-30-15***

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which sets a goal to reduce GHG emissions in California to 40 percent below 1990 levels by 2030 (CA State Library, 2015). The 2030 target serves as a benchmark goal on the way to achieving the GHG reductions goal set by Governor Schwarzenegger via Executive Order S-3-05 (i.e., 80 percent below 1990 greenhouse gas emissions levels by 2050).

**16.     *Senate Bill 32***

On September 8, 2016, Governor Brown signed the Senate Bill (SB) 32. SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15 (CA Legislative Info, n.d.). The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide greenhouse gas reduction target of 80 percent below 1990 levels by 2050.

**17.     *California Climate Crisis Act (AB 1279)***

AB 1279, also known as the California Climate Crisis Act, declares that it is the policy of the State to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045; to achieve and maintain net negative greenhouse gas emissions thereafter; and to ensure that by 2045, Statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. The bill requires the California Air Resources Board (CARB) to work with relevant State agencies to ensure that updates to the CARB Scoping Plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California. AB 1279 also requires CARB to submit an annual report evaluating progress towards these policies. (CA Legislative Info, n.d.)

**18.     *Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)***

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, revised State policy to include interim targets requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 also requires each State agency to ensure that zero-carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2035. In addition, SB 1020 requires the State Water Project (SWP) to procure eligible renewable energy and zero-carbon resources as necessary to meet the clean energy requirements specified for all State agencies. Finally, SB 1020 requires the California Public Utilities Commission (CPUC) to develop utility affordability metrics for both electricity and gas service. (CA Legislative Info, n.d.)



**19. Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program (Senate Bill 905)**

SB 905 requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage (CCRUS) Program and adopt regulations for a model unified permit program for the construction and operation of CCRUS projects. SB 905 is intended to accelerate the deployment of carbon management technologies and ensuring they are deployed in a safe and equitable way. SB 905 requires the CCRUS Program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In addition, SB 905 requires that by January 1, 2025, CARB shall adopt regulations for a unified permit application for the construction and operation of carbon dioxide capture, removal, or sequestration projects to expedite the issuance of permits or other authorizations for the construction and operation of those projects. SB 905 also requires the establishment of a centralized public database to track the deployment of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies. (CA Legislative Info, n.d.)

**20. Assembly Bill 1757**

AB 1757 directs the California Natural Resources Agency (CNRA) to determine an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce GHG emissions for 2030, 2038, and 2045 to support State goals to achieve carbon neutrality and foster climate adaptation and resilience. Additionally, AB 1757 requires these targets to be integrated into the CARB Scoping Plan and other State policies. It also includes provisions to avoid double counting emission reductions, updates the Natural and Working Lands Climate Smart Strategy, develops GHG tracking protocols, and biennially post progress made in achieving the targets on CNRA's internet website. In addition, AB 1757 requires CARB to develop standard methods for State agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible, additional benefits from natural and working lands over time. (CA Legislative Info, n.d.)

**D. Local Plans, Policies, and Regulations**

**1. City of Fontana Local Hazard Mitigation Plan**

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address climate change concerns on a community-wide level. The LHMP mitigation measures include: continuing to construct parks, planting street trees, continuing to work with Southern California Edison to promote energy conservation, and continuing to work with local water department agencies to offer educational and water wise values.



**2. City of Fontana Ordinance No. 1879**

City of Fontana Ordinance No. 1879 amended the City's Municipal Code to establish sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. Standards required by Ordinance No. 1879 that would directly reduce local air pollution and GHG emissions and minimize potential adverse effects to GCC include but are not limited to: 1) Restricting diesel truck idling to three (3) minutes or less; 2) Requiring motorized cargo-handling equipment used at industrial commerce center sites to be zero emission; 3) Requiring buildings with more than 400,000 s.f. of building area to install rooftop solar panels that supply 100 percent of the power need of the non-refrigerated building space; 4) Requiring the installation of electric plug-ins at all loading dock positions that would be utilized by trucks fitted with transport refrigeration units (TRUs); 5) Requiring that five (5) percent of passenger vehicle parking spaces are wired for electric vehicle charging and equipped with a Level 2 charging station and at least 10 percent of passenger vehicle spaces are "EV ready" for future expansion of charging capabilities; and 6) Prohibiting the use of diesel-powered generators, except in case of emergency or for temporary power during construction. The Project would be required to comply with all applicable measures of Ordinance No. 1879. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.

**4.8.3 METHODOLOGY FOR ESTIMATING GREENHOUSE GAS EMISSIONS**

The California Emission Estimator Model (CalEEMod, v2020.4.0, released on May 2021), developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the SCAQMD and air pollution control districts across the State, was used to quantify GHG emissions from Shea and Acacia Project-related construction and operational activities (Urban Crossroads, 2022d, p. 52). CalEEMod is the software analysis tool recommended by SCAQMD for the quantification of GHG emissions associated with the construction and operation of land development projects because it is the only software model maintained by CAPCOA and incorporates locally-approved emission factors and methodologies for estimating pollutant emissions. Inputs and outputs from the model runs for both Shea and Acacia Project-related construction and operational activities are provided Appendices 3.1 and 3.2 of the Shea and Acacia Project's GHGA (*Technical Appendix G*).

Although CalEEMod is a comprehensive analysis tool, CalEEMod is limited to quantifying GHG emissions that are known as of the date of release of the model, there may be sources of GHG emissions that are not known (or not quantifiable) at this time but may be measurable by the time the Shea or Acacia Project is constructed and operational. Furthermore, CalEEMod relies on data published by the CARB and other data sources to be representative of local/regional averages which may not be completely representative of the Shea and Acacia Project's construction and/or operational characteristics (and may slightly underestimate or overestimate the Project's emissions). Lastly, not all the CalEEMod calculation data files are known or publicly available for review, although it is reasonable to assume that the data contained in CalEEMod is accurate and grounded in science because CalEEMod is developed by CAPCOA in collaboration with 35 local air pollution control districts.

A life-cycle analysis (LCA), which assesses economy-wide GHG emissions from construction (i.e., the processes in manufacturing and transporting all raw materials used in the project development and



infrastructure) and operation, was not conducted for the Shea or Acacia Project due to the lack of scientific consensus on LCA methodology. A LCA depends on emission factors or econometric factors that are not well established for all processes as of the date the NOP for this EIR was published. Additionally, SCAQMD recommends analyzing a project's direct and indirect GHG emissions generated within California in-lieu of an LCA because a project's life-cycle effects could extend beyond California and these effects might not be well understood or well documented and/or infeasible to mitigate. (Urban Crossroads, 2022d, pp. 52-53)

**A. Methodology for Estimating Project-Related Construction Emissions**

The Shea and Acacia Projects' construction-related GHG emissions were calculated using the same methodology, construction schedule information, and equipment fleet information that were used to calculate construction-related criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.3, *Air Quality* (Urban Crossroads, 2022d, pp. 53-54 and 59-60). Refer to EIR Subsection 4.3 and the Project's GHGA (see *Technical Appendix G*) for a detailed description of the methodology used to calculate the Shea and Acacia Project's construction GHG emissions.

In accordance with the SCAQMD recommendations, the Shea and Acacia Projects' construction-related GHG emissions were quantified, amortized over a 30-year period, and then added to the sum of the Projects' annual operational GHG emissions. (Urban Crossroads, 2022d, pp. 54 and 60)

**B. Methodology for Estimating Project-Related Operational Emissions**

The Shea and Acacia Projects' operational GHG emissions were calculated using the same methodology that was used to calculate operational criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.3, *Air Quality* (Urban Crossroads, 2022d pp. 55-58 and 61-64). Refer to EIR Subsection 4.3 and the Shea and Acacia Project's GHGA (see *Technical Appendix G*) for a detailed description of the methodology used to calculate the Project's operational GHG emissions.

**4.8.4 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act*. Neither the CEQA Statute nor the CEQA Guidelines prescribe specific methodologies and significance criteria for determining the significance of GHG emissions impacts. The CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate thresholds consistent with the manner in which other impact categories are handled in CEQA. CEQA case law has upheld local agencies' discretion to determine the significance of GHG emissions impacts. The Shea and Acacia Projects would result in a significant impact to greenhouse gas emissions if the Shea and/or Acacia Project or any Shea and/or Acacia Project-related component would:

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or*
- b. *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*





As part of the November, 30, 2015, decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (“Newhall Ranch”), the California Supreme Court outlined four potential pathways that CEQA compliance documents could use to determine if GHG emissions from a specific project would be significant under Threshold “a”:

1. Substantiation of Project Reductions from “Business as Usual” (BAU). A lead agency may use a BAU comparison based on the CARB Scoping Plan’s methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the “data behind the Scoping Plan’s business-as-usual model” to determine the necessary project level reductions from new land use development at the proposed location;
2. Compliance with Regulatory Programs or Performance-based Standards. A lead agency “might assess consistency with AB 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities;
3. Compliance with GHG Reduction Plans or Climate Action Plans (CAPs). A lead agency may utilize “geographically specific GHG emission reduction plans” such as climate action plans or greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis; or
4. Compliance with Local Air District Thresholds. A lead agency may rely on “existing numerical thresholds of significance for greenhouse gas emissions” adopted by, for example, local air districts.

The City of Fontana does not have an adopted threshold of significance for GHG emissions, but for CEQA purposes, the City has discretion to select an appropriate significance criterion, based on substantial evidence. To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD Board adopted an Interim CEQA GHG Significance Threshold. (SCAQMD, 2008). The City has selected this value as a significance criterion which has been supported by substantial evidence. The 3,000 MTCO<sub>2</sub>e per year threshold is based on a 90 percent emission “capture” rate methodology. Prior to its use by the SCAQMD, the 90 percent emissions capture approach was one of the options suggested by the California Air Pollution Control Officers Association (CAPCOA) in their CEQA & Climate Change white paper (SCAQMD, 2008). A 90 percent emission capture rate means that unmitigated GHG emissions from the top 90 percent of all GHG-producing projects within a geographic area – the SCAB in this instance – would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while the bottom 10 percent of all GHG-producing projects would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State’s GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission threshold high enough to exclude small projects that will, in aggregate, contribute approximate 1 percent of projected statewide GHG emissions in the Year 2050 (SCAQMD, 2008, p. 4).



In setting the threshold at 3,000 MTCO<sub>2</sub>e per year, SCAQMD researched a database of projects kept by the Governor’s Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 MTCO<sub>2</sub>e per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO<sub>2</sub>e per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 MTCO<sub>2</sub>e per year threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO<sub>2</sub>e per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold “uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level” and, thus, remains valid for use in 2022 (SCAQMD, 2008, pp. 3-4). Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction.

Thus, for purposes of analysis in this EIR, if Shea and/or Acacia Project-related GHG emissions do not exceed the 3,000 MTCO<sub>2</sub>e per year threshold, then Shea and/or Acacia Project-related GHG emissions would clearly have a less-than-significant impact pursuant to Threshold “a.” On the other hand, if Shea and/or Acacia Project-related GHG emissions exceed 3,000 MTCO<sub>2</sub>e per year either individually or when considered together, the Shea and/or Acacia Project would be considered a substantial source of GHG emissions.

#### 4.8.5 IMPACT ANALYSIS

***Threshold a:*** *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

##### **A. Shea Project**

The Shea Project would result in emissions of 1,938.75 MTCO<sub>2</sub>e per year, as summarized in in Table 4.8-4, *Shea Project GHG Emissions*. The GHG emissions from the Shea Project alone would not exceed the



significance threshold of 3,000 MTCO<sub>2</sub>e per year and, thus, GHG emissions from the Shea Project alone would result in a less- than-significant impact on the environment.

**Table 4.8-4 Shea Project GHG Emissions**

Emission Source	Emissions (MT/yr)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> e
Annual construction-related emissions amortized over 30 years	33.27	0.01	0.00	33.76
Area Source	1.02E-02	3.00E-05	0.00	1.09E-02
Energy Source	306.29	2.09E-02	3.75E-03	307.93
Mobile Source	1,268.81	0.05	0.13	1,309.37
TRU Source				14.22
On-Site Equipment <sup>1</sup>	0.00	0.00	0.00	0.00
Waste	38.77	2.29	0.00	96.05
Water Usage	127.83	1.54	3.73E-02	177.41
<b>Total CO<sub>2</sub>e (All Sources)</b>	<b>1,938.75</b>			

1. On-Site Equipment will not emit GHG emissions because City Ordinance No. 1879, Section 9-73 requires all on-site motorized operational equipment to be zero emission (ZE).

Source: (Urban Crossroads, 2022d, Table 3-13)

#### **B. Acacia Project**

The Acacia Project would result in emissions of 4,013.14 MTCO<sub>2</sub>e per year, as summarized in in Table 4.8-5, *Acacia Project GHG Emissions*. The GHG emissions from the Acacia Project alone would exceed the significance threshold of 3,000 MTCO<sub>2</sub>e per year and, thus, GHG emissions from the Acacia Project alone would result in a significant impact on the environment.



**Table 4.8-5 Acacia Project GHG Emissions**

Emission Source	Emissions (MT/yr)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> e
Annual construction-related emissions amortized over 30 years	43.13	4.98E-03	2.13E-03	43.89
Area Source	1.94E-02	5.00E-05	0.00	2.06E-02
Energy Source	497.50	3.42E-02	6.06E-03	500.16
Mobile Source	2,836.44	0.11	0.32	2,935.43
TRU Source				18.94
On-Site Equipment <sup>1</sup>	0.00	0.00	0.00	0.00
Waste	73.51	4.34	0.00	182.11
Water Usage	238.56	2.92	7.07E-02	332.59
<b>Total CO<sub>2</sub>e (All Sources)</b>	<b>4,013.14</b>			

1. On-Site Equipment will not emit GHG emissions because City Ordinance No. 1879, Section 9-73 requires all on-site motorized operational equipment to be zero emission (ZE).

Source: (Urban Crossroads, 2022d, Table 3-7)

### C. ***Combined Shea and Acacia Projects***

When considered together, the Shea and Acacia Projects would result in emissions of 5,951.89 MTCO<sub>2</sub>e per year, as summarized in in Table 4.8-6, *Combined Shea and Acacia Projects GHG Emissions*. The combined, cumulative GHG emissions from the Shea and Acacia Projects would exceed the significance threshold of 3,000 MTCO<sub>2</sub>e per year and, thus, are considered a significant impact on the environment.

**Table 4.8-6 Combined Shea and Acacia Projects GHG Emissions**

Emission Source	Emissions (MT/yr)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> e
Annual construction-related emissions amortized over 30 years	76.40	0.01	0.00	77.65
Area Source	0.03	0.00	0.00	0.03
Energy Source	803.80	0.06	0.01	808.10
Mobile Source	4,105.26	0.15	0.46	4,244.80
TRU Source				33.16
On-Site Equipment <sup>1</sup>	0.00	0.00	0.00	0.00
Waste	112.27	6.64	0.00	278.15
Water Usage	366.38	4.46	0.11	510.01
<b>Total CO<sub>2</sub>e (All Sources)</b>	<b>5,951.89</b>			

1. On-Site Equipment will not emit GHG emissions because City Ordinance No. 1879, Section 9-73 requires all on-site motorized operational equipment to be zero emission (ZE).

Source: (Urban Crossroads, 2022d, Table 3-14)



***Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

As demonstrated by the following analysis, the Shea and Acacia Projects would not conflict with applicable plans, policies, and/or regulations adopted with the intent to reduce GHG emissions, including AB 32 and SB 32, SCAG's 2016-2040 RTP/SCS, and the Title 24 CBSC, which are particularly applicable to the Shea and Acacia Projects.

In April 2015, Governor signed EO B-30-15, which advocated for a statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed the SB 32, which formally established a statewide goal to reduce GHG emissions to 40 percent below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based statewide emission reduction targets.

CARB prepared the 2017 Scoping Plan Update to identify the measures that would achieve the emissions reductions goals of SB 32 (and, thus, also would achieve the emissions reductions goals of AB 32). Research conducted by the Lawrence Berkeley National Laboratory confirmed that California, under its existing GHG reduction policy framework (i.e., Scoping Plan Update), is on track to meet the year 2030 reduction targets established by SB 32 (Urban Crossroads, 2022d, p. 41). As explained in point-by-point detail in Table 3-15 of the Project's GHGA which is herein incorporated by reference and attached to this EIR as *Technical Appendix G*, the Shea and Acacia Projects would not conflict with applicable measures of the 2017 Scoping Plan Update and, therefore, would not interfere with the State's ability to achieve the year GHG-reduction targets established by AB 32 and SB 32. (Urban Crossroads, 2022d, pp. 68-73)

Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal three decades into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Shea and Acacia Project's emissions in 2050.

The 2016-2040 RTP/SCS was prepared to ensure that the SCAG region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and, thus, meeting associated GHG emissions targets), as required by Senate Bill 375. As explained in EIR Section 4.17, *Transportation*, the Shea and Acacia Project would not conflict with applicable measures of the 2016-2040 RTP/SCS and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources.

The Shea and Acacia Projects would provide for the construction and operation of commerce center development that would include three buildings that contain contemporary, energy-efficient/energy-conserving design features and operational characteristics. Commerce center land uses are not inherently energy intensive and the total Shea and Acacia Project energy demands would be comparable to, or less than,





other commerce center projects of similar scale and configuration due to the Shea and Acacia Projects' modern construction and requirement to be constructed in accordance with the most recent CBSC (Urban Crossroads, 2022d, pp. 44-47). The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by allowing incorporating new energy efficiency technologies and methods. The Shea and Acacia Projects would be required to comply with all applicable provisions of the CBSC. As such, the Shea and Acacia Projects' energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Shea and Acacia Project energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

As described on the preceding pages, implementation of the Shea and Acacia Projects 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 Shea and Acacia Projects 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 Shea and Acacia Projects 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.

#### 4.8.6 CUMULATIVE IMPACT ANALYSIS

GCC occurs as the result of global emissions of GHGs. An individual development 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 Shea and Acacia Projects' GHG emissions, which concludes that the Shea and Acacia Projects would not conflict with an applicable GHG-reduction plans, policies, or regulations but the Acacia Project when considered alone and the Shea and Acacia Projects when considered together, would generate cumulatively-considerable GHG emissions that may have a significant impact on the environment because the Acacia Project alone and the Shea and Acacia Projects when considered together would exceed the SCAQMD's GHG emissions threshold of 3,000 MTCO<sub>2e</sub> per year.

#### 4.8.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

*Threshold a, Greenhouse Gas Emissions:*

Shea Project: Less than Significant Impact. The Shea Project would produce GHG emissions that would not exceed the SCAQMD significance threshold of 3,000 MTCO<sub>2e</sub> per year. As such, the Shea Project would have a less than significant impact on the environment.



Acacia Project: Cumulatively Considerable Impact. The Acacia Project would produce GHG emissions that exceed the SCAQMD significance threshold of 3,000 MTCO<sub>2</sub>e per year. As such, the Acacia Project would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment.

Combined Shea and Acacia Projects: Cumulatively Considerable Impact. The Shea and Acacia Projects when considered together would produce GHG emissions that exceed the SCAQMD significance threshold of 3,000 MTCO<sub>2</sub>e per year. As such, the cumulative Shea and Acacia Projects would generate substantial, cumulatively-considerable GHG emissions that may have a significant impact on the environment.

*Threshold b, Consistency with Greenhouse Gas Emission Reduction Plans, Policies, and Regulations:*

Shea Project: Less than Significant Impact. The Shea Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.

Acacia Project: Less than Significant Impact. The Acacia Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.

Combined Shea and Acacia Projects: Less than Significant Impact. The combined Shea and Acacia Projects would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.

#### 4.8.8 MITIGATION

The Shea and Acacia Projects 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 Title 24 of the California Green Building Code) and by local regulations (for example, the installation of solar-ready roofs, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by City of Fontana Ordinance No. 1879). Although mandatory compliance with applicable State and local regulations would reduce Shea and Acacia Project-related GHG emissions, these requirements would not reduce the Shea and Acacia Project' mobile source GHG emissions (i.e., emissions from construction equipment, passenger cars, and heavy-duty trucks), which comprise approximately 66 percent of all Shea and Acacia Project-related GHG emissions, below the level considered significant by the SCAQMD. Compliance with Title 24 of the California Green Building Code and City Ordinance No. 1879 already serve to reduce area-source GHG emissions to the maximum feasible extent. As advancements in vehicle technology progress, it is expected that a higher percentage of vehicles including trucks will be electric-powered than occurs today. However, until vehicle technology advances and electric trucks are more commonly commercially available with enough power to haul heavy loads over long distances, it is reasonable to assume that the truck fleet that will access the Project



Sites will be diesel-powered. 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 of Fontana, the Shea and Acacia Project Applicants, and future Shea and Acacia Project occupants. The City of Fontana has been progressive with adoption of Ordinance No. 1879, with the goal to accelerate air quality pollutant and GHG emission reductions to the extent practical, covering items that are within the jurisdictional control of the City and feasible for commerce center developers and operators to implement. 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. No other mitigation measures are available that are feasible for the City to enforce, beyond those already required by regulations including City Ordinance No. 1897, that have a proportional nexus to the Shea and Acacia Projects' level of impact.

#### 4.8.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

*Threshold a:*

Acacia Project: Significant Unavoidable Cumulatively-Considerable Impact. As noted above, a majority of the Acacia Project's GHG emissions would be produced by mobile sources. Neither the Acacia Project Applicant nor the City of Fontana can substantively or materially affect reductions in Acacia Project mobile-source emissions beyond federal and State regulations. Accordingly, the City finds that the Acacia Project's GHG emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Combined Shea and Acacia Projects: Significant Unavoidable Cumulatively-Considerable Impact. As noted above, a majority of the cumulative Shea and Acacia Projects' GHG emissions would be produced by mobile sources. Neither the Shea Project Applicant, the Acacia Project Applicant, or the City of Fontana can substantively or materially affect reductions in cumulative Shea and Acacia Project mobile-source emissions beyond federal and State regulations. Accordingly, the City finds that the cumulative Shea and Acacia Project's GHG emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.



## 4.9 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis presented in this Subsection 4.9 is based on technical studies to determine the presence or absence of hazardous materials on the Shea and Acacia Project Sites under existing conditions. A technical report for the Shea Project Site was prepared by Roux Associates, Inc. (hereinafter “Roux”) titled “Phase I Environmental Site Assessment, Assessor’s Parcel Numbers (APNs) 0239-151-38-0000 and 0239-151-09-0000, Sierra Avenue, Fontana, California” and dated June 2, 2021 (Roux, 2021). A technical report was prepared by Ardent Environmental Group, Inc. (hereinafter “Ardent”) for the Acacia Project Site titled “Phase I Environmental Site Assessment, 19.59-Acre Vacant Land, Sierra Avenue and Duncan Canyon Road, Fontana, California” and dated June 22, 2021 (Ardent, 2021). These reports are provided as *Technical Appendices II and I2* to this EIR, respectively. This Subsection also relies on information from the City General Plan (Fontana, 2018a); the City General Plan EIR (Fontana, 2018b); Cal Fire – Fire Hazard Severity Zone Map (Cal Fire, 2008); and Google Earth (Google Earth, 2022). All references used in this Subsection are listed in EIR Section 7.0, *References*.

In this EIR, the term “toxic substance” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

In this EIR, the term “hazardous material” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness.

Hazardous waste is defined in the California Code of Regulations, Title 22, Section 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the U.S. Environmental Protection Agency [EPA] as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the California Code of Regulations, Title 22, Sections 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

### 4.9.1 EXISTING CONDITIONS

#### A. Shea Project Site

With the exception of one single-family residence and associated shed located in the southwest corner, the Shea Project Site is undeveloped land covered with native grass and shrub growth.



1. *Historical Review*

Roux reviewed various sources of information to determine past uses of the Shea Project Site, including topographic maps, aerial photographs, fire insurance Sanborn maps, and City directories obtained from Environmental Data Resources, Inc. (EDR). Refer to the Shea Project's Phase I ESA (refer to *Technical Appendix II*) for a detailed accounting of Roux's research procedure. The Shea Project Site was vacant and undeveloped dating back to 1896. With the exception of the southern parcel, the Shea Project Site has not been developed at any point. The single-family residence in the southwest corner of the Shea Project Site was developed in the 1950's. (Roux, 2021, p. 6)

2. *Regulatory Records Review*

Roux researched federal, state, local, and tribal environmental records databases to identify properties within one mile of the Shea Project Site with reported environmental issues. The Shea Project Site was not listed on any federal, State, or local environmental records database.

3. *Field Reconnaissance*

Roux personnel conducted a reconnaissance of the Shea Project Site and surrounding areas on April 9, 2021 and May 19, 2021. The northern parcel is generally featureless, with ground cover of grass and scrub brushes partially obscuring cobbles exposed at the ground surface. The southern parcel of the Shea Project Site is occupied by a single-family residence and associated shed. The rear (east) of the property was being used for the parking of large (semi-permanent load) truck trailers at the time of the field survey. During the reconnaissance no chemical or petroleum product storage or aboveground storage tanks were observed on the property. Roux personnel met with the homeowner who indicated that he was unaware of any underground storage tanks ever installed on the Shea Project Site except that the residence is serviced by a septic tank located at the rear of the building. A second septic tank associated with former horse stables may also have been present prior to the current owner's ownership of the property. (Roux, 2021, p. 19) There is no evidence that either septic system was used to dispose of hazardous or petroleum related chemicals (Roux, 2021, p. 27).

Roux personnel observed a substantial amount of improperly dumped trash, mostly household, automotive, or construction related. Tires, roofing material, asphalt, drywall, and other various construction and household waste items were observed on the Shea Project Site. The septic system for the residence disclosed by the owner was not directly observed. (Roux, 2021, p. 20)

**B. Acacia Project**

The Acacia Project Site is currently undeveloped land with no structures present.

1. *Historical Review*

Ardent reviewed various sources of information to determine the historical use of the Acacia Project Site, including historical fire insurance maps, historical aerial photographs, building permits and plans, historical City directories, topographic maps, property tax records, zoning/land use records, and prior environmental assessment reports regarding the Acacia Project Site. Refer to the Acacia Project's Phase I ESA (refer to





*Technical Appendix I2*) for a detailed accounting of Ardent's research procedure. This review revealed that the Acacia Project Site has been vacant land from at least 1930.

## **2. Regulatory Records Review**

Ardent researched federal, state, local, and tribal environmental records databases to identify properties within one mile of the Shea Project Site with reported environmental issues. The Shea Project Site was not listed on any federal, State, or local environmental records database.

## **3. Field Reconnaissance**

Ardent conducted a reconnaissance of the Acacia Project Site and vicinity on June 10, 2021, which included walking the Acacia Project Site and making visual observations of adjoining properties. ASTM standards were used to summarize current conditions of the Acacia Project Site. No on-site issues of environmental concern were noted during the Acacia Project Site reconnaissance. It was noted that scattered municipal trash had been dumped on the Acacia Project Site including tires, wood, a ceramic toilet, etc. No evidence of possible hazardous wastes was noted. (Ardent, 2021, p. 12-14)

## **C. Surrounding Area**

Several properties within a one-mile radius of the Shea and Acacia Project Sites were listed during the regulatory database reviews conducted by Roux and Arden using federal, state, local, and tribal environmental records databases to identify properties within one mile radius with reported environmental issues. A summary of the research results is provided below; a detailed description of the environmental record review results is included in *Technical Appendices I1 and I2* of this EIR.

Record search results revealed that nearby properties with reported environmental hazard conditions include but are not limited to the Rockets, Fireworks, and Flares Superfund Site, located at 3196 North Locust Avenue, which was formerly known as the B.F. Goodrich Superfund Site; several school sites in the Rialto and Fontana Unified School District systems for which DTSC issued "no action required" or "no further action" letters; and, the Fontana Refuse Disposal Site/Mid-Valley Sanitary Landfill that is located approximately 0.5 mile north of Highland Avenue and 0.25 mile east of Sierra Avenue, approximately 3,700 feet south-southeast of the Shea Project Site boundary. The Mid-Valley Sanitary Landfill is an approximately 450-acre facility owned by the County of San Bernardino, Solid Waste Management Division, and 18 groundwater monitoring wells are installed to monitor perchlorate and volatile organic compounds (VOCs) in the groundwater. Perchlorate, a constituent of rocket motor fuel, pyrotechnic devices, fireworks, and VOCs, notably trichloroethene (TCE). Some of these contaminants originated from post-World War II, when portions of the former U.S. Army's Rialto Ammunition Storage Point (RASP), which operated from 1941 through 1945, were used by private companies to manufacture and test such things as rocket motors and pyrotechnic devices, including fireworks. San Bernardino County also established the Mid-Valley Sanitary Landfill in the southwest corner of the former RASP and used it to dispose of liquid wastes in violation of the conditions of its permit. Two distinct contaminant plumes, the Eastern and Western Plumes, originate within the former RASP. Based on their interpreted extent, both plumes are located over a mile (7,800 feet) to the southeast of the Shea Project Site



and there is no indication that any of the groundwater contamination sources are located within the boundary of the Shea Project Site. (Roux, 2021, pp. 6, 24-25)

**D. Airport Hazard Areas**

The Ontario International Airport (ONT) Land Use Compatibility Plan (ALUCP) identifies land use standards and design criteria for new development located in the proximity of the airport to ensure compatibility between the airport and surrounding land uses and to maximize public safety. Neither the Shea nor Acacia Project Site are located within the Airport Influence Area, Noise Impact Zone, or Safety Zone of the ONT, therefore, the ALUCP does not impose any land use or design restrictions on the sites. (Ontario, 2011, Policy Maps 2-1 through 2-5)

**E. Wildland Fire Hazards**

According to the California Department of Forestry and Fire Protection (CalFire) Fire Hazard Severity Zone (FHSZ) Viewer, the Shea and Acacia Project Sites and areas surrounding the Shea and Acacia Project Sites are classified as “Very High Fire Hazard Severity Zones (VHFHSZ).” (CalFire, 2022) Although the properties are located in an urbanized setting there are undeveloped properties, including the Project Sites, scattered around the area and prone to wildfire spotting risk. Refer to Subsection 4.20, *Wildfire*, for more information.

**4.9.2 REGULATORY SETTING**

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hazards and hazardous materials.

**A. Federal Plans, Policies, and Regulations**

**1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)**

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment (EPA, 2021g). Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and



technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

**2. *Resource Conservation and Recovery Act (RCRA)***

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave;" this includes the generation, transportation, treatment, storage, and disposal of hazardous waste (EPA, 2021h). RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

**3. *Hazardous Materials Transportation Act (HMTA)***

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." (OSHA, n.d.).

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts state and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement.

**4. *Hazardous Materials Transportation Uniform Safety Act of 1990***

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce (OSHA, n.d.). The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property



The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

**5. *Occupational Safety and Health Act (OSHA)***

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions (EPA, 2021f). In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.

**6. *Toxic Substances Control Act***

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures (EPA, 2021i). Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.



***B. State Plans, Policies, and Regulations***

***1. Cal/OSHA and the California State Plan***

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace.

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the State, with the exception of federal employees, the United States Postal Service, private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances (OSHA, n.d.). Cal/OSHA is the only agency in the State authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses.

***2. California Hazardous Waste Control Law***

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, et seq.) is the primary hazardous waste statute in California (CA Legislative Info, n.d.). The HWCL implements RCRA as a "cradle-to-grave" waste management system in the state. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA).

***3. California Code of Regulations (CCR), Titles 5, 17, 22 and 26***

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste (DTSC, n.d.; DTSC, n.d.). Title 5 contains the California Plumbing Code which, in Appendix H, establishes detailed standards for the capping, removal, fill, and disposal of cesspools, septic tanks, and seepage pits. Title 17, Division 1, Chapter 8, defines and regulates handling and disposal of lead-based paint. Any detectable amount of lead is regulated. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because





California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, *et seq.*) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics).

#### **4. *Safe Drinking Water and Toxic Enforcement Act***

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code, Division 20, Chapter 6.6, Section 25249.5, *et seq.*), protects the state's drinking water sources from being contaminated with chemicals known to cause cancer, birth defects, or other reproductive harm, and requires businesses to inform Californians about exposures to such chemicals. Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity.

#### **5. *Unified Hazardous Waste and Hazardous Materials Management Regulatory Program***

California's Unified Program, overseen by the California Environmental Protection Agency (CalEPA), protect Californians from hazardous waste and hazardous materials by ensuring local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The Unified Program is a consolidation of multiple environmental and emergency management programs, including the following:

- Aboveground Petroleum Storage Act (APSA) Program;
- Area Plans for Hazardous Materials Emergencies;
- California Accidental Release Prevention (CalARP) Program;
- Hazardous Materials Release Response Plans and Inventories (Business Plans);
- Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) (California Code)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs; and
- Underground Storage Tank Program.

State agency partners involved in the implementation of the Unified Program are responsible for setting program element standards, working with CalEPA to ensure program consistency, and providing technical assistance to the California Unified Program Agencies (CUPAs) and Program Agencies (PAs). The state agencies involved with the Unified Program include CalEPA, Department of Toxic Substances Control (DTSC), the Governor's Office of Emergency Services (Cal OES), CAL FIRE – Office of the State Fire Marshall (CAL FIRE-OSFM), and the State Water Resources Control Board.



6. *License to Transport Hazardous Materials*

Caltrans regulates hazardous materials transportation on all interstate roads (California Vehicle Code, Section 32000.5, *et seq*). Within California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

7. *California Hazardous Materials Release Response Plan and Inventory Law of 1985*

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and California Department of Transportation (Caltrans) enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

8. *California Government Code (CGC) Section 51178*

This section specifies that the Director of CalFire, in cooperation with local fire authorities, shall identify areas that are Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Areas (LRAs), based on consistent statewide criteria, and the expected severity of fire hazard. Per CGC Section 51178, a local agency may, at its discretion, exclude an area within its jurisdiction that has been identified as a VHFHSZ, if certain conditions are met and/or specific findings can be made regarding the availability of effective fire protection services within the affected area.

**C. Local Plans, Policies, and Regulations**

1. *Local Permitting Requirements*

The aforementioned federal and State hazardous materials regulations require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPA is the San Bernardino County Fire Department, Hazardous Materials Division. The San Bernardino County Fire Department, Hazardous Materials Division also manages the following hazardous waste programs: 1) Hazardous Materials Release Response Plans and Inventory; 2) California Accidental Release Program; 3)



Underground Storage Tanks; 4) Aboveground Petroleum Storage Act/Spill Prevention, Control, and Countermeasure Plan; 5) Hazardous Waste Generation and Onsite Treatment; and 6) Hazardous Materials Management Plans and Inventory.

## 2. *City of Fontana Local Hazard Mitigation Plan*

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address wildfire concerns on a community-wide level. The LHMP mitigation measures include: improvement of public education programs, maintaining and improving access to fire prone areas, continuing weed abatement and fuel management in open space areas and urban/wildland interface areas, and repairing/replanting vegetation on slopes after fire to minimize landslide risk.

## 3. *SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities*

Rule 1403 requires the implementation of specific work practices to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM) (SCAQMD, 2007b). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM).

### 4.9.3 METHODOLOGY FOR EVALUATING HAZARDS & HAZARDOUS MATERIALS IMPACTS

The analysis of potential hazards and hazardous materials-related impacts is based upon hazardous materials investigations prepared specifically for the Shea and Acacia Project Sites. Both investigations included a site reconnaissance, review of published reports, maps, and aerial photographs, field investigations, and laboratory testing. The analysis also included a review of the City's General Plan, information sources from State and Federal agencies, a review of applicable airport land use plans, hazardous materials mapping, fire hazard mapping, and other resource databases.

### 4.9.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to hazards and hazardous materials that could result from development projects. The Project would result in a significant impact to hazards and hazardous materials if the Project or any Project-related component would:

- a. *Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;*



- b. *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;*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*
- d. *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;*
- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;*
- f. *Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or*
- g. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*

#### 4.9.5 IMPACT ANALYSIS

**Threshold a:** *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Threshold b:** *Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Implementation of the Shea and Acacia Projects would result in the construction and long-term operation of one commerce center building on the Shea Project Site and two commerce center buildings on the Acacia Project Site. In the event that any hazards or hazardous materials were to be present on the Shea or Acacia Project Sites or any hazardous materials were to be used or stored on the Shea or Acacia Project Sites during construction or long-term operation, the Shea and Acacia Projects would have the potential to expose workers on the sites, the public, and/or the environment to a hazardous environmental condition. The analysis below evaluates the potential for the Shea and Acacia Projects to result in a substantial hazard to people or the environment during the Shea and Acacia Projects' construction and/or operation.

#### **A. Potential Soil Vapor Hazards**

##### **1. Shea Project**

A preliminary vapor migration/intrusion pathway assessment completed for the Shea Project Site identified no vapor intrusion conditions or vapor encroachment conditions at the Shea Project Site or in the Shea Project Site vicinity. Impacts would be less-than-significant. (Roux, 2021, p. 21)



2. *Acacia Project*

A vapor encroachment condition study using Tier 1 criteria as recommended by ASTM E 2600-15 was completed for the Acacia Project Site. Based on the review of regulatory records, files, databases, client furnished data, and site reconnaissance activities, the Acacia Project Site is considered a low risk for vapor intrusion. Impacts would be less-than-significant. (Ardent, 2021, p. 18)

3. *Combined Shea and Acacia Projects*

Both the Shea and Acacia Project Sites have low risk for vapor intrusion or vapor encroachment conditions. Impacts, therefore, would be less-than-significant.

**B. Potential Septic System Hazards**

1. *Shea Project*

Based on coordination with the owner of the residence on the Shea Project Site, it was determined that one septic system is present and there is potential that a second septic system may be present. 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 CCR Title 5, Appendix H (IAPMO, 2016, p. 437). Accordingly, with required and mandatory compliance with regulatory requirements, implementation of the Shea 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 Shea Project Site; impacts would be less-than-significant.

2. *Acacia Project*

No septic systems are known to be located on the Acacia Project Site; therefore, no impacts have the potential to occur associated with septic systems.

3. *Combined Shea and Acacia Projects*

The combined analysis is the same as the Shea Project only analysis, as there are no septic systems on the Acacia Project Site. Septic systems on the Shea Project Site would be required to be removed, handled, and disposed in accordance with all applicable local and State regulations. Accordingly, implementation of the combined Shea and Acacia Projects 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 Shea Project Site; impacts would be less-than-significant.

**C. Potential Hazards in Demolition Materials**

1. *Shea Project*

Due to the age of the one residential home located on the Shea Project Site, there is a potential that the existing building may contain Asbestos-Containing Materials (ACMs) and/or Lead-Based Paints (LBPs). The use of ACMs (a known carcinogen) and lead paint (a known toxin) was common in building construction prior to 1978. Because the Shea Project Site contains a structure known to be constructed before 1978, there is the potential that ACMs and/or lead paint is present on the Shea Project Site.





Asbestos is a carcinogen and is categorized as a hazardous air pollutant by the federal EPA. Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the Code of Federal Regulations (CFR) Title 40, Part 61, Subpart M, and are enforced in the Project area by the South Coast Air Quality Management District (SCAQMD) via Rule 1403. Rule 1403 establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Assuming that ACMs are present in the structure located on the property, Rule 1403 requires notification of the SCAQMD prior to commencing any demolition or renovation activities. Rule 1403 also sets forth specific procedures for the removal of asbestos, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM. 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 Shea 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.

During demolition of the existing building, there also is a potential to expose construction workers to health hazards associated with LBPs. The demolition and construction contractors would 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.

## **2. *Acacia Project***

No structures are located on the Acacia Project Site; therefore, no impacts have the potential to occur associated with demolishing existing buildings.

## **3. *Combined Shea and Acacia Projects***

The combined analysis is the same as the Shea Project only analysis, as there are no existing buildings on the Acacia Project Site. Any discovered asbestos or lead based paint would be required to be removed, handled, and disposed in accordance with all applicable regulatory requirements. Accordingly, implementation of the combined Shea and Acacia Projects would not expose the public or the environment to significant hazards associated with demolition activities; impacts would be less-than-significant.

## **D. *Potential Temporary Construction-Related Activity Hazards***

### **1. *Shea Project***

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Shea Project Site during construction. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in



building construction would be located on the Shea Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Shea Project than would occur on any other similar construction site. 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 Shea 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.

## 2. *Acacia Project*

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Acacia Project Site during construction. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Acacia Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Acacia Project than would occur on any other similar construction site. 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 Acacia 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.

## 3. *Combined Shea and Acacia Projects*

Both Shea and Acacia Projects 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 combined Shea and Acacia Projects would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase, whether the two Projects' construction schedule was simultaneous or sequential. A less-than-significant impact would occur.

## E. Impact Analysis for Long-Term Operation

### 1. *Shea Project*

The future building occupant for the Shea Project Site is not yet identified. However, the Shea Project is designed to house commerce center distribution occupants and it is possible that hazardous materials could be



used during the course of a future building user's daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that requires businesses to plan and prepare for possible chemical emergencies. Any business that occupies the commerce center building on the Shea Project Site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the San Bernardino County Fire Department Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. With mandatory regulatory compliance, the Shea 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 Shea 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 Shea Project are regarded as less-than-significant.

## **2. *Acacia Project***

The future building occupants for the Acacia Project Site are not yet identified. However, the Acacia Project is designed to house two or more commerce center distribution occupants and it is possible that hazardous materials could be used during the course of a future building user's daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that requires businesses to plan and prepare for possible chemical emergencies. Any business that occupies the commerce center buildings on the Acacia Project Site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the San Bernardino County Fire Department Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. With mandatory regulatory compliance, the Acacia 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 Acacia 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 Project are regarded as less-than-significant.



3. *Combined Shea and Acacia Projects*

The combined Shea and Acacia Projects are required to comply with applicable laws and regulations. With mandatory regulatory compliance, the Shea and Acacia Projects 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 Acacia Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Impacts associated with long-term operation of the Shea and Acacia Projects are regarded as less-than-significant.

***Threshold c: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Kordyak Elementary School is located approximately 0.4-mile north of the Shea Project Site and 0.4-mile north of the Acacia Project Site and Fitzgerald Elementary School is located approximately 0.5-mile east of the Project Sites. Accordingly, the Shea Project and Acacia Project do not have 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 as part of on-site operations. However, the transport of such materials past the Kordyak Elementary school by vehicles using Sierra Avenue has the potential to occur, as is the case for all other vehicles using Sierra Avenue, which is a truck route (Fontana, 2017a). Project-related transport of materials past the Fitzgerald Elementary School is not a reasonable possibility, as that school is located in a residential community east of the Project Sites and is not on a truck route.

Refer to EIR Subsection 4.2, *Air Quality*, for analysis pertaining to human health risks associated with air pollutant emissions associated with the Shea and Acacia Projects, including risks to the maximally exposed school child located within and further than one-quarter mile from the Shea and Acacia Project Sites. As concluded in EIR Subsection 4.2, the Project's toxic air contaminant emissions (and their associated health risks) would be less-than-significant.

1. *Shea Project*

As described above under the analysis for Thresholds "a" and "b," the use of and transport of hazardous substances or materials to-and-from the Shea 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 Shea Project Site and impacts would be less-than-significant.

2. *Acacia Project*

As described above under the analysis for Thresholds "a" and "b," the use of and transport of hazardous substances or materials to-and-from the Acacia 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 Acacia Project Site and impacts would be less-than-significant.

3. *Combined Shea and Acacia Projects*

As described above under the analysis for Thresholds “a” and “b,” the use of and transport of hazardous substances or materials to-and-from the Shea Project Site and Acacia Project Site combined during construction and long-term operational activities, and whether construction of the two Projects occurs simultaneously or sequentially, 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 Shea and Acacia Project Sites and impacts would be less-than-significant.

***Threshold d: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

1. *Shea Project*

The Shea Project Site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, n.d.). Accordingly, no impact would occur.

2. *Acacia Project*

The Acacia Project Site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, n.d.). Accordingly, no impact would occur.

3. *Combined Shea and Acacia Projects*

As neither the Shea Project Site nor Acacia Project Site are included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, n.d.), no impact from the combined Projects would occur.

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

The closest airport to the Project Sites is the Ontario International Airport located roughly 10 miles to the southwest. According to Map 2-1 of the LA/Ontario International Airport Land Use Compatibility Plan, the Shea Project Site and Acacia Project Sites are located outside of the compatibility zones for the Ontario International Airport, indicating that the Sites are not subject to airport-related hazards.





1. *Shea Project*

The Shea Project Site is not located within two miles of a public airport or within an airport land use plan, and there are no components of the proposed Project that would affect airport operations. Therefore, the Shea Project would not result in an inconsistency with an Airport Master Plan, would not require review by the Airport Land Use Commission, and would not result in a safety hazard for people residing or working in the Project area. No impact would occur.

2. *Acacia Project*

The Acacia Project Site is not located within two miles of a public airport or within an airport land use plan, and there are no components of the proposed Project that would affect airport operations. Therefore, the Acacia Project would not result in an inconsistency with an Airport Master Plan, would not require review by the Airport Land Use Commission, and would not result in a safety hazard for people residing or working in the Project area. No impact would occur.

3. *Combined Shea and Acacia Projects*

Neither the Shea Project nor Acacia Project is located within two miles of the public airport or within an airport land use plan, therefore, no impacts to airport safety would occur from the combined Projects.

***Threshold f:*** *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

1. *Shea Project*

The Shea Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route (Fontana, 2018a; Fontana, 2018b). During construction, all materials and equipment would be stored/staged on the Shea Project Site and would not interfere with emergency vehicles traveling along Sierra Avenue. Limited Shea Project construction activities would occur within the Sierra 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 Shea Project would be required to maintain adequate emergency access for emergency vehicles. Accordingly, implementation of the Shea 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.

2. *Acacia Project*

The Acacia Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route (Fontana, 2018a; Fontana, 2018b). During construction, all materials and equipment would be stored/staged on the Acacia Project Site and would not interfere with emergency vehicles traveling along Sierra Avenue or Duncan Canyon Road. Limited Acacia Project construction activities would occur within the Sierra Avenue and Duncan Canyon Road public rights-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 Acacia Project would be required to maintain adequate emergency access for emergency vehicles. Accordingly, implementation of the Acacia 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.

### 3. Combined Shea and Acacia Projects

Both the Shea and Acacia Projects would be required to maintain adequate emergency access for emergency vehicles. Neither Project would impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

**Threshold g:** *Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

#### 1. Shea Project

The Shea Project Site is not located adjacent to wildlands; however, it is located within a very high fire hazard severity zone (Fontana, 2018a, p. 11-4; Cal Fire, 2008; Google Earth, 2022). The Shea Project would be developed in a manner consistent with the jurisdictional requirements for fire protection, and would generally decrease the fire hazard in the local area by transitioning the site from property containing one residential home and a shed surrounded by patches of unirrigated vegetation to a developed property with irrigated landscaping and a building having a fire protection and sprinkler system. As such, development of the Shea Project as proposed complies with Fontana's *Local Hazard Mitigation Plan*, Wildfire Mitigation Project 2 and Project 5 which direct the City to encourage new development to occur in locations avoiding or minimizing exposure to hazards and to enhance design requirements to improve resiliency in future disasters. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.

#### 2. Acacia Project

The Acacia Project Site is not located adjacent to wildlands; however, it is located within a very high fire hazard severity zone (Fontana, 2018a, p. 11-4; Cal Fire, 2008; Google Earth, 2022). The Acacia Project would be developed in a manner consistent with the jurisdictional requirements for fire protection, and would generally decrease the fire hazard in the local area by transiting a vacant property with patches of unirrigated vegetation to a developed property with irrigated landscaping and two building having fire protection and sprinkler systems. As such, development of the Acacia Project as proposed complies with Fontana's *Local Hazard Mitigation Plan*, Wildfire Mitigation Project 2 and Project 5 which direct the City to encourage new development to occur in locations avoiding or minimizing exposure to hazards and to enhance design requirements to improve resiliency in future disasters. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.



3. *Combined Shea and Acacia Projects*

The Shea and Acacia Project Sites are located within a very high fire hazard severity zone. Both the Shea and Acacia Projects would be developed in a manner consistent with the jurisdictional requirements for fire protection, and would generally decrease the fire hazard in the local area by transitioning both properties with patches of unirrigated vegetation to developed sites with irrigated landscaping and three buildings having a fire protection and sprinkler system. As such, development of the Shea Project and Acacia Project complies with Fontana's *Local Hazard Mitigation Plan*, Wildfire Mitigation Project 2 and Project 5 which direct the City to encourage new development to occur in locations avoiding or minimizing exposure to hazards and to enhance design requirements to improve resiliency in future disasters. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant for the combined Projects.

**4.9.6 CUMULATIVE IMPACT ANALYSIS**

As discussed above under the responses to Thresholds "a" and "b," the Shea and Acacia 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 Shea and Acacia Project Sites are not presently known, if businesses that use or store hazardous materials occupy the Shea or Acacia Projects, 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 Shea and Acacia Project's potential to contribute to a cumulatively significant hazardous materials impact would be less-than-significant.

The Shea and Acacia Project Site are not located within one-quarter mile of any existing or planned school site, but have the potential to transport hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, as is the case for all other vehicles using Sierra Avenue, which is a truck route (Fontana, 2017a). The transport of hazardous materials associated with the Shea and Acacia Projects as well as by all other vehicles using Sierra Avenue or other roads including those that pass schools are 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 schools; thus, impacts would be less-than-significant and the Projects' contribution would be less than cumulatively considerable.

The Shea and Acacia Project Sites are not located on the list of hazardous materials sites compiled pursuant to Government Code § 65962.5; therefore, neither the Shea or Acacia Projects have potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.



As discussed above under the response to Threshold “e,” neither the Shea or Acacia Projects are located within two miles of a public airport, and therefore, neither the Shea nor Acacia Project would result in a safety hazard or excessive noise for people residing or working in the Shea or Acacia Project area and would not contribute to a cumulatively considerable impact associated with airport hazards.

The Shea and Acacia Project Sites do not contain any emergency facilities nor do they serve as an emergency evacuation route; thus, there is no potential for the Shea or Acacia Projects to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

As discussed above under Threshold “g,” both the Shea and Acacia Project Sites are located within identified as being subject to wildland fire hazards. The Shea and Acacia Project Sites would be developed in a manner consistent with jurisdictional requirements for fire protection, and would generally decrease fire hazards in the local area. Other developments within the area including but not limited to the development that is under construction on the opposite side of Sierra Avenue from the Project Sites also are subject to the jurisdictional requirements for fire protection, and would generally decrease fire hazards in the local area by reducing vegetative fuel and installing irrigated landscaping and fire protection and sprinkler systems as part of any new structural development. As such, within the cumulative context of the Shea and Acacia Project vicinity, fire hazards are anticipated to decline over time. This complies with Fontana’s *Local Hazard Mitigation Plan*, Wildfire Mitigation Project 2 and Project 5 which direct the City to encourage new development to occur in locations avoiding or minimizing exposure to hazards and to enhance design requirements to improve resiliency in future disasters. The Shea and Acacia Projects have no potential to contribute to cumulatively significant impacts associated with wildland fire hazards.

#### 4.9.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

*Thresholds a and b: Transport, Disposal, or Release of Hazardous Materials*

Shea Project: Less-than-Significant Impact. During Shea Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Shea Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Acacia Project: Less-than-Significant Impact. During Acacia Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Acacia Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Combined Shea and Acacia Projects: Less-than-Significant Impact. During Shea and Acacia Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Projects combined would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.



*Threshold c: Schools*

Shea Project: Less-than-Significant Impact. The Shea Project Site is not located within one-quarter mile of any existing or planned school site, but construction and operation activities have the potential to involve transport of hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, which is a truck route. The transport of hazardous materials is required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials, which would reduce impacts to less-than-significant.

Acacia Project: Less-than-Significant Impact. The Acacia Project Site is not located within one-quarter mile of any existing or planned school site, but construction and operation activities have the potential to involve transport of hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, which is a truck route. The transport of hazardous materials is required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials, which would reduce impacts to less-than-significant.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Construction and operation activities associated with the Shea and Acacia Projects combined have the potential to involve transport of hazardous or acutely hazardous materials, substances, and/or wastes past the Kordyak Elementary school by vehicles using Sierra Avenue, which is a truck route. The transport of hazardous materials is required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials, which would reduce impacts to less-than-significant.

*Threshold d: Government Code Section 65962.5*

Shea Project: No Impact. The Shea Project Site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

Acacia Project: No Impact. The Acacia Project Site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Project Sites are not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

*Threshold e: Airports*

Shea Project: No Impact. The Shea Project Site is not located within two miles of a public airport or public use airport.

Acacia Project: No Impact. The Acacia Project Site is not located within two miles of a public airport or public use airport.





Combined Shea and Acacia Projects: No Impact. Neither the Shea nor Acacia Project Site is located within two miles of a public airport or public use airport.

*Threshold f: Emergency Response and Evacuation Plans*

Shea Project: No Impact. The Shea 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, implementation of the Shea Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Acacia Project: No Impact. The Acacia 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, implementation of the Acacia Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Combined Shea and Acacia Projects: No Impact. Neither the Shea nor Acacia Project Site contains 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, implementation of the Shea and Acacia Projects would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

*Threshold g: Wildfire*

Shea Project: Less-than-Significant Impact. Although the Shea Project Site is located within a very high fire hazard severity zone, its development would reduce vegetative fuel on the property and as such expose the Site and area to less fire risk than under existing conditions. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.

Acacia Project: Less-than-Significant Impact. Although the Shea Project Site is located within a very high fire hazard severity zone, its development would reduce vegetative fuel on the property and as such expose the Site and area to less fire risk than under existing conditions. Therefore, impacts regarding exposing people or structures either directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Although the Shea and Acacia Project Sites are located within a very high fire hazard severity zone, their development combined would reduce vegetative fuel on the properties and as such expose the Sites and area to less fire risk than under existing conditions. Therefore, impacts regarding exposing people or structures either



directly or indirectly to significant risk of loss, injury, or death involving wildland fires would be less-than-significant.

#### **4.9.8 MITIGATION**

The Shea and Acacia Projects would result in less-than-significant impacts related to hazards and hazardous materials and no mitigation is required.



## 4.10 HYDROLOGY AND WATER QUALITY

Information in this Subsection 4.10 relies on four technical reports prepared for the Shea and Acacia Projects by Thienes Engineering, Inc. (hereinafter, “Thienes”): 1) “Preliminary Hydrology Calculations for Sierra Avenue Industrial Building,” dated March 1, 2022 (Theines, 2022); and 2) “Stormwater Quality Management Plan (SWQMP) for Sierra Avenue Industrial Building,” dated August 10, 2021 (Theines, 2021a); 3) “Preliminary Hydrology Calculations for Sierra Gateway,” dated September 7, 2021 (Theines, 2021b); and 2) “Stormwater Quality Management Plan (SWQMP) for Sierra Gateway,” dated September 8, 2021 (Theines, 2021c). These reports are provided as *Technical Appendices II through I4*, respectively, to this EIR. The Shea and Acacia Project Sites are located in the Santa Ana River watershed, under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). As such, information for this Subsection also was obtained from the Santa Ana RWQCB’s *Santa Ana River Basin Water Quality Control Plan* (updated June 2019) and the *Integrated Regional Water Management Plan* (IRWMP) for the Santa Ana River watershed (also referred to as “One Water One Watershed Plan Update 2018,” (February 19, 2019) prepared by the Santa Ana Watershed Project Authority (SAWPA). These and all other information sources referenced in this Subsection are listed in EIR Section 7.0, *References*.

### 4.10.1 EXISTING CONDITIONS

#### A. Regional Hydrology

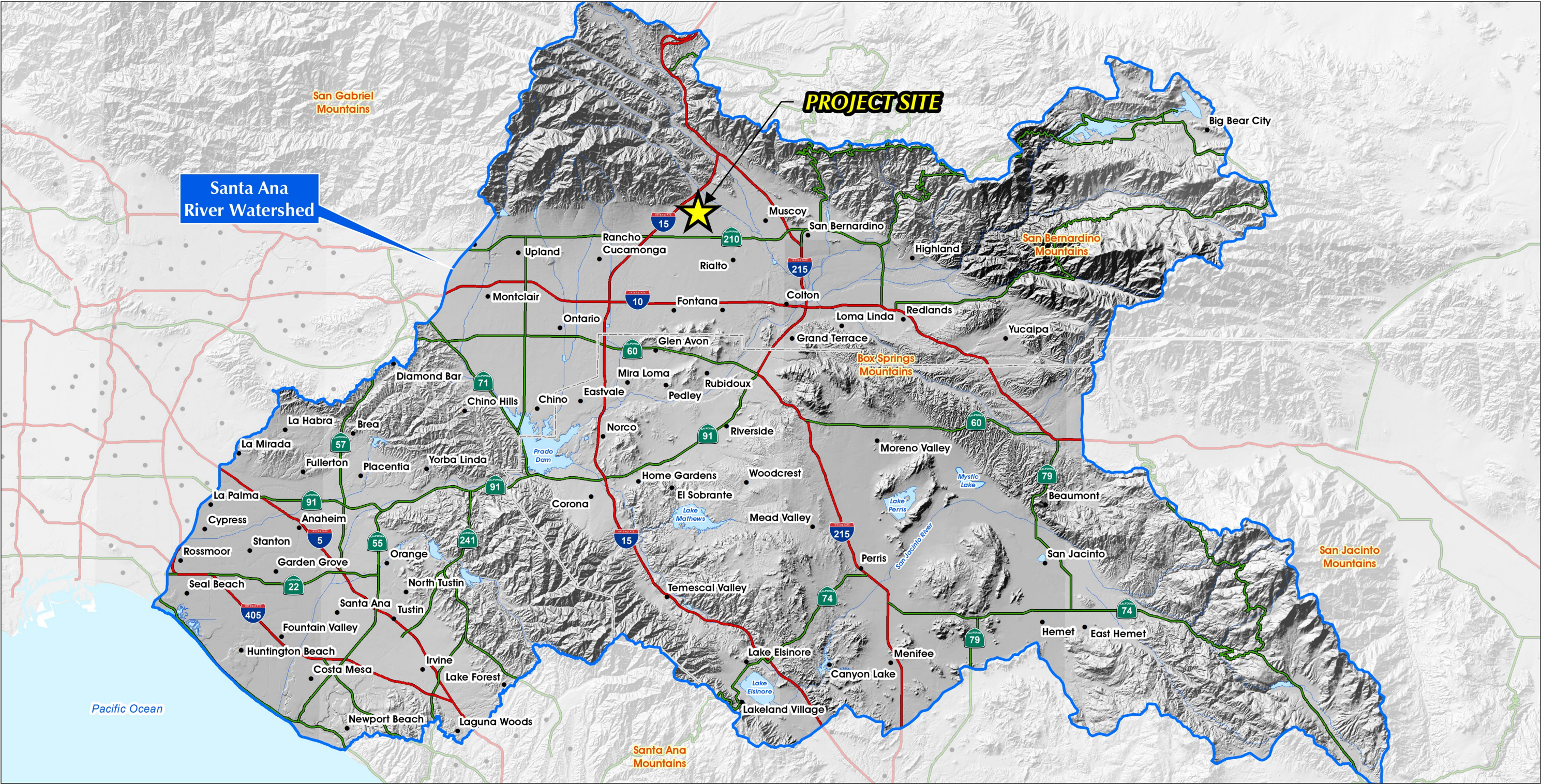
The Shea and Acacia Project Sites are located within the 2,650-acre Santa Ana River watershed, within which the Santa Ana River is the principal surface flow water body. The Santa Ana River rises in Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The total length of the Santa Ana River and its major tributaries is approximately 700 miles. The location of the Project Sites within the Santa Ana River watershed is illustrated on Figure 4.10-1, *Santa Ana River Watershed Map*.

#### B. Site Hydrology

##### 1. *Shea Project Site*

The Shea Project Site is mostly vacant and undeveloped under existing conditions other than one residence and a shed located in the southwestern portion of the site. The Shea Project Site generally drains from north to south and the 100-year peak flow rate from the property is approximately 25.2 cubic feet per second (cfs) (Theines, 2022, n.p.). The ground surface slopes slightly to the south-southeast except where locally graded or eroded. The Shea Project Site’s existing stormwater drainage pattern is illustrated on Figure 4.10-2, *Shea Project Existing Conditions Hydrology Map*.





Source(s): ESRI, RCTLMA (2022)

Figure 4.10-1



Santa Ana River Watershed Map



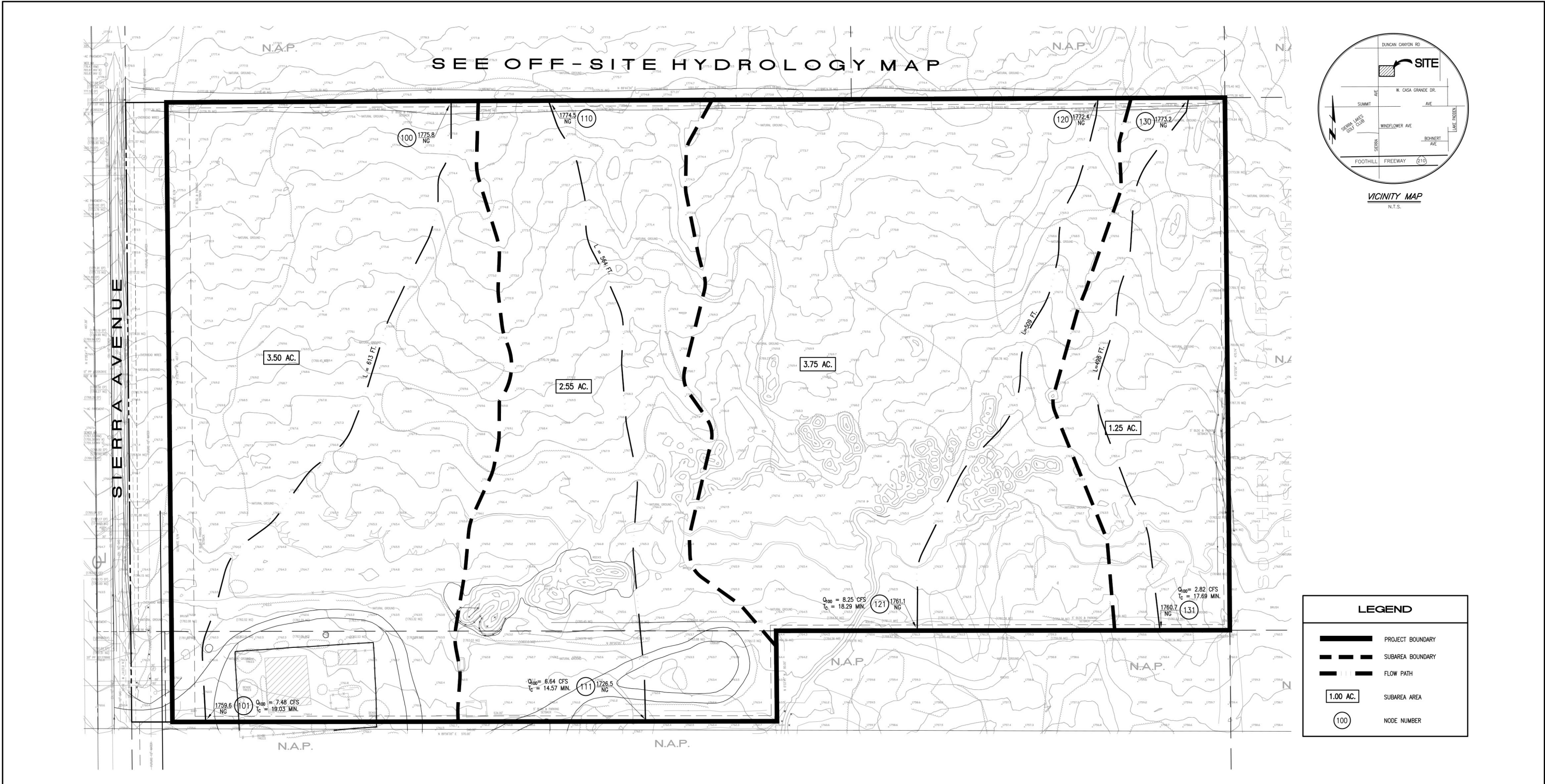
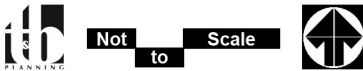


Figure 4.10-2



Shea Project Site Existing Conditions Hydrology Map





**2. Acacia Project Site**

The Acacia Project Site is vacant and undeveloped under existing conditions. The property generally drains from north to south and surface drains to the Shea Project Site located to the south. The existing conditions 100-year peak flow rate from the Acacia Project Site is approximately 29.4 cfs, of which 16.0 cfs is from the east and 13.4 cfs is from the west (Theines, 2021b). The Acacia Project Site's existing stormwater drainage pattern is illustrated on Figure 4.10-3, *Acacia Project Site Existing Conditions Hydrology Map*.

**C. Flooding and Dam Inundation**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C7920H, dated August 28, 2008, both the Shea and Acacia Project Sites are located within "Zone X," which corresponds to areas with minimal flood hazard outside of the 500-year floodplain (the 0.2% annual chance of flooding). No portions of either the Shea or Acacia Project Site are located a 100-year flood hazard area. (FEMA, 2008)

According to the City of Fontana General Plan EIR, neither the Shea or Acacia Project Site is located within any mapped dam inundation area (Fontana, 2018b, p. 5.8-11).

**D. Water Quality**

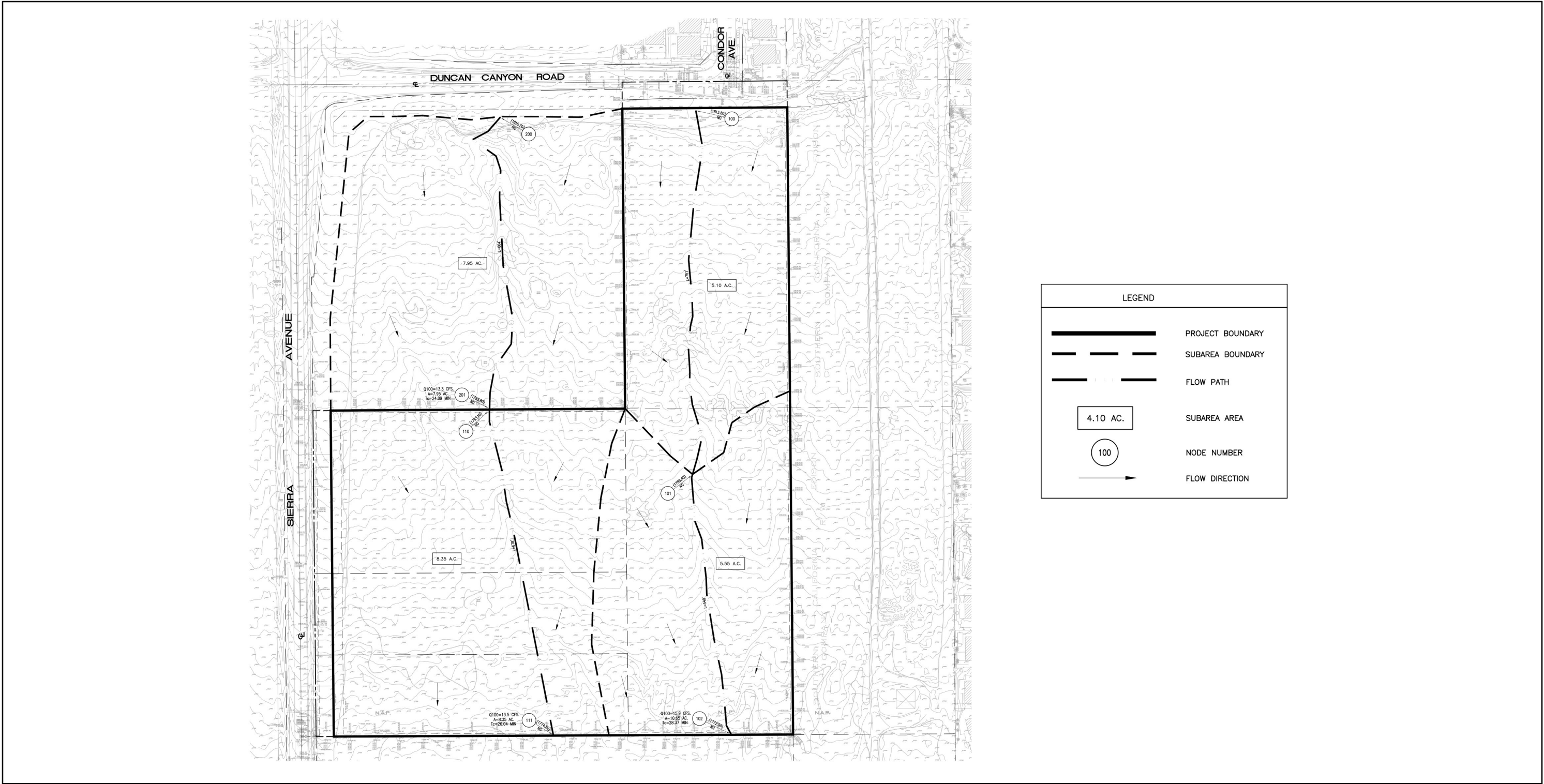
The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act (CWA)) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The receiving waters of both the Shea and Acacia Project Sites (where the water that flows across the properties goes when it leaves the Sites) include the storm drain southerly along Sierra Avenue, the storm drain westerly along Summit Avenue, San Sevaine Channel, Santa Ana River Reach 3, Prado Dam, Santa Ana River Reach 2, Santa Ana River Reach 1, and ultimately the Pacific Ocean. Of the Shea and Acacia Project Sites' receiving waters, the Santa Ana River Reach 3 is included on the CWA's Section 303(d) list of impaired waters because of excessive concentrations of copper, indicator bacteria, and lead and the Prado Dam because of pH (Theines, 2021a, p. 3-3; Theines, 2021c, 3-3).

**E. Groundwater**

The Shea and Acacia Project Sites are both located within the Upper Santa Ana Valley Groundwater Basin and within the Rialto-Colton Groundwater Subbasin (DWR, n.d.).

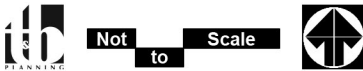
**1. Shea Project Site**

According to the geotechnical investigation performed for the Shea Project Site by Southern California Geotechnical, no groundwater was encountered during test excavations at the Shea Project Site. Historic high groundwater levels from the monitoring well nearest the Shea Project Site, located approximately 0.5-mile northwest, indicated high groundwater levels of 159± feet below the ground surface in January 1992. (Southern California Geotechnical, 2020, p. 6)



Source(s): Thienes Engineering, Inc. (08-13-2021)

Figure 4.10-3



Acacia Project Site Existing Conditions Hydrology Map



2. *Acacia Project*

According to the geotechnical investigation performed for the Acacia Project Site by NorCal Engineering, no groundwater was encountered during test excavations at the Acacia Project Site (NorCal Engineering, 2021, p. 3). Based upon a review of local groundwater maps, the depth to groundwater at the Acacia Project Site is in excess of 200 feet (NorCal Engineering, 2021, p. 5).

**4.10.2 REGULATORY SETTING**

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hydrology and water quality.

**A. Federal Plans, Policies, and Regulations**

1. *Clean Water Act*

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the EPA has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2021e)

**B. State Plans, Policies, and Regulations**

1. *Porter-Cologne Water Control Act*

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code § 13000 et seq.), the policy of the State of California is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.



The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards' decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management. (SWRCB, 2014b)

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions. (SWRCB, 2014b)

The Porter-Cologne Act also implements many provisions of the CWA, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. (SWRCB, 2014b) The Shea and Acacia Project Sites are located in the Santa Ana River Watershed which is within the purview of Santa Ana RWQCB. The Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan is the governing water quality plan for the region.

## **2. *California Water Code***

The California Water Code is the principal State law regulating water quality in California. Water quality provisions in State Code include but are not limited to: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW. (CA Legislative Info, n.d.)





Surface water quality is the responsibility of the RWQCB, water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water. (CA Legislative Info, n.d.)

### 3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR criteria are similar to those published in the National Recommended Water Quality Criteria. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters (SWRCB, 2016, pp. 14-15).

### 4. *Watershed Management Initiative (WMI)*

The State and RWQCBs consider entire watersheds when addressing water pollution including under the Watershed Management Initiative (WMI), which helps the Water Boards achieve water resource protection, enhancement, and restoration while balancing economic and environmental impacts. The integrated approach of the WMI involves three main ideas: 1) to use water quality to identify and prioritize water resource problems within individual watersheds; 2) to better coordinate point source and nonpoint source regulatory efforts; and 3) to better coordinate local, State, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups (SWRCB, 2017).

### 5. *Sustainable Groundwater Management Act (SGMA)*

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge (DWR, n.d.). Under the SGMA, critically over-drafted basins should reach sustainability by year 2040 and high and medium priority basins should reach sustainability by year 2042 (DWR, 2020). The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed plans that explain how groundwater basins will reach long term sustainability.





**A. Local Plans, Policies, and Regulations**

**1. *City of Fontana Local Hazard Mitigation Plan***

The City of Fontana's Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses significant hazards in Fontana, including floods and droughts. The LHMP recommends measures to address flooding concerns on a community-wide level that include but are not limited to: performing a feasibility study or retention and detention of storm water to include water sensitive design; evaluation of public infrastructure; ensuring undeveloped properties adhere to floodplain preservation and risk reduction methodologies; continuing to impose BMPs on users of the storm drain system; and continuing street sweeping and trash services.

**2. *City of Fontana Municipal Code***

Chapter 23, Article IX (Preventing Discharge of Pollutants into Storm Drains) of the City of Fontana Municipal Code requires the City to participate as a "Co-permittee" under the NPDES permit program to accomplish the requirements of the CWA. Pursuant to this Municipal Code chapter, the City requires all development activities subject to the City's NPDES permit to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is required to identify proposed structural BMPs and source and treatment control BMPs to infiltrate and/or adequately treat the projected stormwater and urban runoff from the development site (Fontana, 2021a).

The City of Fontana Municipal Code (Chapter 9, Article II) requires development projects to incorporate an erosion and dust control plan to minimize water- and windborne erosion. Specific dust control measures are required to be listed on the grading/construction plan. The erosion and dust control plan is required to be approved by City of Fontana staff prior to the issuance of the applicable construction permit (Fontana, 2021a).

**3. *SCAQMD Rule 403 (Fugitive Dust)***

South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures (BACM) during active operations capable of generating fugitive dust, including construction activities. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources (SCAQMD, 2005).

**4.10.3 METHODOLOGY OF EVALUATING HYDROLOGY & WATER QUALITY IMPACTS**

The analysis of potential hydrology and water quality-related impacts is based upon the hydrology calculations and preliminary water quality management plans prepared for the Shea and Acacia Project Sites. The hydrology calculations for each Project were prepared by Thienes using the San Bernardino County Rational Method program (AES software). The soil type for both the Shea and Acacia Project Sites is "A" per the San Bernardino County Hydrology Manual (Theines, 2022, n.p.; Theines, 2021b, n.p.). The storm water quality management plans for the Shea and Acacia Projects were prepared based on the technical guidance document for water quality management plans within the Santa Ana River Watershed and utilizes the water quality



management plan template for the Santa Ana River Watershed, both published by the County of San Bernardino. The City of Fontana's General Plan and information sources from State and federal agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

#### 4.10.4 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to hydrology and water quality that could result from development projects. The Project would result in a significant impact to hydrology and/or water quality if the Project or any Project-related component would:

- a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;*
- b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*
- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
  - i. *Result in substantial erosion or siltation on- or off-site;*
  - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
  - iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
  - iv. *Impede or redirect flood flows.*
- d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*
- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

#### 4.10.5 IMPACT ANALYSIS

**Threshold a:** *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The Shea Project Applicant and Acacia Project Applicant would each 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 both the Shea and Acacia Project Applicants



and/or their construction contractors to prepare SWPPPs and obtain authorization to discharge stormwater under an NPDES construction stormwater permit because both the Shea and Acacia Projects would result in construction on sites that are larger than one acre. Both the Shea and Acacia Project 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), and the resulting applicable requirements to comply with a NPDES Permit within the jurisdiction of the Santa Ana RWQCB.

**A. Construction-Related Water Quality Impacts**

**1. *Shea Project***

Construction of the Shea Project would involve demolition, clearing, grading, paving, utility installation, building construction, and landscaping activities, which have the potential to generate silt, debris, organic waste, chemicals, paints, and other solvents; should these materials come into contact with water that reaches the groundwater table or flows off-site, the potential exists for the Shea Project's construction activities to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during Shea Project construction in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX, the Shea Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Shea Project 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 Shea 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. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Pursuant to Fontana Municipal Code Chapter 9, Article II, the Shea Project 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 Shea 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.

**2. *Acacia Project***

Construction of the Acacia Project would involve clearing, grading, paving, utility installation, building construction, and landscaping activities, which have the potential to generate silt, debris, organic waste, chemicals, paints, and other solvents; should these materials come into contact with water that reaches the groundwater table or flows off-site, the potential exists for the Acacia Project's construction activities to



adversely affect water quality. As such, short-term water quality impacts have the potential to occur during Acacia Project construction in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX, the Acacia Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Acacia Project 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 Acacia 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. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Pursuant to Fontana Municipal Code Chapter 9, Article II, the Acacia Project 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 Acacia 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.

### **3. Combined Shea and Acacia Projects**

The Shea Project and Acacia Project would transform two properties that are undeveloped other than with one residential home and a shed on the Shea Project site to two commerce center developments collectively containing three buildings, drive aisles, parking areas, landscaping, and other supporting features. During the construction of these Projects, whether the construction activities occur simultaneously or sequentially, short-term water quality impacts would be addressed through requirements of the Santa Ana RWQCB and Fontana Municipal Code Chapter 23, Article IX. Both Project Applicants would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit) and implement a SWPPP specifying BMPs that 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. With mandatory regulatory compliance, the Shea Project and Acacia Project combined would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction. Impacts would be less than significant.

### **B. Post-Development Water Quality Impacts**

#### **1. Shea Project**

Stormwater pollutants that may be produced during Shea Project operation include pathogens (bacterial/virus), nutrients (phosphorous/nitrogen), noxious aquatic plants, sediment, metals, oil/grease, trash/debris,



pesticides/herbicides, and organic compounds. On-Site landscaping and/or runoff from paved vehicle parking areas would be the source of potential stormwater pollutants from Shea Project operation. The expected pollutants of concern for the Shea Project are pathogens, nitrogen, and sediment (Theines, 2021a, 2-2).

The Shea Project Applicant would be required to prepare and implement a Storm 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. The SWQMP is a site-specific post-construction water quality management program designed to address the potential release of pollutants of concern for downstream receiving waters and other water pollutants through the use of BMPs. Implementation of the SWQMP ensures on-going, long-term protection of the watershed basin. The preliminary SWQMP for the Shea Project was prepared by Thienes and is included as *Technical Appendix I2* to this EIR. As identified in the preliminary SWQMP, the Shea Project is designed to include structural source control BMPs (including hydrodynamic separators, catch basin inserts, and underground infiltration chambers) as well as operational source control BMPs (including, but not limited to, the installation of water-efficient landscape irrigation systems, storm drain system stenciling and signage, and implementation of a trash and waste storage areas (Theines, 2021a, pp. 4-4 - 4-5). Compliance with the preliminary SWQMP would be required as a condition of Shea 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. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

Additionally, the NPDES program requires certain land uses, including the industrial land uses proposed by the Shea 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. On April 1, 2014, the California State Water Resources Control Board adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the "Industrial General Permit"). This permit was amended in 2015 and 2018 and is effective as of as of July 1, 2020. (SWRCB, 2020a). Under this currently effective NPDES Industrial General Permit, the She Project Applicant would be required to prepare a SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Because the permit is dependent upon a detailed accounting of all operational activities and procedures, and the Shea Project's building users and their operational characteristics are not known at this time, details of the operational SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined with certainty at this time. However, based on the performance requirements of the NPDES Industrial General Permit, the Shea Project's mandatory compliance with all applicable water quality regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Shea 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.





## 2. Acacia Project

Stormwater pollutants that may be produced during Acacia Project operation include pathogens (bacterial/virus), nutrients (phosphorous and nitrogen), noxious aquatic plants, sediment, metals, oil/grease, trash/debris, pesticides/herbicides, and organic compounds. On-site landscaping and/or runoff from paved vehicle parking areas would be the source of potential stormwater pollutants from Acacia Project operation. The expected pollutants of concern for the Acacia Project are pathogens, nitrogen, and sediment (Theines, 2021c, 2-2).

The Acacia Project Applicant would be required to prepare and implement a 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. The SWQMP is a Site-specific post-construction water quality management program designed to address the potential release of pollutants of concern for downstream receiving waters and other water pollutants through the use of BMPs. Implementation of the SWQMP ensures on-going, long-term protection of the watershed basin. The preliminary SWQMP for the Acacia Project was prepared by Thienes and is included as *Technical Appendix I4* to this EIR. As identified in the preliminary SWQMP, the Project is designed to include structural source control BMPs (including hydrodynamic separators, catch basin inserts, and underground infiltration chambers) as well as operational source control BMPs (including, but not limited to, the installation of water-efficient landscape irrigation systems, storm drain system stenciling and signage, implementation of a trash and waste storage areas, and covered dock areas) to minimize, prevent, and/or otherwise appropriately treat stormwater runoff flows for pollutants of concern before they are discharged into the municipal storm drain system (Theines, 2021c, pp. 4-4 - 4-5). Compliance with the preliminary SWQMP would be required as a condition of Acacia 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. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

Additionally, the NPDES program requires certain land uses, including the industrial land uses proposed by the Acacia 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. On April 1, 2014, the California State Water Resources Control Board adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the "Industrial General Permit"). This permit was amended in 2015 and 2018 and is effective as of as of July 1, 2020. (SWRCB, 2020a). Under this currently effective NPDES Industrial General Permit, the Acacia Project would be required to prepare a SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Because the permit is dependent upon a detailed accounting of all operational activities and procedures, and the Acacia Project's building users and their operational characteristics are not known at this time, details of the operational SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined with certainty at this time. However, based on the performance requirements of the NPDES Industrial General Permit, the Acacia Project's mandatory compliance with all applicable water quality regulations would further reduce potential water quality impacts during long-term operation.



Based on the foregoing analysis, the Acacia 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.

### 3. Combined Shea and Acacia Projects

The Shea Project and Acacia Project would transform two properties that are undeveloped other than with one residential home and a shed on the Shea Project site into commerce center developments collectively containing three buildings, drive aisles, parking areas, landscaping, and other supporting features. Stormwater pollutants that may be produced during operation of the Projects would be reduced and managed by the required implementation of Storm Water Quality Management Plans (SWQMP) in compliance with the City's NPDES municipal stormwater permit. Implementation of the SWQMP would ensure ongoing, long-term protection of the watershed basin. Additionally, mandatory compliance with the NPDES program requires the preparation of SWPPPs for the operational activities of each Project as applicable to the Projects' operational characteristics. With mandatory regulatory compliance, the Shea Project and Acacia Project combined 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.

***Threshold b:*** *Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The groundwater table is more than 150 feet deep at the Project Sites, precluding any reasonable possibility of the Projects directly interfering with the groundwater table or groundwater supply during construction or operation of the Projects. Neither the Shea Project or Acacia Project propose the use of any wells or other groundwater extraction activities. To provide water to the Projects, both the Shea and Acacia Projects would install domestic water infrastructure that would connect to the West Valley Water District's municipal water system. For more information on the West Valley Water District's water supply sources, refer to Subsection 4.19, *Utilities and Service Systems*. The Shea and Acacia Projects would not directly draw water from the groundwater table. For these reasons, implementation of the Shea Project and Acacia Project has no potential to substantially deplete or decrease groundwater supplies and the Projects' impact to groundwater supplies would be less than significant.

Development of the Shea Project and Acacia Project would increase impervious surface coverage on the Project Sites, which would, in turn, reduce the amount of water percolating down 150+ feet below the surface and into the groundwater table that underlies the Shea and Acacia Project Sites (the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin). The principal recharge area for the northern part of the Rialto-Colton Subbasin where the Shea and Acacia Project Sites are located, is Lytle Creek. Lesser amounts of recharge are provided by percolation of precipitation to the valley floor, underflow, and irrigation and septic returns (SBVMWD, 2015, p. 2-37). Because of the minimal amount of water that reaches the Subbasin from percolation, neither the Shea Project nor Acacia Project would result in substantial, adverse effects to local groundwater levels. Additionally, both the Shea and Acacia Projects include design features that would maximize the percolation of on-site storm water runoff into the groundwater basin, such as underground



infiltration chambers and permeable landscape areas. A detention basin is proposed to be located in the southwest corner of the Shea Project Site. Underground chambers are proposed to be located in the truck courts of the buildings on the Acacia Project site. Buildout of the Shea and Acacia Projects with these design features would not interfere substantially with groundwater recharge or impede sustainable groundwater management of the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin. Based on the foregoing information, the Shea and/or Acacia Projects either individually or collectively would not interfere substantially with groundwater recharge.

For the reasons stated above, the Shea and/or Acacia Projects would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Shea and/or Acacia Project either individually or combined would impede sustainable groundwater management of the Basin. Impacts would be less than significant.

***Threshold c: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?***

Implementation of the Shea Project and Acacia Project would alter the existing ground contours of the Shea and Acacia Project Sites and result in the installation of impervious surfaces, which would result in changes to the Project Sites' onsite drainage patterns. Each Project would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and underground infiltration basins to capture on-site stormwater runoff flows, treat the runoff to minimize the amount of water-borne pollutants, and convey the treated flows to the public storm drain system in Sierra Avenue.

**C. Erosion and Siltation Potential**

Under existing conditions, both Project Sites are undeveloped (except for one residence and a shed on the Acacia Project Site) and experience erosion in the natural condition. The Shea Project and Acacia Project would transform the Sites into two commerce center developments, which would alter the natural drainage pattern. Instead of water sheet flowing off the properties and carrying silt in the flows as occurs under existing conditions, the developed properties would contain stormwater drainage systems to capture runoff and filter out silt and pollutants before discharging into the public storm drain system. Both Projects also entail the construction of frontage improvements on Sierra Avenue inclusive of curb and gutter.

Pursuant to the requirements of the State Water Resources Control Board, the Shea and Acacia Project Applicants would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Shea and Acacia Projects would be required to comply with the Santa Ana



RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that would be required to be implemented during construction activities to ensure that waterborne pollution, including erosion/siltation, is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Shea and Acacia Projects 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 Shea and Acacia 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 Shea and Acacia Project construction activities would be less than significant.

During operation of the Shea and Acacia Projects, the Shea and Acacia Project Applicants would be required to prepare and implement SWQMPs, which are site-specific post-construction water quality management programs that are required to be implemented to minimize erosion and siltation, pursuant to Fontana Municipal Code Chapter 23, Article IX. The SWQMPs are required to identify an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The SWQMPs also are required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with a SWQMP is a mandatory requirement and ongoing compliance with each Project's SWQMP would ensure long-term maintenance of erosion and sediment control features. The preliminary SWQMPs for the Shea and Acacia Projects are provided as *Technical Appendix I2 and I4* to this EIR. Because the Shea and Acacia Project Applicants would be required by the SWQMPs to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, Shea and Acacia Project operation would result in less than significant impacts related to soil erosion and sedimentation.

#### **D. Stormwater Runoff Discharge and Storm Drain Capacity**

##### **1. Shea Project**

Under existing conditions, the southwestern portion of the Shea Project Site is developed with one residence and a shed but is otherwise vacant. The Shea Project would transform the site into a one building commerce center, which would alter the natural drainage pattern. In the proposed developed condition, runoff from the Shea Project Site would continue to drain north to south, via a stormwater drainage system, to the public storm drain system in Sierra Avenue. Refer to Figure 4.10-4, *Shea Project Proposed Condition Hydrology Map*.

Runoff from the northern portion of the Shea Project Site would drain to catch basins located in the drive aisle along the north side of the proposed building. A storm drain would convey runoff to the east and then south through the drive aisle located on the east side of the proposed building. Runoff from the eastern side of the Shea Project Site would be collected in a catch basin located in the southeast corner of the Shea Project Site. (Theines, 2022, n.p.) Runoff from the southern portion of the Shea Project Site would be collected in catch



basins located in the truck yard. The storm drain system would continue westerly through the truck yard. Flows from the water quality basin located in the southwestern corner of the Shea Project Site, the drive aisle located on the west side of the proposed building, and the drive aisle located on the south side of the proposed building would be confluent with the system in the southern driveway. The proposed on-site system would continue to Sierra Avenue where it would connect with the existing public storm drain lateral. Upon Shea Project buildout, the 100-year peak flow rate from the Shea Project Site would be approximately 40.3 cfs. (Theines, 2022, n.p.)

Runoff from the drive aisle on the west side of the proposed building and the drive aisle on the south side of the proposed building would leave the Shea Project Site undetained. The allowable discharge from the truck yard is  $\pm 5.5$  cfs. The remaining flows would be temporarily detained in the truck yard. During the 100-year storm event, the truck yard would discharge  $\pm 5.5$  cfs. The required storage volume would be  $\pm 0.78$  acre-feet at depth of  $\pm 1.1$  feet. With detention of discharge, the 100-year discharge from the Shea Project Site would be  $\pm 9.0$  cfs, which is an improvement (lowering of cfs) from the  $\pm 25.2$  cfs 100-year flow rate under existing conditions. (Theines, 2022, n.p.) As such, the Shea Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The storm drain system in Sierra Avenue and downstream has capacity to accept the Shea Project's stormwater, as explained in *Technical Appendix II* (Theines, 2022, p. 21).

## 2. Acacia Project

Under existing conditions, the Acacia Project Site is undeveloped. The Acacia Project would transform the property into a two-building commerce center, which would alter the natural drainage pattern. In the proposed developed condition, runoff from the Acacia Project Site would continue to drain north to south, via a stormwater drainage system, to the public storm drain system in Sierra Avenue. Refer to Figure 4.10-5, *Acacia Project Proposed Condition Hydrology Map*.

Runoff from the Acacia Project Site truck yard, vehicle parking lots, and drive aisles surrounding Building 2, would surface drain to catch basins. A proposed storm drain system, named "Line B" would convey flows to the west, through the drive aisle on the north side of Building 1, and discharge into the Sierra Avenue storm drain line ("Pub A"). Runoff from the vehicle parking lot north of Building 1 would surface drain to catch basins. A proposed storm drain system, named "Line D" would convey flows to the west to discharge into "Line B," which would then discharge into "Pub A." Runoff from the south truck yard and vehicle parking lots (west and east of Building 1) would surface drain to catch basins. A proposed storm drain system, named "Line C" would convey flows to the west and discharge into "Pub A." (Theines, 2021b, n.p.)

Upon Acacia Project buildout, the 100-year peak flow rate from the Acacia Project Site would be  $\pm 91.8$  cfs. The storm drain system in Sierra Avenue is designed for a 100-year storm event and the buildout of the tributary areas; therefore, the proposed Acacia Project improvements would not have a negative effect on the downstream facilities. (Theines, 2021b, n.p.) As such, the Acacia Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.





The storm drain system in Sierra Avenue and downstream has capacity to accept the Acacia Project's stormwater, as explained in *Technical Appendix I3*.

### 3. Combined Shea and Acacia Projects

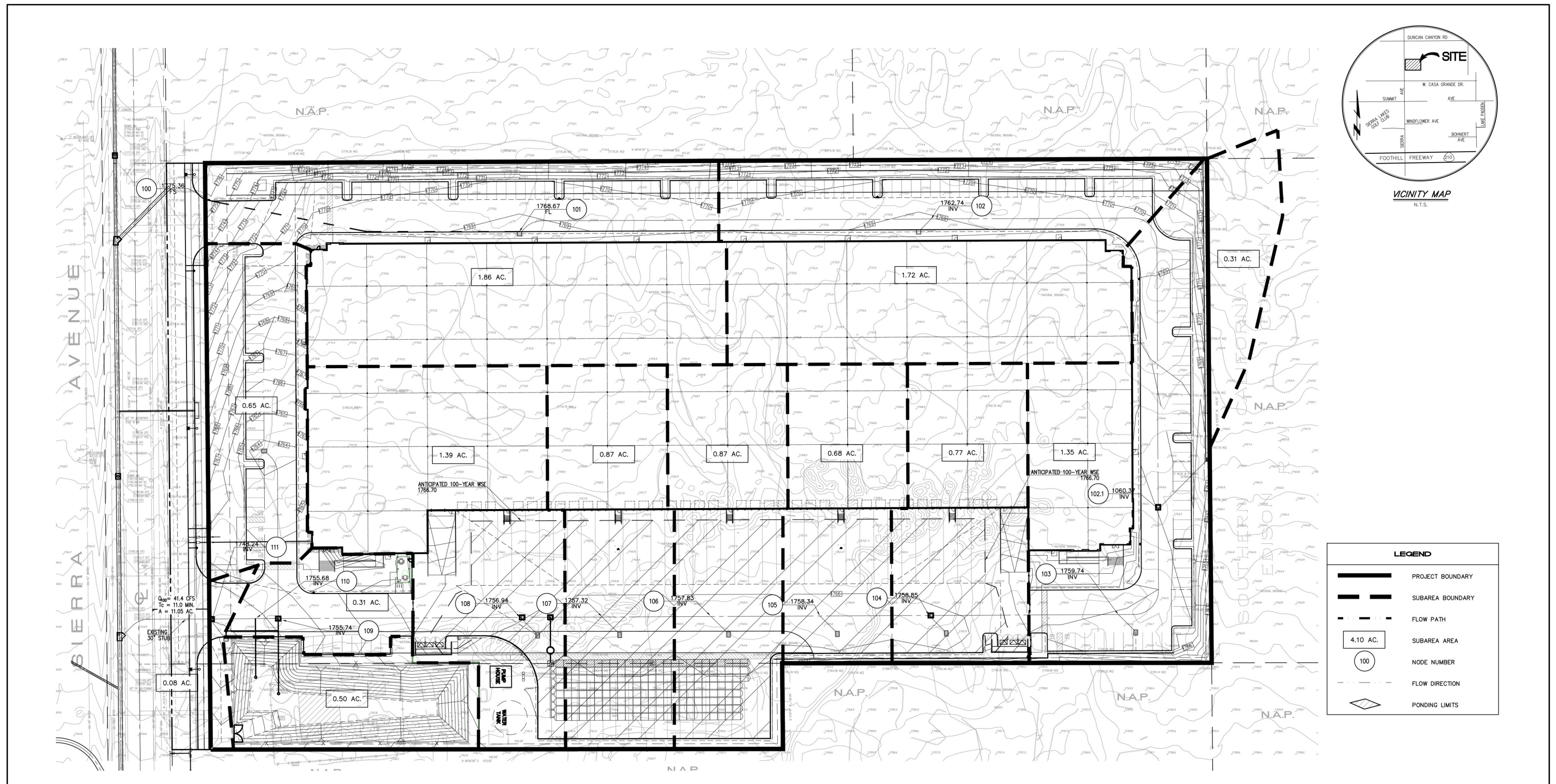
The Shea Project and Acacia Project would transform two properties that are undeveloped other than with one residential home and a shed on the Shea Project site into commerce center developments collectively containing three buildings, drive aisles, parking areas, landscaping, and other supporting features. Under existing conditions, drainage sheet flows north to south, with the Shea Project Site accepting run-on from the Acacia Project Site. Upon the development of both Projects, runoff from the Acacia Project Site would flow into an on-site storm water drainage system, discharging into a storm drain line installed in Sierra Avenue to the west (Theines, 2021b, n.p.). Similarly, runoff from the Shea Project Site would drain into an on-site storm drain system that would connect with a public storm drain lateral in Sierra Avenue. (Theines, 2022, n.p.) (Theines, 2022, p. 21) The storm drain system in Sierra Avenue and downstream has capacity to accept both the Acacia Project's stormwater and the Shea Project's stormwater, as explained in *Technical Appendices I1 and I3*. The Projects collectively would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

### E. Flood Flows

According to the FEMA FIRM No. 06071C7920H, the Shea and Acacia Project Sites are not located in a special flood hazard area, rather the Shea and Acacia Project Sites are located in an area outside of the 500-year (0.2% annual chance) floodplain (FEMA, 2008). Accordingly, the Shea and Acacia Project Sites are not expected to be inundated by flood flows during the lifetime of the Shea and Acacia Projects and the Shea and Acacia Projects would not impede flood flows. No impact would occur.

**Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

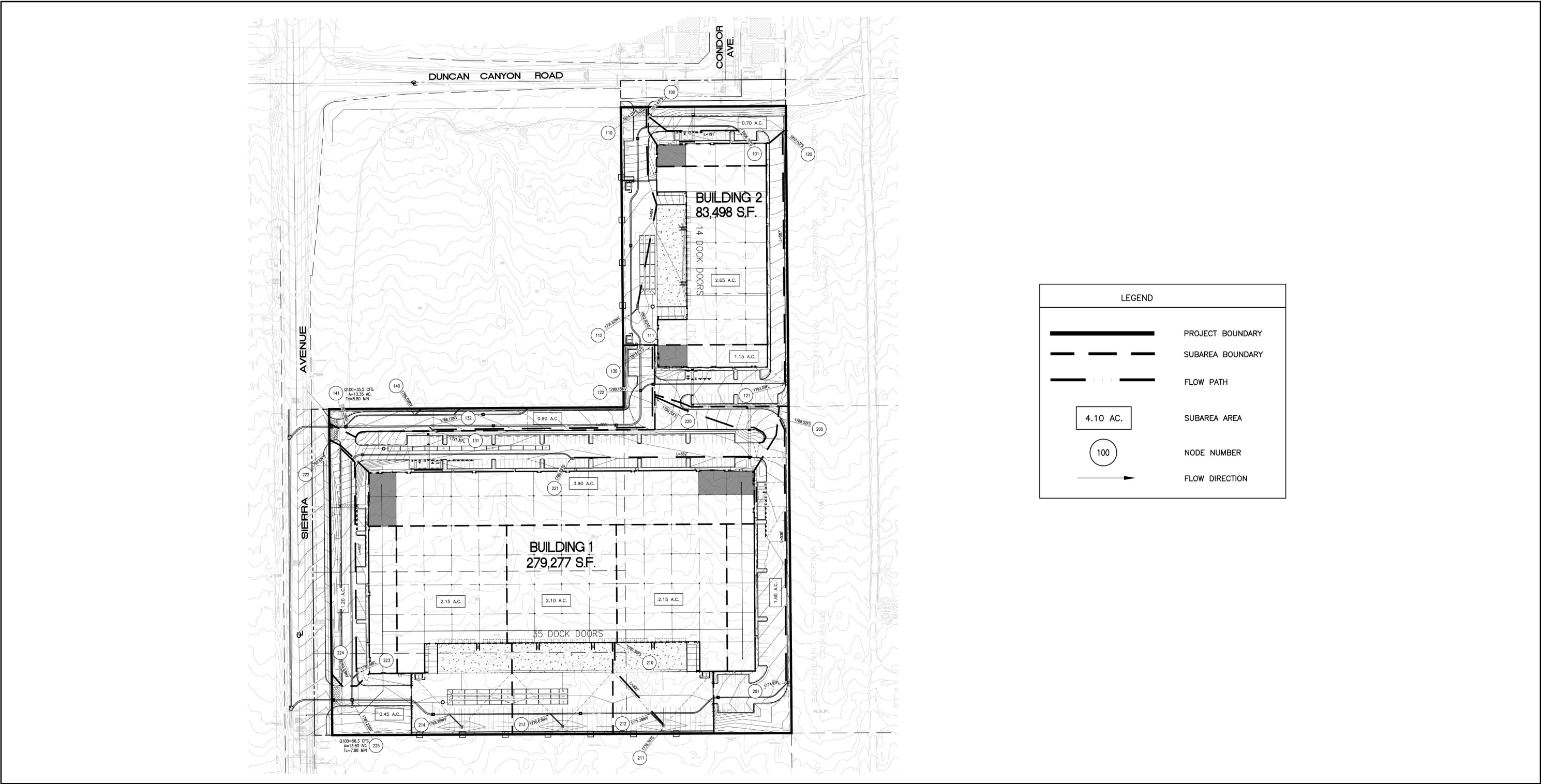
The Pacific Ocean is located over 45 miles southwest of the Shea and Acacia Project Sites; consequently, there is no potential for the Shea or Acacia Project Sites to be impacted by a tsunami as tsunamis typically only reach up to a few miles inland. The Shea and Acacia Project Sites are also not subject to flooding hazards associated with a seiche because the nearest large body of surface water (Silverwood Lake) is located more approximately 10 miles northeast of the Shea and Acacia Project Sites, which is too far away from the subject properties to impact the properties with a seiche (Google Earth, 2022). Furthermore, as noted in the City of Fontana General Plan EIR, the Shea and Acacia Project Sites are not located within any mapped dam inundation area (Fontana, 2018b, p. 5.8-11). Because neither the Shea nor Acacia Project Site can be affected by a tsunami, seiche, or dam inundation, there is no potential for such hazards to inundate the Shea or Acacia Project Sites and cause a release of waterborne pollutants. Accordingly, neither the Shea nor Acacia Project would release water pollutants due to inundation. No impact would occur.



**Source(s):** Thienes Engineering, Inc. (03-01-2022)

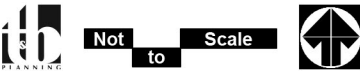
Figure 4.10-4





Source(s): Thienes Engineering, Inc. (08-13-2021)

Figure 4.10-5



Acacia Project Proposed Condition Hydrology Map



**Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

As discussed under Threshold “a” above, the Shea and Acacia Project Sites are located within the Santa Ana River Basin and 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 SWQMP. As also discussed in Threshold “a” above, implementation of the Shea and/or Acacia Project would not conflict with or obstruct the *Santa Ana River Basin Water Quality Control Plan* and impacts would be less than significant.

The Shea and Acacia Project Sites are located within the Upper Santa Ana Valley Groundwater Basin and within the Rialto-Colton Groundwater Subbasin (DWR, n.d.). As noted previously in the response to Threshold “b,” implementation of the Shea and/or Acacia Project would not result in substantial adverse effects to local groundwater supplies or groundwater recharge. Thus, no component of either the Shea or Acacia Project would obstruct with or prevent implementation of the management plan for the Upper Santa Ana Valley Groundwater Basin. As such, the Shea and Acacia Project’s construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

**4.10.6 CUMULATIVE IMPACT ANALYSIS**

The cumulative impact analysis considers construction and operation of the Shea and/or Acacia Projects in conjunction with other development projects in the vicinity of the Shea and Acacia Project Sites and projects located in the Santa Ana River Basin and Upper Santa Ana Valley Groundwater Basin, and projects tying into the Sierra Avenue storm drain system.

**A. Water Quality**

Construction of the Shea and Acacia Projects combined with 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 Shea and Acacia Project Applicants 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 Shea and Acacia Projects, would not contribute substantially to water quality impairments during construction.

Operational activities on the Shea and Acacia Project Sites would be required to comply with the Shea and Acacia Projects’ SWQMP’s to minimize the amount of waterborne pollution, including erosion and sediment,



discharged from the Shea and Acacia Project Sites. 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 Shea and Acacia Projects would not contribute to cumulatively-considerable water quality effects.

***B. Groundwater Supplies and Management***

A majority of the groundwater recharge in the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Groundwater Subbasin, occurs in the northwest (Lytle Creek), southeast (Reche Canyon), and south-central (Santa Ana River) portions of the Basin (DWR, 2004). The Shea and Acacia Projects 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 Western-San Bernardino Watermaster from resulting in adverse physical effects to recharge basins. The Shea and Acacia Projects incorporate permeable landscape areas and other design features (i.e., an underground infiltration/detention system on the Acacia Project Site and a surface basin on the Shea Project Site) that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by their lead agency for the project to incorporate design features (e.g., through minimum landscaped area requirements and site-specific WQMP requirements) that facilitate percolation and minimize surface runoff. No component of the Shea and Acacia Projects 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.

***C. Flooding***

Construction of the Shea and Acacia Projects 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 Shea and Acacia Projects are designed to ensure that runoff from the Shea and Acacia Project Sites during peak storm events is substantially reduced relative to existing conditions. Because the Shea and Acacia 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 Shea and Acacia Project Sites are not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Shea and Acacia Project Sites would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

**D. Stormwater System Capacity**

Upon the development of the Shea and Acacia Projects, runoff from both Project Sites would be collected by onsite stormwater drainage systems and conveyed to the public storm drain system in Sierra Avenue. The City of Fontana – North Fontana Master Storm Drainage Plan shows the Project Sites draining to the storm drain line in Sierra Avenue. The Acacia Project includes the installation of a 36” RCP extension along the Acacia Project Site’s frontage, based on the Master Storm Plan. Development located to the south already provided a 48” RCP extension to the Sierra Avenue storm drain reinforced concrete box. To assure capacity for cumulative project stormwater discharges into the Sierra Avenue storm drain line, design modifications are necessary to the public storm drain laterals on the east side of Sierra Avenue, north of Casa Grande Avenue (refer to DWG. No. 6130, designed by K&A Engineering for “The Gardens at the Arboretum” contained in the appendix to *Technical Appendix I3*.) A storm drain lateral for the Brookfield project at the northeast corner of Sierra and Casa Grande also was considered. Under existing conditions, two planned laterals shown on “The Gardens at the Arboretum” plans at curb returns were not installed due to utility conflicts with an existing gas line. An 18” lateral was therefore added to the design for a proposed public catch basin. A portion of a 30” lateral was removed from the storm drain design to accommodate Brookfield project and a 30” lateral was added to the design to accommodate the Shea Project just north of the Brookfield project. The revisions have minimal impact on the hydraulic gradient (HGL) of the original Brookfield plans, and therefore results in no adverse impacts on the downstream hydraulic conditions of the existing Sierra Avenue storm drain south of Casa Grande Avenue. Rational method calculations were performed with Advanced Engineering Software’s (AES) Rational Method Hydrology Program for San Bernardino County and K&A Engineering’s provided hydrology calculations from CIVILD. (Theines, 2022, p. 21) Considering the planned stormwater system improvements in Sierra Avenue, adequate stormwater capacity would be available for the Shea and Acacia Projects and impacts would be less than significant.

**4.10.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

*Threshold a:*

Shea Project: Less-than-Significant Impact. The Shea 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 SWQMP is required as part of the Shea Project’s implementation to address construction- and operational-related water quality.

Acacia Project: Less-than-Significant Impact. The Acacia 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 SWQMP is required as part of the Acacia Project’s implementation to address construction- and operational-related water quality.



Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects when considered together 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 SWQMP is required as part of both the Shea and Acacia Projects' implementation to address construction- and operational-related water quality.

*Threshold b:*

Shea Project: Less-than-Significant Impact. The Shea Project would not physically impact any of the major groundwater recharge facilities in the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin. The Shea Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Shea Project would impede sustainable groundwater management of the Basin.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not physically impact any of the major groundwater recharge facilities in the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin. The Acacia Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Acacia Project would impede sustainable groundwater management of the Basin.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The Shea and Acacia Projects when considered together would not physically impact any of the major groundwater recharge facilities in the Upper Santa Ana Valley Groundwater Basin, Rialto-Colton Subbasin. The Shea and Acacia Projects would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Shea and Acacia Projects would impede sustainable groundwater management of the Basin.

*Threshold c:*

Shea Project: Less-than-Significant Impact. The Shea Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Shea Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Shea 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.

Acacia Project: Less-than-Significant Impact. The Acacia Project would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Acacia Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Acacia 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.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The Shea and Acacia Projects when considered together would be required to comply with applicable water quality regulatory



requirements to minimize erosion and siltation. Additionally, the Shea and Acacia Projects would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Shea and Acacia Projects 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.

*Threshold d:*

Shea Project: No Impact. The Shea Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.

Acacia Project: No Impact. The Acacia Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Project Sites when considered together would not be subject to inundation from tsunamis, seiches, or other hazards.

*Threshold e:*

Shea Project: Less-than-Significant Impact. The Shea Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects when considered together would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

#### 4.10.8 MITIGATION

Impacts would be less than significant; therefore, no mitigation is required.



## 4.11 LAND USE AND PLANNING

This Subsection 4.11 discusses consistency of the Shea Project and Acacia Project individually and collectively with applicable land use and planning policies adopted by the City of Fontana and other governing agencies for the purpose of reducing adverse effects on the environment. Information used to support the analysis in this Subsection was obtained primarily from the City of Fontana General Plan (Fontana, 2018a), City of Fontana Zoning Ordinance (Fontana, 2021b), and Southern California Association of Governments (SCAG) *Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* (SCAG, 2020a). Refer to Section 7.0, *References*, for a complete list of reference sources.

### 4.11.1 EXISTING CONDITIONS

#### A. Shea Project Site

Under existing conditions, the Shea Project Site has one single-family residence with an associated shed in the southwest corner of the property. The remainder of the Shea Project Site is undeveloped land covered with native grass and shrub growth. As previously shown on Figure 2-1, *Surrounding Land Uses*, undeveloped land that is the site of the proposed Acacia Project, abuts the Shea Project Site to the north. To the east are a Southern California Edison easement (SCE) easement with overhead lines supported by steel support structures and a residential community in the City of Rialto. To the south is undeveloped land beyond which is commerce center development and to the west is Sierra Avenue beyond which is land under construction for new residential community.

#### B. Acacia Project Site

Under existing conditions, the Acacia Project Site is undeveloped land with no structures present. As previously shown on Figure 2-1, *Surrounding Land Uses*, Duncan Canyon Road and vacant parcels abut the Acacia Project Site to the north, beyond which is a residential community. To the east is a SCE easement with overhead lines supported by steel support structures beyond which is residential community in the City of Rialto. To the south is the site of the proposed Shea Project, and to the west on the opposite side of Sierra Avenue is land under construction for a new residential community.

### 4.11.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to land use and planning.

#### A. City of Fontana General Plan

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, Sections 65000 - 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text



and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis.

To assist local governments in meeting this responsibility, the Governor's Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code § 65040.2. The General Plan Guidelines are advisory and not mandatory. Nevertheless, it is the State's only official document explaining California's legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice. (OPR, 2017b, p. 1)

The Fontana City Council adopted the City's most recent General Plan for the planning period of 2015-2035 and certified its associated EIR on November 13, 2018, by City Council Resolutions 2018-097 and 2018-096, respectively. Additionally, the State mandates that General Plan Housing Elements be updated every five years, and in response the City's 2021-2029 Housing Element Update final draft was approved by the City Council in January 2022. At the time of this EIR preparation, the final draft Housing Element Update was under review by the California Department of Housing and Community Development.

General Plan is a policy document that reflects the City's vision for the future of Fontana. The General Plan is organized into 11 separate elements, which contain a series of policies to guide the City's vision for future development. Each of the General Plan elements are summarized below.

❑ *Community and Neighborhoods*

The Community and Neighborhoods Element focuses on attributes that contribute to the form, character and quality of life in the communities and neighborhoods where people live. This includes historic resources that link Fontana to its past, the City's neighborhood types, and discussion of potential housing options for both market-rate and affordable housing as Fontana grows. A separate, required Housing Element, prepared using the required methodology and approved by the State, covers the years 2014-2021 and is discussed separately below. (Fontana, 2018a, p. 4.3)

❑ *Housing*

The current State-approved City of Fontana General Plan Housing Element (2014-2021) was approved and adopted by the Fontana City Council in November 2018. The City published a final draft of the General Plan Housing Element for the 2021-2029 planning period, but as of the time of this writing, it is still in draft form and not yet accepted by the California Department of Housing and Community Development (Fontana, 2022). The 6<sup>th</sup> Cycle Housing Element was prepared according to State requirements, which stipulates that cities and counties must include in their general plans a Housing Element that makes adequate provision for housing and housing growth by providing zoning at appropriate densities and with sufficient infrastructure to meet a "fair share" of the regional need for affordable housing, as shown in the RHNA, prepared by SCAG. The City of Fontana's Housing





Element goals are: 1) adequate housing to meet the needs of all residents in Fontana; 2) a high standard of quality in existing affordable housing stock; 3) housing development that is not affected by government constraints; and 4) affirmatively further fair housing in Fontana (Fontana, 2022).

☐ *Building a Healthier Fontana*

The Building a Healthier Fontana Element identifies a shared vision and set of values for addressing health and wellness within Fontana, including goals for the future physical development that will result in a healthier City. This Element provides high-level goals; policies, strategies and performance measures to achieve the goals; and an implementation program of actions to improve health. Based on community input, identified health concerns and needs, and the Fontana Forward Vision and Principles this element has four comprehensive strategies for incorporating health considerations into various City processes and decision making. (Fontana, 2018a, p. 6.3)

☐ *Conservation, Open Space, Parks, and Trails*

The Conservation, Open Space, Parks, and Trails Element provides direction regarding parks, natural open spaces, and recreational opportunities in the City of Fontana. The Element's goals are to preserve sensitive natural open space, include plantings in large open space areas and park areas for wildlife, plant a drought-resistant urban forest, implement a no-net-loss policy for public parkland, ensure all residents live within walking or biking distance of a public parkland and provide sufficient public parkland in the City, design parks to maintain a high standard, create a non-profit parks foundation, update the Parks, Recreation, and Trails Master Plan, provide multiuse trails, and offer trails in natural areas that offer nature recreation. (Fontana, 2018a, pp. 7.3-7.5)

☐ *Public and Community Services*

The Public and Community Services Element focuses on three important aspects of municipal service provision: public safety, public facilities, and the many services provided by the Community Services department. Continuing the high level of service provision while making improvements is the theme of this element of the plan. (Fontana, 2018a, p. 8.3)

☐ *Community Mobility and Circulation*

The General Plan Community Mobility and Circulation Element is focused on connecting neighborhoods and City destinations by expanding transportation choice in Fontana. While the element supports continuing programs to improve travel by cars and trucks, it provides guidance on expanding the options for transit and "active transportation" (pedestrian and bicycle mobility) for Fontana. It is aligned with the SCAG 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy* concepts of Neighborhood Mobility Areas and Livable Corridors. The principle of the element is to connect people and places and provide safe and efficient transportation choices, including pedestrian, bicycle, and transit opportunities, along with well-maintained streets, to connect people to City destinations. (Fontana, 2018a, p. 9.3)



☐ *Infrastructure and Green Systems*

The Infrastructure and Green Systems Element is focused on working with regional agencies and privately-owned utilities that provide drinking water, wastewater treatment and power to the City and maintenance of City-maintained infrastructure elements, including parks and trails, streets, sewer lines and lift stations, City building, and stormwater management. The principle of the element is to be cost-effective and establish cost-effective best practices and systems to support ongoing City services and infrastructure. (Fontana, 2018a, pp. 10.3-10.5)

☐ *Noise and Safety*

The Noise and Safety Element maps, goals, and policies support the Guiding Principles of the General Plan. Specifically, the Noise and Safety Element ensures that development accounts for physical constraints and the natural hazards of the land. The Noise and Safety Element supports this principle through numerous policies that locate development away from hazardous areas and ensures safety and security for the City of Fontana. The Public Safety component of the element identifies potential hazards and an approach to reducing risks from hazards. The Noise and Safety Element addresses the City of Fontana's natural hazards and human activities that may pose a threat to public safety within the following topic areas: wildfires; geological and seismic hazards; flooding; hazardous materials; and noise. (Fontana, 2018a, p. 11-2)

☐ *Sustainability and Resilience*

The Sustainability and Resilience Element is focused especially on resource efficiency and planning for climate change. However, the reality is that sustainability and resilience are broader concepts that are increasingly embedded in a wide range of community values and activities—health, transportation, land use, open space preservation, and infrastructure—and reflected in the General Plan elements on these topics. The main principles of this element are to pursue high-quality development and making public investments a model of design, connecting people and places by providing safe and efficient transportation choices, and pursue sustainability and resilience by making resource-efficient choices to conserve resources. (Fontana, 2018a, pp. 12.3-12.4)

☐ *Economy, Education, and Workforce Development*

The Economy, Education, and Workforce Development Element is focused on economic development within the City and creation of jobs in Fontana for Fontana residents to make the City less of a bedroom suburb and move of a complete community. The main principles of this element are to be business friendly, pursue goals through partnerships, prepare students for good jobs, act transparently and provide civic engagement, and be cost effective to support ongoing City services and infrastructure. (Fontana, 2018a, pp. 13.3-13.5)

☐ *Land Use, Zoning, and Urban Development*

The Land Use, Zoning, and Urban Development Element sets the policy framework over the next 20 years for the physical development of the City. It is the guide for decision makers on the pattern,



distribution, density, and intensity of land uses that, overtime, will help the City achieve the Fontana vision for the future. This element includes a land use map to guide future development. The land use map is not a zoning map but provides the foundation for zoning and guides the Planning Commission and City Council when they are called upon to exercise their discretion in making rulings on rezoning and similar issues. (Fontana, 2018a, p. 15.3)

**1. *Shea Project Site***

The City's General Plan designates the Shea Project Site as Multi-Family High Density Residential (R-MFHR) land uses. The R-MFHR land use designation is the highest-density residential category in the City, allowing for 39.1 to 50 dwelling units (du) per acre. (Fontana, 2018a, pp. 15.25-15.26)

**2. *Acacia Project Site***

The City's General Plan designates approximately 14.5 net acres of the Acacia Project Site as R-MFHR and approximately 4.5 net acres for General Commercial (C-G) land uses. The R-MFHR land use designation is the highest-density residential category in the City, allowing for 39.1 to 50 dwelling units (du) per acre and the C-G land use designation allows for a 0.1-1 FAR and uses such as retail, malls, wholesale, auto dealerships, and offices that serve a broader, regional population. (Fontana, 2018a, pp. 15.25-15.26)

**B. *City of Fontana Zoning Ordinance***

Under existing conditions, the Shea Project Site is zoned as Multi-Family High Density Residential (R-5) and the Acacia Project Site is zoned R-5 and General Commercial (C-2). R-5 is the highest-density residential category in the City, allowing for 39.1 to 50 du per acre. The C-2 zoning designation allows for general commercial uses including but not limited to retail and wholesale activities, automobile-related sales and services, offices and businesses providing administrative and professional services, and medical offices and clinics. (Fontana, 2021b)

**C. *SCAG Regional Transportation Plan and Sustainable Communities Strategy***

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. (SCAG, 2020a)

As a MPO and public agency, SCAG develops transportation and housing strategies that transcend jurisdictional boundaries that affect the quality of life for southern California as a whole. SCAG's *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* includes long-range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and



other plans for the region. The *RTP/SCS* also provides objectives for meeting emissions reduction targets set forth by the California Air Resources Board (CARB); these objectives were provided in a direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. (SCAG, 2020a)

**D. SCAQMD Air Quality Management Plan**

An AQMP is a plan for the regional improvement of air quality. The SCAQMD *2016 AQMP* is the applicable AQMP for the South Coast Air Basin and was approved by the SCAQMD Governing Board in March 2017 (SCAQMD, 2017a). The Project's consistency with the *2016 AQMP* was analyzed in detail in EIR Subsection 4.2, *Air Quality*.

**E. San Bernardino County Congestion Management Program**

The *San Bernardino County Congestion Management Program (CMP)* was prepared by the San Bernardino Associated Governments (SANBAG). The intent of the *CMP* is to more directly link land use, transportation, and air quality planning and to prompt reasonable growth management programs that would more effectively utilize new and existing transportation funds to alleviate traffic congestion and related impacts and improve air quality. The *San Bernardino County CMP* was first adopted in November 1992 and has since been updated 12 times, with the most recent comprehensive update in June 2016. The Project's consistency with the *San Bernardino County CMP* is discussed in detail in EIR Subsection 4.13, *Transportation*.

**4.11.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to land use and planning that could result from development projects. The Project would result in a significant impact to land use and planning if the Project or any Project-related component:

- a. *Physically divide an established community; or*
- b. *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.*

**4.11.4 IMPACT ANALYSIS**

**Threshold a: Would the Project physically divide an established community?**

Under existing conditions, the Shea Project Site has one single-family residence and a shed in the southwestern corner and the remainder of the site is undeveloped. The Acacia Project Site is vacant and undeveloped, with no structures. The surrounding area is a mix of commercial, industrial, and residential uses. The Shea and Acacia Project Sites are separated from residential development to the north by undeveloped land and Duncan Canyon Road, to the east by a SCE easement containing overhead powerlines on steel support structures, and to the west by Sierra Avenue, to the west of which is a residential community under development. No residential land uses are located to the south of the Shea Project Sites.



The Shea Project and Acacia Project would continue the pattern of commerce center development that already has occurred to the south along Sierra Avenue. The residential community to the east in the City of Rialto is physically separated from the Project Sites by the presence of an intervening SCE easement with overhead lines and steel support structures, and a solid perimeter wall constructed on the property lines of the residential homes. The residential community to the north is separated from the Acacia Project Site by Duncan Canyon Road and except for a roadway entry into the community at Duncan Canyon Road and Condor Avenue, there is no other physical connection to the Project Sites. To the east, the Project Sites are separated from a new planned residential community that is currently under construction by Sierra Avenue, which is a designated truck route and at full buildout of the street will have six travel lanes and a raised center median.

The Shea Project and Acacia Project are designed to connect with Sierra Avenue, and continue the pattern of commerce center development that already has been established to the south on the east side of Sierra Avenue. This area contains the Target Distribution Center and commerce center buildings that are part of the Sierra Pacific Center development occupied by FedEx Supply Chain and other users. The Shea and Acacia Projects also do not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Projects would not physically divide any existing, surrounding community and impacts would be less-than-significant.

***Threshold b: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

**A. City of Fontana General Plan**

Implementation of the Shea and Acacia Projects would require General Plan Amendments to change the land use designation of the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L) and the Acacia Project Site from R-MFH and General Commercial (C-G) to I-L.

Inconsistency with a goal or policy of an applicable plan is not itself an environmental impact. Such an inconsistency may be read to indicate a likelihood of an environmental impact or to support such a conclusion, but an inconsistency is not inherently an environmental impact itself. Further, it is well-established in CEQA case law that a project does not have to be consistent with each and every goal or policy in a plan to be found consistent with the overall intent of the plan. Determination of consistency requires only that the proposed project be “compatible with the objectives, policies, general land uses, and programs specified in” the applicable plan. (Cal. Gov. Code § 66473.5.) The courts have interpreted this provision as requiring that a project be “in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail” of the plan.<sup>1</sup>

Nonetheless, as summarized in Table 4.11-1, *Shea and Acacia Project Consistency with the General Plan*, the Shea and Acacia Projects would be consistent with all applicable General Plan goals and policies related to environmental effects.

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<sup>1</sup> *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678; see also *Friends of Lagoona Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807.





**Table 4.11-1 Shea and Acacia Project Consistency with the General Plan**

Applicable General Plan Policies	Consistency Determination
<b>COMMUNITY AND NEIGHBORHOODS ELEMENT</b>	
<b>Goal 1: The integrity and character of historic structures, and cultural resources sites within the City of Fontana are preserved.</b>	
Policy 3: Collaborate with the Native American Heritage Commission (NAHC) and local tribal organizations about land development that may affect Native American cultural resources and artifacts.	<u>No conflict identified.</u> As detailed in EIR Subsection 4.5, <i>Cultural Resources</i> , and Section 4.18, <i>Tribal Cultural Resources</i> , the Native American Heritage Commission (NAHC) was contacted as part of the Cultural Resources Study for the Shea and Acacia Projects for information related to cultural resources or heritage sites within or adjacent to the Shea and Acacia Project Sites. Additionally, in compliance with the SB 18 and AB 52 consultation process, the City sent notification of the Shea and Acacia Projects to Native American tribes with possible traditional or cultural affiliation to the Shea and Acacia Project Sites and considered information from responding tribes as part of the analyses presented in this EIR.
<b>Goal 3: Archaeological resources are protected and preserved.</b>	
Policy 1: Collaborate with state archaeological agencies to protect resources.	<u>No conflict identified.</u> As detailed in EIR Subsection 4.5, <i>Cultural Resources</i> , as part of the Cultural Resources Study for the Shea and Acacia Projects, an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University, Fullerton was performed to provide information regarding previous archaeological studies in the Shea and Acacia Project areas and any previously recorded sites within a one-mile radius of the Shea and Acacia Project Sites.
<b>Goal 7: A diverse stock of quality housing serves Fontana residents across the range of incomes, household types, and age groups.</b>	
Policy 1: Support a diversified housing stock that includes new options ranging from larger-lot single family housing to “missing middle” housing types such as cottage developments, small-scale apartments and condos, and courtyard housing, as well as larger multifamily developments.	<u>No conflict identified.</u> The Shea Project and Acacia Project require the City’s approval of General Plan Amendments (GPAs) change the properties’ land use designations from a residential (Shea) and residential and commercial (Acacia) designation to a light industrial designation. The Projects are obligated to comply with the California Housing Crisis Act of 2019 (SB 330). Under existing zoning designations, up to 555 housing units could occur on the Shea Project Site and up to 725 housing units could occur on the residentially-zoned portion of the Acacia Project Site. To comply with SB 330, the Projects 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.
<b>BUILDING A HEALTHIER FONTANA</b>	
<b>Goal 1: The average lifespan in Fontana consistently ranks within the top ten of all Southern California cities.</b>	



Policy3: Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma rates.	<p><u>No conflict identified.</u> The Projects comply with Fontana’s Ordinance No. 1879 which established sustainability standards applicable to industrial commerce center development projects that are intended to improve local air and environmental quality. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.</p> <p>The census tract containing the Project Site (Census Tract 6071002704) is in the 94th percentile for pollution burden ranked in the 49th percentile of communities that are disproportionately burdened by asthma (OEHHA, 2022). The residential uses in the City of Rialto located immediately east of the Project Sites (Census Tract 6071002703) are ranked in the 52nd percentile for pollution burden and the 55th percentile of communities that are disproportionately burdened by asthma (OEHHA, 2022). Sulfur dioxide (SO<sub>2</sub>) is a respiratory irritant to people afflicted with asthma. Additionally, exposure to ozone (O<sub>3</sub>) can result in increased risk for asthma. (Urban Crossroads, 2022a, pp. 16-17). The Project would result in nominal and less than significant SO<sub>x</sub> impacts that would not exacerbate asthma rates. O<sub>3</sub> is not directly emitted and is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. The Project would not exceed the daily SCAQMD emissions thresholds for NO<sub>x</sub> and would not exceed VOC emissions thresholds with adherence to construction-related Mitigation Measure 4.3-1 which will prohibit architectural coatings from being applied to multiple adjacent buildings at the same time.</p> <p>In summary, placing the proposed Projects in their proposed locations would contribute to air pollution, which would contribute to asthma burden, but the Projects would comply with the Fontana’s Ordinance No. 1879 and would not exacerbate asthma rates.</p>
Policy 5: Continue economic development efforts to develop a greater number and range of jobs in Fontana so as to reduce residents’ need to commute out of the City.	Consistent. The Shea and Acacia Projects would develop commerce center buildings that would generate additional jobs in Fontana available to local residents, thus reducing the need for residents to commute out of the City for jobs.
Policy 8: Strongly encourage efforts to improve the safety of all roadway users, especially pedestrians and bicyclists.	<u>No conflict identified.</u> As discussed in EIR Subsection 4.17, <i>Transportation</i> , the Shea and Acacia Projects would make frontage improvements along Sierra Avenue, including travel lanes, a bike lane, and sidewalks. Additionally, both Projects include the installation of frontage sidewalk along Sierra Avenue to assist in completing the area’s pedestrian



	circulation system, and both Projects would include bicycle accommodations per CalGreen to facilitate bicycle ridership.
<b>Goal 5: Fontana is a city in which all residents' basic needs are met.</b>	
Policy 1: Encourage the development of a wide variety of housing sizes and types to meet the needs of residents through all life stages and ranges of affordability.	<u>No conflict identified.</u> The proposed Projects do not entail housing development. However, the Shea Project and Acacia Project are required to comply with California's Housing Crisis Act of 2019 (SB 330). Under existing zoning designations, up to 555 housing units could occur on the Shea Project Site and up to 725 housing units could occur on the residentially-zoned portion of the Acacia Project Site. To comply with SB 330, the Projects 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.
<b>CONSERVATION, OPEN SPACE, PARKS, AND TRAILS ELEMENT</b>	
<b>Goal 5: All Fontana residents live within walking or biking distance of a public park and there are sufficient public parks to serve all areas of the city.</b>	
Policy 2: Continue to use a minimum standard of 5 acres of public parkland per 1,000 persons.	<u>No conflict identified.</u> The City of Fontana currently maintains 5.7 acres of public parkland per 1,000 persons. The Shea Project would add approximately 81 jobs and the Acacia Project would add approximately 155 jobs, for a total of 236 jobs. It is expected that these jobs would be filled by persons already living in the local area, and it is overly speculative to try to estimate what if any percentage of workers at the Shea and Acacia Project Sites, if any, may relocate to Fontana from development of the Shea and Acacia Projects. As the City currently has a population of over 200,000, however, even with the addition of 236 people to the population if every estimated employee of the Project was assumed to relocate to Fontana, this ratio is not expected to drop below 5 acres per 1,000 persons.
<b>COMMUNITY AND MOBILITY CIRCULATION ELEMENT</b>	
<b>Goal 1: The City of Fontana has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning, as well as accommodating freight movement.</b>	
Policy 1: Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways.	<u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation components. Both Projects include the installation of frontage sidewalk along Sierra Avenue to assist in completing the area's pedestrian circulation system, and both Projects would include bicycle accommodations per CalGreen to facilitate bicycle ridership. As commerce center developments, the Projects would facilitate goods movement by providing commerce uses along Sierra Avenue, a designated truck route.
<b>Goal 2: Fontana's road network is safe and accessible to all users, especially the most vulnerable such as children, youth, older adults and people with disabilities.</b>	



Policy 1: Design roadway space for all users, including motor vehicles, buses, bicyclists, mobility devices (such as senior scooters), and pedestrians, as feasible and appropriate for the context.	<u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation components. Both Projects include the installation of frontage sidewalk along Sierra Avenue to assist in completing the area's pedestrian circulation system, and both Projects would include bicycle accommodations per CalGreen to facilitate bicycle ridership.
Policy 2: Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks.	<u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation components. As commerce center developments, the Projects would facilitate goods movement by providing commerce uses along Sierra Avenue, a designated truck route.
<b>Goal 6: The city has attractive and convenient parking facilities, including electric charging stations, for both motorized and nonmotorized vehicles that meet needs that fit the context.</b>	
Policy 1: Provide sufficient motor vehicle and secure bicycle parking in commercial and employment centers to support vibrant economic activity.	<u>No conflict identified.</u> The Shea Project is required to provide 62 parking spaces and would provide 168 spaces. For the Acacia Project, Building 1 is required to provide 143 spaces for building 1 and would provide 214 spaces; Building 2 is required to provide 59 parking spaces and would provide 63 spaces.
<b>INFRASTRUCTURE AND GREEN SYSTEMS ELEMENT</b>	
<b>Goal 1: Fontana collaborates with public and private agencies for an integrated and sustainable water resource management program.</b>	
Policy 1: Support initiatives to provide a long term supply of the right water for the right use through working with regional providers and the One Water One Watershed Plan.	<u>No conflict identified.</u> While the Shea and Acacia Projects would result in an incremental increase in demand for water treatment capacity, the Projects' water demands would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the <i>2015 San Bernardino Valley Regional Urban Water Management Plan</i> (UWMP).
<b>Goal 2: Fontana promotes use of non-potable water for uses where drinking water is not needed.</b>	
Policy 1: Encourage use of processed water from the IEUA systems using recycled water for all non-drinking water purposes.	<u>No conflict identified.</u> All water utilized by the Shea and Acacia Projects would meet current City standards regarding the use of processed water from the Inland Empire Utilities Agency systems for all non-drinking water purposes.
<b>Goal 3: The City continues to have an effective water conservation program.</b>	
Policy 1: Support landscaping in public and private spaces with drought-resistant plants.	<u>No conflict identified.</u> All landscape and irrigations designs shall meet the current City standards as listed in guidelines or as obtained from the public facilities department.
<b>Goal 6: Fontana has a stormwater drainage system that is environmentally and economically sustainable and compatible with regional One Water One Watershed standards.</b>	
Policy 2: Promote natural drainage approaches (green infrastructure) and other alternative non-structural and structural best practices to manage and treat stormwater.	<u>No conflict identified.</u> Storm water drainage features that would be installed on the Shea and Acacia Project Sites include but are not limited to catch basins, storm drain lines, underground chambers, and a surface basin located in the southwestern corner of the Shea Project Site.



<b>Goal 7: Fontana is becoming an energy efficient community.</b>	
Policy 1: Promote renewable energy and distributed energy systems in new development and retrofits of existing development to work toward becoming a zero net energy city.	<u>No conflict identified.</u> The Shea and Acacia Projects 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 CalGreen) and by local regulations (for example, the installation of rooftop solar panels, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1879).
<b>Goal 8: All residences and businesses have a dependable, environmentally safe means of disposing of solid waste.</b>	
Policy 2: Continue to maximize diversion opportunities and landfill capacity by supporting recycling innovations, such as E-waste, commercial, multifamily and organic waste recycling programs.	<u>No conflict identified.</u> The Shea and Acacia Projects would utilize all required City standards relating to recycling innovations, such as e-waste and other organic waste recycling programs.
<b>NOISE AND SAFETY ELEMENT</b>	
<b>Goal 3: The City of Fontana is a community that implements proactive fire hazard abatement strategies, and as a result, is minimally impacted by wildland and urban fires.</b>	
Policy 2: Require residential, commercial, and industrial structures to adhere to applicable fire codes for buildings and structures, fire access, and other standards in accordance with Fire Hazard Overlay District, California Fire Code, and City of Fontana Municipal Code, encourage of retrofit of non-conforming land uses.	<u>No conflict identified.</u> The Shea and Acacia Project would entail 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 and fire protection systems and interior sprinkler systems. Refer to EIR Subsection 4.20, <i>Wildfire</i> , for more information.
<b>Goal 5: The City shall continue to ensure that current geologic knowledge and peer (third party) review are incorporated into the design, planning, and construction stages of a project and that site-specific data are applied to each project.</b>	
Policy 1: Require adherence to the latest California Building Code regulations; update codes and ordinances periodically for latest advances.	<u>No conflict identified.</u> The Shea and Acacia Projects would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the California Building Standards Code (CBSC) and Fontana Building Code. Furthermore, and pursuant to the requirements of Fontana Municipal Code Chapter 26, Division 4, the Shea and Acacia Projects would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical reports for each Project to further reduce the risk of seismic-related ground failure. Refer to EIR Subsection 4.7, <i>Geology and Soils</i> , for more information.
Policy 2: The Building Official shall require development proposals to include a geotechnical hazard analysis as applicable.	<u>No conflict identified.</u> The Shea and Acacia Project Applicants retained professional geotechnical firms to prepare geotechnical reports for each Project, which are included as <i>Technical Appendix F1 and F3</i> to this EIR. The geotechnical reports include recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Shea and Acacia





	Project's specific design. Refer to EIR Subsection 4.7, <i>Geology and Soils</i> , for more information.
<b>Goal 7: The City Shall discourage new development in flood-hazard areas and implement mitigation measures to reduce the hazard to existing developments located within the 100 and 500 year flood zones.</b>	
Policy 4: Projects must comply with requirements of the National Flood Insurance Protection Floodplain Management program.	<u>No conflict identified.</u> The Shea and Acacia Project Sites are not located in a special flood hazard area, rather the Shea and Acacia Project Sites are located in an area outside of the 500-year (0.2% annual chance) floodplain. Refer to EIR Subsection 4.10, <i>Hydrology and Water Quality</i> , for more information.
Policy 5: Require new developments that add substantial amounts of impervious surfaces to integrate low impact development best management practices to reduce storm water runoff.	<u>No conflict identified.</u> The Shea and Acacia Projects would include the installation of an integrated, on-site system of underground storm drain pipes, catch basins, and underground infiltration basins to capture on-site stormwater runoff flows, treat the runoff to minimize the amount of water-borne pollutants, and convey the treated flows to the public storm drain system in Sierra Avenue. Refer to EIR Subsection 4.10, <i>Hydrology and Water Quality</i> , for more information.
<b>Goal 8: The City of Fontana protects sensitive land uses from excessive noise by diligent planning through 2035.</b>	
Policy 4: Noise spillover or encroachment from commercial, industrial and educational land uses shall be minimized into adjoining residential neighborhoods or noise-sensitive uses.	<u>No conflict identified.</u> The Shea and Acacia Projects 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. Refer to EIR Subsection 4.13, <i>Noise</i> , for more information.
<b>Goal 10: Fontana's residents are protected from the negative effects of "spillover" noise.</b>	
Policy 1: Residential land uses and areas identified as noise-sensitive shall be protected from excessive noise from non-transportation sources including industrial, commercial, and residential activities and equipment.	Consistent. The Shea and Acacia Projects 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. Refer to EIR Subsection 4.13, <i>Noise</i> , for more information.
<b>SUSTAINABILITY AND RESILIENCE ELEMENT</b>	
<b>Goal 5: Fontana is an Inland Empire leader in energy-efficient energy development and retrofits.</b>	
Policy 1: Promote energy-efficient development in Fontana.	<u>No conflict identified.</u> The Shea and Acacia Projects 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 rooftop solar panels, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1879).
Policy 2: Meet state energy-efficiency goals for new construction.	<u>No conflict identified.</u> The Shea and Acacia Projects 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 rooftop solar panels, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1879).
<b>Goal 6: Green building techniques are used in new development and retrofits.</b>	
Policy 1: Promote green building through guidelines, awards and nonfinancial incentives.	<u>No conflict identified.</u> The Shea and Acacia Projects 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 rooftop solar panels, the installation of electrical plug-ins for TRUs, the installation of electric vehicle charging stations, and limitations on diesel vehicle idling, as required by Ordinance No. 1879).
<b>LAND USE, ZONING, AND URBAN DESIGN ELEMENT</b>	
<b>Goal 2: Fontana development patterns support a high quality of life and economic prosperity.</b>	
Policy 3: Locate high-quality industrial uses where there is appropriate access to regional transportation routes.	<u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation components. As commerce center developments, the Projects would facilitate goods movement by providing commerce uses along Sierra Avenue, a designated truck route, which connects to Interstate 15.
<b>Goal 5: High-quality job-producing industrial uses are located in proximity to regional transportation routes.</b>	
Policy 1: Promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses.	<u>No conflict identified.</u> The Shea and Acacia Project Sites are not located in the Southwest Industrial Park or I-10 corridor areas. However, the Projects are proposed adjacent to Sierra Avenue, a designated truck route, and are located approximately 1.3 miles south of Interstate 15 (I-15).
<b>Goal 7: Public and private development meets high standards of design.</b>	
Policy 1: Support high-quality development in design standards and in land use decisions.	<u>No conflict identified.</u> A Design Review is required for both the Shea and Acacia Projects which involves City staff evaluation of the proposed site plans, site improvements, and building elevations (architecture) of the development to ensure consistency with applicable Development Code standards.

#### **B. City of Fontana Zoning Ordinance**

A Zone Change has been requested for both the Shea Project (ZC No. 21-006) and the Acacia Project (ZC No. 21-007) to amend the City Zoning Map to change the zoning classification of the Shea Project Site from Multi-Family High Density Residential (R-5) to Light Industrial (M-1) and the Acacia Project Site from R-5 and General Commercial (C-2) to M-1. Approval of the requested Zone Changes would eliminate any potential inconsistency between the proposed Shea and Acacia Projects and the site's underlying zoning classifications. Neither the Shea or Acacia Project would conflict with any development regulations and design standards in the Zoning Ordinance pertaining to the M-1 zone, and there are no components of the Shea or Acacia Project's proposed Zone Change that would result in impacts not already evaluated and disclosed by this EIR. Impacts would be less-than-significant.



**C. SCAG Regional Transportation Plan and Sustainable Communities Strategy**

As shown in Table 4.10-1, *SCAG RTP/SCS Goal Consistency Analysis*, neither the Shea nor Acacia Project would conflict with the adopted goals of the RTP/SCS. The Shea and Acacia Projects would not result in any land use and planning conflicts with the 2020 SCS/RTP.

**Table 4.10-1 SCAG RTP/SCS Goal Consistency Analysis**

RTP/SCS Goals	Goal Statement	Project Consistency Discussion
G1	Encourage regional economic prosperity and global competitiveness.	<u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning efforts. It should be noted that the Shea and Acacia Projects would improve the regional economy by creating new warehousing facilities.
G2	Improve mobility, accessibility, reliability, and travel safety for people and goods.	<u>No conflict identified.</u> EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation components. Both Projects include the installation of frontage sidewalk along Sierra Avenue to assist in completing the area's pedestrian circulation system, and both Projects would include bicycle accommodations per CalGreen to facilitate bicycle ridership. As commerce center developments, the Projects would facilitate goods movement by providing commerce uses along Sierra Avenue, a designated truck route.
G3	Enhance the preservation, security, and resilience of the regional transportation system.	<u>No conflict identified.</u> As disclosed in EIR Subsection 4.17 there are no components of the Shea or Acacia Projects that would result in substantial safety hazards to motorists or pedestrians.
G4	Increase person and goods movement and travel choices within the transportation system.	<u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Shea and Acacia Projects would have no adverse effect on such planning or maintenance efforts.
G5	Reduce greenhouse gas emissions and improve air quality.	<u>No conflict identified.</u> Air quality is addressed in EIR Subsection 4.3, <i>Air Quality</i> , and mitigation measures are specified to reduce the Shea and Acacia Project's air quality impacts to the maximum feasible extent. Additionally, and as discussed in EIR Subsections 4.8, <i>Greenhouse Gas Emissions</i> , and 4.6, <i>Energy</i> , the Shea and Acacia Projects would foreseeably incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy.
G6	Support healthy and equitable communities.	<u>No conflict identified.</u> An analysis of the Shea and Acacia Project's environmental impacts including topics of human health and relationship to disadvantaged populations is provided throughout this EIR, particularly in Subsection 4.3,



Table 4.10-1 SCAG RTP/SCS Goal Consistency Analysis

RTP/SCS Goals	Goal Statement	Project Consistency Discussion
		<i>Air Quality.</i> The Shea and Acacia Projects would develop the subject property with an employment-generating land use (i.e., one Shea Project commerce center building and two Acacia Project commerce center buildings) that would provide local job opportunities to existing and future residents of the local area. Impacts to human health were found to be less than significant as analyzed in EIR Subsection 4.3.
G7	Adapt to a changing climate and support an integrated regional development pattern and transportation network.	<u>No conflict identified.</u> This policy provides guidance to the City of Fontana to monitor the transportation network and to coordinate with other agencies as appropriate. The Shea and Acacia Projects would not conflict with the City's transportation network or the City's coordination with other agencies.
G8	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<u>No conflict identified.</u> This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. EIR Subsection 4.17, <i>Transportation</i> , evaluates Shea and Acacia Project-related transportation impacts to ensure efficient travel of Shea and Acacia Project related traffic.
G9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	<u>No conflict identified.</u> This policy provides guidance to the City to establish a local land use plan that facilitates the use of transit and non-motorized forms of transportation. As discussed in EIR Subsection 4.17, <i>Transportation</i> , sidewalks and bike racks would be incorporated into the Shea and Acacia Project design, encouraging walking and bicycling in the Shea and Acacia Project areas.
G10	Promote conservation of natural and agricultural lands and restoration of habitats.	<u>No conflict identified.</u> An analysis of the Project's environmental impacts is provided throughout this EIR, and mitigation measures are specified where warranted. As discussed in EIR Subsection 4.4, <i>Biological Resources</i> , the Shea and Acacia Projects are not located within an area that contains natural or agricultural lands and would not conflict with City conservation or restoration efforts.

Source: (SCAG, 2020a, p. 9)

**B. SCAQMD Air Quality Management Plan (AQMP)**

The Shea and Acacia Project's consistency with the SCAQMD 2016 AQMP was addressed in detail in EIR Subsection 4.3, *Air Quality*. As concluded in EIR Subsection 4.3, implementation of the Shea and Acacia Projects would result in or cause NAAQS or CAAQS violations because cumulative construction of the Shea and Acacia Projects would exceed the SCAQMD regional threshold for VOC emissions. Based on the years of the Shea and Acacia Project build-out phase, neither Project would exceed the growth assumptions in the AQMP; however, both Projects proposes to change the General Plan land use designation to Light Industrial (I-L) and the zoning designation to Light Industrial (M-1) and are therefore not consistent with the General



Plan land use designations for the properties. As such, the Shea and Acacia Projects are therefore considered to be inconsistent with the AQMP and a significant and unavoidable direct impact is expected.

**C. San Bernardino County Congestion Management Program**

The Shea and Acacia Project's consistency with the *San Bernardino County CMP* is addressed in EIR Subsection 4.17, *Transportation*. As concluded in EIR Subsection 4.17, none of the intersections in the Shea or Acacia Project study areas are part of the *San Bernardino CMP* roadway network. Therefore, neither the Shea nor Acacia Projects would 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.

**4.11.5 CUMULATIVE IMPACT ANALYSIS**

Under existing conditions, the Shea and Acacia Project Sites are physically separated from residential land uses to the north by undeveloped land and Duncan Canyon Road, to the east by a SCE easement with steel structures supporting overhead lines and a solid block wall, and to the west by Sierra Avenue. No residential land uses are located to the south of the Shea Project Sites. The Shea Project and Acacia Projects are designed to connect with Sierra Avenue, and continue the pattern of commerce center development that already has been established to the south on the east side of Sierra Avenue. The Shea and Acacia Projects do not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development. Therefore, implementation of the Shea and Acacia Projects 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 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.

**4.11.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

*Threshold a: Division of an Established Community*

Shea Project: Less-than-Significant Impact. The Shea Project would not physically divide an established community.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not physically divide an established community.





Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects would not physically divide an established community.

*Threshold b: Conflict with Plans, Policies, or Regulations*

Shea Project: Significant and Unavoidable Direct Impact. The Shea Project would entail a change the General Plan land use designation and is therefore not consistent with the General Plan land use designations for the property. As such, the Shea Project is not considered to be consistent with the AQMP.

Acacia Project: Significant and Unavoidable Direct Impact: The Acacia Project would entail a change the General Plan land use designation and is therefore not consistent with the General Plan land use designations for the property. As such, the Shea Project is not considered to be consistent with the AQMP.

Combined Shea and Acacia Projects: Significant and Unavoidable Direct Impact: Both the Shea and Acacia Projects would entail changes the General Plan land use designation and are therefore not consistent with the General Plan land use designations for the properties. As such, neither the Shea nor Acacia Project is considered to be consistent with the AQMP.

**4.11.7 MITIGATION**

Implementation of MM 4.3-1 applies. Additional mitigation measures are not available.

**4.11.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION**

*Threshold a: Air Quality Plan*

Shea Project: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. The Shea Project would require a change to the site's General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance. There is no mitigation available to address the land use change, and the City of Fontana has already maximized air pollutant reduction associated with commerce center land uses through the passage of Ordinance No. 1879 which applies mandatory sustainability standards to industrial commerce center development projects. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.

Acacia Project: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. The Acacia Project would require a change to the site's General Plan land use designation and would therefore result in a significant and unavoidable impact associated with AQMP compliance. There is no mitigation available to address the land use change, and the City of Fontana has already maximized air pollutant reduction associated with commerce center land uses through the passage of Ordinance No. 1879 which applies mandatory sustainability standards to industrial commerce center development



projects. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.

Combined Shea and Acacia Projects: Significant and Unavoidable Direct and Cumulatively-Considerable Impact. Implementation of MM 4.3-1 would require the Shea and Acacia Project contractors to stagger the architectural coating phases for the Shea and Acacia Projects so that they do not occur concurrently, reducing VOC emissions during construction to less than significant and ensuring that the Shea and Acacia Project would be consistent with Criterion 1 of the AQMP. Both the Shea and Acacia Projects would require a change to the sites' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with AQMP compliance related to Criterion 2. There is no mitigation available to address the land use change, and the City of Fontana has already maximized air pollutant reduction associated with commerce center land uses through the passage of Ordinance No. 1879 which applies mandatory sustainability standards to industrial commerce center development projects. The City would ensure compliance with the requirements of Ordinance No. 1879 as part of their standard building permit review/approval and site inspection processes.



## 4.12 MINERAL RESOURCES

### 4.12.1 EXISTING CONDITIONS

This Subsection 4.12 describes the potential mineral resources that are located on the Shea and Acacia Project Sites and in the vicinity and evaluates the potential effects that the Shea and Acacia Projects may have on these resources. The following analysis is based on information obtained in the City's General Plan Update 2015-2035; the "Geotechnical Investigation, Proposed Industrial Building, Sierra Avenue, 800+ feet North of Casa Grande Drive, Fontana, California for Shea Properties," dated May 24, 2020, prepared for the Shea Project by Southern California Geotechnical (SCG, 2020) and included as EIR *Technical Appendix F1*; the "Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Southeast Corner of Sierra Avenue and Duncan Canyon Road, Fontana, California," dated July 16, 2021, prepared for the Acacia Project by NorCal Engineering (NorCal Engineering, 2021) and included as EIR *Technical Appendix F3*; the "Phase I Environmental Site Assessment, Assessor's Parcel Numbers (APNs) 0239-151-38-0000 and 0239-151-09-0000, Sierra Avenue, Fontana, CA," dated June 2, 2021, prepared for the Shea Project by Roux Associates, Inc. (Roux, 2021) and included as EIR *Technical Appendix II*; and "Phase I Environment Site Assessment, 19.59-Acre Vacant Land, Sierra Avenue and Duncan Canyon Road, Fontana, California," dated June 22, 2021, prepared by Ardent Environmental Group, Inc. (Ardent, 2021) and included as EIR *Technical Appendix I2*. Refer to Section 7.0, *References*, for a complete list of these and other reference sources.

### 4.12.2 EXISTING CONDITIONS

#### 1. Shea Project

As detailed in the Shea Project's Phase I ESA (*Technical Appendix II*), the Project site encompasses approximately 11.5 gross acres of vacant and undeveloped land with the exception of one single family residence and shed located in the southwest portion of the Shea Project Site. The property is a rectangular shaped lot, with relatively flat topography, and a gradual slope of less than 2 percent from south to southeast. Vegetation is present on the Shea Project Site consisting of moderate to dense native grasses and shrubs (SCG, 2020, p. 4). According to the CA Department of Conservation (DOC), the Shea Project Site is not located in 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 (DOC, 2015).

#### 2. Acacia Project

As detailed in the Acacia Project's Phase I ESA (*Technical Appendix I3*), the Project site encompasses approximately 19.6 gross acres of vacant and undeveloped land. The property is generally L-shaped with relatively flat topography, and a gradual slope from north to south. Vegetation is present on the Acacia Project Site consisting of a heavy growth of natural grasses and weeds (NorCal Engineering, 2021, p. 2). According to the DOC, the Acacia Project Site is not located in 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 (DOC, 2015).



**B. State Regulations**

**1. Surface Mining and Reclamation Act of 1975**

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, §§ 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. Public Resources Code § 2207 provides annual reporting requirements for all mines in the state, under which the State Mining and Geology Board is also granted authority and obligations. (DOC, n.d.)

SMARA, Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources. These policies are prepared in accordance with the Administrative Procedures Act, (Government Code) and are found in California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1. (DOC, n.d.)

**4.12.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to mineral resources that could result from development projects. The Project would result in a significant impact to mineral resources if the Project or any Project-related component would:

- a. *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;*
- b. *Result in the loss of availability of a locally-important mineral resource recover site delineated on a local general plan, specific plan, or other land use plan.*

**4.12.4 IMPACT ANALYSIS**

**Threshold a:** *Would the Project 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?*

**Threshold b:** *Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Neither the Shea or Acacia Project Sites are 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 (DOC, 2015). Accordingly, implementation of the proposed Shea and Acacia Projects 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.



#### 4.12.5 CUMULATIVE IMPACT ANALYSIS

As mapped by the CDC, neither the Shea nor Acacia Project Sites contain known mineral resource deposits. As such, neither the Shea nor Acacia Project 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 Shea or Acacia Project Sites as mineral resource recovery sites, and there are no other land use plans that identify the Shea or Acacia Project Sites or surrounding areas for containing mineral resources. As such, neither the Shea or Acacia Project has 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.

#### 4.12.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

*Thresholds a and b:*

Shea Project: No Impact. The Shea Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Shea 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.

Acacia Project: No Impact. The Acacia Project Site does not contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Acacia 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.

Combined Shea and Acacia Projects: No Impact. Neither the Shea or Acacia Project Site contain any known mineral resources that would be of value to the region or the residents of the State. As such, the Projects when considered together 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.

#### 4.12.7 MITIGATION

No impacts would occur; therefore, mitigation is not required.





## 4.13 NOISE

This Subsection 4.13 addresses the environmental issue of noise, including existing noise levels in the Shea and Acacia Project areas and the Shea and Acacia Projects' potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in three technical reports prepared by Urban Crossroads, Inc. The first report for the Shea Project is titled "Sierra Industrial Facility (Shea) Noise Impact Analysis, City of Fontana," dated April 13, 2022, and included as *Technical Appendix J1* to this EIR (Urban Crossroads, 2022e). The second report for the Acacia Project is titled "North Fontana Industrial Complex (Acacia) Noise Impact Analysis, City of Fontana," dated April 13, 2022, and included as *Technical Appendix J2* to this EIR (Urban Crossroads, 2022f). The third report for the combined Shea and Acacia Projects is titled "Sierra Business Center (Comprised of the Sierra Industrial Facility (Shea Project) & North Fontana Industrial Complex (Acacia Project) Noise Assessment," dated May 27, 2022, and included as *Technical Appendix J3* to this EIR (Urban Crossroads, 2022g). Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

### 4.13.1 NOISE FUNDAMENTALS

#### A. Noise Definitions

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes physical harm, or when it has adverse effects on health. Because the range of sound that the human ear can detect is large, the scale used to measure sound intensity is based on multiples of 10, the logarithmic scale. The unit of measure to describe sound intensity is the decibel (dB). A sound increase of 10 dB represents a ten-fold increase in sound energy and is perceived by the human ear as being roughly twice as loud. A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise sources by discriminating against very low and very high frequencies of the audible spectrum (i.e., frequencies that are not audible to the human ear). The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at a distance of three feet is roughly 60 dBA, while a jet engine is 110 dBA at approximately 100 feet. (Urban Crossroads, 2022e, pp. 7-8; Urban Crossroads, 2022f, pp. 7-8)

#### B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used noise descriptor is the equivalent level ( $L_{eq}$ ).  $L_{eq}$  represents a steady state sound level containing the same total energy as a time varying signal over a given time period.  $L_{eq}$  values are not measured directly but are calculated from sound pressure levels typically measured in dBA. Consequently,  $L_{eq}$  can vary depending on the time of day. (Urban Crossroads, 2022e, p. 8; Urban Crossroads, 2022f, p. 8)

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may cause a disturbance if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections



require the addition of five (5) decibels to dBA  $L_{eq}$  sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA  $L_{eq}$  sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources. (Urban Crossroads, 2022e, p. 8; Urban Crossroads, 2022f, p. 8)

### **C. Sound Propagation**

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on geometric spreading, ground absorption, atmospheric effects, shielding, and reflection.

#### **1. Geometric Spreading**

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. (Urban Crossroads, 2022e, p. 8; Urban Crossroads, 2022f, p. 8)

#### **2. Ground Absorption**

The path of travel for noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source. (Urban Crossroads, 2022e, pp. 8-9; Urban Crossroads, 2022f, pp. 8-9)

#### **3. Atmospheric Effects**

Receptors located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Additionally, sound levels can be increased at large distances (typically more than 500 feet) due to atmospheric temperature inversions. Other factors that may affect noise levels include air temperature, humidity, and turbulence. (Urban Crossroads, 2022e, p. 9; Urban Crossroads, 2022f, p. 9)



#### 4. *Shielding*

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Shielding by trees and other such vegetation that blocks the line-of-sight typically reduces the perceived noise levels; however, for vegetation to provide a noticeable noise reduction (up to 5 dBA of noise reduction), the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of sight between the source and the receiver. (Urban Crossroads, 2022e, p. 9; Urban Crossroads, 2022f, p. 9)

#### **D. Response to Noise**

Approximately 16 percent of the population has a very low tolerance for noise and will object to any noise not of their own making. Consequently, even in the quietest environment, some complaints will occur. Another 20-30 percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given environment. Despite this variability in behavior on an individual level, the population as a whole can be expected to exhibit the following responses to changes in noise levels: an increase of 1 dBA cannot be perceived except in carefully controlled laboratory experiments; a change of 3 dBA is considered “barely perceptible;” and a change of 5 dBA is considered “readily perceptible.” (Urban Crossroads, 2022e, p. 10; Urban Crossroads, 2022f, p. 10)

#### **E. Vibration**

Vibration is the periodic oscillation of a medium or object. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second) and decibels (dB) and is denoted as VdB. (Urban Crossroads, 2022e, p. 11; Urban Crossroads, 2022f, p. 11)

The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. (Urban Crossroads, 2022e, p. 11; Urban Crossroads, 2022f, p. 11)

### **4.13.2 EXISTING NOISE CONDITIONS**

#### **A. Existing Study Area Ambient Noise Conditions**

Urban Crossroads recorded 24-hour noise readings at four locations in the Shea and Acacia Project vicinity on January 12, 2022. The results of the existing noise level measurements are summarized below. Noise measurement worksheets for the hourly noise levels and the minimum and maximum observed noise levels at each measurement location are provided in the Noise Analyses (refer to *Technical Appendix J1 and J2*).



- Location L1 represents the noise levels located north of the Shea and Acacia Project Sites near a single-family residence located at 17007 Oriole Lane. The noise level measurements collected show an average daytime noise level calculated to be 54.5 dBA  $L_{eq}$  and an average nighttime noise level calculated to be 52.8 dBA  $L_{eq}$  at location L1. (Urban Crossroads, 2022e, p. 22; Urban Crossroads, 2022f, p. 22)
- Location L2 represents noise levels located east of the Shea and Acacia Project Site near a single-family residence located at 3414 North Flame Tree Avenue. The noise level measurements collected show an average daytime noise level calculated to be 50.2 dBA  $L_{eq}$  and an average nighttime noise level calculated to be 45.3 dBA  $L_{eq}$  at location L2. (Urban Crossroads, 2022e, p. 22; Urban Crossroads, 2022f, p. 22)
- Location L3 represents noise levels located southwest of the Shea and Acacia Project Sites near a single-family residence located at 5348 Blue Ridge Way. The noise level measurements collected show an average daytime noise level calculated to be 54.3 dBA  $L_{eq}$  and an average nighttime noise level calculated to be 47.8 dBA  $L_{eq}$  at location L4. (Urban Crossroads, 2022e, p. 22; Urban Crossroads, 2022f, p. 22)
- Location L4 represents noise levels located southwest of the Shea and Acacia Project Sites near a single-family residence located at Gabion Ranch Woodridge south of Casa Grande Avenue. The noise level measurements collected show an average daytime noise level calculated to be 51.4 dBA  $L_{eq}$  and an average nighttime noise level calculated to be 44.0 dBA  $L_{eq}$  at location L5. (Urban Crossroads, 2022e, p. 22; Urban Crossroads, 2022f, p. 22)

**B. Existing Groundborne Vibration**

Based on the nature of the existing uses on the Shea and Acacia Project Sites – primarily vacant and undeveloped, with the exception of one single-family residence and a shed on the Shea Project Site, and with no heavy, impact machinery – there are no sources of groundborne vibration on the Shea and Acacia Project Sites under existing conditions.

**C. Existing Airport Noise**

The Shea and Acacia Project Sites are located approximately 10.7 miles northeast of the Ontario International Airport (ONT). According to the ONT Airport Land Use Compatibility Plan (ONT ALUCP), the Shea and Acacia Project Sites are outside of the ONT Airport Influence Area and outside the airport noise impact zones (Ontario, 2011, Map 2-3).

**D. Existing Traffic Noise**

Noise contours along roadways were developed by Urban Crossroads based on traffic volumes as summarized in Table 4.13-1, *Existing Roadway Noise Contours*. Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65,



and 60 dBA CNEL noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

**Table 4.13-1 Existing Roadway Noise Contours**

ID	Road	Segment	Receiving Land Use <sup>1</sup>	CNEL at Receiving Land Use (dBA) <sup>2</sup>	Distance to Contour from Centerline (Feet)		
					70 dBA CNEL	65 dBA CNEL	60 dBA CNEL
1	Sierra Av.	n/o Riverside Av.	Non-Sensitive	76.5	178	383	826
2	Sierra Av.	n/o Terra Vista Dr.	Sensitive	73.4	111	239	515
3	Sierra Av.	n/o Duncan Canyon Rd.	Sensitive	74.2	127	273	588
4	Sierra Av.	s/o Dwy. 2	Sensitive	74.3	129	277	597
5	Riverside Av.	e/o Sierra Av.	Sensitive	73.7	117	251	542
6	Duncan Canyon Rd.	e/o Sierra Av.	Sensitive	59.3	RW	RW	RW

<sup>1</sup> Based on a review of existing aerial imagery.

<sup>2</sup> The CNEL is calculated at the boundary of the right-of-way of the receiving adjacent land use.

"RW" = Location of the respective noise contour falls within the right-of-way of the road.

Source: (Urban Crossroads, 2022g, Table 8)

#### **4.13.3 REGULATORY SETTING**

The following is a brief description of the federal, State, and local environmental laws and related regulations related to noise that are applicable to the Shea and Acacia Project, the Shea and Acacia Project Sites, and/or the surrounding area.

##### **A. Federal Plans, Policies, and Regulations**

###### ***1. Noise Control Act of 1972***

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products. (EPA, 2021j)

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control. (EPA, 2021j)





## 2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2006, p. 1-1)

The NVIA also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.13-2, *Ground-Borne Vibration and Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2006, pp. 8-3 and 8-4)

## 3. Federal Highway Administration

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design. (FHWA, 2017)

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. (FHWA, 2017)



**Table 4.13-2 Ground-Borne Vibration and Noise Impact Criteria for General Assessment**

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch /sec)			GBN Impact Levels (dB re 20 micro Pascals)		
	Frequent Events <sup>1</sup>	Occasional Events <sup>2</sup>	Infrequent Events <sup>3</sup>	Frequent Events <sup>1</sup>	Occasional Events <sup>2</sup>	Infrequent Events <sup>3</sup>
<b>Category 1:</b> Buildings where vibration would interfere with interior operations.	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	N/A <sup>4</sup>	N/A <sup>4</sup>	N/A <sup>4</sup>
<b>Category 2:</b> Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
<b>Category 3:</b> Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA

**Notes:**

1. "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
2. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3. "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels. Ensuring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.
5. Vibration-sensitive equipment is generally not sensitive to ground-borne noise.

Source: (FTA, 2006, Table 8-1)

#### 4. Construction-Related Hearing Conservation

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels. (OSHA, 2002)

Note: This analysis does not evaluate the noise exposure of construction workers within the Project site based on CEQA requirements, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.



***B. State Plans, Policies, and Regulations***

***1. State of California Noise Requirements***

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city in the State of California adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

***2. Building Standards Code***

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. (BSC, n.d.)

***3. OPR General Plan Guidelines***

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor's OPR, provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The OPR Guidelines state that General Plan policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements, and directly correlate to the Land Use, Circulation, and Housing Elements. The Guidelines also state that the Noise Element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels. (OPR, 2017, pp. 131-132) The City's General Plan addresses the topic of noise in the City's General Plan Safety and Noise Element. Refer below for a discussion of the City's General Plan.

***C. Local Plans, Policies, and Regulations***

***1. Ontario International Airport, Airport Land Use Compatibility Plan***

The Project Site is located approximately 7.7 miles northeast of the nearest runway at the ONT and is located within the ONT Airport Influence Area (AIA). The most recent ONT ALUCP was adopted on April 19, 2011. The ALUCP establishes safety zones, airspace protection zones, noise impact zones, and recorded overflight notification zones for areas within the ONT AIA. The Shea and Acacia Project Sites are located outside the 60



dB CNEL airport noise contour, which is a compatible zone for industrial land uses (Ontario, 2011, Map 2-3, Table 2-3).

## 2. *City of Fontana General Plan*

The City's General Plan Noise and Safety Element addresses the control and abatement of noise and includes actions for developments that would be impacted by non-transportation noise sources including industrial, commercial, and residential activities and equipment. The Noise and Safety Element, Goal 8, Action A establishes the City's acceptable noise level of 65 dBA CNEL for mobile source (traffic) noise levels at existing and future noise-sensitive land uses. (City of Fontana, 2018a, p. 11-9)

## 3. *Fontana Municipal Code*

### ☐ **Construction-Related Noise Standards**

Section 18-63(b)(7) of the Fontana Municipal Code establishes the City's acceptable noise criteria for construction activities. Specifically, construction activities are exempt from noise restrictions so long as construction activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays (except in the case of urgent necessity). However, if activity occurs outside of these hours, the City of Fontana stationary-source (operational) noise level standards of 70 dBA  $L_{eq}$  during the daytime hours and 65 dBA  $L_{eq}$  during the nighttime hours would apply. (City of Fontana, 2019a)

### ☐ **Operational Noise Standards**

Section 30-259 of the Fontana Municipal Code establishes the City's noise standards for sensitive receptor exposures to stationary noise from industrial-zoned properties. Pursuant to Section 30-259, no person shall create or cause to be created any sound on an industrial-zoned property that exceeds 70 dBA  $L_{eq}$  during the daytime hours or 65 dBA  $L_{eq}$  during the nighttime hours at sensitive receiver locations. (City of Fontana, 2019a)

### ☐ **Vibration Standards**

Section 30-183 of the Fontana Municipal Code prohibits any activity that creates or cause to be created vibration that can be felt on abutting properties with or without the aid of an instrument. (City of Fontana, 2019a)

## 4.13.4 METHODOLOGY FOR CALCULATING PROJECT-RELATED NOISE IMPACTS

### A. **Construction Noise Analysis Methodology**

The construction noise analysis was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA) published in the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. A comprehensive list of noise generating characteristics for specific types of construction equipment is provided in the RCNM database along with an acoustical usage factor to estimate the fraction of time each piece of



construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. (Urban Crossroads, 2022e, p. 39; Urban Crossroads, 2022f, p. 49)

Table 4.13-3, *Construction Reference Noise Levels*, shows the combined noise levels for the loudest construction equipment, assuming they operate at the same time. The construction noise analysis evaluates Shea and Acacia Project construction-related noise levels at the nearby receiver locations in the Shea and Acacia Project study areas. The modeled noise-sensitive receiver locations are representative of existing receptors nearest the Shea and Acacia Project Sites. It is not necessary to quantify Shea and Acacia Project construction-related noise levels at every receiver location in proximity to the Shea and Acacia Project Sites because receivers located at a similar distance from Shea and Acacia Project construction activities with similar ground elevations, orientation, and intervening physical conditions as the modeled receptor locations would experience the same or very similar noise effects as those disclosed herein, while receptors at a greater distance would experience lesser noise effects.

**Table 4.13-3 Construction Reference Noise Levels**

Construction Stage	Reference Construction Activity	Reference Noise Level @ 50 Feet (dBA L <sub>eq</sub> ) <sup>1</sup>	Combined Noise Level (dBA L <sub>eq</sub> ) <sup>2</sup>	Combined Sound Power Level (PWL) <sup>3</sup>
Demolition	Demolition Equipment	82	83	115
	Backhoes	74		
	Hauling Trucks	72		
Site Preparation	Crawler Tractors	78	80	112
	Hauling Trucks	72		
	Rubber Tired Dozers	75		
Grading	Graders	81	83	115
	Excavators	77		
	Compactors	76		
Building Construction	Cranes	73	81	113
	Tractors	80		
	Welders	70		
Paving	Pavers	74	83	115
	Paving Equipment	82		
	Rollers	73		
Architectural Coating	Cranes	73	77	109
	Air Compressors	74		
	Generator Sets	70		

<sup>1</sup> FHWA Roadway Construction Noise Model (RCNM).

<sup>2</sup> Represents the combined noise level for all equipment assuming they operate at the same time consistent with FTA Transit Noise and Vibration Impact Assessment guidance.

<sup>3</sup> Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calibrated using the CadnaA noise model at the reference distance to the noise source.

Source: (Urban Crossroads, 2022e, Table 8-1; Urban Crossroads, 2022f, Table 10-1)





Five (5) representative receiver locations were considered in the construction noise analysis for the Shea and Acacia Projects, including existing residences at 4893 Condor Avenue, 3404 North Flame Tree Avenue, 2895 West Fairview Drive, 16696 Avanti Lane, and 16502 Casa Grande Avenue (Urban Crossroads, 2022e, pp. 25-26; Urban Crossroads, 2022f, pp. 35-36). The receiver locations used in the Shea and Acacia Projects construction noise analysis are shown on Figure 4.13-1, *Construction Noise Receiver Locations*.

#### B. Stationary Noise Analysis Methodology

To estimate the Shea and Acacia Projects' operational noise impacts, reference noise level measurements were collected from active industrial and warehousing facilities in southern California with similar operational characteristics as the Shea and Acacia Projects. While sound pressure levels (e.g.,  $L_{eq}$ ) quantify in decibels the intensity of given sound sources at a reference distance, sound power levels ( $L_w$ ) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish because of intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment. (Urban Crossroads, 2022e, p. 27; Urban Crossroads, 2022f, p. 37) The reference Shea and Acacia Project operational noise and sound power levels are summarized in Table 4.13-4, *Reference Noise Level Measurements*.

**Table 4.13-4 Reference Noise Level Measurements**

Noise Source <sup>1</sup>	Noise Source Height (Feet)	Min./Hour <sup>2</sup>		Reference Noise Level (dBA $L_{eq}$ ) @ 50 Feet	Sound Power Level (dBA) <sup>3</sup>
		Day	Night		
Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	57.2	88.9
Trash Enclosure Activity	5'	10	10	57.3	89.0
Parking Lot Vehicle Movements	5'	60	60	56.1	87.8
Truck Movements	8'	- <sup>4</sup>	- <sup>4</sup>	59.8	93.2

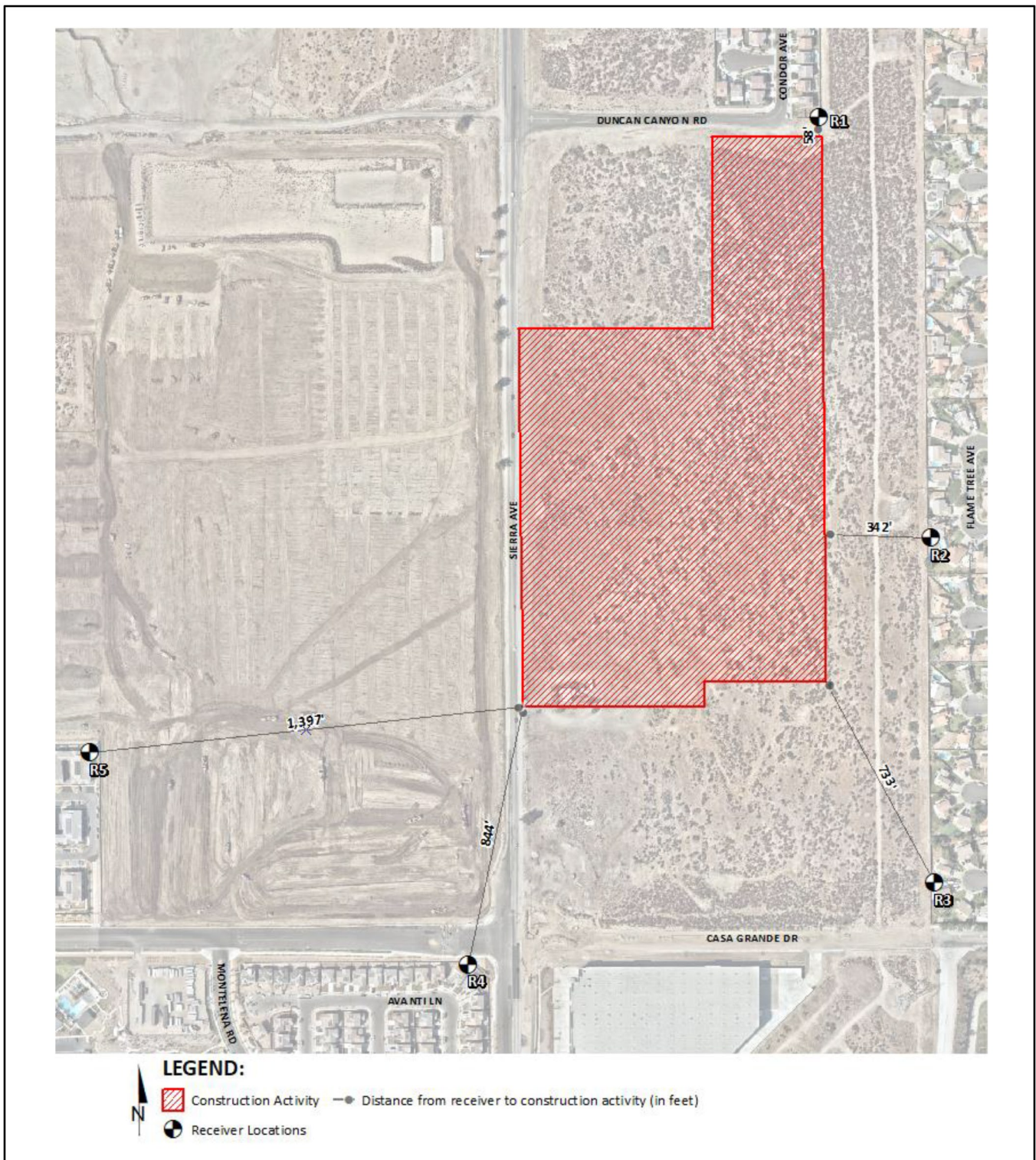
<sup>1</sup> As measured by Urban Crossroads, Inc.

<sup>2</sup> Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Shea and Acacia Project Sites. "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

<sup>3</sup> Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source.

<sup>4</sup> Truck Movements are calculate based on the number of events by time of day.

Source: (Urban Crossroads, 2022e, Table 7-1; Urban Crossroads, 2022f, Table 9-1)



Source(s): Urban Crossroads (05-27-2022)

Figure 4.13-1



Not  
to  
Scale



## Construction Noise Receiver Locations



To fully describe the exterior operational noise levels from the Shea and Acacia Projects, Urban Crossroads developed a noise prediction model using the CadnaA (Computer Aided Noise Abatement) computer program. CadnaA can analyze multiple types of noise sources using the spatially accurate Development Site plan, georeferenced Nearmap aerial imagery, topography, buildings, and barriers in its calculations to predict outdoor noise levels. Refer to Subsection 7.3 of the Shea Project's Noise Analysis (*Technical Appendix J1*) and Subsection 9.3 of the Acacia Project's Noise Analysis (*Technical Appendix J2*) for a description of the CadnaA Noise Prediction Model parameters. Noise levels were calculated at the receiver locations shown in Figure 4.13-1, *Construction Noise Receiver Locations*.

**C. Transportation Noise Analysis Methodology**

Transportation-related noise impacts were projected using a computer program that replicates the FHWA Traffic Noise Prediction Model FHWA-RD-77-108 (the "FHWA Model"). The FHWA Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). In California, the national REMELs are substituted with the California Vehicle Noise (Calveno) Emission Levels. Adjustments are then made to the REMELs to account for: 1) roadway classification (e.g., collector, secondary, major or arterial), 2) roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway), 3) total average daily traffic (ADT), 4) travel speed, 5) percentages of automobiles, medium trucks, and heavy trucks in the traffic volume, 6) roadway grade, 7) angle of view (e.g., whether the roadway view is blocked), 8) site conditions ("hard" or "soft" relates to the absorption of the ground, pavement, or landscaping), and 9) percentage of total ADT that flows each hour throughout a 24-hour period (Urban Crossroads, 2022f, p. 25). Appendix A of *Technical Appendix J3* contains the detailed model inputs for roadway parameters, average daily traffic volumes, time of day vehicle splits, and vehicle mix that were assigned to each of the roadway segments included in the in the transportation noise analysis.

**D. Vibration Analysis Methodology**

Vibration levels were predicted using reference vibration levels and logarithmic equations contained in the Federal Transit Administration's (FTA) 2018 publication: "Transit Noise and Vibration Impact Assessment" (Urban Crossroads, 2022e, p. 43; Urban Crossroads, 2022f, p. 53). The vibration source levels for Shea and Acacia Project construction equipment are summarized in Table 4.13-5, *Vibration Source Levels for Construction Equipment*.

**Table 4.13-5 Vibration Source Levels for Construction Equipment**

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual  
Source: (Urban Crossroads, 2022e, Table 8-5; Urban Crossroads, 2022f, Table 10-5)





#### 4.13.5 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical adverse noise effects that could result from development projects. The Project would result in a significant noise impact if the Project or any Project-related component would result in:

- a. *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- b. *Generation of excessive ground borne vibration or ground borne noise levels;*
- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.*

In relation to Threshold "a," Shea and Acacia Project-related construction and operational activities would be subject to the applicable noise standards established by the Fontana General Plan and Municipal Code. However, neither the General Plan nor the Municipal Code define the levels at which a development project's temporary or permanent noise increases are considered substantial. Under Threshold "a," CEQA requires that consideration be given to the magnitude of the increase, the existing ambient noise levels, and the location of sensitive receptors in order to determine if a noise increase represents a substantial increase and thus a significant adverse environmental impact. For purposes of this EIR, the metric used to evaluate the significance of the Shea and Acacia Project's increase in ambient noise levels is adapted from the Federal Interagency Committee on Noise (FICON). A detailed discussion of the noise exposure criteria is provided in Subsections 4.1 and 4.4 of the Shea Project's and Acacia Project's noise impact analysis (refer to *Technical Appendices J1 and J2*, respectively). Accordingly, in consideration of the City's General Plan and Municipal Code and the FICON noise exposure criteria, the Shea and Acacia Projects would result in a significant noise impact during operation if any of the following conditions occur:

*Shea and Acacia Project construction activities would result in a significant impact if construction noise conflicts with the City of Fontana Municipal Code (Section 18-63(b)(7)) as follows:*

- Construction activities occur outside of the hours permitted by the Fontana Municipal Code, Section 18-63(7) (7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays); and
  - Project construction noise levels would exceed the exterior 70 dBA  $L_{eq}$  daytime or 65 dBA  $L_{eq}$  nighttime noise level standards at adjacent land uses (City of Fontana Municipal Code, Chapter 30 Zoning and Development Code, Section 30-259); and
  - The Project creates a noise level increase greater than 3 dBA  $L_{eq}$ .



*Shea and Acacia Project operational activities would result in a significant impact if operational noise exceeds the levels allowed by the City of Fontana Municipal Code (Section 30-543) and FICON criteria as follows:*

- If operational (stationary-source) noise levels exceed the exterior 70 dBA  $L_{eq}$  daytime or 65 dBA  $L_{eq}$  nighttime noise level standards at sensitive receptor land uses; and
  - When the ambient noise levels at existing and future noise-sensitive land uses (e.g. residential, schools, churches, etc.) is less than 60 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 5 dBA CNEL; or
  - When the ambient noise levels at existing and future noise-sensitive land uses is between 60 and 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 3 dBA CNEL; or
  - When the ambient noise levels at existing and future noise-sensitive land uses exceed 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 1.5 dBA CNEL.

*Acacia Project-related traffic noise would result in a significant impact if traffic noise exceeds the levels established by FICON as follows:*

- When off-site traffic noise levels at existing noise-sensitive land uses (e.g. residential, schools, churches, etc.) is less than 60 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 5 dBA CNEL; or
- When off-site traffic noise levels at existing noise-sensitive land uses is between 60 and 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 3 dBA CNEL; or
- When off-site traffic noise levels at existing noise-sensitive land uses exceed 65 dBA CNEL and the Project creates a community noise level increase of greater than or equal to 1.5 dBA CNEL.

In relation to Threshold “b,” the Fontana Municipal Code (Section 30-183) establishes a qualitative vibration limit for acceptable levels of vibration. However, the Municipal Code does not define the numeric level at which a development project’s vibration levels are considered “excessive.” For purposes of this EIR, the metric used to evaluate whether the Shea or Acacia Project’s vibration levels are considered “excessive” during either construction or operation is adapted from FTA, Transit Noise and Vibration Impact Assessment Manual. Accordingly, in consideration of the Municipal Code and FTA criteria, for evaluation under Threshold “b,” vibration levels are considered significant if Shea or Acacia Project-related activities would:

- Create or cause to be created any vibration activity that would exceed 0.2 in/sec PPV at an adjacent land use.





#### 4.13.6 IMPACT ANALYSIS

***Threshold a: Would the Project generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

The analysis presented on the following pages summarizes the Shea and Acacia Projects' potential construction noise levels and operational noise levels, including operational noise that would be generated on-site as well as off-site from traffic noise. The detailed noise calculations for the analysis presented herein are provided in Appendices 7.1 through 8.2 of the Shea Project's Noise Analysis (see *Technical Appendix J1*) and Appendices 7.1 through 10.2 of the Acacia Project's Noise Analysis (see *Technical Appendix J2*).

#### **A. Construction Noise Impact Analysis**

##### **1. Shea Project**

Construction activities on the Shea Project Site would proceed in six (6) stages: 1) demolition; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) application of architectural coatings. These activities 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. The Shea Project construction noise levels at nearby receiver locations are summarized in Table 4.13-6, *Shea Project Construction Equipment Noise Level Summary*.

**Table 4.13-6 Shea Project Construction Equipment Noise Level Summary**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA L <sub>eq</sub> )						
	Demolition	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels <sup>2</sup>
R1	48.7	45.7	48.7	46.7	48.7	42.7	48.7
R2	47.8	44.8	47.8	45.8	47.8	41.8	47.8
R3	44.5	41.5	44.5	42.5	44.5	38.5	44.5
R4	51.2	48.2	51.2	49.2	51.2	45.2	51.2
R5	47.6	44.6	47.6	45.6	47.6	41.6	47.6

<sup>1</sup> Noise receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Construction noise level calculations based on distance from the construction activity, which is measured from the Shea Project Site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 8.1 of the Shea Project's Noise Analysis (see *Technical Appendix J1*).

Source: (Urban Crossroads, 2022e, Table 8-2)

Shea 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 Shea Project construction noise levels presented in Table 4.13-6 would not exceed the standards established by the City and impacts would be less than significant.



If the Shea Project's construction requires concrete pouring during nighttime hours (and if the City allows such nighttime activities pursuant to Municipal Code Section 18-63(b)(7)), the resulting noise levels are summarized in Table 4.13-7, *Shea Project Nighttime Concrete Pour Noise Level Compliance*. At all receiver locations, the Shea Project's nighttime concrete pouring noise levels would not exceed the standards established by the City and impacts would be less than significant.

**Table 4.13-7 Shea Project Nighttime Concrete Pour Noise Level Compliance**

Receiver Location <sup>1</sup>	Use	Construction Noise Levels (dBA Leq)		
		Paving Construction <sup>2</sup>	Nighttime Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	Residence	33.3	65	No
R2	Residence	32.2	65	No
R3	Residence	28.7	65	No
R4	Residence	35.0	65	No
R5	Residence	31.7	65	No

<sup>1</sup> Noise receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Paving construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.

<sup>3</sup> Exterior noise level standards based on the City of Fontana Development Code Section 30-543.

<sup>4</sup> Do the estimated Shea Project construction noise levels exceed the nighttime construction noise level threshold?

Source: (Urban Crossroads, 2022e, Table 8-4)

## 2. *Acacia Project*

Construction activities on the Acacia Project Site would proceed in five (5) stages: 1) site preparation; 2) grading; 3) building construction; 4) paving; and 5) application of architectural coatings. These activities 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. The Project construction noise levels at nearby receiver locations are summarized in Table 4.13-8, *Acacia Project Construction Equipment Noise Level Summary*.

**Table 4.13-8 Acacia Project Construction Equipment Noise Level Summary**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA Leq)					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels <sup>2</sup>
R1	56.2	59.2	57.2	59.2	53.2	59.2
R2	42.8	45.8	43.8	45.8	39.8	45.8
R3	39.3	42.3	40.3	42.3	36.3	42.3
R4	44.3	47.3	45.3	47.3	41.3	47.3
R5	43.0	46.0	44.0	46.0	40.0	46.0

<sup>1</sup> Noise receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Construction noise level calculations based on distance from the construction activity, which is measured from the Acacia Project Site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 10.1 of the Acacia Project's Noise Analysis (see *Technical Appendix J2*).

Source: (Urban Crossroads, 2022f, Table 10-2)



Acacia 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 Acacia Project construction noise levels presented in Table 4.13-8 would not exceed the standards established by the City and impacts would be less than significant.

If the Acacia Project’s construction requires concrete pouring during nighttime hours (and if the City allows such nighttime activities pursuant to Municipal Code Section 18-63(b)(7)), the resulting noise levels are summarized in Table 4.13-9, *Acacia Project Nighttime Concrete Pour Noise Level Compliance*. At all receiver locations, the Acacia Project’s nighttime concrete pouring noise levels would not exceed the standards established by the City and impacts would be less than significant.

**Table 4.13-9 Acacia Project Nighttime Concrete Pour Noise Level Compliance**

Receiver Location <sup>1</sup>	Use	Construction Noise Levels (dBA Leq)		
		Paving Construction <sup>2</sup>	Nighttime Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	Residence	47.8	65	No
R2	Residence	32.9	65	No
R3	Residence	29.1	65	No
R4	Residence	33.8	65	No
R5	Residence	32.6	65	No

<sup>1</sup> Noise receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Paving construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.

<sup>3</sup> Exterior noise level standards based on the City of Fontana Development Code Section 30-543.

<sup>4</sup> Do the estimated Acacia Project construction noise levels exceed the nighttime construction noise level threshold?

Source: (Urban Crossroads, 2022f, Table 10-4)

### 3. Combined Shea and Acacia Project

Shea and Acacia 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 Shea and Acacia Project construction noise levels presented in Table 4.13-10, *Typical Construction Noise Level Compliance*, would not exceed the standards established by the City and impacts would be less than significant.



**Table 4.13-10 Typical Construction Noise Level Compliance**

Receiver Location	Construction Noise Levels (dBA Leq)				
	Highest Construction Noise Levels <sup>1</sup>	Threshold			Specified Hours Threshold Exceeded? <sup>4</sup>
		Specified Hours <sup>2</sup>	Outside of Specified Hours Daytime <sup>3</sup>	Outside of Specified Hours Nighttime <sup>3</sup>	
R1	59.8	Exempt	70	65	No
R2	50.5	Exempt	70	65	No
R3	46.5	Exempt	70	65	No
R4	52.7	Exempt	70	65	No
R5	49.9	Exempt	70	65	No

<sup>1</sup> Highest construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.

<sup>2</sup> Specified hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays as per the City of Fontana Municipal Code Section 18-63(7).

<sup>3</sup> City of Fontana Development Code Section 30-543 exterior noise level standards for residential land use.

<sup>4</sup> Do the estimated Project construction noise levels exceed the construction noise level threshold during the specified hours mentioned in The City of Fontana Municipal Code Section 18-63(7)?

Source: (Urban Crossroads, 2022g, Table 4)

If the Shea and Acacia Project's construction requires concrete pouring during nighttime hours (and if the City allows such nighttime activities pursuant to Municipal Code Section 18-63(b)(7)), the resulting noise levels are summarized in Table 4.13-11, *Shea and Acacia Nighttime Concrete Pour Noise Level Compliance*. At all receiver locations, the Shea and Acacia Project's nighttime concrete pouring noise levels would not exceed the standards established by the City and impacts would be less than significant.

**Table 4.13-11 Shea and Acacia Nighttime Concrete Pour Noise Level Compliance**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA Leq)		
	Paving Construction <sup>2</sup>	Nighttime Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	48.0	65	No
R2	36.3	65	No
R3	31.8	65	No
R4	37.4	65	No
R5	35.2	65	No

<sup>1</sup> Noise receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Paving construction noise level calculations based on distance from the construction noise source activity to nearby receiver locations.

<sup>3</sup> Exterior noise level standards based on the City of Fontana Development Code Section 30-543.

<sup>4</sup> Do the estimated Project construction noise levels exceed the nighttime construction noise level threshold?

Source: (Urban Crossroads, 2022g, Table 5)



**B. Operational Noise Impact Analysis – Stationary Noise**

Stationary (on-Site) noise sources associated with long-term Shea and Acacia Project operation are expected to include idling trucks, delivery truck and automobile parking, delivery truck backup alarms, roof-top air conditioning units, loading and unloading of delivery trailers, and parking lot vehicle movements.

**1. Shea Project**

The daytime and nighttime stationary noise levels from Shea Project operations, as heard from nearby sensitive receptor locations, are summarized on Table 4.13-12, *Shea Project Daytime Project Operational Noise Levels*, and Table 4.13-13, *Shea Project Nighttime Project Operational Noise Levels*, respectively.

**Table 4.13-12 Shea Project Daytime Project Operational Noise Levels**

Noise Source <sup>1</sup>	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Loading Dock Activity	26.5	28.4	42.0	49.5	44.9
Roof-Top Air Conditioning Units	19.0	24.6	21.5	25.9	22.5
Trash Enclosure Activity	0.0	0.0	13.8	20.6	12.6
Parking Lot Vehicle Movements	33.0	32.8	27.1	32.0	29.4
Truck Movements	0.0	2.1	14.4	26.1	22.3
<b>Total (All Noise Sources)</b>	<b>34.0</b>	<b>34.6</b>	<b>42.2</b>	<b>49.6</b>	<b>45.1</b>

<sup>1</sup> See Exhibit 7-A from the Shea Project's Noise Analysis (*Technical Appendix J1*) for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1 of the Shea Project's Noise Analysis (see *Technical Appendix J1*).

Source: (Urban Crossroads, 2022e, Table 7-3)

**Table 4.13-13 Shea Project Nighttime Project Operational Noise Levels**

Noise Source <sup>1</sup>	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Loading Dock Activity	25.5	27.4	41.0	48.6	44.0
Roof-Top Air Conditioning Units	16.6	22.2	19.1	23.5	20.1
Trash Enclosure Activity	0.0	0.0	12.9	19.6	11.6
Parking Lot Vehicle Movements	32.1	31.8	26.1	31.1	28.5
Truck Movements	0.0	0.0	5.5	17.1	13.4
<b>Total (All Noise Sources)</b>	<b>33.1</b>	<b>33.5</b>	<b>41.2</b>	<b>48.7</b>	<b>44.1</b>

<sup>1</sup> See Exhibit 7-A from the Shea Project's Noise Analysis (*Technical Appendix J1*) for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1 of the Shea Project's Noise Analysis (see *Technical Appendix J1*).

Source: (Urban Crossroads, 2022e, Table 7-4)

Table 4.13-12 and Table 4.13-13 demonstrate that Shea Project operations will satisfy the City of Fontana 70 dBA Leq daytime and 65 dBA Leq nighttime exterior noise level standards at the nearest receiver locations. Furthermore, as shown in Table 4.13-14, *Shea Project Daytime Operational Noise Level Increases*, and Table





4.13-15, *Shea Project Nighttime Operational Noise Level Increases*, Shea Project operations are not expected to generate a substantial daytime or nighttime noise level increase at the nearest receiver locations. Accordingly, the Shea Project's stationary noise impact would be less than significant.

**Table 4.13-14 Shea Project Daytime Operational Noise Level Increases**

Receiver Location <sup>1</sup>	Total Project Operational Noise Level <sup>2</sup>	Measurement Location <sup>3</sup>	Reference Ambient Noise Levels <sup>4</sup>	Combined Project and Ambient <sup>5</sup>	Project Increase <sup>6</sup>	Increase Criteria <sup>7</sup>	Increase Criteria Exceeded?
R1	34.0	L1	54.5	54.5	0.0	5.0	No
R2	34.6	L2	50.2	50.3	0.1	5.0	No
R3	42.2	L2	50.2	50.8	0.6	5.0	No
R4	49.6	L3	54.3	55.6	1.3	5.0	No
R5	45.1	L4	51.4	52.3	0.9	5.0	No

<sup>1</sup> See Figure 4.13-1 for the receiver locations.

<sup>2</sup> Total Shea Project daytime operational noise levels as shown on Table 4.13-12.

<sup>3</sup> Reference noise level measurement locations as shown in *Technical Appendix JI*, Exhibit 5-A.

<sup>4</sup> Observed daytime ambient noise levels.

<sup>5</sup> Represents the combined ambient conditions plus the Shea Project activities.

<sup>6</sup> The noise level increase expected with the addition of the proposed Shea Project activities.

<sup>7</sup> See Subsection 4.13.5.

Source: (Urban Crossroads, 2022e, Table 7-6)

**Table 4.13-15 Shea Project Nighttime Operational Noise Level Increases**

Receiver Location <sup>1</sup>	Total Project Operational Noise Level <sup>2</sup>	Measurement Location <sup>3</sup>	Reference Ambient Noise Levels <sup>4</sup>	Combined Project and Ambient <sup>5</sup>	Project Increase <sup>6</sup>	Increase Criteria <sup>7</sup>	Increase Criteria Exceeded?
R1	33.1	L1	52.8	52.8	0.0	5.0	No
R2	33.5	L2	45.3	45.6	0.3	5.0	No
R3	41.2	L2	45.3	46.7	1.4	5.0	No
R4	48.7	L3	47.8	51.3	3.5	5.0	No
R5	44.1	L4	44.0	47.1	3.1	5.0	No

<sup>1</sup> See Figure 4.13-1 for the receiver locations.

<sup>2</sup> Total Shea Project nighttime operational noise levels as shown on Table 4.13-13.

<sup>3</sup> Reference noise level measurement locations as shown in *Technical Appendix JI*, Exhibit 5-A.

<sup>4</sup> Observed nighttime ambient noise levels.

<sup>5</sup> Represents the combined ambient conditions plus the Shea Project activities.

<sup>6</sup> The noise level increase expected with the addition of the proposed Shea Project activities.

<sup>7</sup> See Subsection 4.13.5.

Source: (Urban Crossroads, 2022e, Table 7-7)



## 2. Acacia Project

The daytime and nighttime stationary noise levels from Acacia Project operations, as heard from nearby sensitive receptor locations, are summarized on Table 4.13-16, *Acacia Project Daytime Project Operational Noise Levels*, and Table 4.13-17, *Acacia Project Nighttime Project Operational Noise Levels*, respectively.

**Table 4.13-16 Acacia Project Daytime Project Operational Noise Levels**

Noise Source <sup>1</sup>	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Loading Dock Activity	36.0	40.9	41.0	46.8	45.4
Roof-Top Air Conditioning Units	33.2	23.2	20.1	20.0	22.5
Trash Enclosure Activity	11.3	7.4	12.3	17.5	16.5
Parking Lot Vehicle Movements	47.1	30.6	25.1	28.0	27.4
Truck Movements	35.3	32.1	27.1	32.2	31.8
<b>Total (All Noise Sources)</b>	<b>47.8</b>	<b>41.8</b>	<b>41.3</b>	<b>47.0</b>	<b>45.7</b>

<sup>1</sup> See Exhibit 9-A from the Acacia Project's Noise Analysis (*Technical Appendix J2*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Acacia Project's Noise Analysis (see *Technical Appendix J2*).

Source: (Urban Crossroads, 2022f, Table 9-3)

**Table 4.13-17 Acacia Project Nighttime Project Operational Noise Levels**

Noise Source <sup>1</sup>	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Loading Dock Activity	35.0	40.0	40.0	45.9	44.4
Roof-Top Air Conditioning Units	30.8	20.8	17.7	17.6	20.1
Trash Enclosure Activity	10.3	6.4	11.3	16.5	15.6
Parking Lot Vehicle Movements	46.2	29.6	24.1	27.0	26.4
Truck Movements	26.2	23.0	17.9	23.1	22.7
<b>Total (All Noise Sources)</b>	<b>46.7</b>	<b>40.5</b>	<b>40.2</b>	<b>46.0</b>	<b>44.5</b>

<sup>1</sup> See Exhibit 9-A from the Acacia Project's Noise Analysis (*Technical Appendix J2*) for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of the Acacia Project's Noise Analysis (see *Technical Appendix J2*).

Source: (Urban Crossroads, 2022f, Table 9-4)

Table 4.13-16 and Table 4.13-17 demonstrate that Acacia Project operations will satisfy the City of Fontana 70 dBA L<sub>eq</sub> daytime and 65 dBA L<sub>eq</sub> nighttime exterior noise level standards at the nearest receiver locations. Furthermore, as shown in Table 4.13-18, *Acacia Project Daytime Operational Noise Level Increases*, and Table 4.13-19, *Acacia Project Nighttime Operational Noise Level Increases*, Acacia Project operations are not expected to generate a substantial daytime or nighttime noise level increase at the nearest receiver locations. Accordingly, the Acacia Project's stationary noise impact would be less than significant.



**Table 4.13-18 Acacia Project Daytime Operational Noise Level Increases**

Receiver Location <sup>1</sup>	Total Project Operational Noise Level <sup>2</sup>	Measurement Location <sup>3</sup>	Reference Ambient Noise Levels <sup>4</sup>	Combined Project and Ambient <sup>5</sup>	Project Increase <sup>6</sup>	Increase Criteria <sup>7</sup>	Increase Criteria Exceeded?
R1	47.8	L1	54.5	55.3	0.8	5.0	No
R2	41.8	L2	50.2	50.8	0.6	5.0	No
R3	41.3	L2	50.2	50.7	0.5	5.0	No
R4	47.0	L3	54.3	55.0	0.7	5.0	No
R5	45.7	L4	51.4	52.4	1.0	5.0	No

<sup>1</sup> See *Technical Appendix J2*, Exhibit 8-A, for the receiver locations.

<sup>2</sup> Total Acacia Project daytime operational noise levels as shown on Table 4.13-16.

<sup>3</sup> Reference noise level measurement locations as shown on Exhibit 5-A.

<sup>4</sup> Observed daytime ambient noise levels.

<sup>5</sup> Represents the combined ambient conditions plus the Acacia Project activities.

<sup>6</sup> The noise level increase expected with the addition of the proposed Acacia Project activities.

<sup>7</sup> See Subsection 4.13.5.

Source: (Urban Crossroads, 2022f, Table 9-6)

**Table 4.13-19 Acacia Project Nighttime Operational Noise Level Increases**

Receiver Location <sup>1</sup>	Total Project Operational Noise Level <sup>2</sup>	Measurement Location <sup>3</sup>	Reference Ambient Noise Levels <sup>4</sup>	Combined Project and Ambient <sup>5</sup>	Project Increase <sup>6</sup>	Increase Criteria <sup>7</sup>	Increase Criteria Exceeded?
R1	46.7	L1	52.8	53.7	0.9	5.0	No
R2	40.5	L2	45.3	46.5	1.2	5.0	No
R3	40.2	L2	45.3	46.5	1.2	5.0	No
R4	46.0	L3	47.8	50.0	2.2	5.0	No
R5	44.5	L4	44.0	47.3	3.3	5.0	No

<sup>1</sup> See *Technical Appendix J2*, Exhibit 8-A, for the receiver locations.

<sup>2</sup> Total Acacia Project nighttime operational noise levels as shown on Table 4.13-17.

<sup>3</sup> Reference noise level measurement locations as shown on Exhibit 5-A.

<sup>4</sup> Observed nighttime ambient noise levels.

<sup>5</sup> Represents the combined ambient conditions plus the Acacia Project activities.

<sup>6</sup> The noise level increase expected with the addition of the proposed Acacia Project activities.

<sup>7</sup> See Subsection 4.13.5.

Source: (Urban Crossroads, 2022f, Table 9-7)

### 3. *Shea and Acacia Project*

The stationary noise levels from Shea and Acacia Project operations combined, as heard from nearby sensitive receptor locations, are summarized on Table 4.13-20, *Shea and Acacia Operational Noise Levels*.



**Table 4.13-20 Shea and Acacia Operational Noise Levels**

Receiver Location	City	Project Operational Noise Levels (dBA Leq) <sup>1</sup>		Noise Level Standards (dBA Leq) <sup>2</sup>		Noise Level Standards Exceeded? <sup>3</sup>	
		Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	Fontana	48.0	46.7	70	65	No	No
R2	Rialto	44.3	43.0	55	45	No	No
R3	Rialto	42.5	41.4	55	45	No	No
R4	Fontana	49.9	48.9	70	65	No	No
R5	Fontana	47.9	46.8	70	65	No	No

<sup>1</sup> Proposed Project operational noise level calculations are included in Appendix A.

<sup>2</sup> City of Fontana Development Code Section 30-543 and City of Rialto Municipal Code Section 9.50.050[B].

<sup>3</sup> Do the estimated Project operational noise source activities exceed the noise level standards?

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Source: (Urban Crossroads, 2022g, Table 1)

Table 4.13-20 demonstrates that Shea and Acacia Project operations will satisfy the City of Fontana 70 dBA Leq daytime and 65 dBA Leq nighttime exterior noise level standards at the nearest receiver locations. Furthermore, as shown in Table 4.13-21, *Shea and Acacia Daytime Project Operational Noise Level Increases*, and Table 4.13-22, *Shea and Acacia Nighttime Operational Noise Level Increases*, Shea and Acacia Project operations are not expected to generate a substantial daytime or nighttime noise level increase at the nearest receiver locations. Accordingly, the Shea and Acacia Project's stationary noise impact would be less than significant.

**Table 4.13-21 Shea and Acacia Daytime Project Operational Noise Level Increases**

Receiver Location	Total Project Operational Noise Level <sup>1</sup>	Reference Ambient Noise Levels <sup>2</sup>	Combined Project and Ambient <sup>3</sup>	Project Increase <sup>4</sup>	Increase Criteria <sup>5</sup>	Increase Criteria Exceeded?
R1	48.0	54.5	55.4	0.9	5.0	No
R2	44.3	50.2	51.2	1.0	5.0	No
R3	42.5	50.2	50.9	0.7	5.0	No
R4	49.9	54.3	55.6	1.3	5.0	No
R5	47.9	51.4	53.0	1.6	5.0	No

<sup>1</sup> Total Project daytime operational noise levels as shown on Table 1.

<sup>2</sup> Observed daytime ambient noise levels.

<sup>3</sup> Represents the combined ambient conditions plus the Project activities.

<sup>4</sup> The noise level increase expected with the addition of the proposed Project activities.

<sup>5</sup> Significance increase criteria, FICON 1992.

Source: (Urban Crossroads, 2022g, Table 2)



**Table 4.13-22 Shea and Acacia Nighttime Operational Noise Level Increases**

Receiver Location	Total Project Operational Noise Level <sup>1</sup>	Reference Ambient Noise Levels <sup>2</sup>	Combined Project and Ambient <sup>3</sup>	Project Increase <sup>4</sup>	Increase Criteria <sup>5</sup>	Increase Criteria Exceeded?
R1	46.7	52.8	53.8	1.0	5.0	No
R2	43.0	45.3	47.3	2.0	5.0	No
R3	41.4	45.3	46.8	1.5	5.0	No
R4	48.9	47.8	51.4	3.6	5.0	No
R5	46.8	44.0	48.6	4.6	5.0	No

<sup>1</sup> Total Project nighttime operational noise levels as shown on Table 1.

<sup>2</sup> Observed nighttime ambient noise levels.

<sup>3</sup> Represents the combined ambient conditions plus the Project activities.

<sup>4</sup> The noise level increase expected with the addition of the proposed Project activities.

<sup>5</sup> Significance increase criteria, FICON 1992.

Source: (Urban Crossroads, 2022g, Table 3)

### **C. Off-Site Transportation Noise Impact Analysis**

The analysis below addresses potential off-site traffic noise generated from the Shea and Acacia Projects. To evaluate off-site noise increases that could result from the Shea and Acacia Project-related traffic on the roadway system, noise levels were modeled for the following scenarios, with full analytical results found in *Technical Appendix J3*:

- Existing (2021)
- Existing (2021) plus Project (E+P)
- Existing plus Ambient Growth without Project (EA)
- Existing plus Ambient Growth with Project (EAP) (Acacia + Shea Sites)
- Opening Year Cumulative (2024) without Project (OYC)
- Opening Year Cumulative (2024) with Project (OYCP)

#### **Existing plus Project Conditions**

The Existing plus Project (E+P) analysis determines the Shea and Acacia traffic noise impacts under the theoretical scenario where traffic from the Projects is added to existing conditions. The E+P scenario is presented to disclose potential direct impacts to the existing environment as required by CEQA. In the case of the proposed Projects, the estimated time period between the commencement of the CEQA analysis (2021) and Project buildout (2024) is three years. During this time period, traffic conditions are not static – other projects are being constructed, the transportation network is evolving, and traffic patterns are changing. Therefore, the E+P scenario is very unlikely to materialize in real-world conditions when the Projects are constructed and become operational. An analysis of E+P traffic conditions is presented herein for informational purposes.





E+P traffic noise conditions in the Shea and Acacia Project vicinity are summarized in Table 4.13-23, *Existing with Shea and Acacia Project Traffic Noise Level Increases*. Under E+P traffic conditions, Shea and Acacia Project-related traffic would contribute a maximum of 1.2 dBA CNEL to roadways in the vicinity of the Acacia Project Sites. This incremental noise increase would not exceed the applicable significance thresholds under the E+P scenario; 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.

**Table 4.13-23 Existing with Shea and Acacia Project Traffic Noise Level Increases**

ID	Road	Segment	Receiving Land Use <sup>1</sup>	CNEL at Receiving Land Use (dBA) <sup>2</sup>			Incremental Noise Level Increase Threshold <sup>3</sup>	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Sierra Av.	n/o Riverside Av.	Non-Sensitive	76.5	76.7	0.1	3.0	No
2	Sierra Av.	n/o Terra Vista Dr.	Sensitive	73.4	73.8	0.4	1.5	No
3	Sierra Av.	n/o Duncan Canyon Rd.	Sensitive	74.2	74.6	0.4	1.5	No
4	Sierra Av.	s/o Dwy. 2	Sensitive	74.3	74.7	0.4	1.5	No
5	Riverside Av.	e/o Sierra Av.	Sensitive	73.7	73.7	0.0	1.5	No
6	Duncan Canyon Rd.	e/o Sierra Av.	Sensitive	59.3	60.5	1.2	5.0	No

<sup>1</sup> Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

<sup>2</sup> The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

<sup>3</sup> See Subsection 4.13.5

Source: (Urban Crossroads, 2022g, Table 14)

#### ☐ **Existing plus Ambient Growth Plus Project Conditions**

Existing plus Ambient Growth traffic noise conditions in the Project Sites' vicinity are summarized in Table 4.13-24, *Existing Plus Ambient 2021 With Acacia Project Traffic Noise Level Increases*. Under Existing plus Ambient Growth traffic conditions, Project-related traffic would contribute a maximum of 1.1 dBA CNEL to roadways in the vicinity of the Project Sites. This incremental noise increase would not exceed the applicable significance thresholds; therefore, the Shea and Acacia 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.

#### ☐ **Opening Year plus Cumulative plus Project (2024) Conditions**

Opening Year plus Cumulative traffic noise conditions in the Shea and Acacia Project vicinity are summarized in Table 4.13-25, *Opening Year plus Cumulative 2024 with Acacia Project Traffic Noise Level Increases*. Under Opening Year plus Cumulative traffic conditions, Shea and Acacia Project-related traffic would contribute a maximum of 1.1 dBA CNEL to roadways in the vicinity of the Acacia Project Sites. 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.



**Table 4.13-24 Existing Plus Ambient With Shea and Acacia Project Traffic Noise Level Increases**

ID	Road	Segment	Receiving Land Use <sup>1</sup>	CNEL at Receiving Land Use (dBA) <sup>2</sup>			Incremental Noise Level Increase Threshold <sup>3</sup>	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Sierra Av.	n/o Riverside Av.	Non-Sensitive	76.7	76.9	0.2	3.0	No
2	Sierra Av.	n/o Terra Vista Dr.	Sensitive	73.7	74.1	0.4	1.5	No
3	Sierra Av.	n/o Duncan Canyon Rd.	Sensitive	74.5	74.9	0.4	1.5	No
4	Sierra Av.	s/o Dwy. 2	Sensitive	74.7	75.1	0.4	1.5	No
5	Riverside Av.	e/o Sierra Av.	Sensitive	74.0	74.0	0.0	1.5	No
6	Duncan Canyon Rd.	e/o Sierra Av.	Sensitive	59.6	60.7	1.1	5.0	No

<sup>1</sup> Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

<sup>2</sup> The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

<sup>3</sup> See Subsection 4.13.5

Source: (Urban Crossroads, 2022g, Table 15)

**Table 4.13-25 Opening Year plus Cumulative 2024 with Acacia Project Traffic Noise Level Increases**

ID	Road	Segment	Receiving Land Use <sup>1</sup>	CNEL at Receiving Land Use (dBA) <sup>2</sup>			Incremental Noise Level Increase Threshold <sup>3</sup>	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Sierra Av.	n/o Riverside Av.	Non-Sensitive	77.2	77.4	0.2	3.0	No
2	Sierra Av.	n/o Terra Vista Dr.	Sensitive	74.8	75.2	0.4	1.5	No
3	Sierra Av.	n/o Duncan Canyon Rd.	Sensitive	75.5	75.8	0.3	1.5	No
4	Sierra Av.	s/o Dwy. 2	Sensitive	75.8	76.1	0.3	1.5	No
5	Riverside Av.	e/o Sierra Av.	Sensitive	74.3	74.3	0.0	1.5	No
6	Duncan Canyon Rd.	e/o Sierra Av.	Sensitive	59.6	60.7	1.1	5.0	No

<sup>1</sup> Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.

<sup>2</sup> The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

<sup>3</sup> See Subsection 4.13.5

Source: (Urban Crossroads, 2022g, Table 16)

***Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?***

**A. Construction Analysis**

Construction activities on the Shea and Acacia Project Sites would utilize equipment that has the potential to generate vibration.



### 1. *Shea Project*

Vibration levels at sensitive receptors near the Shea Project Site during Shea Project construction are summarized on Table 4.13-26, *Shea Project Construction Vibration Levels*. As shown, none of the receiver locations in the vicinity of the Shea Project Site would be exposed to vibration levels that exceed the applicable significance threshold. Accordingly, Shea Project construction would not generate excessive or substantial temporary groundborne vibration or noise levels and a less than significant impact would occur.

**Table 4.13-26 Shea Project Construction Vibration Levels**

Receiver <sup>1</sup>	Distance to Const. Activity (Feet) <sup>2</sup>	Typical Construction Vibration Levels PPV (in/sec) <sup>3</sup>					Thresholds PPV (in/sec) <sup>4</sup>	Thresholds Exceeded? <sup>5</sup>
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	1,330'	0.000	0.000	0.000	0.000	0.000	0.3	No
R2	343'	0.000	0.001	0.001	0.002	0.002	0.3	No
R3	732'	0.000	0.000	0.000	0.001	0.001	0.3	No
R4	844'	0.000	0.000	0.000	0.000	0.000	0.3	No
R5	1,397'	0.000	0.000	0.000	0.000	0.000	0.3	No

<sup>1</sup> Receiver locations are shown on Figure 4.13-1.

<sup>2</sup> Distance from receiver location to Shea Project construction boundary (Shea Project Site boundary).

<sup>3</sup> Based on the Vibration Source Levels of Construction Equipment (Table 4.13-5).

<sup>4</sup> Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

<sup>5</sup> Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2022e, Table 8-6)

### 2. *Acacia Project*

Vibration levels at sensitive receptors near the Acacia Project Site during Acacia Project construction are summarized on Table 4.13-27, *Acacia Project Construction Vibration Levels*. As shown, none of the receiver locations in the vicinity of the Acacia Project Site would be exposed to vibration levels that exceed the applicable significance threshold. Accordingly, Acacia Project construction would not generate excessive or substantial temporary groundborne vibration or noise levels and a less than significant impact would occur.

### 3. *Shea and Acacia Project*

Vibration levels at sensitive receptors near the Shea and Acacia Project Sites during Shea and Acacia Project construction are summarized on Table 4.13-28, *Shea and Acacia Project Construction Vibration Levels*. As shown, none of the receiver locations in the vicinity of the Shea and Acacia Project Sites would be exposed to vibration levels that exceed the applicable significance threshold. Accordingly, Shea and Acacia Project construction would not generate excessive or substantial temporary groundborne vibration or noise levels and a less than significant impact would occur.



**Table 4.13-27 Acacia Project Construction Vibration Levels**

Receiver <sup>1</sup>	Distance to Const. Activity (Feet) <sup>2</sup>	Typical Construction Vibration Levels PPV (in/sec) <sup>3</sup>					Thresholds PPV (in/sec) <sup>4</sup>	Thresholds Exceeded? <sup>5</sup>
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	58'	0.001	0.010	0.022	0.025	0.025	0.3	No
R2	342'	0.000	0.001	0.002	0.002	0.002	0.3	No
R3	1,171'	0.000	0.000	0.000	0.000	0.000	0.3	No
R4	1,384'	0.000	0.000	0.000	0.000	0.000	0.3	No
R5	1,547'	0.000	0.000	0.000	0.000	0.000	0.3	No

<sup>1</sup> Receiver locations are shown on *Technical Appendix J2*, Exhibit 10-A.

<sup>2</sup> Distance from receiver location to Acacia Project construction boundary (Acacia Project Site boundary).

<sup>3</sup> Based on the Vibration Source Levels of Construction Equipment (Table 4.13-5).

<sup>4</sup> Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

<sup>5</sup> Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2022f, Table 10-6)

**Table 4.13-28 Shea and Acacia Project Construction Vibration Levels**

Receiver <sup>1</sup>	Distance to Const. Activity (Feet) <sup>2</sup>	Typical Construction Vibration Levels PPV (in/sec) <sup>3</sup>					Thresholds PPV (in/sec) <sup>4</sup>	Thresholds Exceeded? <sup>5</sup>
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	58'	0.001	0.010	0.022	0.025	0.025	0.3	No
R2	342'	0.000	0.001	0.002	0.002	0.002	0.3	No
R3	733'	0.000	0.000	0.000	0.001	0.001	0.3	No
R4	844'	0.000	0.000	0.000	0.000	0.000	0.3	No
R5	1,397'	0.000	0.000	0.000	0.000	0.000	0.3	No

<sup>1</sup> Receiver locations are shown on Exhibit B.

<sup>2</sup> Distance from receiver location to Project construction boundary (Project site boundary).

<sup>3</sup> Based on the Vibration Source Levels of Construction Equipment (Table 6).

<sup>4</sup> Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

<sup>5</sup> Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2022g Table 7)

#### **D. Operational Analysis**

Under long-term conditions, the Shea and Acacia Projects would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Shea and Acacia Project Sites. Trucks would travel to and from the Shea and Acacia Project Sites 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 Shea and Acacia Projects 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.



**Threshold c:** *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

Neither the Shea or Acacia Project Site is located within two miles of a public airport or airport with a land use compatibility plan. The closest airport is the Ontario International Airport (ONT) located approximately 10.7 miles southwest of the Shea and Acacia Project Sites. According to the ONT Airport Land Use Compatibility Plan (ONT ALUCP), the Shea and Acacia Project Sites are outside of the ONT Airport Influence Area and the airport noise impact zones (Ontario, 2011, Map 2-3). No impact would occur.

#### 4.13.7 CUMULATIVE IMPACT ANALYSIS

##### **A. Construction Noise**

There are several known active, pending, or planned construction projects in the immediate vicinity of the Shea and Acacia Project Sites. To the east of Sierra Avenue is the Arboretum which is a mixed-use development with residential, schools, parks, and commercial retail, which is currently under construction. Adjacent to the south of the Arboretum is Summit at Rosena Specific Plan development which includes residential, commercial and parks land uses. South of the Shea Project Site, on the south side of Casa Grande Avenue is the Casa Grande Warehouse project. The complete list of cumulative projects in the vicinity of the Shea and Acacia Projects is provided in Table 4.0-1 in Section 4.0, *Environmental Analysis*, of this EIR. In the event that construction on the Shea and Acacia Project Sites occur simultaneously with construction of other nearby projects, the effect to sensitive receptors in proximity to the Project Site (to the east and to the north) would not be cumulatively considerable in consideration of the existing built environment. Specifically, Sierra Avenue separates the Shea and Acacia Project Sites from other projects that may be under construction to the east and Casa Grande Avenue separates the Shea Project Site from cumulative development to the south. Roadway noise would overshadow any construction noise from those projects. Accordingly, there is no potential for the Project to contribute to the exposure of nearby sensitive receptors to substantial temporary (construction-related) increases in daytime or nighttime ambient noise levels.

##### **B. Stationary Noise**

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

##### **C. Traffic Noise**

The analysis presented under Threshold “a” evaluates the Shea and Acacia Projects’ traffic noise contribution along study area roadways with consideration of cumulative development (Existing Plus Ambient Growth and Opening Year plus Cumulative scenarios). As summarized in that analysis, the Shea and Acacia 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.

**D. Groundborne Vibration and Noise**

During construction, the Shea and Acacia Projects' 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 Shea and Acacia Project construction, when smaller pieces of equipment are used on-site, the Shea and Acacia 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 Shea and Acacia Project Site could occur on properties abutting these sites. All cumulative development in the area is located west of Sierra Avenue and south of Case Grade Avenue, and as such, vibration sources would be on the opposite sides of these roads and not come in line with the Project's construction-related activities to elevate vibration levels experienced at off-site properties. Accordingly, there is no potential for the Shea and Acacia Projects to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.

Under long-term conditions, the Shea and Acacia Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Shea and Acacia Project Sites. Trucks would travel to and from the Shea and Acacia Project Sites 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 Shea and Acacia Projects would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

**E. Airport Noise**

The 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 Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, the 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 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 Project area to excessive airport-related noise levels.

**4.13.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

*Threshold a: Noise Levels*

Shea Project: Less-than-Significant Impact. The Shea 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.

Acacia Project: Less-than-Significant Impact. The Acacia 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.



Combined Shea and Acacia Projects: Less-than-Significant Impact. Both the Shea and Acacia Projects 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.

*Threshold b: Groundborne Vibration*

Shea Project: Less-than-Significant Impact. The Shea Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

Acacia Project: Less-than-Significant Impact. The Acacia Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Both the Shea and Acacia Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

*Threshold c: Airport Noise*

Shea Project: No Impact. The Shea Project Site is not located within an area exposed to high levels of noise from the ONT Airport. As such, the Shea Project would not expose people to excessive noise levels associated with a public airport or public use airport.

Acacia Project: No Impact. The Acacia Project Site is not located within an area exposed to high levels of noise from the ONT Airport. As such, the Acacia Project would not expose people to excessive noise levels associated with a public airport or public use airport.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Project Sites are not located within an area exposed to high levels of noise from the ONT Airport. As such, the Shea and Acacia Projects would not expose people to excessive noise levels associated with a public airport or public use airport.

**4.13.9 MITIGATION**

Project impacts would be less than significant and mitigation is not required.



## 4.14 POPULATION AND HOUSING

The following analysis in this Subsection 4.14 discloses existing population and housing data for the City of Fontana and assesses the potential for the Shea and Acacia Projects either individually or collectively to result in direct or indirect impacts on population and housing. The analysis in this Subsection is based, in part, on information contained within the City of Fontana General Plan and population and housing projections from the Southern California Association of Governments (SCAG). All references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.14.1 EXISTING CONDITIONS

The Shea and Acacia Project Sites are located in north Fontana. The northern portion of the City of Fontana historically supported agriculture, rural residential, and government facility land uses but beginning in the mid-1990s through the mid-2000s, began transitioning to urban/suburban land uses including residential communities such as the Sierra Lakes master-planned golf course community, commercial development, and several employment-generating commerce centers along Sierra Avenue. Additional residential planned development in north Fontana is currently under construction on the west side of Sierra Avenue. The City of Rialto is located to the immediate east of the Project Sites, consisting of residential community development established in the mid 1990's. The Mid Valley Landfill is located approximately 0.6 miles to the southeast. As previously described in Section 2.3, *Surrounding Land Uses and Development*, the Shea and Acacia Project Sites are surrounded by a mix of residential and industrial land uses and vacant land. Under existing conditions, with the exception of one single-family residence and associated shed located in the southwest corner of the Shea Project Site, the Shea and Acacia Project Sites are undeveloped.

#### A. Demographics

According to the most recent available U.S. Census data, the City of Fontana had a population of approximately 208,393 people in 2020 (USCB, 2022). Growth in the City of Fontana is projected to continue into the future and, by the year 2040, Fontana is estimated to be home to 280,900 people (Fontana, 2018a, p. 2.16). As stated above, one occupied residential structure is located on the Shea Project Site and the Acacia Project Site is vacant under existing conditions. According to data compiled by SCAG, the City of Fontana had 54,432 housing units in 2018, of which 82% were comprised of single-family homes and 15% were comprised of multi-family homes (SCAG, 2019, p. 16). By the year 2040, Fontana is projected to contain 74,000 housing units, an approximately 26% increase from 2018 data (Fontana, 2018a, p. 2.15). The City of Fontana's General Plan Housing Element for 2021-2029 (6th Cycle Housing Element) is hereby incorporated by reference, which contains detailed demographic data for the City in its Section 2, Community Profile, pages 2-1 through 2-24. The Housing Element is available for public review at the City of Fontana, 8353 Sierra Avenue, Fontana, CA 92335 during regular business hours and also is available online at the website address listed in EIR Section 7.0, *References* (Fontana, 2022).

#### B. Land Use and Zoning Designations

The City's General Plan designates the Shea Project Site as Multi-Family High Density Residential (R-MFHR). This is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du)



per acre (Fontana, 2018a, p. 15.25). The City’s Zoning Map designates the Shea Project Site as Multi-Family High Density Residential (R-5). This is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du) per acre (Fontana, 2018a, p. 15.11).

Approximately 4.5 net acres of the Acacia Project Site is designated in the Fontana General Plan as R-MFH and approximately 14.5 net acres is designated General Commercial (C-G). The R-MFH is the highest-density residential category in Fontana, allowing for 39.1 to 50 du per acre. The C-G allows for a 0.1-1 floor area ratio (FAR) and uses such as retail, malls, wholesale, auto dealerships, and offices that serve a broader, regional population (Fontana, 2018a, p. 15.25). The Acacia Project Site is designated on the Fontana Zoning Map as R-5 and General Commercial (C-2). R-5 is the highest-density residential category in Fontana, allowing for 39.1 to 50 dwelling units (du) per acre. The C-2 zoning designation allows for general commercial uses including but not limited to retail and wholesale activities, automobile-related sales and services, offices and businesses providing administrative and professional services, and medical offices and clinics (Fontana, 2018a, p. 15.11).

#### **4.14.2 REGULATORY SETTING**

##### **A. Federal Plans, Policies, and Regulations**

###### ***1. Fair Housing Act***

The federal Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Additional protections apply to federally-assisted housing. (HUD, n.d.)

###### ***2. U.S. Census Bureau***

The U.S. Census Bureau is the leading source of statistical information about the nation’s people. Population statistics come from decennial censuses, which count the entire U.S. population every ten years, along with several other surveys. The American Community Survey (ACS) is an ongoing annual survey intended to help communities decide where to target services and resources. Demographic surveys measure income, poverty, education, health insurance coverage, housing quality, crime victimization, computer usage, and many other subjects. Economic surveys are conducted monthly, quarterly, and yearly, and cover selected sectors of the nation’s economy. (USCB, n.d.)

##### **B. State and Regional Plans, Policies, and Regulations**

###### ***1. State Housing Law***

The State law regulating residential occupancies is entitled the “State Housing Law” and is found in Division 13, Part 1.5 of the California Health and Safety Code (HSC), Sections 17910 to 17998.3 Regulations implementing the State Housing Law mandate statewide residential building standards for new construction, which are found in the California Code of Regulations, Title 24, also referred to as the California Green Building Standards Code (CalGreen). (CA Legislative Info, n.d.)



**2. *Southern California Association of Governments (SCAG)***

SCAG determines regional housing needs and the share of the regional needs to be addressed by San Bernardino County and its constituent cities. SCAG is a Joint Powers Agency and is the designated Council of Governments (COG), Regional Transportation Planning Agency (RTPA), and Metropolitan Planning Organization (MPO) for the six-county region of Los Angeles, Orange, Ventura, San Bernardino, Riverside, and Imperial counties. SCAG's Regional Comprehensive Plan and Guide (RCPG) and Regional Housing Needs Assessment (RHNA) are tools for coordinating regional planning and housing development strategies in southern California. (SCAG, 2021)

**3. *Regional Housing Needs Assessment (RHNA)***

State Housing Law (California Government Code Article 10.6, Sections 65580-65590) mandates that local governments, through COGs, identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA). The RHNA provides recommendations and guidelines to identify housing needs within counties and cities. The City of Fontana addresses its RHNA allocation through its General Plan Housing Element. The RHNA prepared by SCAG projected Fontana's share of regional housing need for 2014-2021 as 5,977 new housing units. Forty percent of this total (2,416 units) comprised housing need for extremely low-income, very low-income, and low-income households (Fontana, 2018a). Most recently, the RHNA prepared by SCAG projected Fontana's share of regional housing need for 2021-2029 as 17,477 new housing units, with 5,096 units in the very low-income category, 2,943 units in the low-income category, 3,029 units in the moderate-income category, and 6,409 units in the above moderate-income category. The City of Fontana published a General Plan Housing Element Update for 2021-2029 (6<sup>th</sup> Cycle Housing Element), which identifies policies and programs to meet existing and projected future housing needs (Fontana, 2022).

**4. *Senate Bill 330 (Housing Crisis Act of 2019) and Senate Bill 8 (2021)***

On October 9, 2019, California Governor Gavin Newsom signed the Housing Crisis Act of 2019 (HCA) into law, commonly known as Senate Bill (SB) 330 (Chapter 654, Statutes of 2019) to respond to the California housing crisis. On September 16, 2021, Gov. Newsom also signed SB 8 (Chapter 161, Statutes of 2021), which is an extension of the HCA. The HCA aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development. For example, State law now prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. SB 330 requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. (CA Legislative Info, n.d.)





**C. City Plans, Policies, and Regulations**

**1. Fontana General Plan Housing Element**

The current State-approved City of Fontana General Plan Housing Element (2014-2021) was approved and adopted by the City Council in November 2018. The City is currently updating the General Plan Housing Element to the 2021-2029 Housing Element, but as of the time of this writing, it is still in draft form and not yet accepted by the California Department of Housing and Community Development (Fontana, 2022). The 6<sup>th</sup> Cycle Housing Element was prepared according to State requirements, which stipulate that cities and counties must include in their general plans a Housing Element that makes adequate provision for housing and housing growth by providing zoning at appropriate densities and with sufficient infrastructure to meet a “fair share” of the regional need for affordable housing, as shown in the RHNA, prepared by SCAG. The City of Fontana’s Housing Element goals are: 1) adequate housing to meet the needs of all residents in Fontana; 2) a high standard of quality in existing affordable housing stock; 3) housing development that is not affected by government constraints; and 4) affirmatively further fair housing in Fontana (Fontana, 2022).

**4.14.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to population and housing that could result from development projects. The Project would result in a significant impact associated with population and housing if the Project or any Project-related component would:

- a. *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);*
- b. *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere;*

**4.14.4 IMPACT ANALYSIS**

**Threshold a:** *Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**A. Employment Generation**

**1. Shea Project**

The Shea Project would develop the subject property as a one-building commerce center facility. The Shea Project would employ construction workers in various trades over the estimated 13-month construction phase and is estimated to generate approximately 81 jobs at buildout. For purposes of this analysis, employment estimates were calculated using data and average employment density factors from a Commercial Real Estate Development Association (formerly National Association of Industrial and Office Properties (NAIOP)) research study titled “Logistics Trends and Specific Industries that will Drive Warehouse and Distribution



Growth and Demand for Space.” According to data from NAIOP, non-refrigerated warehouses employ on average one (1) worker for every 2,574 square feet (s.f.) of building area, while refrigerated warehouses employ an average of one (1) worker for every 1,910 s.f. of building area. Development of the Shea Project as analyzed in this EIR assumes 180,000 s.f. of non-refrigerated building area and 19,999 s.f. of refrigerated building space. Based on these estimated employment generation rates, the Shea Project is expected to create approximately 81 jobs  $[(180,000 \text{ s.f.} \div 2,574 \text{ s.f./employee} = 70 \text{ employees}) + (19,999 \text{ s.f.} \div 1,910 \text{ s.f./employee} = 11 \text{ employees}) = 81 \text{ total employees}]$ . (NAIOP, 2010, p. 15)

The City’s employment market contained 55,448 jobs in 2017 (SCAG, 2019, p. 24). By the year 2040, the employment market in Fontana is projected to grow to approximately 70,800 jobs (SCAG, 2016). This projected increase in jobs would accommodate the Shea Project’s 81 total employees.

## 2. *Acacia Project*

The Acacia Project would develop the subject property as a two-building warehousing facility. The Acacia Project would employ construction workers in various trades over the estimated 13-month construction phase and is estimated to generate approximately 155 jobs at buildout. For purposes of this analysis, employment estimates were calculated using data and average employment density factors from a Commercial Real Estate Development Association (formerly NAIOP) research study titled “Logistics Trends and Specific Industries that will Drive Warehouse and Distribution Growth and Demand for Space.” According to data from NAIOP, non-refrigerated warehouses would employ one (1) worker for every 2,574 square feet (s.f.) of building area, while refrigerated warehouses would employ one (1) worker for every 1,910 s.f. of building area. Development of the Project would include 180,000 s.f. of non-refrigerated building area and 19,999 s.f. of refrigerated building space. Based on these estimated employment generation rates, the Project is expected to create approximately 155 jobs  $[(355,413 \text{ s.f.} \div 2,574 \text{ s.f./employee} = 139 \text{ employees}) + (29,630 \text{ s.f.} \div 1,910 \text{ s.f./employee} = 16 \text{ employees}) = 155 \text{ total employees}]$ . (NAIOP, 2010, p. 15)

## **B. Induced Population Growth Analysis**

### 1. *Population Growth*

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) (BLS, n.d.). Accordingly, the region has an ample supply of potential employees to fill the 236 jobs anticipated to be generated by the Shea and Acacia Projects. The Projects’ 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 (Fontana, 2018a, p. 2.15; SCAG, 2019, p. 21); the Shea Project and Acacia 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 Shea Project and Acacia Project are not expected to be a catalyst for any substantial, unplanned population increase.



There are no components of the Shea Project or Acacia Project that would remove obstacles to development in the local area (and result in indirect unplanned population growth) because the abutting area is already built-out, planned for development, or currently under construction for new development. Furthermore, the Shea and Acacia Projects would widen Sierra Avenue along the Project Sites' frontages in accordance with the Fontana General Plan (and would not increase the planned capacity of these roadways). Both Projects would make connections to site-adjacent existing and planned infrastructure and would not construct new infrastructure or increase the capacity of existing infrastructure. Therefore, none of the Shea Project's or Acacia Project's physical improvements would remove any development obstacles/barriers and that could result in unplanned growth.

Based on the foregoing analysis, neither the Shea Project, Acacia Project nor any Project-related component would directly or indirectly result in substantial unplanned population growth that would cause a significant impact to the environment. Impacts would be less-than-significant.

## **2. *Planned Housing Allocation***

The RHNA prepared by SCAG projected Fontana's share of regional housing need for 2021-2029 as 17,477 new housing units, with 5,096 units in the very low-income category, 2,943 units in the low-income category, 3,029 units in the moderate-income category, and 6,409 units in the above moderate-income category. The City of Fontana is planning to accommodate its share of the projected regional need for housing units, as documented in the City's General Plan Housing Element 2021-2029 (6th Cycle Housing Element) (Fontana, 2022).

Associated with the Shea Project and Acacia Project, both Projects entail General Plan Amendments (GPAs) and Zone Changes (ZCs) to change the properties' land use designations and zoning classifications from a residential to non-residential category. The Shea Project's proposed GPA No. 21-004 would amend the City's General Plan Land Use Map to change the land use designations for the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L). The Acacia Project's proposed GPA No. 21-005 would amend the City's General Plan Land Use Map to change the land use designations for the Acacia Project Site from R-MFH and General Commercial (C-G) to I-L. Refer to Figure 3-4, *Shea Project Proposed GPA No. 21-004 and Acacia Project Proposed GPA No. 21-005*, in Section 3.0, *Project Description*, of this EIR. Similarly, the Shea Project's proposed ZC No. 21-006 would amend the City's Zoning District Map to change the zoning classification of the Shea Project Site from Multi-Family High Density Residential (R-5) to Light Industrial (M-1). The Acacia Project's proposed ZC No. 21-007 would amend the City's Zoning District Map to change the zoning classifications of the Acacia Project Site from R-5 and General Commercial (C-2) to M-1. Refer to Figure 3-5, *Shea Project Proposed ZC No. 21-006 and Acacia Project Proposed ZC No. 21-007*, in Section 3.0, *Project Description*, of this EIR.

The Shea Project and Acacia Project are required to comply with California's Housing Crisis Act of 2019 (SB 330). Under existing zoning designations, up to 555 housing units could occur on the Shea Project Site and up to 725 housing units could occur on the residentially-zoned portion of the Acacia Project Site. To comply with SB 330, the Projects 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.

***Threshold b: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

**A. Shea Project**

The Shea Project Site contains one residence and associated shed under existing conditions, and implementation of the Shea Project would remove these structures from the Shea Project Site. The removal of these structures would displace the current occupants of the one residence, which does not constitute the displacement of substantial numbers of people. The removal of one residence and associated shed from the Shea Project Site would not substantially affect the supply of readily available housing units in the City. Therefore, implementation of the Shea Project would not displace a substantial number of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Implementation of the Shea Project would result in a less-than-significant impact.

**4.14.5 CUMULATIVE IMPACT ANALYSIS**

Neither the Shea nor Acacia Project considered individually or together would lead to substantial unplanned population growth or remove a substantial amount of housing that would require the construction of replacement housing elsewhere. As such, neither the Shea nor Acacia Project has the potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units. The Shea and Acacia Projects would supply employment opportunities for an estimated 236 persons. Although population growth resulting from the employment opportunities offered at the Shea and Acacia Project Sites are 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 Shea and Acacia Projects and other developments in the area that will offer new employment opportunities. A residential development project is currently under construction to the immediate west of the Project Sites on the opposite side of Sierra Avenue. 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 Shea Project and Acacia 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 Shea and Acacia Project’s contribution to unplanned housing and population growth would not be cumulatively considerable.

**4.14.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION**

*Threshold a: Population Growth*



Shea Project: Less-than-Significant Impact. The estimated 81 jobs to be generated by the Shea Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Shea Project would not induce substantial unplanned population growth.

Acacia Project: Less-than-Significant Impact. The estimated 155 jobs to be generated by the Acacia Project are expected to be filled by a labor force that already resides in the region. Accordingly, the Shea Project would not induce substantial unplanned population growth.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The estimated 236 jobs to be generated by the Shea Project and Acacia Project combined are expected to be filled by a labor force that already resides in the region. Accordingly, the Shea Project would not induce substantial unplanned population growth.

*Threshold b: Population and Housing Displacement*

Shea Project: Less-than-Significant Impact. The Shea Project would remove one existing occupied residence. The removal of one home would not displace substantial numbers of people or require the construction of replacement housing elsewhere.

Acacia Project: No Impact. No residences are located on the Acacia Project Site and no displacements of housing or people would occur with the Acacia Project.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects would remove one occupied residence. The removal of one home would not displace substantial numbers of people or require the construction of replacement housing elsewhere.

**4.14.7 MITIGATION**

Impacts would be less than significant; therefore, mitigation is not required.





## 4.15 PUBLIC SERVICES

This Subsection 4.15 provides information on existing public services and service levels for fire protection, police protection, schools, libraries, and public health facilities, and evaluates impacts to the environment that may result from the demand the Projects may have on such services.

### 4.15.1 EXISTING CONDITIONS

#### **A. Fire Protection**

Fire protection services to the Shea and Acacia Project Sites and surrounding area are provided by the Fontana Fire Protection District (FFPD) (Fontana, n.d.). FFPD is contracted through the San Bernardino County Fire Department (SBCoFD) via a service agreement which contracts the SBCoFD to provide fire protection and emergency medical services within the FFPD.

The Fire Station that would serve the Shea and Acacia Project Sites is the San Bernardino County Fire Department – Station 79, which is located approximately 1.7 miles west of the Shea and Acacia Project Sites at 5075 Coyote Canyon Road, Fontana, CA 92883 (Google Earth, 2022). Apparatus at Station 79 includes a medic engine, a brush engine, and a medic squad.

#### **B. Police Protection Services**

Police protection services for the Shea and Acacia Project areas is provided by the Fontana Police Department. The Fontana Police Department has 188 sworn officers providing law enforcement services (FPD, n.d.). Police protection services for the Shea and Acacia Project areas are provided from the Fontana Police Headquarters, located approximately 4.0 miles south of the Shea and Acacia Project Sites at 17005 Upland Avenue, Fontana, Ca 92335.

#### **C. School Services**

The Shea and Acacia Project Sites lie within the Rialto Unified School District. The Shea and Acacia Project Sites are located in the service area boundaries of Kordyak Elementary School, located 0.5-mile north at 4580 Mango Avenue, Fontana, CA 92336, Kucera Middle School, located 0.9-mile east at 2140 W. Buena Vista Dive, Rialto, CA 92377, and Carter High School, located 1.8 miles southeast at 2630 N Linden Avenue, Rialto, CA 92377. The nearest schools to the Shea and Acacia Project Sites are Kordyak Elementary school and Fitzgerald Elementary School located 0.5-mile east of the Shea and Acacia Project Sites at 2568 Terra Vista Drive, Rialto, CA 92377. Under existing conditions, the Shea and Acacia Project Sites place no demand on the public school system because the both the Shea and Acacia Project Sites are undeveloped with the exception of one single-family home located in the southwest corner of the Shea Project Site.

#### **D. Library Facilities**

The San Bernardino County Library System owns and operates 32 library branches throughout the County. Services offered by the San Bernardino County Library System include borrowing privileges, free public access to the Internet, youth services, books by mail, adult literary services, classes and events, and meeting and study rooms. The branch located closest to the Shea and Acacia Project Sites is the Summit Branch Library



located approximately 1.9 miles southwest of the Shea and Acacia Project Sites at 15551 Summit Avenue, Fontana, CA 92336.

**E. Public Health Services**

Public health services in the City of Fontana are provided by the San Bernardino County Department of Public Health located 9.2 miles southeast of the Shea and Acacia Project Sites at 351 N Mountain View Avenue, San Bernardino, CA 92415. The closest hospital to the Shea and Acacia Project Sites is the Kaiser Permanente Medical Center located approximately 5.9 miles south at 9961 Sierra Avenue, Fontana, CA 92335.

**4.15.2 REGULATORY SETTING**

The following is a brief description of the federal, state, and local environmental laws and related regulations related to public services.

**A. State Plans, Policies, and Regulations**

**1. Fire Protection Services Regulations and Plans**

☐ **Public Resources Code (PRC) Sections 4290-4299**

These sections establish minimum statewide fire safety provisions pertaining to: roads for fire equipment access; signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. With certain exceptions, all new construction after July 1, 1991, in potential wildland fire areas, is required to meet these statewide standards. The state requirements, however, do not supersede more restrictive local regulations. (CA Legislative Info, n.d.)

As defined by CalFire, wildland areas defined as State Responsibility Areas (SRAs) may contain substantial wildfire risks and hazards. They consist of lands exclusive of cities, and federal lands regardless of ownership. The primary financial responsibility for preventing and suppressing fires within wildlands belongs to the State of California. However, it is not the State of California's responsibility to provide fire protection services to buildings or structures located within the wildlands unless CalFire has entered into a cooperative agreement with a local agency for those purposes pursuant to PRC Section 4142. As such, wildland areas require disclosure of these fire hazards in real estate transactions, and owners of properties in wildland areas are subject to PRC Section 4291 maintenance requirements. The law requires CalFire every five years (1991, 1996, 2001, etc.) to provide maps identifying the boundaries of lands classified as SRAs to the Riverside County Assessor. (CA Legislative Info, n.d.)

☐ **PRC Sections 4102-4127 - State Responsibility Areas (SRAs)**

PRC Section 4102 specifies that "'State responsibility areas' means areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the [State Fire] Board pursuant to Section 4125, to be primarily the responsibility of the state." These areas may contain state or privately-owned forest, watershed, and rangeland. §§ 4126-4127 of the PRC further specify the standards that define what does and does not constitute an SRA. (CA Legislative Info, n.d.)



☐ California Code of Regulations (CCR) Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the CCR refers to the California Building Code which contains complete regulations and general construction building standards of State of California adopting agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, “Materials and Construction Methods for Exterior Wildfire Exposure,” in the 2010 California Building Code addresses fire safety standards for new construction and Section 701A.3.2 addresses “New Buildings Located in Any Fire Hazard Severity Zone.” (BSC, n.d.)

☐ CCR Title 14 – Natural Resources

These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They were prepared and adopted to establish minimum wildfire protection standards in conjunction with building, construction, and development within SRAs. Among other things, Title 14 requires the design and construction of structures, subdivisions, and developments in an SRA provide for basic emergency access and perimeter wildfire protection measures (fire fuel modification zones, etc.). (Westlaw, n.d.)

☐ California Government Code (CGC) Sections 51178-51179 – Very High Fire Hazard Severity Zones

Section 51178 specifies that the Director of CalFire, in cooperation with local fire authorities, must identify areas that are Very High Fire Hazard Severity Zones (VHFHSZs) in Local Responsibility Areas (LRAs), based on consistent statewide criteria and the expected severity of fire hazard. It further specifies that VHFHSZs “shall be based on fuel loading, slope, fire weather and other relevant factors,” including areas subject to Santa Ana winds which are a “major cause of wildfire spread.” Section 51179 states that a local agency (such as a county) must also designate (and map) the VHFHSZs in its jurisdiction by ordinance. (See the discussion on Ordinance No. 787, below, regarding Riverside County’s VHFHSZs). Other portions of the Government Code outline when a local agency may use its discretion to exclude areas from VHFHSZ requirements or add areas not designated by the State of California to its VHFHSZ areas. (CA Legislative Info, n.d.)

☐ CGC Section 51182 – Defensible Space

Pursuant to this code, a person who “owns, leases, controls, operates or maintains an occupied dwelling or occupied structure in, upon or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land or land that is covered with flammable material” in a very high fire hazard severity zone designated by the local agency pursuant to § 51179, shall at all times maintain a specified amount of “defensible space” to protect structures in high fire hazard areas. (CA Legislative Info, n.d.)

☐ PRC Section 4213 - Fire Prevention Fees

Pursuant to PRC Section 4213, in July of 2011, the State of California began assessing an annual “Fire Prevention Fee” for all habitable structures within the State’s Responsibility Area (SRA) to pay for fire prevention services. The SRA is the portion of the state where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within incorporated city



boundaries, Tribal or federally owned land. As a result of AB 398, California Global Warming Solutions Act of 2006, the fire prevention fee was suspended as of July 1, 2017. (FindLaw, n.d.)

**2. *School Services Regulations and Plans***

☐ **Assembly Bill (AB) 16**

In 2002, AB 16 created the Critically Overcrowded School Facilities program, which supplements the new construction provisions within the School Facilities Program (SFP). The SFP provides State of California funding assistance for new facility construction projects and modernization projects. The Critically Overcrowded School Facilities program allows school districts with critically overcrowded school facilities, as determined by the California Department of Education (CDE), to apply for new construction projects in advance of meeting all SFP new construction program requirements. Districts with SFP new construction eligibility and school sites included on a CDE list of source schools may apply. (CA Legislative Info, n.d.)

☐ **Leroy F. Greene School Facilities Act of 1998 (Senate Bill [SB] 50)**

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998, which amended existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property....” (CA Legislative Info, n.d.)

The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. These base amounts are commonly called “Level 1 fees” and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years. (CA Legislative Info, n.d.)

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50% of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions: (CA Legislative Info, n.d.)

- At least 30% of the district’s students are on a multi-track year-round schedule.
- The district has placed on the ballot within the previous four years a local school bond that received at least 50% of the votes cast.
- The district has passed bonds equal to 30% of its bonding capacity.
- Or, at least 20% of the district’s teaching stations are relocatable classrooms.



Additionally, if the State of California's bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as "Level 3 fees," these fees are equal to 100% of land and construction costs of new schools required as a result of new developments. (CA Legislative Info, n.d.)

#### 4.15.3 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to public services that could result from development projects. The Project would result in significant impact to public services if the Project or any Project-related component would:

- a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*
  - *Fire Services;*
  - *Sheriff Services;*
  - *Schools;*
  - *Libraries; or*
  - *Health Services*

#### 4.15.4 IMPACT ANALYSIS

**Threshold a:** *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire Protection Services?*

The construction and operation of the Shea and Acacia Projects would increase the demand for fire protection by introducing one building on the Shea Project Site and two buildings on the Acacia Project Site. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment. The introductions of buildings on the Shea and Acacia Project Sites are 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 79 already exists near the Site which provides paramedic and fire services. Additionally, the both the Shea and Acacia Projects 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 Shea and Acacia Projects would also install fire hydrants on the sites. Lastly, the proposed commerce center buildings would feature a fire alarm system and ceiling-mounted sprinklers.





The City of Fontana Community Development Department, Planning Division forwarded the Projects' application materials to the FFPD for review and comment. The FFPD did not provide any comments to the Planning Division indicating that the Projects would not be adequately served by fire protection services or that incremental increase in the demand for FFPD services would result in or require new or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Based on the Shea and Acacia Project Site's proximity to an existing fire station, the incremental increase in the demand for FFPD services would not result in or require new or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Although the Shea and Acacia Projects would not result in the need for new or expanded fire protection facilities, as a standard condition of approval, both the Shea and Acacia Project Applicants 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 Shea and Acacia Projects based on building square footage. The Shea and Acacia Project's payment of DIF fees, as well as increased property tax revenues that would result from development of the Shea and Acacia Projects, would be used by the City to help pay for fire protection services and other public services. (City of Fontana, 2021, Section 21-122).

Based on the foregoing, the proposed Shea and Acacia Projects would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection facilities would be less than significant.

***Threshold b: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Police Protection?***

The Shea Project would introduce one new commerce center building to the Shea Project Site and the Acacia Project would introduce two new commerce center buildings to the Acacia Project Site, along with employees and visitors to both the Shea and Acacia Project Sites. This would result in an incremental increase in demand for police protection services. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment, and there is no aspect of the Shea and Acacia Project's construction, design, or operation that would cause the need to construct new police protection facilities. During the building plan check process, an FPD representative reviews the building plans before the City issues a building permit to determine the needs for crime prevention, such as installation of lighting systems, emergency notification systems, and/ or crime prevention through environmental design. This pre-construction review process is intended to prevent or deter crime and the demand for police protection services to new developments. For these reasons, the Shea and Acacia Projects are not anticipated to generate crime nor would the Shea and Acacia Projects 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, both the Shea and Acacia Projects 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 Shea



and Acacia Project Sites would provide funding to offset potential increases in the demand for police services at Shea and Acacia 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. (City of Fontana, 2021, Section 21-122)

Because Shea and Acacia Project implementation would not result in or require new or expanded police protection facilities and because the Shea and Acacia Projects are required to contribute appropriate DIF fees to offset the Shea and Acacia Project's increased demand for police protection services, the Shea and Acacia Project's impacts to police protection services would be less than significant.

***Threshold c: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for School Services?***

Neither the Shea nor Acacia Project include residential land uses and neither would directly introduce new school-age children within the Rialto Unified School District (RUSD) boundaries. Furthermore, as discussed in EIR Subsection 4.14, *Population and Housing*, the Shea and Acacia Projects are 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 RUSD schools. Because neither the Shea nor Acacia Project would directly generate students and neither is expected to indirectly draw students to the area, the Shea and Acacia Projects would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Shea and Acacia Projects would not create a direct demand for public school services, the Shea and Acacia Project Applicants would be required to contribute development impact fees to the RUSD 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 RUSD schools would be less than significant.

***Threshold d: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Library Services?***

The Shea and Acacia Projects do 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 Shea and Acacia Projects would not result in an increase in the City's population and would therefore not directly result in an increased demand for library facilities. No impact would occur.



***Threshold e:*** *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for Other Public Services?*

The Shea and Acacia Projects do not include any residential land uses and, therefore, it is not anticipated that the proposed Shea and Acacia Projects would result in a substantial increase in demand for public and/or private health care facilities. Nonetheless, the Project could result in an incremental increase in demand for health services associated with the Shea and Acacia Project's addition of employees in the area. Existing public health facilities would accommodate nominal increases in demand, such as demand from the Shea and Acacia Projects. Project implementation would not result in or require the physical construction, expansion, or alteration of public health facilities; therefore, impacts would be less than significant.

#### **4.15.5 CUMULATIVE IMPACT ANALYSIS**

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

Although the proposed Shea and Acacia Projects would be adequately served by fire protection services based on the proximity from the nearby fire station facility, the Shea and Acacia Projects 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 Shea and Acacia Projects 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 Shea and Acacia Projects 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 Shea and Acacia Project's impact to the FFPD is evaluated as less than cumulatively considerable.

Although the Shea and Acacia Project Sites would be adequately served by police facilities, the increased population that would be generated by both the Shea and Acacia Projects, when considered in conjunction with other on-going development throughout Fontana, has the potential to adversely affect service response times. However, the proposed Shea and Acacia Projects 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, Shea and Acacia Projects impacts to police protection services would be less than cumulatively considerable.

With respect to school services, the Shea and Acacia Projects 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, both the Shea and Acacia Project Applicants would be required to contribute development impact fees to the RUSD 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, Shea and Acacia Project impacts to school services would be less than cumulatively considerable.

The Shea and Acacia Projects would also have less-than-significant and less-than-cumulatively considerable impacts to library services because neither the Shea nor Acacia Project would directly create a demand for public library facilities and neither would directly result in the need to modify existing or construct new libraries.

Although the proposed Shea and Acacia Projects are not expected to result in an increase in the City’s service population, the construction and operation of one commerce center building on the Shea Project Site and two commerce center buildings on the Acacia 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 Project’s impacts would be less than cumulatively considerable.

#### 4.15.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Fire Protection Services*

Shea Project: Less-than-Significant Impact. The Shea Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD’s existing fire stations have adequate physical capacity to service the Shea 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.

Acacia Project: Less-than-Significant. The Acacia Project would increase the demand for fire protection services provided by the FFPD. Although demand would be increased, the FFPD’s existing fire stations have adequate physical capacity to service the Acacia 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.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Although the Shea and Acacia Projects would increase demand on the FFPD, the existing fire stations have adequate physical capacity to service both the Shea and Acacia Project Areas. 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.

##### *Threshold b: Police Protection*



Shea Project: Less-than-Significant Impact. The Shea Project increase the demand for police protection services provided by the Fontana Police Department. Service to the Shea 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 Shea Project or other growth in the area. As such, the Shea 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 effect under CEQA; thus, impacts are less-than-significant.

Acacia Project: Less-than-Significant Impact. The Acacia Project would increase the demand for police protection services provided by the Fontana Police Department. Service to the Acacia 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 Acacia Project or other growth in the area. As such, the Acacia 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 effect under CEQA; thus, impacts are less-than-significant.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Although the Shea and Acacia Projects would increase the demand for police protection services provided by the Fontana Police Department, the Fontana Police Department has no plans to physically construct or expand a station due to the Shea and Acacia Projects or other growth in the area. As such, the Shea and Acacia Projects 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 effect under CEQA; thus, impacts are less-than-significant.

#### *Threshold c: School Services*

Shea Project: Less-than-Significant Impact. The Shea 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 Shea Project to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur.

Acacia Project: Less-than-Significant Impact. The Acacia 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 Acacia Project to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Neither the Shea nor Acacia Project would result in or require new or expanded public school facilities and neither would result in any direct demand for school facilities. There is no potential for the Shea and Acacia Projects to have a direct physical impact on any school. For these reasons, less-than-significant impacts to school facilities would occur.

#### *Threshold d: Library Services*





Shea Project: No Impact. The Shea 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 Shea Project to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur.

Acacia Project: No Impact. The Acacia 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 Acacia Project to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur.

Combined Shea and Acacia Projects: No Impact. Neither the Shea nor Acacia Project would result in or require new or expanded public library facilities and neither would result in any direct demand for library space. There is no potential for the Shea or Acacia Projects to have a direct physical impact on any library. For these reasons, no impact to library facilities would occur.

#### *Threshold e: Health Services*

Shea Project: Less-than-Significant Impact. The Shea Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Shea Project Site. However, because the Shea Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Shea Project's demand, impacts to public health facilities would be less-than-significant.

Acacia Project: No Impact. The Acacia Project would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Acacia Project Site. However, because the Acacia Project would not result in or require the physical construction or alteration of public health facilities to accommodate the Acacia Project's demand, impacts to public health facilities would be less-than-significant.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Projects would result in an incremental increase in demand for public health services associated with persons that would be employed at or visit the Shea or Acacia Project Sites. However, because the Shea and Acacia Projects would not result in or require the physical construction or alteration of public health facilities to accommodate the Shea and Acacia Project's demand, impacts to public health facilities would be less-than-significant.

#### **4.15.7 MITIGATION**

Impacts would be less than significant; thus, no mitigation is required.



## 4.16 RECREATION

This Subsection 4.16 provides an overview of the existing parks and recreational facilities that exist within the Shea and Acacia Project vicinity and that could potentially be directly or indirectly physically affected by implementation of the proposed Shea and Acacia Projects. The analysis herein is based in part on the City of Fontana General Plan Update 2015-2035 Conservation, Open Space, Parks, and Trails Element.

### 4.16.1 EXISTING CONDITIONS

#### A. Federal Parks

The nearest federal park is the Cucamonga Wilderness, part of the Angeles National Forest, located approximately 9.6 miles northwest of the Shea and Acacia Project Sites. The next closest federal park is the San Bernardino National Forest located approximately 25.9 miles east of the Shea and Acacia Project Sites.

#### B. State Parks

The nearest State park to the Shea and Acacia Project Site is the California Citrus Historic State Park, located approximately 18.1 miles south of the Shea and Acacia Project Sites. The California Citrus Historic State Park features passive recreational opportunities, such as walking, horseback riding, or mountain biking along park trails. The park also has a visitor's center/museum. The next closest state park is the Chino Hills State Park, which is located approximately 23.7 miles southwest of the Shea and Acacia Projects. The Chino Hills State Park features passive recreational opportunities, such as walking, horseback riding, or mountain biking along park trails and a hands-on Discovery Center.

#### C. Regional and Local Parks

Several regional and local parks occur within a two-mile radius of the Shea and Acacia Project Sites. These facilities are described below:

- **Fontana Park.** Fontana Park is a local park located approximately 1.6-mile southwest of the Shea and Acacia Project Sites. The park features play areas, a covered sports arena, a dog park, an amphitheater, a landscaped promenade, and walking paths. It also features the Jessie Turner Health & Fitness Community Center, an aquatics center, and a skate and BMX park.
- **Coyote Canyon Park.** Coyote Canyon Park is a local park that located approximately 1.6-mile west of the Shea and Acacia Project Sites. The park features baseball/softball fields, a playground, a snack bar, restrooms, and picnic areas.
- **Patricia Murrujo Park.** Patricia Murrujo Park is a local park that is located approximately 1.2-mile southwest of the Shea and Acacia Project Sites. The park features a basketball court, playground, and walking trails.



- **Cambria Park.** Cambria Park is a local park that is located approximately 1.8 miles south of the Shea and Acacia Project Sites. The park features a playground and trails.
- **Alec Fergusson Park.** Alec Fergusson Park is a local park that is located approximately 0.6-mile west of the Shea and Acacia Project Sites. The park features football fields, basketball courts, tennis courts, a playground, and a skate park.
- **Sierra Crest Park.** Sierra Crest Park is a local park located approximately 0.1-mile north of the Acacia Project Site. The park features a pavilion, a playground and paved walking paths.
- **Valley Oak Park.** Valley Oak Park is a local park located approximately 0.9-mile west of the Shea and Acacia Project Sites. The park features several pavilions, a playground, and paved walking paths.
- **Oak Grove Park.** Oak Grove Park is a local park located approximately 0.8-mile west of the Shea and Acacia Project Sites. The park features a basketball court, playgrounds, picnic shelters, restrooms, and paved walking trails.

#### **D. Regional Trails and Bikeway Systems**

The City of Fontana Active Transportation Plan identifies the City's existing, planned, and proposed bikeways (Fontana, 2017). A Class I shared-use path is planned along the eastern side of both the Shea and Acacia Project Sites within the Southern California Edison right-of-way. A Class II bike lane is planned along Sierra Avenue on the western side of both the Shea and Acacia Project Sites.

#### **4.16.2 APPLICABLE ENVIRONMENTAL REGULATIONS**

The following is a brief description of the state and local environmental laws and related regulations related to recreation.

##### **A. State Regulations**

##### **1. Quimby Act, California Government Code § 66477**

The State of California's Quimby Act was established by the California Legislature for the purpose of preserving open space and providing park facilities for California's growing communities. The Quimby Act allows local agencies to establish ordinances requiring residential subdivisions to provide land or "in-lieu-of" fees for park and recreation purposes. This State Act requires the dedication of land and/or imposes a requirement of fees for park and recreational purposes as a condition of approval of tentative tract map or parcel map. (CA Legislative Info, n.d.)

#### **4.16.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana's *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to recreation facilities



that could result from development projects. The Project would result in a significant impact to recreation facilities or from the development of new recreation facilities if the Project or any Project-related component would:

- a) *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;*
- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

#### 4.16.4 IMPACT ANALYSIS

**Threshold a:** *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The Shea and Acacia Projects would entail the development of the subject properties with commerce center land uses. Neither the Shea or Acacia Project proposes any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. There is a planned Class I bicycle facility located on the east side of the Shea and Acacia Projects, in the Southern California Edison easement. Under existing conditions, no work has begun on constructing the planned facility. It is expected that future employees of the Shea and Acacia Project commerce centers may use the planned facility, however, any use by employees is not reasonably expected to deteriorate the trail. No impact would occur.

**Threshold b:** *Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The planned Class II bicycle facility along Sierra Avenue would be installed as part of the Shea and Acacia Project Sites along the street frontages. The Sierra Avenue frontage improvements are an inherent part of the Shea and Acacia Project's construction and construction-related effects from the road widening inclusive of the bike lanes are considered throughout this EIR. No other on- or off-site recreation facilities would be constructed as part of the Shea and Acacia Projects. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur.

#### 4.16.5 CUMULATIVE IMPACT ANALYSIS

The Shea Project proposes to develop the Shea Project Site with one commerce center building and the Acacia Project proposes to develop the Acacia Project Site with two commerce center buildings. Accordingly, neither the Shea nor Acacia Project includes recreational facilities and the Shea and Acacia Projects do 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. It is expected that future employees of the Shea and Acacia Project commerce centers may use the planned Class I bicycle facility located on the east side of the Shea and Acacia Projects, in the Southern California Edison easement,



however, any use by employees is not reasonably expected to deteriorate the trail. Accordingly, no cumulatively considerable impact associated with recreational facility development or use would occur as a result of development of the Shea and Acacia Projects.

The planned Class II bicycle facility along Sierra Avenue would be installed as part of the Shea and Acacia Project Sites along the street frontages. Neither the Shea nor Acacia Project would impact any other recreational facilities on a cumulatively considerable basis. Cumulative effects associated with implementation of the Shea and Acacia Projects are 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.

#### 4.16.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Neighborhood and Regional Parks*

Shea Project: No Impact. The Shea 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. No deterioration of the planned Class I bicycle facility to the east of the Shea Project Site is expected from use by Shea Project employees. Parks would not be physically affected by the Shea Project.

Acacia Project: No Impact. The Acacia 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. No deterioration of the planned Class I bicycle facility to the east of the Acacia Project Site is expected from use by Acacia Project employees. Parks would not be physically affected by the Acacia Project.

Combined Shea and Acacia Projects: No Impact. Neither the Shea nor Acacia Project proposes 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. No deterioration of the planned Class I bicycle facility to the east of the Shea and Acacia Project Sites is expected from use by Shea or Acacia Project employees. Parks would not be physically affected by the Shea and Acacia Projects.

##### *Threshold b: Recreational Facilities*

Shea Project: No Impact. The Shea Project would install the planned Class II bicycle facility along its Sierra Avenue street frontage. No other on- or off-site recreation facilities or expansion of any existing off-site recreational facilities. No impacts related to the construction or expansion of recreational facilities would occur.





Acacia Project: No Impact. The Acacia Project would install the planned Class II bicycle facility along its Sierra Avenue street frontage. No other on- or off-site recreation facilities or expansion of any existing off-site recreational facilities. No impacts related to the construction or expansion of recreational facilities would occur.

Combined Shea and Acacia Projects: No Impact. The Shea and Acacia Project would install the planned Class II bicycle facility along their Sierra Avenue street frontages. No other new on- or off-site recreation facilities or expansion of any existing off-site recreational facilities are proposed by the Shea and Acacia Projects. No impacts related to the construction or expansion of recreational facilities would occur.

#### 4.16.7 MITIGATION

There would be no impacts to recreation; thus, mitigation measures are not required.



#### 4.17 TRANSPORTATION

This Subsection assesses transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.17.2 below, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, which identify that starting on July 1, 2020, vehicle miles traveled (VMT) is the appropriate metric to evaluate a project's transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by "level of service" (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

The VMT analysis for the Shea Project is provided in a report prepared by Urban Crossroads, titled "Sierra Industrial (Shea) Vehicle Miles Traveled (VMT) Screening Evaluation," and dated November 2, 2021 (Urban Crossroads, 2021a). The VMT analysis for the Acacia Project is provided within a report ("Traffic Study") prepared by Urban Crossroads, titled "North Fontana Industrial Complex (Acacia) (MCN No. 21-099, DRP No. 21-039, TPM NO. 21-022, GPA No. 21-005 & ZCA No. 21-007) Traffic Study, City of Fontana," and dated April 28, 2022 (Urban Crossroads, 2022h). The VMT Analysis for the combined Shea and Acacia Projects is provided in a report prepared by Urban Crossroads, titled "Sierra Industrial Vehicle Miles Traveled (VMT) Analysis," and dated June 21, 2022 (Urban Crossroads, 2022i). These reports were prepared in accordance with the City of Fontana's *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment* (October 2020). An additional report was prepared by Urban Crossroads for the Shea Project, titled "Scoping Agreement for the Sierra Industrial Facility (Shea) Traffic Assessment" and dated October 27, 2021 (Urban Crossroads, 2021b). These reports are provided as *Technical Appendices K1-K4* to this EIR. Last, a *Sierra Avenue Caltrans Safety Evaluation* was conducted by Urban Crossroads dated June 21, 2021 (Urban Crossroads, 2022k).

##### 4.17.1 EXISTING TRANSPORTATION SETTING

###### **A. Existing Baseline Vehicle Miles Traveled**

The San Bernardino County Transportation Authority (SBCTA) provides VMT data for each of its member agencies and for the County of San Bernardino region via its San Bernardino Transportation Analysis Model (SBTAM). The SBTAM identifies a baseline VMT per service population value, which calculates the number of daily vehicles miles traveled by each member of the "service population," which includes area employees and residents. The baseline VMT for San Bernardino County is 17.1 VMT per employee (Urban Crossroads, 2022i, p. 5).

###### **B. Existing Roadway System**

The Shea and Acacia Project Sites are located east of Sierra Avenue. The Fontana General Plan classifies Sierra Avenue as a Major Highway. Major Highways typically have up to 6 lanes, although it may be increased to 8 lanes when it crosses a freeway, and typically have raised medians or two-way left turn lanes (Fontana, 2018a, Exhibit 9.2). Under existing conditions, there is one private driveway connection from the Shea Project Site to Sierra Avenue from the one single-family residence located in the southwest corner of the Project Site.



There are no driveway connections from the Acacia Project Site to Sierra Avenue because the Acacia Project Site is undeveloped.

The Acacia Site is located south of Duncan Canyon Road. The Fontana General Plan classifies the segment of Duncan Canyon Road north of the Acacia Project Site as a Collector Street. Collector Streets are roadways that can accommodate two or four lanes of traffic and are typically used to take traffic from neighborhoods to Primary and Secondary Roads (Fontana, 2018a, Exhibit 9.2). Under existing conditions, there are no driveway connections from the Acacia Project Site to Duncan Canyon Road the Acacia Project Site is not developed.

The primary regional travel route serving the Shea and Acacia Project areas is I-15, which is located approximately 1.3 miles north, and the I-210 Freeway which is located approximately 1.7 miles south, of the Shea and Acacia Project Sites. (Google Earth, 2022)

**C. Existing Truck Routes**

The Fontana General Plan designates Sierra Avenue, which abuts both the Shea and Acacia Project Sites to the west, as a “truck route.” (Fontana, 2018a, Exhibit 9.7)

**D. Existing Transit Services**

Public transit service in the region is provided by Omnitrans, a public transit agency that serves various jurisdictions within San Bernardino County. There is an existing bus route, Omnitrans Route 82, that runs along Sierra Avenue, south of the Shea and Acacia Project Sites. The closest bus stop along this route on Sierra Avenue is located approximately 1.5 miles south of the Shea Project Site at the intersection of Sierra Avenue and Sierra Lakes Parkway. There are currently no transit routes that provide service along the segment of Sierra Avenue that fronts the Shea and Acacia Project Sites (Fontana, 2018a, Exhibit 9.3).

**E. Existing Bicycle and Pedestrian Facilities**

There are no existing bicycle facilities that abut the Shea and Acacia Project Sites. However, Sierra Avenue has planned Class II bike lanes on both sides of the street and the Southern California Edison easement located to the east, and outside of, the Shea and Acacia Project Sites, is the location of a planned Class I bike facility (Fontana, 2018a, Exhibit 9.6). There are no sidewalks currently on Sierra Avenue abutting the Shea and Acacia Project Sites, although a sidewalk segment is under construction on the west side of the street in conjunction with adjacent development. An existing sidewalk is located on a portion of the north side of Duncan Canyon Road north of the Acacia Project Site. The sidewalk extends approximately 185 feet from Condor Avenue along Duncan Canyon Road (Google Earth, 2022).

**4.17.2 REGULATORY SETTING**

**A. State Plans, Policies, and Regulations**

**1. Senate Bill 743**

SB 743, which was codified in Public Resources Code Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to Public Resources Code Section 21099,



the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” To that end, in developing the criteria, the OPR proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation. The updated CEQA Guidelines include the addition of CEQA Guidelines Section 15064.3, of which Subdivision b establishes criteria for evaluating a project’s transportation impacts based on project type and using automobile VMT as the metric.

**B. Local Plans, Policies, and Regulations**

**1. SCAG Regional Transportation Plan/Sustainable Communities Strategy**

On September 3, 2020, SCAG’s Regional Council approved and adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (“*Connect SoCal*”). *Connect SoCal* is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Project. The goals of *Connect SoCal* are to: 1) Encourage regional economic prosperity and global competitiveness; 2) Improve mobility, accessibility, reliability, and travel safety for people and goods; 3) Enhance the preservation, security, and resilience of the regional transportation system; 4) Increase person and goods movement and travel choices within the transportation system; 5) Reduce greenhouse gas emissions and improve air quality; 6) Support healthy and equitable communities; 7) Adapt to a changing climate and support an integrated regional development pattern and transportation network; 8) Leverage new transportation technologies and data-driven solutions that result in more efficient travel; 9) Encourage development of diverse housing types in areas that are supported by multiple transportation options; 10) Promote conservation of natural and agricultural lands and restoration of habitats. Performance measures and funding strategies also are included to ensure that the adopted goals are achieved through implementation of the RTP.

**2. SCAQMD Rule 2202**

Intended to reduce air pollutant emissions from vehicle tailpipes, South Coast Air Quality Management District (SCAQMD) Rule 2202 reduces overall VMT by encouraging employees to reduce trip lengths and use modes of transportation to and from work other than single occupancy vehicles. SCAQMD Rule 2202 “On-Road Motor Vehicle Mitigation Options” provides employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act. With certain exception, Rule 2202 applies to any employer that employs 250 or more employees on a full or part-time basis at a worksite for a consecutive six-month period calculated as a monthly average. Among other items, employers must designate an employee to serve as an Employee Transportation Coordinator for each worksite with 250 or more employees and implement measures on good faith to achieve an average vehicle ridership (AVR) target.

**3. San Bernardino County Congestion Management Program**

The *San Bernardino County Congestion Management Program (CMP)* was prepared by the San Bernardino Associated Governments (since re-named as the San Bernardino County Transportation Authority, SBCTA). The intent of the *CMP* is to create a link between land use, transportation, and air quality planning decisions



and to prompt reasonable growth management programs that would more effectively utilize new and existing transportation funds to alleviate traffic congestion and related impacts and improve air quality. The *San Bernardino CMP* was first adopted in November 1992 and has since been updated 12 times, with the most recent comprehensive update in June 2016. None of the roadways in the immediate vicinity of the Shea and Acacia Project Sites are part of the *San Bernardino CMP* arterial roadway network.

#### 4. *Fontana General Plan Community Mobility and Circulation Element*

The City's General Plan contains a Community Mobility and Circulation Element that is intended to guide the development of the City's circulation system in a manner that is compatible with the General Plan's land use vision. The Mobility and Circulation Element provides policy direction to create a system of "complete streets," which refers to a multi-modal transportation network designed and operated to meet the needs of all users. Through the goals and policies of this Chapter, the City will strive to meet diverse mobility needs and reduce vehicle miles traveled, which will reduce air pollution, greenhouse gas emissions, and roadway congestion. The Mobility and Circulation Element goals and policies applicable to the Project are addressed later in this Subsection (see analysis under Threshold "a").

#### 5. *Fontana Active Transportation Plan*

The *Fontana Active Transportation Plan* was created by the City as a tool for implementing infrastructure improvements that will provide for the development of a comprehensive pedestrian and bicycling network that provides safe and comfortable access to local parks, schools, workplaces, shopping, and dining, as well as to destinations in other San Bernardino County communities. The goals and policies of the *Fontana Active Transportation Plan* that are applicable to the Project are addressed later in this Subsection (see analysis under Threshold "a").

#### 6. *San Bernardino County Measure "I"*

Measure "I," a one-half of one percent sales tax on retail transactions, was approved by San Bernardino County voters in 1989 and extended by County voters in 2004 to remain effective through the year 2040. While Measure "I" is a self-executing sales tax, it bears discussion here because the funds raised through Measure "I" have funded in the past and will continue to fund new transportation facilities in San Bernardino County, including within the City. The revenue generated by Measure "I" is to be used to fund transportation projects including, but not limited to, roadway improvements, commuter rail, public transit, and other identified improvements. Measure "I" also required that a local traffic impact fee be created to ensure that development projects are paying a fair share for transportation projects from which they would benefit (see discussion of "Fontana Development Impact Fee Program," below). Revenues collected through local traffic impact fee programs are used in tandem with regional Measure "I" revenues to fund projects identified in the SANBAG Development Mitigation Nexus Study, which is included as Appendix G to the *San Bernardino County CMP*.

#### 7. *City of Fontana Development Impact Fee (DIF) Program*

The City of Fontana created its Development Impact Fee (DIF) program to impose and collect fees from new residential, commercial, and industrial development for the purpose of funding local improvements necessary to accommodate expected local growth, as identified in the City's General Plan. The collected fees are used





to fund Measure “I” regional facilities as well as local (i.e., City) facilities. The identification and nomination of specific roadway and intersection improvement projects and the disbursement of the DIF to fund capital improvement programs is overseen by the City’s Engineering Department.

#### 4.17.3 VMT EVALUATION CRITERIA AND METHODOLOGY

The Project’s VMT analysis was prepared in accordance with the City of Fontana’s *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment* (October 21, 2020). Refer to *Technical Appendices K1 and K4* for a detailed description of the methodology used for the Shea and Acacia Projects in the VMT analysis.

##### A. Shea Project

The Shea Project when considered alone meets Screening Criteria No. 4 with project net daily trips of less than 500 ADT, and is expected to result in a less than significant impact for VMT. (Urban Crossroads, 2021a, p. 3)

##### B. Acacia Project

The Acacia Project’s VMT analysis relies on the SBTAM to extract baseline and cumulative VMT values with and without the Acacia Project. The model runs with the Acacia Project account for the Acacia Project’s land use and service population (i.e., number of employees). Project-generated VMT includes all vehicle trips that are traced to the Acacia Project’s TAZ, this includes internal to internal, internal to external, and external to internal trips, and is generated as a total VMT value. The Acacia Project’s VMT is converted to an efficiency metric by dividing the VMT by the Acacia Project’s service population (i.e., employees) to allow a comparison with the baseline and cumulative VMT generated by the SBTAM.

As noted in the City’s VMT guidelines, a development project would result in a significant VMT impact if either of the following conditions is met: 1) Baseline project-generated VMT per service population is not at least 15 percent below the baseline County of San Bernardino VMT; or 2) Cumulative project-generated VMT per service population is not at least 15 percent below the baseline County of San Bernardino VMT. The baseline VMT 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. (Urban Crossroads, 2022h, p. 66)

##### C. Combined Shea and Acacia Projects

The combined Shea and Acacia Projects’ VMT analysis relies on the SBTAM to extract baseline and cumulative VMT values with and without the combined Shea and Acacia Projects. The model runs with the combined Shea and Acacia Projects account for the combined Shea and Acacia Project’s land use and service population (i.e., number of employees). Project-generated VMT includes all vehicle trips that are traced to the combined Shea and Acacia Project’s TAZ, this includes internal to internal, internal to external, and external to internal trips, and is generated as a total VMT value. The combined Shea and Acacia Projects’ VMT is converted to an efficiency metric by dividing the VMT by the combined Shea and Acacia Projects’ service population (i.e., employees) to allow a comparison with the baseline and cumulative VMT generated by the SBTAM.



As noted in the City's VMT guidelines, a development project would result in a significant VMT impact if either of the following conditions is met: 1) Baseline project-generated VMT per service population is not at least 15 percent below the baseline County of San Bernardino VMT; or 2) Cumulative project-generated VMT per service population is not at least 15 percent below the baseline County of San Bernardino VMT. The baseline VMT 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. (Urban Crossroads, 2022i, p. 5)

#### 4.17.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation and traffic if the Project or any Project-related component would (OPR, 2019)

- a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;*
- b. *Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);*
- c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);*
- d. *Result in inadequate emergency access.*

#### 4.17.5 IMPACT ANALYSIS

***Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

This response provides an analysis of a project's potential to conflict with plans, programs, ordinances, or policies that address the circulation system, including transit, roadway, bicycle, and pedestrian facilities. A project that generally conforms with, and does not obstruct, applicable development plans, programs, ordinances, and policies is considered to be consistent. The transportation plans, policies, programs, ordinances, and standards that are relevant to the Shea and Acacia Projects are identified in the analysis below. The Shea Project would generate 378 daily vehicular trips (324 passenger vehicles and 54 trucks) and the Acacia Project would generate 704 daily vehicular trips (572 passenger vehicles and 132 trucks) as shown in *Technical Appendices K2 and K3*, respectively.

#### ☐ **SCAG Connect SoCal**

The fundamental goals of SCAG's *Connect SoCal* are to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. As indicated below, implementation of the Shea and Acacia Projects would not conflict with the goals and policies of SCAG's regional planning program that are applicable to the Shea and Acacia Projects and related to vehicular and non-vehicular circulation. As such, Shea and Acacia Project impacts would be less than significant.



***Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.***

No component of the Shea or Acacia Project would alter, modify, or obstruct local transportation facilities in a manner that would adversely affect the mobility, accessibility, or reliability of the local transportation network. As discussed later in this subsection under the response to Threshold “c,” neither the Shea or Acacia Project would result in a substantial safety hazard to motorists. Additionally, the proposed Shea and Acacia buildings – as commerce center buildings in close proximity to State highway facilities – would facilitate the mobility and reliability of the movement of goods throughout the region. The Shea and Acacia Projects would not conflict with this goal from *Connect SoCal*.

***Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.***

The Shea and Acacia Projects would not conflict with the City’s transportation network or the City’s coordination with other agencies. The Shea and Acacia Projects would contribute to and would be consistent with planned land use, upon approval of GPAs, and growth assumptions in the City of Fontana, as anticipated by the General Plan. The Shea and Acacia Project Applicants would pay applicable development impact fees that would fund additional local traffic improvements and maintenance of roadway infrastructure in the Shea and Acacia Project area. The Shea and Acacia Projects would not conflict with this goal from *Connect SoCal*.

***Goal 4: Increase person and goods movement and travel choices within the transportation system.***

The Shea and Acacia Projects involve the proposed development of commerce center buildings within a developing area on properties that abut a City-designated truck route in proximity to the State highway system, which would facilitate goods movement locally and within the region. The Shea and Acacia Projects would construct new sidewalks along Sierra Avenue and accommodate a Class II bike lane as part of the Sierra Avenue road widening along the Projects’ Sierra Avenue frontage. Also, the Projects would provide on-site bicycle parking facilities (bike racks). No component of either the Shea or Acacia Project would obstruct or prevent the use of Sierra Avenue as a proposed Class II bicycle facility or the Southern California Edison right-of-way to the east of the Shea and Acacia Project Sites as a proposed Class I bicycle facility. Accordingly, the Shea and Acacia Projects would ensure that multiple travel choices are available for future employees. Neither the Shea nor Acacia Project would conflict with this goal from *Connect SoCal*.

☐ **Fontana General Plan**

The following provides an analysis of the Shea and Acacia Projects’ consistency with applicable goals and policies of the Fontana General Plan that focus on connecting neighborhoods and city destinations by expanding transportation choices within the City of Fontana. Many of the goals and policies applicable to the Shea and Acacia Projects are found in the Community Mobility and Circulation Element; however, several applicable goals and policies also are found in the Land Use, Zoning, and Urban Design Element. As indicated in the analysis below and on the following pages, neither the Shea nor Acacia Project would conflict with any applicable General Plan policies addressing the circulation system. As such, Shea and Acacia Project impacts would be less than significant.



### **Community Mobility and Circulation Element**

***Goal 1: The City of Fontana has a comprehensive and balanced transportation system with safety and multimodal accessibility the top priority of citywide transportation planning, as well as accommodating freight movement.***

*Policy: Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways.*

Neither the Shea nor Acacia Project would adversely alter the vehicular travel way for Sierra Avenue or Duncan Canyon Road and, thus, would not hinder either roadway's ability to serve adjacent land uses. The Shea Project provides for improvements to Sierra Avenue abutting the Shea Project Site and the Acacia Project provides for improvements to Sierra Avenue and Duncan Canyon Road abutting the Acacia Project Site that would include new driveways, sidewalks, landscaping/irrigation, and fire hydrants. In addition, the both the Shea and Acacia proposed site plans provide bicycle parking facilities (bike racks) for Project employees. As discussed in detail in the response to Threshold "c," below, neither the Shea or Acacia Project would introduce incompatible uses or design hazards that would result in safety hazards to cars, pedestrians, or bicyclists. Based on the foregoing information, the Shea and Acacia Projects would not conflict with this General Plan policy.

*Policy: Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2014-2040 Regional Transportation Plan and Sustainable Communities Strategy.*

As noted above under the consistency discussion for *Connect SoCal*, implementation of the Shea and Acacia Projects would not conflict with the applicable transportation goals and policies of SCAG's regional planning program. Further, both the Shea and Acacia Projects would include bicycle parking facilities for employees and would provide for the construction of new sidewalks where the Shea Project Site abuts Sierra Avenue and where the Acacia Project Site abuts Sierra Avenue and Duncan Canyon Road, thereby preserving and promoting local opportunities for walking and bicycling. Neither the Shea nor Acacia Project would conflict with this General Plan policy.

***Goal 2: Fontana's street network is safe and accessible to all users, especially the most vulnerable such as children, youth, older adults and people with disabilities.***

*Policy: When constructing or modifying roadways, design the roadway space for use by all users when feasible, including motor vehicles, buses, bicyclists, mobility devices, and pedestrians, as appropriate for the context of the area.*

The Shea and Acacia Projects would not result in any modifications to the vehicle travel way for Sierra Avenue along the Shea and Acacia Project Sites' frontages or along Duncan Canyon Road along the Acacia Project Site frontage, ensuring that these roadways would remain accessible for motor vehicles and bicyclists. The Shea and Acacia Projects would not introduce any significant hazards or obstacles within any public right of right-of-way while providing for the construction of new sidewalks along the Shea Project Site's frontage with Sierra Avenue and the Acacia Project Site's frontages with Sierra Avenue and Duncan Canyon Road, thereby ensuring enhanced, safe local access for pedestrians after Project construction. Lastly, curb returns and ramps provided at Shea Project driveways connecting to Sierra Avenue and at Acacia Project driveways connecting to Sierra Avenue and Duncan Canyon Road would meet Americans with Disabilities Act (ADA) requirements



to ensure that safe and accessible paths of travel are available for pedestrians that utilize mobility devices. The Shea and Acacia Projects would not conflict with this General Plan policy.

*Policy: Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks on designated truck routes and arterial streets.*

The Shea and Acacia Project Sites abut Sierra Avenue, which is a City of Fontana designated truck route. Shea Project-related traffic would utilize Sierra Avenue to access I-15 or I-210. Acacia Project-related traffic would utilize Sierra Avenue to access I-15 or Duncan Canyon Road to Sierra Avenue to access I-15 or I-210. Accordingly, with the exception of some Acacia Project-related traffic using a portion of Duncan Canyon Road to access Sierra Avenue, Shea and Acacia Project-related truck traffic is expected to primarily utilize City truck routes between the Shea and Acacia Project Sites and the State highway system rather than utilizing streets within local residential or commercial areas. The Shea and Acacia Projects would not conflict with this General Plan policy.

***Goal 3: Local transit within the City of Fontana is a viable choice for residents, easily accessible and serving destinations throughout the city.***

*Policy: Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops.*

Omnitrans provides public transit service within the City of Fontana. Under existing conditions, Omnitrans operates Route 82 along Sierra Avenue south of the Shea and Acacia Project Sites, but there are no stops adjacent to the Shea or Acacia Project Sites. The closest bus stop along this route on Sierra Avenue is located approximately 1.5 miles south of the Shea Project Site at the intersection of Sierra Avenue and Sierra Lakes Parkway. There are currently no transit routes that provide service along Sierra Avenue adjacent to the Shea and Acacia Project Sites. Accordingly, the Shea and Acacia Projects would not affect the accessibility or safety of transit service. The Shea and Acacia Projects would not conflict with this General Plan policy.

***Goal 6: The city has attractive and convenient parking facilities for both motorized and non-motorized vehicles that fit the context.***

*Policy: Provide the right amount of motor vehicle and bicycle parking in commercial and employment centers to support vibrant economic activity.*

The Shea and Acacia Projects' site plans provide motor vehicle parking, including designated parking spaces and charging apparatus for electric vehicles, and bicycle parking that conforms to the applicable requirements of the City's Zoning and Development Code. The Shea and Acacia Projects would not conflict with this General Plan policy.

#### **Land Use, Zoning and Urban Design Element**

***Goal 2: Fontana development patterns support a high quality of life and economic prosperity.***

*Policy: Locate industrial uses where there is easy access to regional transportation routes.*





The Shea and Acacia Project Sites are located adjacent Sierra Avenue which is a City of Fontana designated truck route. Sierra Avenue would provide access to/from the Shea and Acacia Project Sites from I-15 and I-210. Via Sierra Avenue, the Shea and Acacia Project Sites are located at a driving distance of approximately 1.3 miles south of the Sierra Avenue on/off-ramp to I-15 and 1.7 miles north of the Sierra Avenue on/off ramp to I-210. The Shea and Acacia Projects would not conflict with this General Plan policy.

❑ **Fontana Active Transportation Plan**

The following provides an analysis of the Shea and Acacia Projects' consistency with applicable goals and policies of the City of Fontana's *Active Transportation Plan*. As indicated in the analysis below and on the following pages, the Shea and Acacia Projects would not conflict with any applicable *Active Transportation Plan* goals addressing the circulation system, but would conflict with Objective 1.A related to VMT. As such, Shea and Acacia Project impact would be significant.

***Goal 1 MOBILITY & ACCESS: Increase and improve pedestrian and bicyclist access to employment centers, schools, transit, recreation facilities, other community destinations across the City of Fontana, and facilities in neighboring cities for people of all ages and abilities.***

*Objective 1.A: Reduce vehicle miles traveled (VMT) by 4% by 2035.*

The Shea and Acacia Projects would facilitate pedestrian and bicycle access along Sierra Avenue and Duncan Canyon Road by installing frontage improvements along these roadways including a sidewalk and Class II bike lane along Sierra Avenue. Also, there is a planned Class I bike trail planned in the Southern California Easement to the east of the Project Sites, which is not a part of the proposed Projects. Although non-vehicular travel is encouraged in the area by the provision of sidewalks and bike lanes, the baseline VMT per employee for the combined Shea and Acacia Projects would be higher than the City regional baseline VMT per employee. 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. (Urban Crossroads, 2022i, p. 5). The combined Shea and Acacia Projects would generate 19.41 VMT per employee (approximately 33.49 percent above the existing baseline). Because the combined Shea and Acacia Projects would generate VMT that is above the regional baseline, the combined Shea and Acacia Projects are considered to substantially influence or increase VMT within the City. The combined Shea and Acacia Projects would conflict with this objective. (Urban Crossroads, 2022i, p. 6)

*Objective 1.B: Reduce barriers to pedestrian and bicyclist travel.*

The Shea Project would provide a new sidewalk along the Shea Project Site's frontage with Sierra Avenue and the Acacia Project would provide new sidewalks along the Acacia Project Site's frontages with Sierra Avenue and Duncan Canyon Road, thereby preserving and promoting local opportunities for walking. Also, a Class II bike lane would be accommodated in the Sierra Avenue right-of-way along the Projects' frontages. The site plans for both the Shea and Acacia Projects each provide on-site bicycle parking facilities (bike racks) for Shea and Acacia Project employees, thereby promoting local opportunities for bicycling. Neither the Shea nor Acacia Project would conflict with this objective from the *Active Transportation Plan*.



***GOAL 3 INFRASTRUCTURE & SUPPORT FACILITIES: Maintain and improve the quality, operation, and integrity of the pedestrian and bicycle network infrastructure that allows for convenient and direct connections throughout Fontana. Increase the number of high-quality support facilities to complement the network, and create public pedestrian and bicycle environments that are attractive, functional, and accessible to all people.***

*Objective 3.A: Incorporate pedestrian and bicycle facilities and amenities into private and public development projects.*

The Shea Project would provide a new sidewalk along the Shea Project Site's frontage with Sierra Avenue and the Acacia Project would provide new sidewalks along the Acacia Project Site's frontages with Sierra Avenue and Duncan Canyon Road, thereby preserving and promoting local opportunities for walking. Also, a Class II bike lane would be accommodated in the Sierra Avenue right-of-way along the Projects' frontages. The site plans for the Shea and Acacia Projects each provide on-site bicycle parking facilities for Shea and Acacia Project employees, thereby promoting local opportunities for bicycling. Neither the Shea nor Acacia Projects would conflict with this objective from the *Active Transportation Plan*.

*Objective 3.B: Provide and maintain walkways and bikeways that are clean, safe, and attractive in accordance with Americans with Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) guidelines.*

Neither the Shea or Acacia Project would result in any adverse modifications to the vehicle travel way for Sierra Avenue or Duncan Canyon Road along the Shea and Acacia Project Site's frontages, and construction of the Projects would ensure that these roadways remain accessible for motor vehicles, pedestrians, and bicyclists. Neither the Shea nor Acacia Project would introduce any hazards or obstacles within any public right of right-of-way while providing for the construction of new sidewalks along the Shea Project Site's frontage with Sierra Avenue or the Acacia Project Site frontages with Sierra Avenue or Duncan Canyon Road, thereby ensuring safe local access for pedestrians after Project construction. Lastly, ramps provided at Shea Project driveways connecting to Sierra Avenue and Acacia Project driveway connecting to Sierra Avenue and Duncan Canyon Roads would meet Americans with Disabilities Act (ADA) requirements to ensure that safe and accessible paths of travel are available for pedestrians that utilize mobility devices. Neither the Shea nor Acacia Project would conflict with this objective from the *Active Transportation Plan*.

***Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

The City of Fontana's VMT analysis guidelines, as established in their *Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment*, are consistent with the requirements established by CEQA Guidelines Section 15064.3 to evaluate a project's transportation impacts using automobile VMT as the metric. In accordance with the City's VMT analysis guidelines, a development project would result in a significant impact if it cannot achieve a minimum 15 percent reduction below the regional average vehicle trip length based on its service population. The SBCTA provides VMT data for each of its member agencies and for the County of San Bernardino region via its San Bernardino Transportation Analysis Model (SBTAM). The SBTAM identifies a baseline VMT per service population value, which



calculates the number of daily vehicles miles traveled by each member of the “service population,” which includes area employees and residents. The baseline VMT 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 ( $17.1 \text{ VMT per employee} \times 0.85\% = 14.54 \text{ VMT per employee}$  (15% below 17.1). (Urban Crossroads, 2022i, p. 5).

**A. Shea Project**

The City Guidelines provide screening thresholds that can be used to determine when a proposed project is anticipated to result in a less than significant impact without conducting a more detailed project-level VMT analysis. The San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool, which uses criteria consistent with the screening thresholds recommended in the City Guidelines, was used to conduct the initial VMT screening. Four screening thresholds are used in the analysis: 1) Transit priority area screening; 2) Low VMT area screening; 3) Low project type screening; and 4) Project net daily trips less than 500 average daily trips (ADT). (Urban Crossroads, 2022h, p. 63) The Shea Project was determined to meet the screening criteria of project net daily trips less than 500 ADT and is therefore expected to result in a less than significant impact for VMT (Urban Crossroads, 2021a, p. 3). Additionally, the Shea Project would generate fewer than 50 peak hour trips and would contribute fewer than 50 peak hour trips to any study area intersection (Urban Crossroads, 2021b, p. 8). Accordingly, the Shea Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3 on an individual basis.

**B. Acacia Project**

Using employment generation factors from SCAG, the Acacia Project is estimated to have 248 employees (Urban Crossroads, 2022h, p. 66). Under Baseline (2021) traffic conditions, the Acacia Project is calculated to generate 19.69 VMT per employee (Urban Crossroads, 2022h, p. 66). The Acacia Project’s VMT would be approximately 35.42 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 Acacia Project’s VMT impact is considered to be significant and the Acacia Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3 on an individual basis.

**C. Combined Shea and Acacia Projects**

Using employment generation factors from SCAG, the combined Shea and Acacia Projects are estimated to have 490 employees (Urban Crossroads, 2022i, p. 6). Under Baseline (2022) traffic conditions, the combined Shea and Acacia Projects are calculated to generate 19.41 VMT per employee (Urban Crossroads, 2022i, p. 6). The combined Shea and Acacia Project’s VMT would be approximately 33.49 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 combined Shea and Acacia Projects’ VMT impact is considered a significant impact.

There are no CMP arterial roadways in the vicinity of the Project Sites and the Project would neither generate 250 or more peak hour trips nor send 50 or more peak hour trips to a State highway facility (Urban Crossroads, 2022h, p. 5) (Urban Crossroads, 2021b, p. 38). As such, the Projects when considered together would not be



considered a major traffic generator pursuant to the *San Bernardino County CMP*'s traffic impact analysis guidelines and is not expected to substantially affect the performance of the *CMP* circulation network. The *CMP*'s land use and travel demand management goals and policies are directed to local and regional public agencies and none would be directly applicable to the Projects. Notwithstanding, the Projects do not include any component that would prevent or obstruct the implementation of the *CMP*'s goals and policies. Accordingly, the Project would not conflict with the applicable congestion management plan and no impact would occur.

***Threshold c: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

The types of traffic generated during operation of the Shea and Acacia Projects (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. 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. Urban Crossroads conducted a Caltrans Safety Evaluation and concluded that the Shea Project and Acacia Projects' designs would not cause or significantly contribute to transportation safety issues (see *Technical Appendix K5*). Based on the foregoing information, the Shea and Acacia Project's construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

***Threshold d: Would the Project result in inadequate emergency access?***

The types of vehicular traffic generated during operation of the Shea and Acacia Projects (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 Shea and Acacia Project's site plan drawings and determined that no hazardous transportation design features would be introduced through implementation of the Shea and Acacia Projects. Specifically, all Shea and Acacia Project construction materials and equipment would be stored/staged on the Shea or Acacia Project Sites and would not interfere with emergency vehicles traveling along Sierra Avenue or Duncan Canyon Road. Any Shea or Acacia Project construction activities that would occur within the Sierra Avenue or Duncan Canyon Road 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 Shea and Acacia Projects' construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. No impact would occur.



#### 4.17.6 CUMULATIVE IMPACT ANALYSIS

As described under the response to Threshold “a,” the combined Shea and Acacia Projects 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 combined Shea and Acacia Projects would generate 19.41 VMT per employee (approximately 33.49 percent above the existing baseline) and thereby would conflict with this objective, resulting in a cumulatively-considerable impact. (Urban Crossroads, 2022i, p. 6). Although sidewalks and bike lanes would occur along Sierra Avenue along the Project Sites’ western boundary and a trail is planned in the SCE easement along the Project Site’s eastern boundary, there is no assurance of the percentage of Project Site employees that would utilize the sidewalks, bike lanes, and trail to commute to work.

As noted under the analysis for Threshold “b,” the Projects 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 combined Projects’ VMT, at 19.41 VMT per employee. The VMT for all traffic analysis scenarios including for future cumulative conditions is then normalized by dividing by the Project TAZ’s employees. Project Cumulative Year 2040 VMT per employee is 16.40, which is above the significance threshold of 14.54 VMT per employee by 12.79 percent. Neither the Shea or Acacia Projects would 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 Shea and Acacia Projects would not contribute to a significant cumulative impact under the topics discussed under Thresholds “c” and “d” because the Shea and Acacia Projects 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 Shea and Acacia Project Sites that could contribute additive effects that could degrade motor vehicle or pedestrian safety or emergency vehicle access in proximity to the Shea and Acacia Project Sites.

#### 4.17.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

*Threshold a, Consistency with Transportation Programs, Plans, Ordinances, and Policies:*

Shea Project: Less than Significant Impact. The Shea Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system.

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. The Acacia Project would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Acacia 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.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. The cumulative Shea and Acacia Projects would conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the combined Shea and Acacia Projects would generate





VTM that is above the regional baseline and would not help the City meet its objective to reduce VMT by 4% by 2035.

*Threshold b, Vehicle Miles Traveled:*

Shea Project: Less-than-Significant Impact. The Shea Project alone would screen out of the need to conduct a VMT analysis, and thus not exceed the City's significance threshold. Further, the Shea Project would not conflict with the *San Bernardino County CMP*.

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. The VMT generated by the Acacia Project would exceed the City's significance threshold by 35.42 percent and therefore, the Acacia Project would conflict with CEQA Guidelines Section 15064.3.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. The VMT generated by the cumulative Shea and Acacia Projects would exceed the City's significance threshold by 33.49 percent in the baseline year and by 12.79 percent in cumulative Year 2040 and therefore, the cumulative Shea and Acacia Projects would conflict with CEQA Guidelines Section 15064.3.

*Threshold c, Geometric Design Feature Hazards:*

Shea Project: Less-than-Significant Impact. The Shea Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.

Acacia Project: Less-than-Significant Impact. The Acacia Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The combined Shea and Acacia Projects would not introduce any significant transportation safety hazards due to a design feature or incompatible use.

*Threshold d, Emergency Access:*

Shea Project: No Impact. Adequate emergency access would be provided to the Shea Project Site during construction and long-term operation. The Shea Project would not result in inadequate emergency access to the Shea Project Site or surrounding properties.

Acacia Project: No Impact. Adequate emergency access would be provided to the Acacia Project Site during construction and long-term operation. The Acacia Project would not result in inadequate emergency access to the Acacia Project Site or surrounding properties.

Combined Shea and Acacia Projects: No Impact. Adequate emergency access would be provided to the both the Shea and Acacia Project Sites during construction and long-term operation. Neither the



Shea nor Acacia Projects would result in inadequate emergency access to either the Shea or Acacia Project Site or surrounding properties.

#### 4.17.8 MITIGATION

Mitigation measures are not available to reduce the Acacia Project and the combined Shea and Acacia Project's direct and cumulatively-considerable impacts due to Project-related VMT. Transportation Demand Management (TDM) strategies in the form of commute trip reduction program measures could be implemented including commute trip reduction marketing, providing a ridesharing program, implementing subsidized or discounted transit programs, providing end-of-trip facilities, providing employer-sponsored vanpools, price workplace parking, and implementing employee parking cash-outs. Employers employing more than 250 persons would be subject to SCAQMD Rule 2202, which requires employees to encourage reductions in employee commute frequency and trip length. Beyond Rule 2022 compliance, neither the Shea or Acacia Project Applicant, or the City of Fontana has the jurisdictional authority to mandate business practices of private enterprises nor is it feasible for the City to monitor these practices.

Other regional transportation measures that may reduce VMT include, but are not limited to, improving/increasing access to transit, increasing access to common goods and service, or orientating land uses towards alternative transportation. The Projects are oriented toward alternative transportation, as sidewalks and bike lanes would occur along Sierra Avenue along the Project Sites' western boundary and a trail is planned in the SCE easement along the Project Site's eastern boundary. These non-vehicular options could be used by employees to travel to and from the Project Sites; however, there is no assurance of the percentage of Project Site employees that would utilize the sidewalks, bike lanes, and trail to commute to work. For these reasons, mitigation to reduce the Acacia Project and the combined Shea and Acacia Projects' VMT impact to less than significant is not feasible.

#### 4.17.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

*Threshold a:*

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. Because no feasible mitigation is available to reduce the VMT for the Acacia Project's employees to below the City's calculated average VMT, the Acacia Project's would result in a conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Acacia Project would generate VMT that is above the regional baseline.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. Because no feasible mitigation is available to reduce the VMT for the combined Shea and Acacia Project's employees to below the City's calculated average VMT, the cumulative Shea and Acacia Projects would result in a conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the combined Shea and Acacia Projects would generate VMT that is above the regional baseline.

*Threshold b:*



Acacia Project: Significant Direct and Cumulatively-Considerable Impact. Because no feasible mitigation is available to reduce the VMT for the Acacia Project's employees to below the City's calculated average VMT, the Acacia Project's would result in a significant and unavoidable direct and cumulatively considerable impact under Threshold "b."

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. Because no feasible mitigation is available to reduce the VMT for the combined Shea and Acacia Project's employees to below the City's calculated average VMT, the cumulative Shea and Acacia Projects would result in a significant and unavoidable direct and cumulatively considerable impact under Threshold "b."



## 4.18 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection 4.18 relies in part on information from a cultural resource assessment report prepared by Brian F. Smith and Associates titled “Cultural Resources Study for the Sierra Business Center Project,” dated March 23, 2022, and is included as *Technical Appendix D* to this EIR. The analysis in this Subsection also contains information obtained by the City of Fontana during consultation with local Native American tribal representatives. It should be noted that much of the written and oral communication between Native American tribes and the City of Fontana is considered confidential in respect to places that have traditional tribal cultural significance (Gov. Code § 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (Cal. Code Regs. § 15120(d)). All non-confidential references used in this Subsection are listed in EIR Section 7.0, *References*.

### 4.18.1 EXISTING CONDITIONS

Refer to Subsection 4.5, *Cultural Resources*, for a description of the pre/protohistoric period setting for the Inland Empire region and the Fontana area.

#### A. Project Site Conditions

BFSA conducted a pedestrian survey of the Shea and Acacia Project Sites on January 26, 2022. The pedestrian survey consisted on a series of transects spaced at approximately 15-meter intervals to examine all exposed ground surfaces. Ground visibility was limited due to patches of dense vegetation. Piles of rocks, construction debris, bricks, and broken glass were identified throughout both the Shea and Acacia Project Sites, all of them modern. BFSA did not observe any prehistoric resource sites or isolates on either the Shea or Acacia Project Site during the pedestrian survey. (BFSA, 2022, p. 3.0-2)

BFSA also performed an archaeological records search through the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton. The records search provided information regarding previous archaeological studies in the Shea and Acacia Project areas and any previously recorded sites within a one-mile radius of the Shea and Acacia Project Sites. The results of the records search indicate that no prehistoric resources were recorded on the Shea or Acacia Project Sites. (BFSA, 2022, pp. 1.0-17 and 1.0-18)

### 4.18.2 REGULATORY SETTING

#### A. State Regulations

##### 1. *Traditional Tribal Cultural Places Act (Senate Bill 18, “SB 18”)*

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places (“cultural places”) through local land use planning. SB 18 also requires the Governor’s Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations (OPR, 2005).



The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 *et seq.*) and specific plans (defined in Government Code § 65450 *et seq.*). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment.

## 2. *Assembly Bill 52 (AB 52)*

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. The legislature added new requirements regarding tribal cultural resources in Assembly Bill 52 (AB 52). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources (OPR, 2017a). By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (Pub. Resources Code, § 21080.3.1.).

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.





Section 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017a)

### 3. State Health and Safety Code

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims.

#### 4.18.3 BASIS FOR DETERMINING SIGNIFICANCE

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to tribal cultural resources that could result from development projects. The Project would result in a significant impact to tribal cultural resources if the Project or any Project-related component would:

- a. *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:*
  - 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. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

#### 4.18.4 IMPACT ANALYSIS

***Threshold a:*** *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (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?*

No prehistoric resource sites, features, places, or landscapes were identified on the surface of the Shea or Acacia Project Sites during field work conducted by BFSa in 2022 that are either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), a resource must include the following:

- A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- B. Is associated with the lives of persons important in our past;
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

No resources were identified on the Shea or Acacia Project Sites that meet any of the four criteria listed above to be eligible for the California Register and no prehistoric resource sites or isolates were found on the Project site (BFSa, 2022, p. 3.0-29). 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 Shea or Acacia Project Sites that in the City's discretion had the potential to be considered a tribal cultural resource. Tribal cultural resources, however, include resources with inherent tribal values that are difficult to identify through the same means as archaeological resources. These resources can be identified and understood through direct consultation with the tribes who attach tribal value to the resource. Tribal cultural resources may include Native American archaeological sites, but they may also include other types of resources such as a cultural landscape. Also relevant is the category termed "traditional cultural property" which is typically associated with cultural resource management performed under federal auspices. "Traditional" in this context refers to



those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. A traditional cultural property can be defined, generally, as one that is eligible for inclusion in the National Register of Historic Places (NRHP) because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. A landscape can be a traditional cultural property and by extension a tribal cultural resource, provided the cultural landscape meets the criteria and that the landscape is geographically defined in terms of the size and scope. The appropriate treatment of tribal cultural resources is determined through consultation with tribes having cultural affiliation.

As part of the SB 18 and AB 52 consultation processes required by State law, the City of Fontana sent notification of the Shea and Acacia Projects to Native American tribes with possible traditional or cultural affiliation to the Shea and Acacia Project areas on May 4, 2022. In response to the SB18 and AB 52 consultation invitations, the Yuhaaviatam of San Manuel Nation offered comment but did not request consultation. The Agua Caliente Band of Cahuilla Indians and the Ft. Yuma Quechan Tribe responded, but indicated that they had no comments and did not wish to consult. The Gabrieleno Band of Mission Indians – Kizh Nation responded and requested consultation, which occurred between the Tribe and the City of Fontana. Other tribes did not respond to the notices. Based on the comments by the Yuhaaviatam of San Manuel Nation, comments from the Gabrieleno Band of Mission Indians – Kizh Nation, and information available from the Projects' cultural resources investigation contained in *Technical Appendix D*, information indicates that subsurface tribal cultural resources, as defined in Public Resources Code Section 21074, are potentially present on the Shea and/or Acacia Project Sites and have the potential to be discovered during ground-disturbing construction activities.

Although given the lack of any previously identified pre/protohistoric sites within or near either the Shea or Acacia properties and the magnitude of ground disturbances on the Shea and Acacia Project Sites over the previous 90-plus years, there is little potential for any pre/protohistoric resources to be present or disturbed by the proposed developments. Notwithstanding, excavations on portions of the Shea or Acacia Project Sites 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 2.5 to 8.5 feet below the ground surface; thus, excavations on the Project Sites that would occur within previously undisturbed soils could, in theory, contain tribal cultural resources. If any tribal cultural resources are unearthed during Shea or Acacia 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.

As discussed under EIR Subsection 4.5, the Shea and Acacia Project Sites do 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 Shea or Acacia 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 Shea and Acacia Projects would not result in a substantial adverse effect to tribal cultural resources associated with human remains.

#### 4.18.5 CUMULATIVE IMPACT ANALYSIS

The potential for Shea and/or Acacia 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 Shea and Acacia Project Sites. The other development projects within these areas would have a similar potential to uncover tribal cultural resources during construction activities. Therefore, the potential for Shea and Acacia Project construction to impact tribal cultural resources is a cumulatively-considerable impact for which mitigation is required.

#### 4.18.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

*Threshold a, Tribal Cultural Resources:*

Shea Project: Significant Direct and Cumulatively-Considerable Impact. The Shea 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.

Acacia Project: Significant Direct and Cumulatively-Considerable Impact. The Acacia 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.

Combined Shea and Acacia Projects: Significant Direct and Cumulatively-Considerable Impact. The Shea Project and Acacia Project combined have 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.

#### 4.18.7 MITIGATION

Mitigation Measures MMs 4.5-1 through 4.5-3 shall apply (refer to Subsection 4.5, *Cultural Resources*).

#### 4.18.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

*Threshold a:*

Shea Project: Less-than-Significant with Mitigation Incorporated. 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 Shea Project development. With implementation of the required mitigation, the Shea Project's potential impact to significant tribal cultural resources would be reduced to less than significant.

Acacia Project: Less-than-Significant with Mitigation Incorporated. 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 Acacia Project development. With implementation of the required mitigation, the Acacia Project's potential impact to significant tribal cultural resources would be reduced to less than significant.

Combined Shea and Acacia Projects: Less-than-Significant with Mitigation Incorporated. 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 Shea Project and Acacia Project development. With implementation of the required mitigation, the Shea and Acacia Projects' potential impact to significant tribal cultural resources would be reduced to less than significant.





## **4.19 UTILITIES AND SERVICE SYSTEMS**

This Subsection 4.19 addresses the topics of water service and supply, wastewater collection and treatment, stormwater drainage management, and solid waste collection and disposal, and relies on publicly available information provided by local service providers. A complete list of references for information relied upon to prepare this Subsection can be found in EIR Section 7.0, *References*.

### **4.19.1 EXISTING CONDITIONS**

#### **A. Water Service**

The Shea and Acacia Project Sites are located within the West Valley Water District (WVWD) service area, which is part of the San Bernardino Valley Municipal Water District. The WVWD serves approximately 94,332 customers in the communities of Bloomington, Colton, Fontana, Rialto, parts of unincorporated areas in San Bernardino and Jurupa Valley in Riverside County (WVWD, 2020, p. 3). WVWD's water supply comes from its own groundwater wells, groundwater purchased from San Bernardino Valley Municipal Water District, surface water from Lytle Creek in the San Bernardino Mountains, and surface water purchased through San Bernardino Valley Municipal Water District (WVWD, 2020, p. 4). Under existing conditions, water mains are installed beneath Sierra Avenue abutting both the Shea and Acacia Project Sites.

Under existing conditions, there is one single-family residence with an associated shed located on the Shea Project Site. The Acacia Project Site contains no structures. The one occupied residential structure on the Shea Project Site consumes nominal water.

#### **B. Wastewater Service**

Wastewater in the Shea and Acacia Project areas is conveyed via City of Fontana maintained sewer lines to the RP-4 wastewater treatment facilities (operated by the Inland Empire Utilities Agency (IEUA)). The RP-4 facility 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. (IEUA, n.d.)

Although there are existing sewer lines beneath Sierra Avenue, the Shea and Acacia Project Site are not connected to the City's sewer conveyance network under existing conditions. The single residence on the Shea Project Site has a septic system.

#### **C. Stormwater Conveyance Facilities**

Under existing conditions, the Shea and Acacia Project Sites do not contain any stormwater drainage facilities. Surface runoff from the both the Shea and Acacia Project Sites drains from north and sheet flows to properties to the south and to downstream storm drain facilities and to the existing curb and gutter system along Slover Avenue to the south.



**D. Solid Waste Collection and Disposal**

Solid waste from the Shea and Acacia Project Sites would be collected by Burrtec Waste Industries, Inc. and is expected to be disposed at the Mid-Valley Landfill, located approximately 0.6-mile from the southern boundary of the Shea Project Site, in the City of Rialto. The Mid-Valley Landfill is 408 acres in size, has a total permitted capacity of 101,300,000 cubic yards, is permitted to receive 7,500 tons of solid waste per day and has a reported remaining disposal capacity of 61,219,377 cubic yards, as of June 2019. The current closure date is projected as April 2045 (CalRecycle, 2022a).

Under existing conditions, only one structure, a single-family residence is located on the Shea Project Site, which generates a nominal amount of solid waste.

**4.19.2 REGULATORY SETTING**

The following is a summary of the federal, state, and local environmental laws and related regulations related to utilities and service systems.

**A. Federal Plans, Policies, and Regulations**

☐ Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2021e)

☐ Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to SDWA require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids. (EPA, 2021k)



***B. State Plans, Policies, and Regulations***

***1. Applicable Water Supply Regulations***

☐ Water Conservation in Landscaping Act

The Water Conservation in Landscaping Act was established to ensure adequate water supplies are available for future uses. To promote the conservation and efficient use of water, the Act requires local agencies to adopt a water efficient landscape ordinance. When such an ordinance had not been adopted, a finding as to why (based on the climatic, geologic, or topographical conditions) such an ordinance is not necessary, must be adopted. In the absence of such an ordinance or findings, the policies and requirements contained in the “model” ordinance drafted by the State of California shall apply within the affected jurisdiction. (CA Legislative Info, n.d.)

☐ Water Recycling in Landscaping Act

In 2000, Senate Bill 2095 (Water Recycling in Landscaping Act) was approved by Governor Davis requiring any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water within the boundaries of a local agency, to notify the local agency of that fact. In turn, local agencies are required to adopt and enforce within 180 days a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. (CA Legislative Info, n.d.)

☐ Urban Water Management Planning Act

The Urban Water Management Planning Act (UWMP Act) was proposed and adopted to ensure that water planning is conducted at the local level, as the State of California recognized that two water agencies in the same region could have very different impacts from a drought. The UWMP Act requires water agencies to develop Urban Water Management Plans (UWMPs) over a 20-year planning horizon, and further required UWMPs to be updated every five years. UWMPs are exempt from compliance with CEQA. (DWR, 2016, p. 1-2)

The UWMPs provide a framework for long term water planning and inform the public of a supplier’s plans for long-term resource planning that ensures adequate water supplies for existing and future demands. This part of the California Water Code (CWC) requires urban water suppliers to report, describe, and evaluate:

- Water deliveries and uses;
- Water supply sources;
- Efficient water uses;
- Demand management measures; and
- Water shortage contingency planning. (DWR, 2016, p. 1-3)

The UWMP Act has been modified over the years in response to the State’s water shortages, droughts, and other factors. A significant amendment was made in 2009, after the drought of 2007-2009 and as a result of the governor’s call for a statewide 20 percent reduction in urban water use by the year 2020. This was the Water Conservation Act of 2009, also known as SB X7-7. This Act required agencies to establish water use



targets for 2015 and 2020 that would result in statewide savings of 20 percent by 2020. Beginning in 2016, retail water suppliers are required to comply with the water conservation requirements in SB X7-7 in order to be eligible for State water grants or loans. Retail water agencies are required to set targets and track progress toward decreasing daily per capita urban water use in their service area, which will assist the State in meeting its 20 percent reduction goal by 2020. (DWR, 2016, p. 1-2)

☐ Government Code § 66473.7(b)(2) (Senate Bill 221)

Under Senate Bill (SB) 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. SB 221 is intended as a ‘fail safe’ mechanism to ensure that collaboration on finding the needed water supplies to serve a new large subdivision occurs before construction begins. SB 221 requires the legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove a tentative map, must include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply must be requested by the subdivision applicant or local agency, at the discretion of the local agency, and is based on written verification from the applicable public water system within 90 days of a request. SB 221 does not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households. (DWR, 2003; CA Legislative Info, n.d.)

☐ California Senate Bill 610

The California Water Code (Water Code) §§ 10910 through 10915 were amended by the enactment of SB 610 in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. (DWR, 2003; CA Legislative Info, n.d.) For the purposes of SB 610, “project” means any of the following:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project. (DWR, 2003; CA Legislative Info, n.d.)



Because the Shea Project proposes development of a 199,999 s.f. commerce center building and the Acacia Project proposes development of a 296,297 s.f. commerce center building and a 88,746 s.f. commerce center building, a water supply assessment was not required.

☐ CA. Water Code § 10610 et seq. (Senate Bill 901)

Signed into law on October 16, 1995, Senate Bill (SB) 901 required every urban water supplier to identify as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. The code requires the water service purveyor to assess the projected water demand associated with a proposed project under environmental review. Later provisions of SB 901 required compliance in the event that the proposed Project involved the adoption of a specific plan, amendment to, or revision of the land use element of a general plan or specific plan that would result in a net increase in the state population density. Upon completion of the water assessment, cities and counties may agree or disagree with the conclusions of the water service purveyors, but cannot approve projects in the face of documented water shortfalls without first making certain findings. (CA Legislative Info, n.d.)

☐ Executive Order B-29-15

Executive Order (EO) B-29-15 ordered the State Water Resources Control Board (SWRCB) to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directed the California Department of Water Resources (DWR) to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and directed the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. (SWRCB, 2020b)

☐ Executive Order B-37-16

Signed on May 9, 2016, EO B-37-16 established a new water use efficiency framework for California. The order bolstered the state's drought resilience and preparedness by establishing longer-term water conservation measures that include permanent monthly water use reporting, new urban water use targets, reducing system leaks and eliminating clearly wasteful practices, strengthening urban drought contingency plans, and improving agricultural water management and drought plans. (SWRCB, 2020b)

☐ Executive Order B-40-17

Signed on April 7, 2017, EO B-40-17 ended the drought state of emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne, where emergency drinking water projects will continue to help address diminished groundwater supplies. It maintains water reporting requirements and prohibitions on wasteful practices. The order was built on actions taken in Executive Order B-37-16, which remains in effect. In a related action, state agencies, including the Department of Water Resources (DWR), released a plan to continue making water conservation a way of life. (SWRCB, 2020b)





☐ Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA required, by June 30, 2017, the formation of locally-controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. The GSP Emergency Regulations for evaluating GSPs, the implementation of GSPs, and coordination agreements were adopted by DWR and approved by the California Water Commission on May 18, 2016. (DWR, n.d.)

2. *Applicable Solid Waste Regulations*

☐ California Solid Waste Integrated Waste Management Act (AB 939, 1989)

The Integrated Waste Management Act (IWMA) established an integrated waste management hierarchy to guide the California Integrated Waste Management Board (CIWMB) and local agencies in implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal (it should be noted that the CIWMB no longer exists, and its duties have been assumed by CalRecycle). As part of the IWMA, the CIWMB was given a purpose to mandate the reduction of disposed waste. (CalRecycle, n.d.) The IWMA also required:

- The establishment of a task force to coordinate the development of city Source Reduction and Recycling Elements (SRREs) and a countywide siting element. (CalRecycle, n.d.)
- Each city, by July 1, 1991, to prepare, adopt and submit a SRRE to the county which includes the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste (asbestos, sewage sludge, etc.); and household hazardous waste. (CalRecycle, n.d.)
- Each county, by January 1, 1991, to prepare a SRRE for its unincorporated area, with the same components described above, and a countywide siting element, specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction which cannot be reduced or recycled for a 15-year period.
- Each county to prepare, adopt, and submit to the Board an Integrated Waste Management Plan (IWMP), which includes all of the elements described above. (CalRecycle, n.d.)
- Each city or county plan to include an implementation schedule which shows: diversion of 25 percent of all solid waste from landfill or transformation facilities by January 1, 1995 through source reduction, recycling, and composting activities; and, diversion of 50 percent of all solid waste by January 1, 2000 through source reduction, recycling, and composting activities. (CalRecycle, n.d.)



- The CIWMB to review the implementation of each SRRE at least once every two years. (CalRecycle, n.d.)
- The IWMA required the CIWMB, in conjunction with an inspection conducted by a Lead Enforcement Agency (LEA), to conduct at least one inspection per year of each solid waste facility in the state. (CalRecycle, n.d.)

Additionally, the IWMA established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities. (CalRecycle, n.d.)

☐ Waste Reuse and Recycling Act (AB 1327)

The Waste Reuse and Recycling Act (WRRRA) required the CIWMB to approve a model ordinance for adoption by any local government for the transfer, receipt, storage, and loading of recyclable materials in development projects by March 1, 1993. The WRRRA also required local agencies to adopt a local ordinance by September 1, 1993 or allow the model ordinance to take effect. The WRRRA requires all development projects that are commercial, industrial, institutional, or marina in nature and where solid waste is collected and loaded, to provide an adequate area for collecting and loading recyclable materials over the lifetime of the project. The area is required to be provided before building permits are issued. (CalRecycle, n.d.)

☐ Mandatory Commercial Recycling Program (AB 341)

Assembly Bill (AB) 341 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. CalRecycle initiated formal rulemaking with a 45-day comment period beginning Oct. 28, 2011. The final regulation was approved by the Office of Administrative Law on May 7, 2012. AB-341 was designed to help meet California's recycling goal of 75% by the year 2020. AB 341 requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition, multi-family apartments with five or more units are also required to form a recycling program. (CalRecycle, n.d.)

☐ 2016 California Green Building Standards Code (CAL Green; Part 11 of Title 24, California Code of Regulations)

California Code of Regulations, Title 24, Part 11 is referred to as the California Green Building Standards Code (CALGreen Code). CALGreen became effective January 1, 2017, and is applicable to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout the State of California (including residential structures and elementary schools). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Section 5.408.3 of the CALGreen Code requires that 100 percent



of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed. Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code. (CEC, 2018)

**C. Local Plans, Policies, and Regulations**

**1. *San Bernardino Valley Regional Urban Water Management Plan***

The *2015 San Bernardino Valley Regional Urban Water Management Plan* is a tool, prepared by a collaboration of cities and water districts in San Bernardino County, that provides a summary of anticipated water supplies and demands for the years 2015 to 2040. The Plan was prepared consistent with the Urban Water Management Act, the Water Conservation Act of 2009, and the Department of Water Resources Guidebook for Urban Water Suppliers. The *2015 San Bernardino Valley Regional Urban Water Management Plan* evaluates whether supplies will be sufficient to meet demand during a normal average year, a single dry year, and multiple dry years; existing baseline water use in terms of gallons per capita per day; targets for future water use consistent with the Water Conservation Act of 2009; demand management measures implemented or planned for implementation as well as the methods proposed for achieving future water use targets; water shortage contingency planning; and notification and coordination with other water agencies, land entities, and the community. (WSC, 2017)

**2. *City of Fontana Master Storm Drain Plan***

The Project site is located within the boundary of the Fontana Storm Drain Master Plan (hereafter “Storm Drain Master Plan”). The Storm Drain Master Plan was prepared to identify master-planned drainage and flood control facilities that are needed to safely convey the peak runoff from a 100-year storm through Fontana upon full buildout. According to the Storm Drain Master Plan, stormwater runoff flow from the Project area is tabled to the storm drain system in Sierra Avenue (Theines, 2022, p. 21).

**3. *City of Fontana Municipal Code***

Chapter 24 of the City of Fontana Municipal Code outlines the goals, policies, and programs the City will implement to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates (Fontana, 2019a).

**4.19.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to utilities and service systems that could result from development projects. The Project would result in a significant impact associated with utilities and service systems if the Project or any Project-related component would:

- a. *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;*



- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;*
- c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*
- d. 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;*
- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.*

#### 4.19.4 IMPACT ANALYSIS

***Threshold a: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

The Shea Project and Acacia Project would transform two properties that are undeveloped other than with one residential home and a shed on the Shea Project site into commerce center developments collectively containing three buildings, drive aisles, parking areas, landscaping, and other supporting features. The installation of the infrastructure improvements proposed by as part of the Shea Project and Acacia Project would result in physical environmental impacts; however, these impacts have already been considered in the analyses of construction-related effects presented throughout this EIR. In instances where the Project's construction phase would result in specific significant impacts, mitigation measures are provided in the applicable subsection of this EIR to reduce the Project's effects to less-than-significant levels (or, if it is not possible to reduce the Project's impacts to less-than-significant levels, mitigation is provided to minimize impacts to the maximum level feasible). The construction of infrastructure necessary to serve the proposed Projects would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in this this EIR. There are no components of the Project's infrastructure improvements that would result in impacts not already disclosed in this EIR and, accordingly, additional mitigation measures beyond those identified throughout this EIR would not be required. A summary discussion of each component of the Projects' infrastructure system is provided below.

##### **A. Water and Water Treatment Facilities**

Water demand features associated with the proposed Shea and Acacia Projects would consist of interior plumbing devices, outdoor landscape irrigation, and various industrial process systems. Water service would be provided to both the Shea and Acacia Project Sites by WVWD.



The Shea Project and Acacia Project would both install a 12-inch water main along the Project Sites' frontages with Sierra Avenue. Neither Project would require the relocation or upsizing of any existing water lines off-site. The installation of the water main along Sierra Avenue and the installation of onsite tanks and onsite water lines that connect to the Sierra Avenue line is an inherent part of the Projects' construction processes. The installation of water conveyance lines as part of each Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. 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 (Caltrans, 2022). Environmental impacts associated with the construction of the Projects, including the installation of their proposed water lines are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of water infrastructure to serve the Projects, and impacts would be less than significant.

While the Shea Project and the Acacia Project would result in an incremental increase in demand for water treatment capacity, the Projects' water demands would not result in or require new or expanded water treatment facilities beyond those facilities already planned as part of the *2015 San Bernardino Valley Regional Urban Water Management Plan* (UWMP). Impacts unique to the installation of water infrastructure would be less than significant.

**B. Wastewater and Wastewater Treatment Facilities**

Sewer demand features associated with the proposed Shea and Acacia Projects include interior plumbing devices in the proposed commerce center buildings.

The Shea Project and Acacia Project would both install onsite sewer conveyance lines that would connect to a 12-inch line already installed with Sierra Avenue. Neither Project would require the relocation or upsizing of any existing sewer lines off-site. On the Shea Project Site, the existing septic system would be removed and disposed of per applicable regulatory standards. The installation of onsite sewer lines that connect to the Sierra Avenue line is an inherent part of the Projects' construction processes. The installation of wastewater conveyance lines as part of each Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. 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 (Caltrans, 2022). Environmental impacts associated with the construction of the Projects, including the installation of their proposed sewer lines are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of wastewater infrastructure to serve the Projects, and impacts would be less than significant.





The Projects' 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 Projects' wastewater which would only comprise a small fraction of the available capacity. (IEUA, n.d.)

**C. Storm Water Drainage Facilities**

**1. *Shea Project***

Under existing conditions, drainage sheet flows north to south, with the Shea Project Site accepting run-on from the Acacia Project Site. Upon the development of both Projects, runoff from the Acacia Project Site would flow into an on-site storm water drainage system, discharging into a storm drain line installed in Sierra Avenue to the west (Theines, 2021b, n.p.) that would be supplemented by the installation of a 36" reinforced concrete pipe extension along the Acacia Project Site's frontage, based on the City of Fontana's Master Storm Plan (Theines, 2022, p. 21). Storm water drainage features that would be installed on the Project Sites include but are not limited to catch basins, storm drain lines, underground chambers, and a surface basin located in the southwestern corner of the Shea Project Site. The installation of onsite and site adjacent storm water drainage infrastructure is an inherent part of the Projects' construction processes. The installation of stormwater collection facilities and conveyance lines as part of each Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. 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 (Caltrans, 2022). Environmental impacts associated with the construction of the Projects, including the installation of their proposed storm water drainage systems are evaluated throughout this EIR. Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of stormwater drainage infrastructure to serve the Projects, and impacts would be less than significant.

**D. Dry Utilities (Electrical Power, Natural Gas, and Telecommunications)**

Under existing conditions, overhead electrical lines supported on wooden poles are located along the frontage of the Shea and Acacia Project Sites with Sierra Avenue. As part of the Projects' development, these lines would be relocated underground along the frontage of both Project Sites. Other dry utility lines are available in the Sierra Avenue right-of-way, to which the Projects would make connections during the construction phase. The installation of onsite and site adjacent dry utility infrastructure is an inherent part of the Projects' construction processes. The installation of dry utilities as part of each Project's construction process has the potential to cause environmental effects associated with short-term air pollutant emissions, noise, and traffic movement disruptions. 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 (Caltrans, 2022). Environmental impacts associated with the construction of the Projects, including the installation of their proposed dry utility systems are evaluated throughout this EIR.



Where significant impacts are identified, feasible and enforceable mitigation measures are imposed on the Project to reduce impacts to the maximum practical effect. There are no unique impacts associated with the installation of dry utilities to serve the Projects, and impacts would be less than significant.

***Threshold b: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***

WVWD forecasts for projected water demand are based on the population projections of the Southern California Association of Governments (SCAG), which rely on the adopted land use designations contained within the general plans that cover the geographic area within WVWD's service. Because the Shea and Acacia Projects both involve General Plan Amendments, the Projects would be inconsistent with the growth assumptions used by WVWD to calculate its future water service obligations (and would have the potential to exceed WVWD's service capabilities). The Shea Project's proposed GPA No. 21-004 would amend the City's General Plan Land Use Map to change the land use designations for the Shea Project Site from Multi-Family High Density Residential (R-MFH) to Light Industrial (I-L). The Acacia Project's proposed GPA No. 21-005 would amend the City's General Plan Land Use Map to change the land use designations for the Acacia Project Site from R-MFH and General Commercial (C-G) to I-L.

Using water demand rates available from Table 5.1 of the WVWD's Water Master Plan (WVWD, 2012), the Shea and Acacia Projects would collectively generate an estimated water demand of 60,200 gallons per day (or 67.43 AFY) using a factor of 2,000 gallons per day per acre over the 30.1 net acre Project sites.

In comparison, under the Project Sites' existing land use designation of R-MFH (which permits up to 50 dwelling units (du) per acre) and using factors of 200 gallons per capita per day, 1.7 person per residential unit, and 25.6 acres of the Project Sites having a R-MFH designation, a water demand of 487.48 AFY would be generated (25.6 acres x 50 units per acre = 1,280 units x 1.7 people per unit = 2,176 people x 200 gallons per capita = 435,200 gallons/day (or 487.48 AFY). Additionally, the approximately 4.5 acre of C-G designated land on the Acacia Project Site using a factor of 3,500 gallons per day per acre would generate a demand of 15,750 gallons per day (or 17.64 AFY). Thus, in total, water demand estimates for the Project Sites considering their existing land use designations are 505.12 AFY (487.48 + 17.64), compared to the proposed Project's estimated water demand of 67.43 AFY. Implementation of the proposed Projects would therefore reduce water demand planned for the Project Sites by 437.69 AFY (505.12 – 67.43). Because the Projects would reduce water demand well below the amount planned for by WVWD, sufficient water supplies would be available to service the Projects in the reasonably foreseeable future.

Refer to the 2015 San Bernardino Valley Regional Urban Water Management Plan (RUWMP) for information about water supply sources, which is herein incorporated by reference and available for public review during business hours at the WVWD, 855 W. Baseline, Rialto, California 92377, and at the website address listed in Section 7.0, *References*, of this EIR. As discussed in the 2015 San Bernardino Valley Regional UWMP, the WVWD has adequate water supplies to meet its current and expected future water service demands until at least 2040 – with a minimum excess supply of 10,151 acre-feet of water per year – under normal, historic single-dry and historic multiple-dry year conditions (WSC, 2017, Tables 11-20, 11-21, and 11-22).



***Threshold c: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

Wastewater generated by the 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 Project operations are conservatively estimated to generate approximately 60,200 of wastewater per day. (The Project's wastewater demand mirrors the water demand for Project operations and is conservative because Project operations include water use for landscape irrigation, which does not flow into the sewer system or require wastewater treatment.) Accordingly, implementation of the Project would utilize approximately 1.5% of the excess treatment capacity at RP-4. Accordingly, RP-4 has sufficient excess capacity to treat wastewater generated by the Project in addition to existing commitments. Implementation of the Project would not create the need for any new or expanded wastewater facility. Because there is adequate capacity at existing treatment facilities to serve Project demands, impacts would be less than significant and mitigation is not required.

***Threshold d: Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

The Project would be required to comply with mandatory waste reduction requirements of the California Integrated Waste Management Act (AB 939), the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), and Chapter 24 (Solid Waste) of the City of Fontana Municipal Code. Notwithstanding, construction and operation of the Project would result in the generation of solid waste requiring disposal at a landfill.

**A. Construction-Related Landfill Disposal**

During construction of the Projects, a small amount of demolition material would be generated from removal of the one residential structure and shed located on the Shea Project Site. Waste also would be generated by the construction process on each Project Site, primarily comprising discarded materials and packaging. Based on the proposed building sizes of 199,999 s.f. on the Shea Project Site and 88,746 s.f. (Building 1) and 296,297 s.f. (Building 2) on the Acacia Project Site (585,042 s.f. of total building space), and using a construction waste generation factor of 4.34 pounds per square foot (EPA, 2009, p. 10), approximately 1,269.5 tons of waste would be generated over the course of Project construction ( $[585,042 \text{ sq. ft.} \times 4.34 \text{ lbs/sq. ft.}] \div 2,000 \text{ lbs/ton} = 1,269.5 \text{ tons}$ ). 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 Project is estimated to generate up to 634.7 tons of construction waste requiring disposal at a landfill.

The Projects' construction, should both Projects be constructed simultaneously, would occur over a period of approximately 13 months (395 days), which corresponds to approximately 1.6 tons of construction waste being generated per day of construction activity. (If the Projects were constructed sequentially, less construction waste per day would be produced.) 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 0.02% ( $[1.6 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.04\%$ ) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste generated during Project construction (1.6 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 Project construction activities would be less than significant.

**B. Operational-Related Landfill Disposal**

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of commerce center building area (CalRecycle, 2022), long-term operation of the Projects would generate approximately 4.15 tons of solid waste per day ( $[585,042 \text{ sq. ft.} \times 1.42 \text{ lbs/} 100 \text{ sq. ft}] \div 2,000 \text{ lbs/ton} = 4.15 \text{ tons}$ ). 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, Project operation would generate up to approximately 2.07 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% ( $[2.07 \text{ tons} \div 7,500 \text{ tons}] \times 100 = \sim 0.03\%$ ) of Mid-Valley Landfill's maximum daily capacity. Thus, the small volume of solid waste expected to be generated during Project operation (1.6 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 Project operational activities would be less than significant.

***Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

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 Shea and Acacia 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 Shea and Acacia Projects are 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. (CA Legislative Info, n.d.) Further, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupant(s) of the proposed Shea and Acacia Projects would be required to arrange for recycling services, if the occupant generates four (4) or more cubic yards of solid waste per week (CA Legislative Info, n.d.). The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Shea and Acacia Projects and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Shea and Acacia Projects 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.

#### 4.19.5 CUMULATIVE IMPACT ANALYSIS

The Shea and Acacia Projects would require water, wastewater, and stormwater drainage services and infrastructure, as well as solid waste disposal during construction and operation of the Projects. 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 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.

#### 4.19.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a: Construction of New Facilities*

Shea Project: Less-than-Significant Impact. The physical environmental effects associated with installing the Shea 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.

Acacia Project: Less-than-Significant Impact. The physical environmental effects associated with installing the Acacia 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.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The physical environmental effects associated with installing both the Shea and Acacia 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.

##### *Threshold b: Water Supplies*

Shea Project: Less-than-Significant Impact. The WVWD is expected to have sufficient water supplies to service the Shea Project. The Shea Project would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.

Acacia Project: Less-than-Significant Impact. The WVWD is expected to have sufficient water supplies to service the Acacia Project. The Acacia Project would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.





Combined Shea and Acacia Projects: Less-than-Significant Impact. The WVWD is expected to have sufficient water supplies to service both the Shea and Acacia Projects. The combined Shea and Acacia Projects would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.

*Threshold c: Wastewater Treatment Capacity*

Shea Project: Less-than-Significant Impact. The IEUA would provide wastewater treatment services to the Shea Project site via RP-4. These facilities have adequate capacity to service the Shea Project and no new or expanded facilities would be needed.

Acacia Project: Less-than-Significant Impact. The IEUA would provide wastewater treatment services to the Acacia Project site via RP-4. These facilities have adequate capacity to service the Acacia Project and no new or expanded facilities would be needed.

Combined Shea and Acacia Projects: Less-than-Significant Impact. The IEUA would provide wastewater treatment services to both the Shea and Acacia Project Sites via RP-4. These facilities have adequate capacity to service both the Shea and Acacia Projects and no new or expanded facilities would be needed.

*Threshold d: Solid Waste Disposal*

Shea Project: Less-than-Significant Impact. There is adequate capacity available at the Mid Valley Landfill to accept the Shea Project's solid waste during both construction and long-term operation. The Shea 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.

Acacia Project: Less-than-Significant Impact. There is adequate capacity available at the Mid Valley Landfill to accept the Acacia Project's solid waste during both construction and long-term operation. The Acacia 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.

Combined Shea and Acacia Projects: Less-than-Significant Impact. There is adequate capacity available at the Mid Valley Landfill to accept both the Shea and Acacia Project's solid waste during both construction and long-term operation. The combined Shea and Acacia Projects 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.

*Threshold e: Waste Reduction Regulatory Compliance*

Shea Project: Less-than-Significant Impact. The Shea Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.



Acacia Project: Less-than-Significant Impact. The Acacia Project would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.

Combined Shea and Acacia Projects: Less-than-Significant Impact. Shea and Acacia Projects would comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.

#### **4.19.7 MITIGATION**

Impacts would be less than significant; therefore, mitigation is not required.



## 4.20 WILDFIRE

The following analysis is based on information obtained in part from the Fontana Local Hazard Mitigation Plan (Fontana, 2018c) and data available from the California Department of Forestry and Fire Protection (CalFire, 2022). Refer to Section 7.0, *References*, for a complete list of reference sources.

### 4.20.1 EXISTING CONDITIONS

#### A. Fire Hazard Classification

According to the California Department of Forestry and Fire Protection (CalFire) Fire Hazard Severity Zone (FHSZ) Viewer, the northern portion of the City of Fontana including the Shea and Acacia Project Sites and areas surrounding the Project Sites are classified as “Very High Fire Hazard Severity Zones (VHFHSZ).” (CalFire, 2022) Although the properties are located in an urbanized setting there are undeveloped properties, including the Project Sites, that are scattered around the area and prone to fire risk.

According to the City of Fontana Local Hazard Mitigation Plan (LHMP), there are three factors that contribute to wildfire behavior – topography, weather, and fuel, which are discussed below (Fontana, 2018c, p. 46).

#### B. Topography

The topography of the She and Acacia Project Sites is flat and gently sloping. The rate of wildlife is fastest in steep areas and slowest in flat areas (Fontana, 2017, p. 46).

#### C. Climate

Throughout southern California, climate has a large influence on fire risk. The Inland Empire area of southern California in which the Project Sites are located typically have warm, dry summers and cool, wet winters. Fires are of concern in the region during summer and fall, before the rainy period, especially during dry Santa Ana wind events. The Fontana LHMP discloses that the City of Fontana has experienced extreme weather, such as high winds, high temperatures and low humidity, which can and has led to volatile and dangerous wildfire activity (Fontana, 2018c, p. 46). Santa Ana events can occur anytime of the year; they generally occur during the autumn months, although also have occurred in the spring and summer. Santa Ana winds may gust up to 75 miles per hour (mph) or higher. This phenomenon markedly increases the wildfire danger and intensity by drying out and preheating vegetation as well as accelerating oxygen supply, and thereby, making possible the burning of fuels that otherwise might not burn under cooler, moister conditions.

#### D. Fuel (Vegetation)

The Shea and Acacia Project Sites have been previously grubbed and under existing conditions contain areas of unvegetated bare ground, rock, and vegetation consisting of mature alluvial fan with chaparral components. Refer to EIR Subsection 4.4, *Biological Resources*, for a more detailed discussion of the Shea and Acacia Project Sites’ existing biological setting.

Surrounding the Project Sites, the area is transitioning to a fully developed community with limited non-irrigated vegetative fuel. North of the Acacia Project Site is Duncan Canyon Road and north of the road is a



developed residential community. A Southern California Edison (SCE) easement parallels the east side of the Project Sites that is routinely maintained by SCE. East of the easement is a single-family home residential community. Sierra Avenue runs along the west side of the Project Sites and previously undeveloped land to the west of Sierra Avenue is under development as a residential community. Undeveloped properties in the immediate vicinity are limited to a parcel at the southeast corner of Sierra Avenue and Duncan Canyon Road and property immediately south of the Shea Project Site, beyond which to the south are developed commerce center buildings.

**E. Fire History**

According to the California Wildfire History Map, no wildfires have occurred on the Shea or Acacia Project Sites or immediately surrounding properties for several decades. Three wildfires are in CalFire's database that effected the Project Sites in the past, when the surrounding area was less developed than it is today. The first wildfire, named FDP #49, occurred on both the Shea and Acacia Project Sites and other properties to the southwest and northeast in 1967 and had an unknown cause. The second wildfire, named County Roads #15, occurred on the Acacia Project Site and to the east and north in 1967 and had an unknown cause. The third wildfire, named Sierra Series, occurred east of Sierra Avenue to approximately Locust Avenue roughly between present-day Casmalia Street on the south and North Riverside Drive on the north, including on both the Shea and Acacia Project Sites in 1979 and had an unknown cause. Another small unnamed wildfire occurred in 1969, not on the Shea and Acacia Project Sites, but just to the west on the opposite side of Sierra Avenue on the property currently being developed as residential, which had an unknown cause. (CalFire, 2021). Wildfires that have occurred more recently are located well north, northeast, and northwest of the Project Sites and have not spotted fire onto the Project Sites.

**F. Fire Risk**

Wildland fires are a common hazard in most of southern California. Native landscapes can become highly flammable each fall and the climate of southern California has been characterized by fire climatologists as the worst fire climate in the United States with high winds (Santa Ana) occurring in the autumn after a summer drought period. (EOS, 2004) The southern California landscape in the region containing the Project Sites include a diverse range of plant communities, including grasslands, shrublands, and forests like those found in the hilly and mountainous areas located northwest and northeast of the Project Sites including in the Angeles National Forest, located approximately 9.6 miles northwest of the Shea and Acacia Project Sites and the San Bernardino National Forest located approximately 25.9 miles east of the Shea and Acacia Project Sites. Given the region's fire history, it can be anticipated that periodic wildfires may occur in the region. However, given the mostly developed nature of the properties surrounding the Project Sites and the absence of any wildfire occurrences on or adjacent to the Project Sites in the last 40+ years, the risk of a spreading wildfire occurring on or in the immediate vicinity of the Shea or Acacia Project Sites is low.



#### 4.20.2 REGULATORY SETTING

##### **A. Federal Plans, Policies, and Regulations**

###### ***1. Healthy Forests Restoration Act of 2003***

On August 22, 2002, President Bush established the Healthy Forests Initiative, directing the Departments of Agriculture and the Interior, and the Council on Environmental Quality, to improve regulatory processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildland fires. On June 5, 2003, the Departments of Agriculture and the Interior adopted two new categorical exclusions from documentation in an environmental assessment or environmental impact statement (EIS): an exclusion for hazardous-fuel reduction and another for rehabilitation of resources and infrastructure damaged by wildfire (68 FR 33814). (DOI, n.d.)

##### **B. State Plans, Policies, and Regulations**

###### ***1. Public Resources Code (PRC) Sections 4290-4299***

These sections establish minimum statewide fire safety provisions pertaining to: roads for fire equipment access; signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. With certain exceptions, all new construction after July 1, 1991, in potential wildland fire areas, is required to meet these statewide standards. The state requirements, however, do not supersede more restrictive local regulations. (CA Legislative Info, n.d.)

As defined by CalFire, wildland areas defined as State Responsibility Areas (SRAs) may contain substantial wildfire risks and hazards. They consist of lands exclusive of cities, and federal lands regardless of ownership. The primary financial responsibility for preventing and suppressing fires within wildlands belongs to the State of California. However, it is not the State of California's responsibility to provide fire protection services to buildings or structures located within the wildlands unless CalFire has entered into a cooperative agreement with a local agency for those purposes pursuant to PRC Section 4142. As such, wildland areas require disclosure of these fire hazards in real estate transactions, and owners of properties in wildland areas are subject to PRC Section 4291 maintenance requirements. The law requires CalFire every five years (1991, 1996, 2001, etc.) to provide maps identifying the boundaries of lands classified as SRAs to the Riverside County Assessor. (CA Legislative Info, n.d.)

###### ***2. PRC Section 4213 – Fire Prevention Fees***

Pursuant to PRC Section 4213, in July of 2011, the State of California began assessing an annual "Fire Prevention Fee" for all habitable structures within SRAs to pay for fire prevention services. SRAs are the portions of California where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within incorporated city boundaries, Tribal or federally owned land. As a result of AB 398, California Global Warming Solutions Act of 2006, the fire prevention fee was suspended as of July 1, 2017. (CA Legislative Info, n.d.)





3. *California Government Code (CGC) Section 51178 and 51182*

The Director of CalFire, in cooperation with local fire authorities, shall identify areas that are Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Areas (LRAs), based on consistent Statewide criteria, and the expected severity of fire hazard. Per California Government Code (CGC) § 51178, a local agency may, at its discretion, exclude from the requirements of § 51182 an area within its jurisdiction that has been identified as a VHFHSZ, if it provides substantial evidence in the record that the requirements of § 51182 are not necessary for effective fire protection within the area. Alternatively, local agencies may include areas not identified as VHFHSZ by CalFire, following a finding supported by substantial evidence in the record that the requirements of § 51182 are necessary for effective fire protection within the new area. According to § 51182, such changes made by a local agency shall be final, and shall not be rebuttable by CalFire. (CA Legislative Info, n.d.; CA Legislative Info, n.d.)

4. *California Code of Regulations (CCR) Title 14 – Natural Resources*

These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They were prepared and adopted to establish minimum wildfire protection standards in conjunction with building, construction, and development within SRAs. Among other things, Title 14 requires the design, and construction of structures, subdivisions, and developments in an SRA provide for basic emergency access and perimeter wildfire protection measures (fire fuel modification zones, etc.). (Westlaw, n.d.)

5. *CCR Title 24, Parts 2 and 9 – Fire Codes*

Part 2 of Title 24 of the CCR refers to the California Building Code, which contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, “Materials and Construction Methods for Exterior Wildfire Exposure,” in the 2010 California Building Code addresses fire safety standards for new construction. In addition, Section 701A.3.2, “New Buildings Located in Any Fire Hazard Severity Zone,” states: (BSC, n.d.)

*“New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.”*

Additionally, Chapter 49 specifies fuel modification requirements for wildland-urban interface areas that are prone to fire hazards (BSC, n.d.).



**C. Local Plans, Policies, and Regulations**

**1. *City of Fontana Municipal Code Article XV – California Fire Code***

The City of Fontana’s Municipal Code Article XV adopts the California Code of Regulations, Title 24, Part 9, based on the International Fire Code. The International Fire Code contains regulations to safeguard life and property from fires and explosion hazards. Topics include general precautions, emergency planning and preparedness, fire department access and water supplies, automatic sprinkler systems, special hazards, and the storage and use of hazardous materials.

**2. *Fontana Municipal Code, Fire Hazard Overlay District***

Division 8, Section 30-656 of the Fontana Zoning and Development Code regulates new development in very high fire hazard areas. The fire hazard overlay district was created to provide greater public safety to City residents and structures in areas prone to wildfires by establishing development standards for these areas. Standards pertain to emergency access, construction practices, and fuel modification where necessary (Fontana, 2021b).

**3. *City of Fontana Local Hazard Mitigation Plan***

The City of Fontana’s Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City of Fontana. The most current version is dated June 2017 and was approved and adopted by the Fontana City Council on August 14, 2018 (Fontana, 2018c). The LHMP addresses hazards associated with earthquakes, wind surges, wildfire, landslides, floods, terrorism, climate change and droughts being significant hazards to the City of Fontana. The LHMP includes mitigation measures to address wildfire concerns on a community-wide level. The LHMP mitigation measures include: improvement of public education programs, maintaining and improving access to fire prone areas, continuing weed abatement and fuel management in open space areas and urban/wildland interface areas, and repairing/replanting vegetation on slopes after fire to minimize landslide risk.

**4. *Fontana Fire Protection District Strategic Plan***

The Fontana Fire District's Strategic Plan is an extension of the Safety Element of the City of Fontana's General Plan. The General Plan outlines broad goals in identifying and mitigating risks associated with fires and the Strategic Plan specifically shows how the Fire District intends to accomplish those goals and to prevent emergencies from occurring. The Plan addresses Fire District operations, administration, and fire prevention covering topics including but not limited to fire suppression, emergency medical response, disaster preparedness, and requirements for annual fire safety inspections. (Fontana, 2018d)

**4.20.3 BASIS FOR DETERMINING SIGNIFICANCE**

The thresholds listed below are derived directly from the City of Fontana’s *Local Guidelines for Implementing the California Environmental Quality Act* and address the typical, adverse effects related to wildfire that could result from development projects. The Project would result in a significant impact associated with wildfire if the Project or any Project-related component would:



- a. *Substantially impair an adopted emergency response plan or emergency evacuation plan;*
- b. *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;*
- c. *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;*
- d. *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?*

#### 4.20.4 IMPACT ANALYSIS

***Threshold a: Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?***

The Shea and Acacia Project Sites do not contain any emergency facilities nor are they physically part of an emergency evacuation route. As part of the discretionary review process, the City reviewed the Shea and Acacia Project's application materials to ensure that appropriate emergency ingress and egress would be available to and from the Shea and Acacia Project Sites and that circulation on the Shea and Acacia Project Sites would be adequate for emergency vehicles. The development of the Shea and Acacia Projects as proposed would introduce driveway access points at Sierra Avenue and Duncan Canyon Road, with right turns only in and out of the Sierra Avenue driveways due to the planned raised center median. 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 Shea or Acacia project that would substantially impair an emergency response plan.

Accordingly, implementation of the proposed Shea and Acacia Projects 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.

***Threshold b: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, would the Project thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

As previously indicated, according to the CalFire FHSZ Viewer, the Shea and Acacia Project Sites and areas surrounding the Shea and Acacia Project Sites are classified as VHFHSZ (CalFire, 2022). The areas surrounding the Shea and Acacia Project Sites are transitioning to fully developed communities with limited non-irrigated vegetative fuel. North of the Shea and Acacia Project Sites is Duncan Canyon Road and a developed residential community. East of the Shea and Acacia Project Sites an easement owned and routinely maintained by SCE. West of the Shea and Acacia Project Sites is Sierra Avenue and further west is a previously undeveloped property that is currently under construction as a residential community. Two undeveloped



properties are located around the Shea and Acacia Project Sites, one at the southeast corner of Duncan Canyon Road and one immediately south of the Shea Project Site. The development of the Shea and Acacia Project Sites as proposed would reduce the risk of wildfire by transforming the undeveloped properties into developed properties complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. Impacts would be less than significant.

The City's LHMP (2017) reported that the type of development that the City anticipated within the FHSZ is predominately residential, both single family dwellings (tract houses) and multiple family dwellings such as apartments and condominiums. The LHMP acknowledges that this creates a greater potential impact because 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. (Fontana, 2017, p. 58) In comparison, the Shea and Acacia Project Applicants are proposing General Plan Amendments and Zone Changes to redesignate the properties from planned high density housing and some commercial use to light industrial designations to allow for construction of the 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 prone compared to what would occur if the She Project Site was developed with high density housing and the Acacia Project Site was developed with high density housing and commercial uses. As such, the proposed Projects would reduce fire risk on the Shea Project Site and Acacia Project site compared to what was anticipated in the City's LHMP. Due to the Project Site's location in context to surrounding development and property to the west under 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 and fire protection systems and interior sprinkler systems, there is no reasonable potential that the Projects would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

***Threshold c: Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

The Shea Project entails the construction and operation of a single concrete tilt-up dock high commerce center building (type III-B) with up to 199,999 square feet (s.f). The Acacia Project entails the construction and operation of two concrete tilt-up dock high commerce center buildings (type III-B). Building 1 would be a maximum of 296,297 s.f. and Building 2 would be a maximum of 88,746 s.f. (for a collective total of 385,043 s.f. of total building area at full buildout). Associated site improvements for both the Shea and Acacia Projects would include drive aisles, irrigated landscaping, utility infrastructure, exterior lighting, and signage. No components of either the Shea or Acacia Project would trigger the installation or maintenance of offsite infrastructure or wildfire management features that could result in exacerbated fire risks. Less than significant impacts would occur.



***Threshold d:*** *Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Should the Shea and/or Acacia Project Sites ever be affected by wildfire, there is no potential that the Project Sites could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Shea and Acacia Project Sites exhibit little topographic variation, and development on the Shea and Acacia Project Sites as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding or landslides.

The areas surrounding the Shea and Acacia Project Sites are transitioning to fully developed communities. North of the Shea and Acacia Project Sites is Duncan Canyon Road and a developed residential community. East of the Shea and Acacia Project Sites an easement owned and routinely maintained by SCE beyond which is a solid wall and beyond the wall is a fully developed community in the City of Rialto. West of the Shea and Acacia Project Sites is Sierra Avenue and further west is a previously undeveloped property that is currently under construction as a residential community. Two undeveloped properties are located around the Shea and Acacia Project Sites, one at the southeast corner of Duncan Canyon Road and one immediately south of the Shea Project Site. Both of these properties are flat and there is no reasonable possibility that in the remote event of a wildfire on the Sites, that these properties would be impacted by flooding, landslides, or instability due to the flat nature of the topography, developed condition of other surrounding properties, and the presence of an installed stormwater drainage system in the area. The development of the Shea and Acacia Project Sites as proposed would reduce the risk of wildfire by transforming the undeveloped properties into developed properties 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.

#### **4.20.5 CUMULATIVE IMPACT ANALYSIS**

The Shea and Acacia Project Sites do not contain any emergency facilities nor do they serve as an emergency evacuation route, and the Shea and Acacia Projects would not serve as an evacuation route under long-term conditions. During construction and at Shea and Acacia Project build-out, the proposed Shea and Acacia Projects 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 Shea and Acacia Projects entail the development of two properties located in an area that is transitioning to a fully developed community with limited non-irrigated vegetative fuel. The development of the Shea and Acacia Project Sites as proposed would reduce the risk of wildfire by transforming the undeveloped properties into developed properties complete with irrigated landscaping, paving, and fire sprinkler systems in the buildings. As such, cumulatively-considerable impacts would be less than significant.

The Shea and Acacia Projects propose to develop commerce center buildings with associated site improvements. No components of either the Shea or Acacia 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 Project site exhibits little topographic variation, and development on site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards. As such, the 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.

#### 4.20.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

##### *Threshold a, Emergency Response and Evacuation Plans*

Shea Project: Less-than-Significant Impact. During construction and as part of ongoing operations at the Shea 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 Shea 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.

Acacia Project: Less-than-Significant Impact. During construction and as part of ongoing operations at the Acacia 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 Acacia 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.

Combined Shea and Acacia Projects: Less-than-Significant Impact. During construction and as part of ongoing operations at the Shea and Acacia Project Sites, the City will require that adequate access for emergency vehicles be maintained. No emergency routes would be affected by the combined Projects. Accordingly, the Projects 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.

##### *Threshold b, Wildfire Pollutant Concentrations and Spread*

Shea Project: Less-than-Significant Impact. Due to the developed nature of the surrounding area and requirements to construct the Shea Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Shea Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Acacia Project: Less-than-Significant Impact. Due to the developed nature of the surrounding area and requirements to construct the Acacia Project in accord with applicable Building and Fire Codes, there is no reasonable potential that the Acacia Project would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.



Combined Shea and Acacia Projects: Less-than-Significant Impact. Due to the developed nature of the surrounding area and requirements to construct the Shea and Acacia Projects in accord with applicable Building and Fire Codes, there is no reasonable potential that the combined Projects would expose the Project Sites' occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Shea Project: Less-than-Significant Impact. The Shea Project proposes the development of a single commerce center building, no components of which would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks.

Acacia Project: Less-than-Significant Impact. The Acacia Project proposes the development of two commerce center buildings, no components of which would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks.

Combined Shea and Acacia Projects: Less than Significant Impact. The Shea and Acacia Projects propose the development of commerce center buildings, no components of which when considered together would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks.

#### *Threshold d, Indirect Effects from Wildfire*

Shea Project: Less-than-Significant Impact. There is no potential that the Shea Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Shea Project Site exhibits little topographic variation, and development on the Shea 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, instability, or changes in downstream drainage patterns.

Acacia Project: Less-than-Significant Impact. There is no potential that the Acacia Project could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, the Acacia Project Site exhibits little topographic variation, and development on the Shea 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, instability, or changes in downstream drainage patterns.

Combined Shea and Acacia Projects: Less-than-Significant Impact. There is no potential that the Shea and Acacia Projects when considered together could affect other properties by induced flooding, slope instability, or landslides. Under existing and proposed conditions, Project Sites exhibit little topographic variation, and development on the sites as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards that could cause flooding, landslides, instability, or changes in downstream drainage patterns.



#### 4.20.7 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.



## 5.0 OTHER CEQA CONSIDERATIONS

### 5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a proposed project that cannot be reduced to a level of insignificance if the project is implemented and, where impacts cannot be alleviated without imposing an alternative design, the reasons why the project is being proposed, notwithstanding its effect, should be described (CEQA Guidelines Section 15126(b) & Section 15126.2(c)). As described in detail in Section 4.0 of this EIR, after the consideration of Shea Project and Acacia Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Shea Project and Acacia Project are expected to result in the following significant environmental impacts:

Air Quality Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.

Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact. A majority of the Shea and Acacia Projects' greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen) and Fontana Ordinance No. 1849 to reduce area-source and mobile-source emissions, neither the Project Applicants nor the City of Fontana can substantively or materially affect additional reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Projects' greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Land Use Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan is a plan adopted for the purpose of avoiding or reducing environmental effects and relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.

Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts. The Acacia Project and the Shea and Acacia Projects combined are unable to achieve a vehicle miles traveled (VMT) trip length that is 15 percent or more below the regional average vehicle trip length based on the Project's service population. Beyond the Projects' design features, the presence of a sidewalk and bike lane along Sierra Avenue, and a planned trail in the adjacent SCE easement, feasible mitigation is not available to reduce the VMT impact to below significant. The Projects also



would result in an unavoidable conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Acacia Project and the Shea and Acacia Projects combined would generate VMT that is above the regional baseline.

## **5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL IMPACTS WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION 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 project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the 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 project results in the wasteful use of energy).

Determining whether the Shea or Acacia 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 Shea and Acacia Projects. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Shea and Acacia Project Sites 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, both the Shea Project and Acacia Project are 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 Shea and Acacia Projects' demand for energy, including energy produced from non-renewable sources. A more detailed discussion of Shea and Acacia Project energy consumption is provided in EIR Subsection 4.5, *Energy*.

Implementation of the Shea and Acacia Projects would commit the Shea Project Site to a one-building commerce center facility and the Acacia Project to a two-building commerce center facility. The land use proposed for both the Shea and Acacia Project Sites is compatible with the existing industrial and commercial land uses that are located to the south and also compatible with the use of Sierra Avenue (which abuts both the Shea and Acacia Project Sites on the west) as a City-designated truck route. Accordingly, neither the Shea Project or Acacia Project and their environmental effects would 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. Land uses in the City of Rialto to the east are already built out. For this reason, neither the Shea Project or Acacia Project would result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the potential for hazardous materials to be transported to/from the Shea and Acacia Project Sites and/or used on the Shea and Acacia Project Sites 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 Shea and





Acacia 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 Shea or Acacia Project Sites.

As discussed in detail under EIR Subsection 4.5, *Energy*, the Shea and Acacia Projects would not result in a wasteful, inefficient, or unnecessary consumption of energy. Accordingly, neither the Shea Project or Acacia Project would result in a significant, irreversible change to the environment related to energy use.

Based on the above, Shea Project and Acacia 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. Shea and Acacia Project construction and operation would adhere to the sustainability requirements of Title 24, Green Building Code, and CALGreen. Therefore, neither the Shea Project or Acacia Project would result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes.

### **5.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT**

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

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

According to regional population projections included in SCAG's *Connect SoCal*, the City of Fontana's population is projected to grow by 75,700 residents between 2016 and 2045 (approximately 0.99 percent annual growth) (SCAG, 2020). Over this same time period, employment in the City is expected to add 18,400 new jobs (approximately 0.84 percent annual job growth) (ibid). Economic growth would likely take place as a result of the Shea and Acacia Project's operation as commerce center facilities. The Shea and Acacia 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 areas near the Shea and Acacia Project Sites, would be highly unlikely to result in any unanticipated, adverse physical impacts to the environment. In addition, the Shea Project and Acacia Project would create jobs, a majority of which would likely be filled by



residents of the housing units either already built or planned for development within the City of Fontana, City of Rialto, and nearby incorporated and unincorporated areas. Accordingly, because it is anticipated that most of the Shea and Acacia Project's future employees would already be living in the City of Fontana or the immediate surrounding Inland Empire area, the Shea and Acacia Projects' introduction of new employment opportunities on the Shea and Acacia Project Sites would not induce substantial growth in the area.

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

The area surrounding the Shea and Acacia Project Sites consist of planned commercial development and an existing residential community to the north, planned and existing commerce center development to the south, a public utility corridor then a residential community in the City of Rialto to the east, and undeveloped land to the west on the west side of Sierra Avenue that is planned as a residential community. Development of the Shea and Acacia Project Sites are not expected to place short-term development pressure on abutting properties because these areas are already built-out, have approvals for future development, or have proposals for future development under review by the City of Fontana.

Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts.

#### **5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT DURING THE INITIAL SCREENING PROCESS**

CEQA Guidelines Section 15128 requires that an EIR "...contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." There were no environmental topic areas that fell into this category. All possible significant effects of the Shea Project and Acacia project are evaluated in the EIR, Section 4.0.



## 6.0 ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6(a):

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

As described in detail in Section 4.0 of this EIR, after the consideration of Shea Project and Acacia Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Shea Project and Acacia Projects are expected to result in the following significant environmental impacts:

Air Quality Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.

Greenhouse Gas Emissions Threshold a) Significant Unavoidable Cumulatively-Considerable Impact. A majority of the Shea and Acacia Projects' greenhouse gas emissions would be produced by mobile sources (vehicle tailpipes). Beyond compliance with the Title 24 Energy Efficiency Standards, California Green Building Standards Code (CALGreen), and Fontana Ordinance No. 1849 to reduce area-source and mobile-source emissions, neither the Project Applicants nor the City of Fontana can substantively or materially affect reductions in cumulative greenhouse gas emissions beyond federal and State regulations. Accordingly, the Projects' greenhouse gas emissions are a significant and unavoidable cumulatively-considerable impact for which no feasible mitigation is available.

Land Use Threshold a) Significant Unavoidable Direct and Cumulatively-Considerable Impact. The South Coast Air Quality Management District's Air Quality Management Plan is a plan adopted for the purpose of avoiding or reducing environmental effects and relies on General Plan buildout assumptions for air quality planning. The Shea Project and Acacia Project would require a change to the properties' General Plan land use designations and would therefore result in a significant and unavoidable impact associated with Air Quality Management Plan compliance.



Transportation Thresholds a) and b) Significant Unavoidable Direct and Cumulatively-Considerable Impacts. The Acacia Project and the Shea and Acacia Projects combined are unable to achieve a vehicle miles traveled (VMT) trip length that is 15 percent or more below the regional average vehicle trip length based on the Project's service population. Beyond the Projects' design features, the presence of a sidewalk and bike lane along Sierra Avenue, and a planned trail in the adjacent SCE easement, feasible mitigation is not available to reduce the VMT impact to below significant. The Projects also would result in an unavoidable conflict with the Fontana General Plan, Active Transportation Plan, Objective 1.A because the Projects would generate VMT that is above the regional baseline.

## **6.1 ALTERNATIVES UNDER CONSIDERATION**

CEQA Guidelines Section 15126.6(e) requires that an EIR include an alternative that describes what would reasonably be expected to occur on the Project Site in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., "No Project" Alternative). For projects that include a revision to an existing land use plan, the "No Project" Alternative may be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on a specific property), the "No Project" Alternative is considered to be the circumstance under which the project does not proceed (CEQA Guidelines Section 15126(e)(3)(A-B). Because the Project includes both a land use plan amendment (and change of zone) and a site-specific development proposal, this EIR includes two "No Project" Alternative analyses: (1) The scenario where the Project does not proceed and the Project Site remains in its existing condition is evaluated as the "No Development Alternative," and (2) The potential scenario where the Project Site is used in accordance with the City's existing land use plan (the City of Fontana General Plan) is evaluated as the "No Project Alternative."

In compliance with CEQA Guidelines Section 15126.6(a), an EIR must describe "a range of reasonable alternatives to a project, or to the location of a project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The EIR need not consider every conceivable alternative; rather it must consider a reasonable range of potentially feasible alternatives to the project, or to the location of the project, which would avoid or substantially lessen significant effects of the project, even if "these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines Section 15126.6(b)).

The following alternatives are analyzed in this Section:

### **6.1.1 NO DEVELOPMENT ALTERNATIVE**

The No Development Alternative considers no development on either the Shea or Acacia Project Sites beyond what occurs on the Shea and Acacia Project Sites under existing conditions. Under this Alternative, the approximately 11.5 gross acre Shea Project Site and the 19.6 gross acre Acacia Project Site would remain undeveloped with the exception of the one residential structure and a shed that are located in the southwest corner of the Shea Project Site, which would remain. No roadway frontage improvements would occur to either Sierra Avenue or Duncan Canyon Road. The Shea and Acacia Project Sites would be subject to routine



maintenance (i.e. discing) for weed abatement. This Alternative is considered to compare the environmental effects of the Shea and Acacia Projects with an alternative that would leave both the Shea and Acacia Project Site in their existing state.

### **6.1.2 NO PROJECT ALTERNATIVE**

The No Project Alternative considers development of both the Shea and Acacia Project Sites in accordance with their existing land use designations of Multi-family High Density Residential (R-MFH) for the Shea Project Site and R-MFH and General Commercial (C-G) for the Acacia Project Site. The R-MFH land use designation allows up to 50 dwelling units per acre. The C-G land use designation allows for retail, malls, wholesale, auto dealerships and offices, including medical offices and clinics, that can serve a broader regional population. Under this Alternative, the Shea and Acacia Project Sites are assumed to be developed with high density residential housing and commercial development. Containing approximately 4.5 net acres of C-G designated property on the Acacia Project Site and 25.6 net acres of R-MMF property on the Shea and Acacia Projects combined, this Alternative assumes a 4.5 net acre commercial shopping plaza having 70,000 s.f. of floor space and 1,280 multi-family residential units with a 70% lot coverage and 55-foot structure height as permitted by the City's R-5 Zone. The extent of physical ground disturbance is expected to be the same as would occur under the proposed Shea and Acacia Projects. This Alternative is considered to compare the environmental effects of the Shea and Acacia Projects 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 Shea and Acacia Project Sites' existing land use and zoning designations.

### **6.1.3 REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT**

The Reduced Project Alternative 1 considers the development of the Shea Project as proposed and no development of the Acacia Project. Under this Alternative, the Shea Project Site would be developed with the proposed one-building commerce center and the Acacia Project Site would remain undeveloped as it is under existing conditions.

### **6.1.4 REDUCED PROJECT ALTERNATIVE 2: ACACIA PROJECT DEVELOPMENT**

The Reduced Project Alternative 2 considers the development of the Acacia Project as proposed and no development of the Shea Project. Under this Alternative, the Acacia Project Site would be developed with the proposed two-building commerce center and the Shea Project Site would remain undeveloped, with the exception of the one single-family residence and shed, as it is under existing conditions.

## **6.2 ALTERNATIVES CONSIDERED AND REJECTED**

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines Section 15126.6(f)(1) notes:





*“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”*

In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

### 6.2.1 ALTERNATIVE SITES

CEQA does not require that an analysis of alternative sites be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site, then an alternative sites analysis should be considered and analyzed in the EIR. In making the decision to include or exclude an analysis of an alternative site, the “key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR” (CEQA Guidelines Section 15126.6(f)(2)).

The Shea Project Applicant does not own or control any nearby sites where the Project could be reasonably located.

The Acacia Project Applicant controls a 24.79-acre property located south of Jurupa Hills High School, north of Santa Ana Avenue, east of Citrus Avenue, and east and west of Oleander Avenue (divided by Oleander) in south Fontana. While the property is located in south Fontana and could serve as commerce center space, it would not be feasible to locate the proposed Acacia Project on the property because the property consists of non-contiguous potential development areas and all of the potential development areas are too small to accommodate the Acacia Project as proposed. The property south of Jurupa Hills High School is segregated into three potential development areas, split by a property that contains residential development and also split by Oleander Avenue. Due to the size and division of potential development areas, none would be large enough to accommodate the Acacia Project as proposed.

Additionally, development of the Acacia Project at an alternative location would likely result in similar (or greater) environmental impacts as would occur with implementation of the Acacia Project at the proposed Acacia Project Site. The Acacia Project’s significant and unavoidable impacts are related primarily to vehicles traveling to/from the Acacia Project Site and not related to the presence of sensitive resources on the Acacia Project Site or its location near sensitive receptors. Although the Acacia Project Site is located west of existing residents in the City of Rialto and south and east of existing and planned residents in the City of Fontana, the alternative site in south Fontana is located directly south of Jurupa Hills High School and nearby other sensitive receptors. Vehicle-related impacts are a direct reflection of the Acacia Project’s expected operational characteristics as a commerce center, regardless of where the Acacia Project is located.



In light of the foregoing reasons, a more detailed analysis of alternative sites is not warranted.

### **6.3 ALTERNATIVE ANALYSIS**

The discussion on the following pages compares the environmental impacts expected from each alternative considered by the Lead Agency relative to the impacts of the Shea and Acacia Projects. A conclusion is provided for each topic as to whether the alternative results in one of the following: (1) reduction of elimination of the Shea and Acacia Project's impact, (2) a greater impact than would occur under the Shea and Acacia Projects, (3) the same impact as the Shea and Acacia Projects, or (4) a new impact in addition to the Shea and Acacia Project's impacts. Table 6-3, *Alternatives to the Project – Comparison of Environmental Impacts*, at the end of this section compares the impacts of the alternatives against those of the Shea and Acacia Projects and identifies the ability of the alternative to meet the basic objectives of the Project. As previously listed in EIR Section 3.0, the Shea and Acacia Project's basic objectives are:

1. To expand economic development and facilitate job creation in the City of Fontana by establishing a new industrial development area adjacent to or near an already-established industrial area.
2. 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.
3. To develop Class A speculative light industrial buildings that are designed to meet contemporary industry standards and maximize economic competitiveness with similar industrial buildings in the local area and region.
4. To develop industrial buildings with loading bays in close proximity to designated truck routes and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.
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 projects that have architectural design and operational characteristics that complement other existing and planned buildings in the immediate vicinity of the Shea and Acacia Project Sites and minimize conflicts with other nearby land uses.

#### **6.3.1 NO DEVELOPMENT ALTERNATIVE**

The No Development Alternative allows decision-makers to compare the environmental impacts of approving the Shea and Acacia Projects to the environmental impacts that would occur if the Shea and Acacia Project Sites were left in their existing conditions for the foreseeable future. Under existing conditions, the Shea and Acacia Project Sites are undeveloped with the exception of one single-family residence and a shed in the southwest corner of the Shea Project Site. Refer to the description of the Shea and Acacia Project Sites' existing physical conditions in Section 2.0 of this EIR.



**A. Aesthetics**

The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition. As such, the 11.5 gross acre Shea Project Site and the 19.6 gross acre Acacia Project Site would remain undeveloped lands, with the exception of the single-family residence and shed located on the Shea Project Site. Thus, the Shea and Acacia Project's less than significant impacts to scenic vistas would be avoided under this alternative. The Shea and Acacia Project Sites are not visible from any officially-designated scenic highways; thus, impacts to scenic highways would be less than significant and similar to the proposed Shea and Acacia Projects. Although the Shea and Acacia Projects would result in less than significant light and glare impacts, no new lighting sources or sources of potential glare would occur on site under the No Development Alternative; thus, impacts associated with light and glare would be reduced in comparison to the proposed Shea and Acacia Projects.

**B. Agriculture and Forest Resources**

The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition. Under existing conditions, the Shea and Acacia Project Sites are classified by the Farmland Mapping and Monitoring Program (FMMP) as "Grazing Land" and there are no portions of the Shea and Acacia Project Sites mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Shea and Acacia Projects or the No Development Alternative, and the level of impact would be the same. There are no lands surrounding the Shea and Acacia Project Sites that are zoned for agricultural use; thus, neither the Shea and Acacia Projects nor the No Development Alternative would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Shea and Acacia Project Sites are not utilized for agricultural production, are not located within any agricultural preserves, and are not subject to a Williamson Act Contract. As such, neither the Shea and Acacia Projects nor the No Development Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Shea and Acacia Project Sites and 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, neither the Shea and Acacia Projects nor the No Development Alternative would result in impacts to forestry resources, and impacts would be the same.

**C. Air Quality**

The No Development Alternative would not involve construction activities and would generate no construction-related air pollutant emissions. Although the Shea and Acacia Projects would result in a less than significant air quality impact from construction activities, the No Development Alternative would avoid all construction-related air quality impacts.

The Shea and Acacia Project Sites are undeveloped, with the exception of one single-family residence and a shed located in the southwest corner of the Shea Project Site. Nominal amounts of air pollution associated with typical residential uses and routine property maintenance activities (e.g., mowing/discing) are produced at the



Shea and Acacia Project Sites. The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition and would retain these uses (and less than significant amounts of air pollution). Although the Shea and Acacia Projects would result in a less than significant air quality impact from operational activities, the No Development Alternative would avoid all construction-related air quality impacts.

***D. Biological Resources***

The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition, which includes undeveloped land containing unvegetated bare ground, rock, disturbed non-sensitive vegetation, and sensitive vegetation consisting of California buckwheat scrub, disturbed California buckwheat scrub, California buckwheat scrub with scattered chamise chaparral, chamise chaparral, and holly-leaved cherry stand. One sensitive plant species, Parry's spineflower, is present in small numbers on the Shea Project Site (87 plants) and in larger numbers on the Acacia Project Site (1,396 plants), which would remain undisturbed. Also to be left undisturbed on the site would be common wildlife species, and sensitive animal species including but not limited to coast horned lizard, coastal whiptail, and Los Angeles pocket mouse. No grading would occur under this Alternative and there would be no potential impacts to biological resources. Implementation of the No Development Alternative would avoid impacts to biological resource associated with the Shea and Acacia Projects and would require no mitigation.

***E. Cultural Resources***

The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition; no grading would occur under this Alternative and there would be no potential impacts to archeological resources that may be present beneath the existing ground surface. Although there are mitigation measures identified in EIR Subsection 4.5 that would reduce the Shea and Acacia Projects' direct and cumulatively considerable impacts to cultural resources to below a level of significance, implementation of the No Development Alternative would avoid impacts to cultural resources associated with the Shea and Acacia Projects and would require no mitigation.

***F. Energy***

Under the No Development Alternative, there would be no increase in demand from the Shea and Acacia Project Sites for energy resources. As such, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources. Neither the Shea and Acacia Projects nor the No Development Alternative would conflict with a State or local plan for renewable energy or energy efficiency, although impacts would be reduced under the No Development Alternative in comparison to the Shea and Acacia Projects because the No Development Alternative would not result in an increase in use of energy resources.

***G. Geology and Soils***

The No Development Alternative would leave the Shea and Acacia Projects Site in their existing condition. The No Project Alternative would not construct any new structures on the Shea and Acacia Project Sites;



accordingly, there would be no potential for this Alternative to expose people or structures to safety risks associated with geologic hazards.

With respect to paleontological resources, the No Development Alternative would not involve any excavation or grading activities. Therefore, the potential to discover previously unidentified paleontological resources is eliminated. Although there are mitigation measures identified in EIR Subsection 4.7 that would reduce the Shea and Acacia Projects' direct and cumulatively considerable impacts to paleontological resources to below a level of significance, implementation of the No Development Alternative would avoid potential impacts to paleontological resources associated with the Shea and Acacia Projects and would require no mitigation.

#### ***H. Greenhouse Gas Emissions***

Under the No Development Alternative, there would be no new construction or development on the Shea and Acacia Project Sites. Therefore, with the exception of ongoing nominal greenhouse gas (GHG) emissions associated with the one single-family residence on the Shea Project Site, there would be no new sources of near-term or long-term GHG emissions under the No Development Alternative. The No Development Alternative would avoid the significant and unavoidable impacts related to GHG emissions that would result from the Acacia Project and the Shea and Acacia Projects combined.

#### ***I. Hazards and Hazardous Materials***

The No Development Alternative would not involve construction activities; therefore, the potential for exposure to asbestos containing materials and lead-based materials during demolition would be reduced. As with the Shea and Acacia Projects, the No Development Alternative would be required to follow applicable hazardous materials regulations and would have a less than significant impact related to transport, use and disposal of hazardous materials; and, release of hazardous materials and hazardous emissions. The No Development Alternative would have no impact or a less than significant impact related to its location on a hazardous materials site, hazards from airport operations, emergency response/evacuation, and wildland fires.

#### ***J. Hydrology and Water Quality***

No changes to the Shea and Acacia Project Sites' existing hydrology and drainage conditions would occur under the No Development Alternative. No stormwater drainage improvements would be constructed on or adjacent to the Shea and Acacia Project Sites and rainfall would continue to be discharged from the Shea and Acacia Project Sites as sheet flow without treatment from BMPs to minimize waterborne pollutants and contain sediment. Therefore, the No Development Alternative would result in greater impacts to hydrology and water quality than the proposed Shea and Acacia Projects; however, under this Alternative, impacts would remain less than significant.

#### ***K. Land Use and Planning***

Neither the Shea and Acacia Projects nor the No Development Alternative would disrupt or divide the physical arrangement of an established community. The No Development Alternative would not be consistent with the land use designations applied to the property by the City of Fontana General Plan. However, because no





development would occur and the land use designations would not change, the No Development Project would avoid the Shea and Acacia Projects' significant and unavoidable impact associated with a potential conflict with the South Coast Air Quality Management District's (SCAQMD's) Air Quality Management Plan (AQMP), which relies on General Plan build out projections for air quality planning. The proposed Shea and Acacia Projects' conflict with the AQMP would be avoided under the No Development Alternative. Neither the Shea and Acacia Projects nor the No Development Alternative would conflict with SCAG RTP/SCS.

***L. Mineral Resources***

The Shea and Acacia Project Sites do not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Shea and Acacia Projects or the No Development Alternative, and the level of impact would be similar. Additionally, neither the Shea and Acacia Projects nor the No Development Alternative would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the No Development Alternative nor the Shea and Acacia Projects would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

***M. Noise***

The No Development Alternative would not involve construction activities; no noise or vibration effects associated with construction would occur. Although the Shea and Acacia Projects would result in a less than significant noise impact from construction activities, the No Development Alternative would avoid all construction-related noise impacts. Under the No Development Alternative, no new sources of permanent noise would be introduced on the Shea and Acacia Project Sites. Additionally, because the Shea and Acacia Project Sites would not be developed and no new traffic trips would be generated, the No Development Alternative would not contribute to an incremental increase in area-wide traffic noise levels. Selection of this Alternative would avoid the Shea and Acacia Project's less than significant long-term noise impacts.

***N. Population and Housing***

The No Development Alternative would neither generate nor accommodate demand for additional housing. One single-family residence on the Shea Project Site would be removed with the Shea Project, which is a less than significant impact avoided under the No Development Alternative. Under existing zoning designations, up to 1,280 residential units could occur on the Shea and Acacia Project Sites. Under the No Development Alternative, the 1,280 housing units would not be constructed on the Project Sites. Although this is not a physical environmental effect, the No Development Alternative would not assist in meeting the City's housing production goals.

***O. Public Services***

There would be no new development for public services on Project Sites under the No Development Alternative; thus, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts to fire protection, police protection, school services, library services, and health services.



***P. Recreation***

The Shea and Acacia Projects do not propose any residential uses or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Likewise, the No Development Alternative would not result in any new development on site and thus would not generate any increase in demand for recreational resources, nor would any recreational resources be constructed on site under the No Development Alternative. Therefore, impacts to recreation would be similar under the Shea and Acacia Projects and the No Development Alternative.

***Q. Transportation***

The No Development Alternative would not generate any new daily traffic. Accordingly, this Alternative would avoid the Acacia Project's and combined Acacia and Shea Projects' significant and unavoidable impact associated with vehicle miles traveled (VMT). Under the No Development Alternative, frontage improvements to Sierra Avenue, which is a truck route, would not occur. In addition, the associated bike lane and sidewalk improvements along this segment of Sierra Avenue would not occur, resulting in a conflict with the City's General Plan that calls for full implementation of roadway right-of-way improvements along Sierra Avenue.

***R. Tribal Cultural Resources***

The No Development Alternative would leave the Shea and Acacia Project Sites in their existing condition; no grading would occur under this Alternative and there would be no potential impacts to tribal cultural resources that may be present beneath the existing ground surface. Although there are mitigation measures identified in EIR Subsection 4.5 that would reduce the Shea and Acacia Projects' direct and cumulatively considerable impacts to tribal cultural resources to below a level of significance, implementation of the No Development Alternative would avoid potential impacts to tribal cultural resources associated with the Shea and Acacia Projects and would require no mitigation.

***S. Utilities and Service Systems***

Under the No Development Alternative, there would be no increased demand for water, wastewater treatment, or stormwater drainage; thus, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts due to the construction of such facilities and due to the provision of water or wastewater treatment services. There would be no increase in demand for water resources under the No Development Alternative; thus, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts to water supply. Additionally, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts due to the construction of wastewater conveyance facilities on and off site, and less than significant impacts to wastewater treatment capacity. There would be no increase in solid waste generated on site; thus, the No Development Alternative would avoid the Shea and Acacia Projects' less than significant impacts due to solid waste. There are no components of the No Development Alternative or the proposed Shea and Acacia Projects that would conflict with federal, State, and local management and reduction statutes and regulations related to solid wastes; thus, impacts would be less than significant and the level of impact would be similar. The No Development Alternative also would avoid



the Shea and Acacia Project's less than significant impacts due to the construction of facilities for electricity, natural gas, communication systems, and street lighting, or due to increased roadway maintenance.

**T. Wildfire**

Under the No Development Alternative, there would be no new development on site. Although impacts due to wildfire would be less than significant under the proposed Shea and Acacia Projects, the No Development Alternative would result in reduced hazards to structures that could be caused by wildfires in comparison to the Shea and Acacia Projects because no new structures would be developed on site that could be impacted by wildfire. However, under the No Development Alternative the Shea and Acacia Project Sites would remain in their existing condition, and would primarily consist of natural vegetation that could serve as potential fuel for future wildfires in the local area; thus, impacts due to wildland fire hazards would be increased under the No Development Alternative as compared to the proposed Shea and Acacia Projects.

**U. Conclusion**

Implementation of the No Development Alternative would result in no physical environmental impacts to the Shea and Acacia Project Sites beyond those that have historically occurred on the Shea and Acacia Project Sites and that will continue to occur into the future from routine maintenance activities. All potentially significant effects of the Shea and Acacia Projects would be avoided by the selection of this Alternative. However, the No Development Alternative would not be consistent with the land use designations applied to the properties by the City of Fontana General Plan and would not facilitate frontage improvements to Sierra Avenue including widening, paving, and associated bike lane and sidewalk improvements as would occur under the proposed Shea and Acacia Projects. The No Development Alternative also would neither generate nor accommodate demand for additional housing. Because the No Development Alternative would not result in development of the Shea and Acacia Project Sites 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 Shea and Acacia Projects' objectives.

**6.3.2 NO PROJECT ALTERNATIVE**

The No Project Alternative allows decision-makers to compare the environmental impacts of the Shea and Acacia Projects 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 Shea and Acacia Project Site's existing land use and zoning designations. The No Project Alternative considers development of the Shea and Acacia Project Sites in accordance with the existing land use designation of R-MFH for the Shea Project Site and R-MFH and C-G for the Acacia Project Site. Containing approximately 4.5 net acres of C-G designated property on the Acacia Project Site and 25.6 net acres of R-MMF property on the Shea and Acacia Projects combined, this Alternative assumes a 4.5 net acre commercial shopping plaza having 70,000 s.f. of floor space at the southeast corner of Sierra Avenue and Duncan Canyon Road, and 1,280 multi-family residential units with a 70% lot coverage and 55-foot structure height as permitted by the City's R-5 Zone across the remainder of the Sites. The extent of physical ground disturbance would occur over the entirety of the Project Sites as would similarly occur under the proposed Shea and Acacia Projects.



**A. Aesthetics**

The No Project Alternative would result in the construction of multi-family residential structures on the Shea and Acacia Project Sites and 4.5 acres of commercial uses on the Acacia Project Site as compared to the commerce center structures and improvements proposed by the Shea and Acacia Projects. Like the proposed Shea and Acacia Projects, the No Project Alternative would not substantially affect views to scenic vistas and would not be located within the viewshed of a scenic highway. Further, because the site is located in an urbanized area, the measure of visual quality and character impacts relates to regulatory compliance and the No Project Alternative would be consistent with existing General Plan and zoning designations and assumed compliant with applicable Fontana Municipal Code regulatory standards. Regarding light and glare, compliance with Fontana Municipal Code requirements for artificial lighting would ensure less-than-significant impacts although lighting may be more abundant for a multi-story residential and commercial development than for the proposed Shea and Acacia Projects' commerce center development. Compared to the Shea and Acacia Projects, impacts would be generally the same under the No Project Alternative and less than significant.

**B. Agriculture and Forest Resources**

Under existing conditions, both the Shea Project Site and the Acacia Project Site are classified by the FMMP as "Grazing Land" and there are no portions of the Shea and Acacia Project Sites mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Shea and Acacia Projects or the No Project Alternative, and the level of impact would be the same. There are no lands surrounding the Shea and Acacia Project Sites that are zoned for agricultural use; thus, neither the Shea and Acacia Projects nor the No Project Alternative would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Shea and Acacia Project Sites are not utilized for agricultural production, are not located within any agricultural preserves, and are not subject to a Williamson Act Contract. As such, neither the Shea and Acacia Projects nor the No Project Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Shea and Acacia Project Sites and 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, neither the Shea and Acacia Projects nor the No Project Alternative would result in impacts to forestry resources, and impacts would be the same.

**C. Air Quality**

The No Project Alternative would result in construction activities across the property, similar to the Shea and Acacia Projects. Accordingly, construction-related air quality effects during demolition, site preparation, and grading would be similar to the Shea and Acacia Projects. Even though the building type would be different (commercial and multi-family residential development instead of commerce center development), the types of construction equipment and daily construction activities would be generally the same other than the No Project Alternative likely to be wood frame construction instead of concrete tilt up construction as would occur under



the proposed Project. This alternative is expected to result in similar air pollutant emissions during construction relative to the Shea and Acacia resulting in less than significant impacts during construction.

Because the No Project Alternative would develop the Shea and Acacia Project Sites with land uses that would not generate or attract truck traffic as would the Shea and Acacia Projects, this alternative would reduce criteria pollutant emissions during operations relative to truck vehicle exhaust compared to the Shea and Acacia Projects. However, the total number of vehicle trips would substantially increase, from 2,164 trips per day to 10,078 trips per day, negating the emission reductions due to lowering the volume of truck trips.

Like the Shea and Acacia Projects, the No Project Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Shea and Acacia Projects, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of either the proposed Project or this alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

***D. Biological Resources***

The No Project Alternative would develop the entire Shea and Acacia Project Sites and would result in identical impacts to biological resources as the Shea and Acacia Projects. The No Project Alternative would require the same mitigation measures for impacts to biological resources as the Shea and Acacia Projects and, after mitigation, both the No Project Alternative and the Shea and Acacia Projects would result in less than significant impacts to biological resources.

***E. Cultural Resources***

The No Project Alternative would develop the entire Shea and Acacia Project Sites and would result in identical potential impacts to cultural resources as the Shea and Acacia Projects. The No Project Alternative would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the No Project Alternative and the Shea and Acacia Projects would result in less than significant impacts to cultural resources.

***F. Energy***

The No Project Alternative would not result in a wasteful use of energy or conflict with policies or programs related to energy efficiency. The No Project Alternative would result in construction activities across the property, similar to the Shea and Acacia Projects. Accordingly, construction-related energy use would be similar to the Shea and Acacia Projects. Because the No Project Alternative would develop the Shea and Acacia Project Sites with land uses that would not generate or attract truck traffic as would the Shea and Acacia Projects, this alternative would reduce diesel gas usage relative to the Shea and Acacia Projects. However, the total number of vehicle trips would substantially increase, from 2,164 trips per day to 10,078 trips per day, substantially increasing gasoline and electric energy usage to power passenger vehicles. Notwithstanding, energy use would not be wasteful and like the Shea and Acacia Projects, the No Project Alternative would result in a less than significant impact.





**G. Geology and Soils**

This alternative would disturb the same physical area as the Shea and Acacia Projects and would, therefore, have the same potential for soil erosion during the construction phase as the Shea and Acacia Projects. Soil erosion impacts would be less than significant under both the Shea and Acacia Projects and this alternative due to mandatory compliance with federal, State, and local water quality standards. The No Project Alternative would be required to comply with the same mandatory regulatory requirements as the Shea and Acacia Projects to preclude substantial hazards associated with seismic ground shaking. The No Project Alternative would result in a similar, less than significant impact to geology and soils as the Shea and Acacia Projects.

**H. Greenhouse Gas Emissions**

Because the No Project Alternative would develop the Shea and Acacia Project Sites with land uses that would not generate or attract truck traffic as would the Shea and Acacia Projects, this alternative would reduce diesel-fueled truck mobile source GHG emissions during operations relative to the Shea and Acacia Projects. However, the total number of vehicle trips would substantially increase, from 2,164 trips per day to 10,078 trips per day, negating the GHG emission reductions due to lowering the volume of truck trips. Regardless, the significant and unavoidable GHG emissions impact would likely not be eliminated due to the operation of a 70,000 s.f. commercial development and 1,280 residential units.

**I. Hazards and Hazardous Materials**

Neither implementation of the No Project Alternative nor the Shea and Acacia Projects would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the No Project Alternative would have a lesser potential to handle and store hazardous materials than the Shea and Acacia Projects. With mandatory regulatory compliance, both the No Project Alternative and the Shea and Acacia Projects would pose a less than significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials. Impacts from the No Project Alternative would be reduced compared to the Shea and Acacia Projects.

**J. Hydrology and Water Quality**

Neither the Shea and Acacia Projects nor the No Project Alternative would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Shea and Acacia Projects and the No Project Alternative would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Shea and Acacia Project Sites would be similar under both the No Project Alternative and the Shea and Acacia Projects due to this alternative and the Shea and Acacia Projects both disturbing the same physical area. Like the Shea and Acacia Projects, the No Project Alternative would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Shea and Acacia Projects and the No Project Alternative would result in less than significant construction impacts to hydrology and water quality. Impacts would be similar



In the long-term, potential hydrology and water quality effects on the Shea and Acacia Project Sites would be similar under both the No Project Alternative and the Shea and Acacia Projects. The Shea and Acacia Projects would likely generate more pollutants on-site than the No Project Alternative due to the greater impervious surface coverage and increased number of diesel-fueled vehicles that would occur with implementation of the Shea and Acacia Projects; however, both the No Project Alternative and the Shea and Acacia Projects would be required to implement a drainage plan and a WQMP. Similar to the Shea and Acacia Projects, the No Project Alternative would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows. Additionally, similar to the Shea and Acacia Projects, the No Project Alternative would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the site does not contain substantial pollutant concentrations. The Shea and Acacia Projects and the No Project Alternative would result similar operational hydrology and water quality impacts. Impacts under the No Project Alternative and the Shea and Acacia Projects would be less than significant.

***K. Land Use and Planning***

The No Project Alternative would develop the Shea and Acacia Project Sites in accordance with the City of Fontana General Plan. As such, there would be no conflicts with applicable land use plans, policies, or regulations resulting in significant environmental effects. Comparatively, the Shea and Acacia Projects each propose a General Plan Amendment and Zone Change to address consistency between the proposed land uses and the General Plan and other plans, policies, and regulations that rely on General Plan buildout projections. Both the No Project Alternative and the Shea and Acacia Projects would result in less than significant land use and planning impacts.

***L. Mineral Resources***

The Shea and Acacia Project Sites do not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Shea and Acacia Projects or the No Project Alternative, and the level of impact would be similar. Additionally, neither the Shea and Acacia Projects nor the No Project Alternatives would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the No Project Alternative nor the Shea and Acacia Projects would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

***M. Noise***

Noise associated with this alternative would occur during short-term construction activities and under long-term operation. The No Project Alternative would result in construction activities across the property, similar to the Shea and Acacia Projects. Accordingly, construction-related noise during demolition, site preparation, and grading would be similar to the Shea and Acacia Projects. Even though the building type would be different (commercial and multi-family residential development instead of commerce center development), the types of construction equipment and daily construction activities would be generally the same other than the No Project Alternative likely to be wood frame construction instead of concrete tilt up construction as would occur under



the proposed Project. This alternative is expected to result in similar noise levels during construction relative to the Shea and Acacia resulting in less than significant noise impacts during construction.

The No Project Alternative would develop the Shea and Acacia Project Sites with residential and commercial uses eliminate truck traffic noise; however, the total number of vehicle trips would substantially increase, from 2,164 trips per day to 10,078 trips per day, negating the noise level reductions due to lowering the volume of truck trips. Thus, the No Project Alternative would result in a similar noise environment as would development of the proposed Shea and Acacia Projects. Impacts would be less than significant.

***N. Population and Housing***

The No Project Alternative would develop the Shea and Acacia Project Sites with residential land uses in accordance with the City of Fontana General Plan and would not result in unexpected population growth. The No Project Alternative would not result in an adverse impact related to population and housing.

***O. Public Services***

The No Project Alternative would result in an increased level of development intensity on site compared to the proposed Shea and Acacia Projects. As such, demands on fire protection services, sheriff services, school services, library facilities, and health services would be increased under the No Project Alternative as compared to the Shea and Acacia Projects, although impacts would be less than significant with payment of mandatory Development Impact Fees (DIF) in accordance with Section 21-122 of the Fontana Municipal Code and mandatory payment of school impact fees pursuant to Senate Bill 50 (SB 50).

***P. Recreation***

The No Project Alternative would develop the Shea and Acacia Project Sites with 1,280 residential units and 4.5 acres of commercial land uses in accordance with the City of Fontana General Plan and would not result in unexpected population growth. That said, the residents of the 1,280 units would create demand for recreational uses, which are expected to consist of public recreational facilities in and around the City of Fontana. There is no reasonably foreseeable environmental effects, however, resulting from the residents' use of existing and planned public recreational facilities. As such, both the Shea and Acacia Projects and the No Project Alternative would result in less than significant impacts to existing recreational facilities.

***Q. Transportation***

Trip generation for the No Project Alternative is shown in the tables below. As shown, the development of 555 multi-family residential units on the Shea Project Site would generate 3,742 daily trips and development of 70,000 s.f. commercial retail uses and 725 multi-family residential units on the Acacia Project Site would generate 6,336 daily trips, for a total of 10,078 daily trips generated by the No Project Alternative. In comparison, the proposed Shea Project and Acacia projects combined would generate a total of 1,082 daily trips. As such, the No Project Alternative would contribute more traffic to Sierra Avenue and other area roadways. Nonetheless, automobile delay, as measured by "level of service" (LOS) and other similar metrics, does not constitute a significant environmental effect under CEQA.



**Table 6-1 No Project Alternative Trip Generation for Shea Site**

Land Use	Quantity Units <sup>1</sup>	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
Multifamily Housing (Low-Rise)	555 DU	53	169	222	178	105	283	3,742

<sup>1</sup> DU = dwelling units

Source: (Urban Crossroads, 2022j)

**Table 6-2 No Project Alternative Trip Generation for Acacia Site**

Land Use	Quantity Units <sup>1</sup>	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
Multifamily Housing (Low-Rise)	725 DU	70	220	290	233	137	370	4,888
Internal Capture:		-1	-2	-3	-48	-18	-66	-872
Residential Subtotal:		69	218	287	185	119	304	4,016
Commercial Retail	70,000 TSF	75	46	121	178	185	363	4,726
Internal Capture:		-2	-1	-3	-18	-48	-66	-860
Pass-by Reduction (40% PM/Daily):		0	0	0	-55	-55	-110	-1,546
Commercial Retail Subtotal		73	45	118	105	82	187	2,320
<b>Acacia (No Project Alternative) Total:</b>		<b>142</b>	<b>263</b>	<b>405</b>	<b>290</b>	<b>201</b>	<b>491</b>	<b>6,336</b>

<sup>1</sup> DU = dwelling units; TSF = thousand square feet

Note: Internal capture is per the NCHRP 684.

Source: (Urban Crossroads, 2022j)

By developing commercial and high-density multi-family residential uses on the site, the No Project Alternative would not conflict with the fundamental goals of SCAG's *Connect SoCal* related to mobility, travel safety, travel safety, and transportation mode choices. It is assumed that Sierra Avenue frontage improvements complete with a bike lane and sidewalk would be installed under the No Project Alternative. The No Project Alternative also would be consistent with applicable goals and policies of the Fontana General Plan that focus on connecting neighborhoods and city destinations by expanding transportation choices within the City of Fontana. It is assumed that the No Project Alternative would not introduce incompatible uses or design hazards and that its design would support walking and bicycling and adequately buffer residential uses from Sierra Avenue, a designated truck route. The design of the No Project Alternative also is assumed to be consistent with applicable City of Fontana *Active Transportation Plan* goals addressing the circulation system, including Objective 1.A related to VMT whereas the proposed Shea Project and Acacia Project would not meet Objective 1.A. The No Project Alternative's VMT methodology would be based on service population instead of exclusively employees, and given the high-density housing and commercial use type of the No Project Alternative, trip length by service population would fall below VTM significance thresholds. The significant VTM impact of the Acacia Project and the Shea and Acacia Projects combined would be omitted.



***R. Tribal Cultural Resources***

The No Project Alternative would develop the entire Shea and Acacia Project Sites and would result in identical potential impacts to tribal cultural resources as the Shea and Acacia Projects. The No Project Alternative would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the No Project Alternative and the Shea and Acacia Projects would result in less than significant impacts to tribal cultural resources.

***S. Utilities and Service Systems***

Like the proposed Shea and Acacia Projects, the No Project Alternative would result in a demand for public utility and service systems and would result in the construction of domestic water, sewer, and stormwater drainage improvements. The No Project Alternative would result in a demand for domestic water, waste water treatment services, and solid waste collection and disposal services that is higher than what occurs at the Shea and Acacia Project Sites under existing conditions; but this alternative's overall demand would be substantially different than the Shea and Acacia Projects' demand for the same services. Impacts would be less than significant.

***T. Wildfire***

The No Project Alternative would result in the construction of multi-family residential structures on the Shea and Acacia Project Sites and 4.5 acres of commercial uses on the Acacia Project Site as compared to the commerce center structures and improvements proposed by the Shea and Acacia Projects. Like the proposed Shea and Acacia Projects, the No Project Alternative would result in less than significant impacts associated with potential wildfire. Like with the proposed Shea and Acacia Projects, the City would require that adequate access for emergency vehicles be maintained. No emergency routes would be physically or operationally impacted by either the Shea and Acacia Projects or the No Project Alternative and the implementation of adopted emergency response plan or emergency evacuation plans would not be affected. Due to the developed nature of the surrounding area and requirements to construct either the Shea and Acacia Projects or the No Project Alternative in accord with applicable Building and Fire Codes, there is no reasonable potential that people would be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire or that other properties could be adversely affected by induced flooding, slope instability, or landslides due to a wildlife on the site. Impacts associated with wildlife potential would be less than significant.

***U. Conclusion***

The No Project Alternative would result in the development of a 4.5 net acre commercial shopping plaza having approximately 70,000 s.f. of floor space at the southeast corner of Sierra Avenue and Duncan Canyon Road, and 1,280 multi-family residential units with a 70% lot coverage and 55-foot structure height across the remainder of Project Site. Implementation of the No Project Alternative would result in identical physical environmental impacts as compared to the Shea and Acacia Projects 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 (commercial and 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 Project Alternative, but total vehicle trips would increase, operational impacts related to air quality, GHG, and noise would be similar under the No Project Alternative and the GHG impact would remain significant and unavoidable. The Acacia Project's and the Shea and Acacia Project's combined VMT impact would be omitted as the No Project Alternative's VMT impact would be based on service population and less than significant. The No Project Alternative would not meet any of the Project's objectives.

### **6.3.3 REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT**

The Reduced Project Alternative 1 considers the development of the Shea Project as proposed and no development of the Acacia Project. Under this Alternative, the Shea Project Site would be developed with the proposed one-building commerce center and the 19.6 gross acre Acacia Project Site would remain undeveloped as it is under existing conditions. A detailed evaluation of the Shea Project's implementation is available in Subsections 4.1 through 4.20 of this EIR.

#### **A. Aesthetics**

Under the Reduced Project Alternative 1, the Acacia Project Site would remain undeveloped as it is under existing conditions, while the Shea Project Site would be developed as proposed. The Shea and Acacia Project Sites are not located within the viewshed of any officially designated State or County scenic highways or State-Eligible scenic highways. Impacts to scenic corridors would be less than significant under both the Shea and Acacia Projects and the Reduced Project Alternative 1, and the level of impact would be similar. As with the proposed Shea and Acacia Projects, the Reduced Project Alternative 1 would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant under both the Shea and Acacia Projects and the Reduced Project Alternative 1, and the level of impact would be the same.

#### **B. Agriculture and Forest Resources**

Under existing conditions, the Shea Project Site and the Acacia Project Site are classified by the FMMP as "Grazing Land" and there are no portions of the Shea and Acacia Project Sites mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Shea and Acacia Projects or the Reduced Project Alternative 1, and the level of impact would be the same. There are no lands surrounding the Shea and Acacia Project Sites that are zoned for agricultural use; thus, neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Shea and Acacia Project Sites are not utilized for agricultural production, are not located within any agricultural preserves, and are not subject to a Williamson Act Contract. As such, neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Shea and Acacia



Project Sites and 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, neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would result in impacts to forestry resources, and impacts would be the same.

### **C. Air Quality**

Under this Alternative, the peak daily intensity of construction would be reduced as compared to the Shea and Acacia Projects (which could potentially be constructed simultaneously) due to the reduction of approximately 385,043 s.f. of building area associated with the Acacia Project. As such, the total amount of air pollutant emissions generated during the construction phase would be reduced under this Alternative as compared to the Shea and Acacia Projects. Emission levels are shown in Table 4.3-9 in Subsection 4.3, *Air Quality*. Therefore, the total daily emissions during the construction phase with the Reduced Project Alternative 1 would be less than significant.

Because the Reduced Project Alternative 1 would result in less building floor area than the Shea and Acacia Projects, this Alternative would require less energy to operate than the Shea and Acacia Projects and, therefore, would result in a reduction of non-mobile source air quality emissions as compared to the Shea and Acacia Projects. The Reduced Project Alternative 1 would generate a reduced amount of mobile source air pollutant emissions than the Shea and Acacia Projects due to less heavy truck traffic, and it would reduce mobile source air quality emissions from passenger vehicles due to a reduction in employees on-site. In total, the Reduced Project Alternative 1 would reduce the Shea and Acacia Project's operational regional air quality emissions. Impacts would be less than significant. Emission levels are shown in Table 4.3-12 in Subsection 4.3, *Air Quality*.

A reduction of construction activity and heavy truck trip traffic the Reduced Project Alternative 1 would result in a less than significant impact for carcinogenic and non-carcinogenic health risk hazards (due to a reduced amount of diesel particulate matter emissions). Emission levels are shown in Table 4.3-15 and Table 4.17 in Subsection 4.3, *Air Quality*. During operation, the maximally exposed individual receptor (MEIR), which is a residence located at 4893 Condor Avenue approximately 58 feet north of the Acacia Project Site, would have an increased cancer risk attributable to the Shea Project of 0.22 in one million instead of 0.76 in one million with the Shea and Acacia Projects, neither of which would exceed the SCAQMD cancer risk threshold of 10 in one million.

Like the Shea and Acacia Projects, the Reduced Project Alternative 1 would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Shea and Acacia Projects, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this Alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.



***D. Biological Resources***

The Reduced Project Alternative 1 would only develop the Shea Project Site and would result in reduced impacts to biological resources including elimination of the Acacia Project's significant impact to Perry's spineflower. The Reduced Project Alternative 1 would require similar mitigation as the Shea and Acacia Projects for impacts to other species and, after mitigation, both the Reduced Project Alternative 1 and the Shea and Acacia Projects would result in less than significant impacts to biological resources.

***E. Cultural Resources***

The Reduced Project Alternative 1 would only develop the Shea Project Site and would result in reduced potential impacts to cultural resources. The Reduced Project Alternative 1 would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the Reduced Project Alternative 1 and the Shea and Acacia Projects would result in less than significant impacts to cultural resources.

***F. Energy***

Because the Reduced Project Alternative 1 would result in less building floor area than the Shea and Acacia Projects, the Reduced Project Alternative 1 is expected to require less energy to construct and operate than the Shea and Acacia Projects and, therefore, would result in a reduction of energy usage as compared to the Shea and Acacia Projects. single-event" energy demand and would not require on-going or permanent commitment of energy resources. Shea Project construction activities are estimated to consume approximately 63,323 kilowatt hours (kWh) of electricity, approximately 57,968 gallons of diesel fuel from operation of construction equipment, 20,293 gallons of diesel fuel from construction vendor trips, and 30,833 gallons of fuel from construction worker trips. (Urban Crossroads, 2022c, pp. 36-41). Additionally, the Reduced Project Alternative 1 would generate fewer daily passenger vehicle trips than the Shea and Acacia Projects and would reduce transportation energy demands. The Shea Project's energy demand is calculated to be 139,709 gallons of fuel, 1,300,613 kWh of electricity, and 1,417,347 kBTU of natural gas per year (Urban Crossroads, 2022c, pp. 44-45). It should be noted that City of Fontana Ordinance No. 1879 requires the Shea 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 423,864 kWh per year. The Reduced Project Alternative 1 would result in a less than significant impact, which is the same conclusion drawn for the Shea and Acacia Projects.

***G. Geology and Soils***

This alternative would only disturb the Shea Project Site and would, therefore, have reduced potential for soil erosion during the construction phase. Soil erosion impacts would be less than significant under both the Shea and Acacia Projects and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Reduced Project Alternative 1 would be required to comply with the same mandatory regulatory requirements as the Shea and Acacia Projects to preclude substantial hazards associated with seismic ground shaking and geologic hazards. The Reduced Project Alternative 1 would have a less than significant impact to geology and soils.



**H. Greenhouse Gas Emissions**

Because the Reduced Project Alternative 1 would result in less construction and operational activity than would occur under the Shea and Acacia Projects, the Reduced Project Alternative 1 would result in a reduction of GHG emissions as compared to the Shea and Acacia Projects. The Shea Project would generate 1,938.75 MTCO<sub>2</sub>e per year as shown in Table 4.8-5 of Subsection 4.8, *Greenhouse Gas Emissions*, which is less than the significance threshold of 3,000 MTCO<sub>2</sub>e per, thereby avoiding the Shea and Acacia Projects' combined GHG emissions of 5,951.89 MTCO<sub>2</sub>e per year to a level of less than significant.

**I. Hazards and Hazardous Materials**

Neither implementation of the Reduced Project Alternative 1 nor the Shea and Acacia Projects would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the Reduced Project Alternative 1 would have a similar potential to handle and store hazardous materials than the Shea and Acacia Projects. With mandatory regulatory compliance, both the Reduced Project Alternative 1 and the Shea and Acacia Projects would pose a less than significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials.

**J. Hydrology and Water Quality**

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Shea and Acacia Projects and the Reduced Project Alternative 1 would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the would be reduced with the Reduced Project Alternative 1 because only the Shea Project Site would be disturbed. Like the Shea and Acacia Projects, the Reduced Project Alternative 1 would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Shea and Acacia Projects and the Reduced Project Alternative 1 would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects would be reduced with the Reduced Project Alternative 1 due to a reduced amount of non-pervious surfaces. Like the Shea and Acacia Projects, the Reduced Project Alternative 1 would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Shea Project Site. Additionally, like the Shea and Acacia Projects, the Reduced Project Alternative 1 would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the Shea Project Site does not contain substantial pollutant concentrations. Both the Shea and Acacia Projects and the Reduced Project Alternative 1 would result in less than significant operational impacts to hydrology and water quality.



***K. Land Use and Planning***

Both this Alternative and the Shea and Acacia Projects would require a General Plan Amendment (GPA) and a Zone Change (ZC) to develop the Shea and Acacia Project Sites with industrial land uses. The Reduced Project Alternative 1 would only require a GPA and ZC for the Shea Project Site, however, land use and planning impacts would remain significant related to compliance with the SCAQMD's AQMP, which relies on General Plan build out assumptions for air quality attainment planning.

***L. Mineral Resources***

The Shea and Acacia Project Sites do not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Shea and Acacia Projects or the Reduced Project Alternative 1, and the level of impact would be similar. Additionally, neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the Reduced Project Alternative 1 nor the Shea and Acacia Projects would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

***M. Noise***

Under Reduced Project Alternative 1, the types of daily construction activities conducted on the Shea Site would be similar (and less than significant) under both the Reduced Project Alternative 1 and the Shea and Acacia Projects, although the intensity of construction activities would be reduced under this alternative as only the Shea Project would be constructed. Therefore, noise levels during the building construction phase would be reduced under this alternative as compared to the Shea and Acacia Projects and impacts would be less than significant. Under long-term operational conditions, noise impacts from operations on the Shea Project Site (i.e., stationary noise) would be reduced (and less than significant) relative to the Shea and Acacia Projects due to reduced operational practices (i.e., cargo loading/unloading activities) and reduced daily heavy truck traffic volumes.

***N. Population and Housing***

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would result in the displacement of substantial numbers of existing people or housing, necessitating the construction of housing elsewhere; thus, no impact would occur under either the Shea and Acacia Projects or Reduced Project Alternative 1. Although neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 are anticipated to result in an increased demand for housing, impacts under the Reduced Project Alternative 1 would decrease in comparison to the Shea and Acacia Projects because the Reduced Project Alternative 1 would generate fewer jobs, and thus fewer workers needing housing as compared to the proposed Shea and Acacia Projects. Neither the Reduced Project Alternative 1 nor the Shea and Acacia Projects would represent substantial unplanned population growth as the Shea and Acacia Project Sites are currently planned for residential and commercial land uses by the Fontana General Plan. Additionally, neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would indirectly induce growth, as infrastructure improvements would be sized to





accommodate only future development on site. Impacts to population and housing would be less than significant under both the Shea and Acacia Projects and Reduced Project Alternative 1, and the level of impact would be similar.

Reduced Project Alternative 1 would entail a General Plan Amendment (GPA) and Zone Change (ZC) to change the Shea Project Site's land use designations and zoning classifications from a residential to non-residential category. The loss of housing potential at up to 555 residential units that could be developed on the Shea Project Site would be addressed through compliance with the City of Fontana Municipal Code Chapter 30 Article XV "No Net Loss Density Bonus/Replacement Program," which was tentatively approved by the Fontana City Council via Ordinance No. 1906 on October 11, 2022, subject to a second reading for final approval. . Under Reduced Project Alternative 1, the housing units planned for by the General Plan on the Acacia Project Site would not be constructed, nor would the 725 units of planned housing be transferred to other sites. Although this is not a physical environmental effect, Reduced Project Alternative 1 would not assist in meeting the City's housing production goals as well as the proposed Shea and Acacia Projects or the No Project Alternative.

**O. Public Services**

The Reduced Project Alternative 1 would result in a reduced level of development intensity on site compared to the proposed Shea and Acacia Projects. As such, impacts to fire services, sheriff services, school services, library facilities, and health services would be slightly reduced under the Reduced Project Alternative 1 as compared to the Shea and Acacia Projects, although impacts would be less than significant with payment of mandatory Development Impact Fees (DIF) in accordance with Section 21-122 of the Fontana Municipal Code and mandatory payment of school impact fees pursuant to Senate Bill 50 (SB 50).

**P. Recreation**

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 1 would entail residential development. As such, both the Shea and Acacia Projects and the Reduced Project Alternative 1 would result in less than significant impacts to existing recreational facilities, although impacts under the Reduced Project Alternative 1 would be slightly reduced due to the reduction in the number of employees as compared to the proposed Shea and Acacia Projects.

**Q. Transportation**

Under Reduced Project Alternative 1, frontage improvements to Sierra Avenue, which is a truck route, would occur along the Shea Project Site frontage but not along the Acacia Project Site frontage. In addition, the associated bike lane and sidewalk improvements along this segment of Sierra Avenue fronting the Acacia Project Site would not occur, resulting in a conflict with the City's General Plan that calls for full implementation of roadway right-of-way improvements along Sierra Avenue. The Reduced Project Alternative 1 is expected to produce approximately the same VMT per employee as the proposed Project and, accordingly, would not reduce the Project's significant and unavoidable transportation impact.



***R. Tribal Cultural Resources***

The Reduced Project Alternative 1 would only develop the Shea Project Site and would result in reduced impacts to tribal cultural resources as compared to the Shea and Acacia Projects. The Reduced Project Alternative 1 would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the Reduced Project Alternative 1 and the Shea and Acacia Projects would result in less than significant impacts to tribal cultural resources.

***S. Utilities and Service Systems***

Due to a reduced project area, the Reduced Project Alternative 1 is expected to have a reduced demand for utilities and services systems, including water, sewer, storm water drainage service/facilities, and solid waste collection and disposal, as compared to the Shea and Acacia Projects. However, as with the Shea and Acacia Projects, the Reduced Project Alternative 1 is expected to result in a less than significant impact to utilities and services systems.

***T. Wildfire***

The amount of building intensity would be reduced under the Reduced Project Alternative 1 as compared to the proposed Shea and Acacia Projects. As with the proposed Shea and Acacia Projects, an adequate buffer would be accommodated between the proposed building on-site and off-site areas subject to wildland fire hazards. As such, impacts associated with wildfires would be less than significant under the Reduced Project Alternative 1 and the proposed Shea and Acacia Projects. However, the Acacia Project site would remain in its existing condition, and would primarily consist of natural vegetation that could serve as potential fuel for future wildfires in the local area; thus, impacts due to wildland fire hazards would be increased under the Reduced Project Alternative 1 as compared to the proposed Shea and Acacia Projects.

***U. Conclusion***

The Reduced Project Alternative 1 would reduce the Shea and Acacia Projects' significant and unavoidable GHG emission impacts and reduce but not avoid the significant air quality and land use impacts associated with inconsistency with the SCAQMD AQMP. The Reduced Project Alternative 1 would eliminate the Acacia Project's significant impact to Parry's spineflower and reduce the Shea and Acacia Projects' less than significant impacts to other biological resources and to cultural resources, energy, geology and soils, hydrology and water quality, noise public services, recreation, tribal cultural resources, utilities and service systems, and increase impacts associated with wildfire potential due to the Acacia Project Site remaining undeveloped. All other impacts from the Reduced Project Alternative 2 would be similar to the Shea and Acacia Projects.

The Reduced Project Alternative 1 would meet all of the Shea and Acacia Project's objectives; however, only the Shea Project would be constructed and become operational, and the Acacia Project would not be developed. As such, the Project objectives would be met to a lesser extent than the Shea and Acacia Projects.



#### **6.3.4 REDUCED PROJECT ALTERNATIVE 2: ACACIA PROJECT DEVELOPMENT**

The Reduced Project Alternative 2 considers the development of the Acacia Project as proposed and no development of the Shea Project. Under this Alternative, the Acacia Project Site would be developed with the proposed two-building commerce center and the 11.5 gross acre Shea Project Site would remain undeveloped, with the exception of the one single-family residence, as it is under existing conditions. A detailed evaluation of the Acacia Project's implementation is available in Subsections 4.1 through 4.20 of this EIR.

##### **A. Aesthetics**

Under the Reduced Project Alternative 2, the Shea Project Site would remain undeveloped with the exception of the one single-family residence, which would remain, as it is under existing conditions, while the Acacia Project Site would be developed as proposed. The Shea and Acacia Project Sites are not located within the viewshed of any officially designated State or County scenic highways or State-Eligible scenic highways. Impacts to scenic corridors would be less than significant under both the Shea and Acacia Projects and the Reduced Project Alternative 2, and the level of impact would be similar. As with the proposed Shea and Acacia Projects, the Reduced Project Alternative 2 would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant under both the Shea and Acacia Projects and the Reduced Project Alternative 2, and the level of impact would be the same.

##### **B. Agriculture and Forest Resources**

Under existing conditions, the Shea Project Site and the Acacia Project Site are classified by the FMMP as "Grazing Land" and there are no portions of the Shea and Acacia Project Sites mapped as containing Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Accordingly, impacts to FMMP-designated Farmland would not occur under either the Shea and Acacia Projects or the Reduced Project Alternative 2, and the level of impact would be the same. There are no lands surrounding the Shea and Acacia Project Sites that are zoned for agricultural use; thus, neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would result in a conflict with agricultural zoning, and the level of impact would be similar. Additionally, the Shea and Acacia Project Sites are not utilized for agricultural production, are not located within any agricultural preserves, and are not subject to a Williamson Act Contract. As such, neither the Shea and Acacia Projects nor the Reduced Project Alternative would result in a conflict with existing agricultural uses, agricultural preserves, or lands subject to a Williamson Act Contract; therefore, impacts would not occur and the level of impact would be similar. The Shea and Acacia Project Sites and 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, neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would result in impacts to forestry resources, and impacts would be the same.



**C. Air Quality**

Under this Alternative, the peak daily intensity of construction would be reduced as compared to the Shea and Acacia Projects (which could potentially be constructed simultaneously) due to the reduction of approximately 199,999 s.f. of building area associated with the Shea Project. As such, the total amount of air pollutant emissions generated during the construction phase would be reduced under this Alternative as compared to the Shea and Acacia Projects. Therefore, the total daily emissions during the construction phase with the Reduced Project Alternative 2 would be less than significant. Emission levels are shown in Table 4.3-10 in Subsection 4.3, *Air Quality*.

Because the Reduced Project Alternative 2 would result in less building floor area than the Shea and Acacia Projects, this Alternative is expected to require less energy to operate than the Shea and Acacia Projects and, therefore, would result in a reduction of non-mobile source air quality emissions as compared to the Shea and Acacia Projects. The Reduced Project Alternative 2 would generate a reduced amount of mobile source air pollutant emissions than the Shea and Acacia Projects due to less heavy truck traffic, and it would reduce mobile source air quality emissions from passenger vehicles due to a reduction in employees on-site. In total, the Reduced Project Alternative 2 would reduce the Shea and Acacia Project's operational regional air quality emissions. Emission levels are shown in Table 4.3-13 in Subsection 4.3, *Air Quality*. Impacts would be less than significant.

A reduction of construction activity heavy truck trip traffic the Reduced Project Alternative 2 would result in a less than significant impact for carcinogenic and non-carcinogenic health risk hazards (due to a reduced amount of diesel particulate matter emissions). Emission levels are shown in Table 4.3-16 and Table 4.3-18 in Subsection 4.3, *Air Quality*. During operation, the maximally exposed individual receptor (MEIR), which is a residence located at 4893 Condor Avenue approximately 58 feet north of the Acacia Project Site, would have an increased cancer risk attributable to the Acacia Project of 0.73 in one million instead of 0.76 in one million with the Shea and Acacia Projects, neither of which would exceed the SCAQMD cancer risk threshold of 10 in one million.

Like the Shea and Acacia Projects, the Reduced Project Alternative 2 would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Shea and Acacia Projects, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this Alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

**D. Biological Resources**

The Reduced Project Alternative 2 would only develop the Acacia Project Site and would result in reduced impacts to biological resources. The Reduced Project Alternative 2 would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the Reduced Project Alternative 2 and the Shea and Acacia Projects would result in less than significant impacts to biological resources.



**E. Cultural Resources**

The Reduced Project Alternative 2 would only develop the Acacia Project Site and would result in reduced impacts to cultural resources. The Reduced Project Alternative 2 would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the Reduced Project Alternative 2 and the Shea and Acacia Projects would result in less than significant impacts to cultural resources.

**F. Energy**

Because the Reduced Project Alternative 2 would result in less building floor area than the Shea and Acacia Projects, the Reduced Project Alternative 2 is expected to require less energy to construct and operate than the Shea and Acacia Projects and, therefore, would result in a reduction of energy usage as compared to the Shea and Acacia Projects. Additionally, the Reduced Project Alternative 2 would generate fewer daily passenger vehicle trips than the Shea and Acacia Projects and would reduce transportation energy demands. Acacia Project construction activities are estimated to consume approximately 112,040 kilowatt hours (kWh) of electricity, approximately 54,352 gallons of diesel fuel from operation of construction equipment, 34,312 gallons of diesel fuel from construction vendor trips, and 52,627 gallons of fuel from construction worker trips (Urban Crossroads, 2022c, pp. 26-31). Operational energy demand is calculated to be 311,893 gallons of fuel, 2,129,113 kWh of electricity, and 2,247,134 kBTU of natural gas per year (Urban Crossroads, 2022c, pp. 33-34). It should be noted that City of Fontana Ordinance No. 1879 requires the Acacia 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 824,551 kWh per year. The Reduced Project Alternative 2 would result in a less than significant impact, which is the same conclusion drawn for the Shea and Acacia Projects.

**G. Geology and Soils**

This alternative would only disturb the Acacia Project Site and would, therefore, have reduced potential for soil erosion during the construction phase. Soil erosion impacts would be less than significant under both the Shea and Acacia Projects and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Reduced Project Alternative 2 would be required to comply with the same mandatory regulatory requirements as the Shea and Acacia Projects to preclude substantial hazards associated with seismic ground shaking and geologic hazards. The Reduced Project Alternative 2 would result in a similar, less than significant impact to geology and soils as the Shea and Acacia Projects.

**H. Greenhouse Gas Emissions**

Because the Reduced Project Alternative 2 would result in less construction and operational activity than would occur under the Shea and Acacia Projects, the Reduced Project Alternative 2 would result in a reduction of GHG emissions as compared to the Shea and Acacia Projects. The Acacia Project would generate 4,013.14 MTCO<sub>2e</sub> per year as shown in Table 4.8-5 of Subsection 4.8, *Greenhouse Gas Emissions*, which is less above the significance threshold of 3,000 MTCO<sub>2e</sub> per, thereby reducing but not avoiding the Shea and Acacia Projects' combined GHG emissions impact of 5,951.89 MTCO<sub>2e</sub> per year.





***I. Hazards and Hazardous Materials***

Neither implementation of the Reduced Project Alternative 2 nor the Shea and Acacia Projects would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the Reduced Project Alternative 2 would have a similar potential to handle and store hazardous materials than the Shea and Acacia Projects. With mandatory regulatory compliance, both the Reduced Project Alternative 2 and the Shea and Acacia Projects would pose a less than significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials.

***J. Hydrology and Water Quality***

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Shea and Acacia Projects and the Reduced Project Alternative 2 would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the would be reduced with the Reduced Project Alternative 2 because only the Acacia Project Site would be disturbed. Like the Shea and Acacia Projects, the Reduced Project Alternative 2 would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Shea and Acacia Projects and the Reduced Project Alternative 2 would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects would be reduced with the Reduced Project Alternative 2 due to a reduced amount of non-pervious surfaces. Like the Shea and Acacia Projects, the Reduced Project Alternative 2 would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Acacia Project Site. Additionally, like the Shea and Acacia Projects, the Reduced Project Alternative 2 would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the Acacia Project Site does not contain substantial pollutant concentrations. Both the Shea and Acacia Projects and the Reduced Project Alternative 2 would result in less than significant operational impacts to hydrology and water quality.

***K. Land Use and Planning***

Both this Alternative and the Shea and Acacia Projects would require a General Plan Amendment (GPA) and a Zone Change (ZC) to develop the Shea and Acacia Project Sites with industrial land uses. The Reduced Project Alternative 1 would only require a GPA and ZC for the Shea Project Site, however, land use and planning impacts would remain significant related to compliance with the SCAQMD's AQMP, which relies on General Plan build out assumptions for air quality attainment planning.



***L. Mineral Resources***

The Shea and Acacia Project Sites do not contain any known mineral resources that would be of value to the region or the residents of the State. Accordingly, no impacts to mineral resources would occur under the Shea and Acacia Projects or the Reduced Project Alternative 2, and the level of impact would be similar. Additionally, neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would represent an incompatible land use located adjacent to a State classified or designated area or existing surface mine, and neither the Reduced Project Alternative 2 nor the Shea and Acacia Projects would expose people or property to hazards from proposed, existing, or abandoned quarries or mines. No impacts would occur, and the level of impact would be similar.

***M. Noise***

Noise associated with this Alternative would occur during short-term construction activities and under long-term operation. The types of daily construction activities conducted on the Shea and Acacia Project Sites would be similar (and less than significant) under both the Reduced Project Alternative 2 and the Shea and Acacia Projects, although the intensity of construction activities would be reduced under this alternative as less only the Shea Project would be constructed. Therefore, it is anticipated that the noise impacts during the building construction phase would be reduced under this alternative as compared to the Shea and Acacia Projects and impacts would be less than significant. Under long-term operational conditions, noise impacts from operations on the Shea and Acacia Project Sites (i.e., stationary noise) would be reduced (and less than significant) relative to the Shea and Acacia Projects due to reduced operational practices (i.e., cargo loading/unloading activities) and reduced daily heavy truck traffic volumes.

***N. Population and Housing***

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would result in the displacement of substantial numbers of existing people or housing, necessitating the construction of housing elsewhere; thus, no impact would occur under either the Shea and Acacia Projects or Reduced Project Alternative 2. Although neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 are anticipated to result in an increased demand for affordable housing, impacts under the Reduced Project Alternative 2 would be decrease in comparison to the Shea and Acacia Projects because the Reduced Project Alternative 2 would result in the generation of fewer jobs, and thus fewer workers needing housing as compared to the proposed Shea and Acacia Projects. Neither the Reduced Project Alternative 2 nor the Shea and Acacia Projects would represent substantial unplanned population growth as the Shea and Acacia Project Sites are currently planned for residential and commercial land uses by the Fontana General Plan. Additionally, neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would indirectly induce growth, as infrastructure improvements would be sized to accommodate only future development on site. Impacts to population and housing would be less than significant under both the Shea and Acacia Projects and Reduced Project Alternative 2, and the level of impact would be similar.

Reduced Project Alternative 2 would entail a General Plan Amendment (GPA) and Zone Change (ZC) to change the Acacia Project Site's land use designations and zoning classifications from a residential and commercial to light industrial category. The loss of housing potential at up to 725 residential units that could



be developed on the Acacia Project Site would be addressed through compliance with the City of Fontana Municipal Code Chapter 30 Article XV “No Net Loss Density Bonus/Replacement Program,” which was tentatively approved by the Fontana City Council via Ordinance No. 1906 on October 11, 2022, subject to a second reading for final approval.. Under Reduced Project Alternative 2, the housing units planned for by the General Plan on the Shea Project Site would not be constructed, nor would the 555 units of planned housing be transferred to other sites. Although this is not a physical environmental effect, Reduced Alternative 2 would not assist in meeting the City’s housing production goals as well as the proposed Shea and Acacia Projects or the No Project Alternative.

***O. Public Services***

The Reduced Project Alternative 2 would result in a reduced level of development intensity on site compared to the proposed Shea and Acacia Projects. As such, impacts to fire services, sheriff services, school services, library facilities, and health services would be slightly reduced under the Reduced Project Alternative 2 as compared to the Shea and Acacia Projects, although impacts would be less than significant with payment of mandatory Development Impact Fees (DIF) in accordance with Section 21-122 of the Fontana Municipal Code and mandatory payment of school impact fees pursuant to Senate Bill 50 (SB 50).

***P. Recreation***

Neither the Shea and Acacia Projects nor the Reduced Project Alternative 2 would entail residential development. As such, both the Shea and Acacia Projects and the Reduced Project Alternative 2 would result in less than significant impacts to existing recreational facilities, although impacts under the Reduced Project Alternative 2 would be slightly reduced due to the reduction in the number of employees as compared to the proposed Shea and Acacia Projects.

***Q. Transportation***

Under Reduced Project Alternative 2, frontage improvements to Sierra Avenue, which is a truck route, would occur along the Acacia Project Site frontage but not along the Shea Project Site frontage. In addition, the associated bike lane and sidewalk improvements along this segment of Sierra Avenue fronting the Shea Project Site would not occur, resulting in a conflict with the City’s General Plan that calls for full implementation of roadway right-of-way improvements along Sierra Avenue. The Reduced Project Alternative 2 is expected to produce approximately the same VMT per employee as the proposed Project and, accordingly, would not reduce the Acacia Project’s and Shea and Acacia Projects’ combined significant and unavoidable transportation impact.

***R. Tribal Cultural Resources***

The Reduced Project Alternative 2 would only develop the Acacia Project Site and would result in reduced impacts to tribal cultural resources as the Shea and Acacia Projects. The Reduced Project Alternative 2 would require similar mitigation as the Shea and Acacia Projects and, after mitigation, both the Reduced Project Alternative 2 and the Shea and Acacia Projects would result in less than significant impacts to tribal cultural resources.



**S. Utilities and Service Systems**

Due to a reduced project area, the Reduced Project Alternative 2 is expected to have a reduced demand for utilities and services systems, including water, sewer, storm water drainage service/facilities, and solid waste collection and disposal, as compared to the Shea and Acacia Projects. However, as with the Shea and Acacia Projects, the Reduced Project Alternative 2 is expected to result in a less than significant impact to utilities and services systems.

**T. Wildfire**

The amount of building intensity would be reduced under the Reduced Project Alternative 2 as compared to the proposed Shea and Acacia Projects. As with the proposed Shea and Acacia Projects, an adequate buffer would be accommodated between the proposed building on-site and off-site areas subject to wildland fire hazards. As such, impacts associated with wildfires would be less than significant under the Reduced Project Alternative 2 and the proposed Shea and Acacia Projects. However, the Shea Project site would remain in its existing condition, and would primarily consist of natural vegetation that could serve as potential fuel for future wildfires in the local area; thus, impacts due to wildland fire hazards would be increased under the Reduced Project Alternative 2 as compared to the proposed Shea and Acacia Projects.

**U. Conclusion**

The Reduced Project Alternative 2 would reduce the Shea and Acacia Projects' less than significant impacts to biological resources, cultural resources, energy, geology and soils, hydrology and water quality, noise public services, recreation, tribal cultural resources, utilities and service systems, and increase potential wildfire impacts associated with the Shea Project Site remaining undeveloped. The significant and unavoidable GHG impact would be reduced but not avoided and significant air quality and land use impacts associated with inconsistency with the SCAQMD AQMP would be reduced but not avoided. The transportation impact associated with VMT would not be avoided or reduced and remain significant and unavoidable. All other impacts from the Reduced Project Alternative 2 would be similar to the Shea and Acacia Projects.

The Reduced Project Alternative 2 would meet all of the Shea and Acacia Project's objectives; however, only the Acacia Project would be constructed and become operational, and the Shea Project would not be developed. As such, the Project objectives would be met to a lesser extent than the Shea and Acacia Projects.

**6.4 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 project site and its surrounding environment.

As shown in Table 6-3, *Alternatives to the Project – Comparison of Environmental Impacts*, both the No Development Alternative and No Project Alternative would avoid or reduce all or some of the Shea and Acacia



Projects' significant environmental impacts and, therefore, can be considered environmentally superior to the Project. Both the No Development Alternative and No 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)).

The Reduced Project Alternative 1: Shea Project Development, is the Environmentally Superior Alternative, although it does not meet the Project objectives to the extent as the Shea and Acacia Projects combined.





**Table 6-3 Alternatives to the Project – Comparison of Environmental Impacts**

ENVIRONMENTAL TOPIC	PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	NO DEVELOPMENT ALTERNATIVE	NO PROJECT ALTERNATIVE	REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT	REDUCED PROJECT ALTERNATIVE 2: ACACIA PROJECT DEVELOPMENT
<b>Aesthetics</b>	Less than Significant Impact	Reduced	Reduced	Similar	Similar
<b>Agriculture and Forest Resources</b>	Less than Significant Impact	Similar	Similar	Similar	Similar
<b>Air Quality</b>	Less than Significant Impact (Shea Project)/ Significant and Unavoidable Impact (Acacia Project)	Reduced	Reduced	Reduced	Reduced
<b>Biological Resources</b>	Less than Significant Impact	Reduced	Similar	Reduced	Reduced
<b>Cultural Resources</b>	Less than Significant Impact	Reduced	Similar	Reduced	Reduced
<b>Energy</b>	Less than Significant Impact	Reduced	Reduced	Reduced	Reduced
<b>Geology &amp; Soils</b>	Less than Significant Impact	Reduced	Similar	Reduced	Reduced
<b>Greenhouse Gas Emissions</b>	Less than Significant Impact (Shea Project)/ Significant and Unavoidable Impact (Acacia Project)	Reduced	Reduced	Reduced	Reduced
<b>Hazards &amp; Hazardous Materials</b>	Less than Significant Impact	Similar	Reduced	Similar	Similar
<b>Hydrology &amp; Water Quality</b>	Less than Significant Impact	Similar	Similar	Reduced	Reduced
<b>Land Use and Planning</b>	Significant and Unavoidable Impact	Similar	Reduced	Similar	Similar



**Table 6-3 Alternatives to the Project – Comparison of Environmental Impacts**

ENVIRONMENTAL TOPIC	PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	NO DEVELOPMENT ALTERNATIVE	NO PROJECT ALTERNATIVE	REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT	REDUCED PROJECT ALTERNATIVE 2: ACACIA PROJECT DEVELOPMENT
<b>Mineral Resources</b>	Less than Significant Impact	Similar	Similar	Similar	Similar
<b>Noise</b>	Less than Significant Impact	Reduced	Reduced	Reduced	Reduced
<b>Population and Housing</b>	Less than Significant Impact	Reduced	Reduced	Similar	Similar
<b>Public Services</b>	Less than Significant Impact	Reduced	Increased	Reduced	Reduced
<b>Recreation</b>	Less than Significant Impact	Reduced	Increased	Reduced	Reduced
<b>Transportation</b>	Less than Significant Impact (Shea Project)/ Significant and Unavoidable Impact (Acacia Project)	Reduced	Reduced	Increased	Increased
<b>Tribal Cultural Resources</b>	Less than Significant Impact	Reduced	Similar	Reduced	Reduced
<b>Utilities and Service Systems</b>	Less than Significant Impact	Reduced	Reduced	Reduced	Reduced
<b>Wildfire</b>	Less than Significant Impact	Increased	Similar	Increased	Increased
<b>ABILITY TO MEET PROJECT OBJECTIVES</b>					
<b>Objective 1.</b> To expand economic development and facilitate job creation in the City of Fontana by establishing a new industrial development area adjacent to or near an already-established industrial area.		No	No	Yes, but to a Lesser Extent	Yes, but to a Lesser Extent
<b>Objective 2:</b> To attract employment-generating businesses to the City of Fontana to reduce the need for members		No	No	Yes, but to a Lesser Extent	Yes, but to a Lesser Extent



**Table 6-3 Alternatives to the Project – Comparison of Environmental Impacts**

ENVIRONMENTAL TOPIC	PROJECT SIGNIFICANCE OF IMPACTS AFTER MITIGATION	NO DEVELOPMENT ALTERNATIVE	NO PROJECT ALTERNATIVE	REDUCED PROJECT ALTERNATIVE 1: SHEA PROJECT DEVELOPMENT	REDUCED PROJECT ALTERNATIVE 2: ACACIA PROJECT DEVELOPMENT
of the local workforce to commute outside the area for employment.					
<b>Objective 3:</b> To develop commerce center buildings in north Fontana that have building heights, floor area ratios, and architectural characteristics that are similar to and compatible with other commerce center buildings that were recently built or recently approved for construction in north Fontana.		No	No	Yes, but to a Lesser Extent	Yes, but to a Lesser Extent
<b>Objective 4:</b> To develop industrial buildings with loading bays in close proximity to designated truck routes and the State highway system to avoid or shorten heavy truck-trip lengths on City and regional roads.		No	No	Yes, but to a Lesser Extent	Yes, but to a Lesser Extent
<b>Objective 5:</b> To attract businesses that can expedite the delivery of goods to consumers and businesses in the City of Fontana and beyond.		No	No	Yes, but to a Lesser Extent	Yes, but to a Lesser Extent



## 7.0 REFERENCES

### 7.1 PERSONS CONTRIBUTING TO EIR PREPARATION

#### 7.1.1 CITY OF FONTANA COMMUNITY DEVELOPMENT DEPARTMENT

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### 7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Sierra Business Center Project EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Fontana Planning Department, 8353 Sierra Avenue, Fontana, CA 92335.

Appendix A: Notice of Preparation (NOP) and Written Comments on the NOP.

Appendix B1: Urban Crossroads, 2022a. *Sierra Business Center (Comprised of the North Fontana Industrial Complex (Acacia Project) & Sierra Industrial Facility (Shea Project)), Air Quality Impact Analysis, City of Fontana*. April 26, 2022.

Appendix B2: Urban Crossroads, 2022b. *Sierra Business Center (Comprised of the North Fontana Industrial Complex (Acacia Project) & Sierra Industrial Facility (Shea Project)), Mobile Source Health Risk Assessment, City of Fontana*. April 26, 2022.



- Appendix C1: Alden Environmental, 2022a. *Biological Technical Report for the Sierra Industrial Facility*. September 30, 2022.
- Appendix C2: Alden Environmental, 2022b. *Biological Technical Report for the North Fontana Industrial Complex*. September 30, 2022.
- Appendix D: Brian F. Smith and Associates, Inc., 2022a. *Cultural Resources Study for the Sierra Business Center Project, City of Fontana, San Bernardino County, California*. March 23, 2022.
- Appendix E: Urban Crossroads, 2022c. *Sierra Business Center (Comprised of the North Fontana Industrial Complex (Acacia Project) & Sierra Industrial Facility (Shea Project)), Energy Analysis, City of Fontana*. April 26, 2022.
- Appendix F1: Southern California Geotechnical, 2020. *Geotechnical Investigation, Proposed Industrial Building, Sierra Avenue, 800± feet North of Casa Grande Drive, Fontana, California for Shea Properties*. May 24, 2020. (Shea Project)
- Appendix F2: Southern California Geotechnical, 2021. *Results of Infiltration Testing, Proposed Industrial Building, Sierra Avenue, 800± feet North of Casa Grande Drive, Fontana, California*. May 28, 2021. (Shea Project)
- Appendix F3: NorCal Engineering, 2021. *Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Southeast Corner of Sierra Avenue and Duncan Canyon Road, Fontana, California*. July 16, 2021. (Acacia Project)
- Appendix F4: Brian F. Smith and Associates, Inc., 2022b. *Paleontological Assessment for the Sierra Business Center Project*. January 31, 2022.
- Appendix G: Urban Crossroads, 2022d. *Sierra Business Center (Comprised of the North Fontana Industrial Complex (Acacia Project) & Sierra Industrial Facility (Shea Project)), Greenhouse Gas Analysis, City of Fontana*. April 26, 2022.
- Appendix H1: Roux Associated, Inc., 2021. *Phase I Environmental Site Assessment, Assessor's Parcel Numbers (APNs) 0239-151-38-0000 and 0239-151-09-0000, Sierra Avenue, Fontana, California*. June 2, 2021.
- Appendix H2: Ardent Environmental Group, Inc., 2021. *Phase I Environmental Site Assessment, 19.59-Acre Vacant Land, Sierra Avenue and Duncan Canyon Road, Fontana, California*. June 22, 2021.





- Appendix I1: Thienes Engineering, Inc., 2022. *Preliminary Hydrology Calculations for Sierra Avenue Industrial Building, SEC East of Sierra Avenue and North of Casa Grande Drive, Fontana, CA*. March 1, 2022. (Shea Project)
- Appendix I2: Thienes Engineering, Inc., 2021a. *Storm Water Quality Management Plan (SWQMP) for Sierra Avenue Industrial Building, East Side Sierra Avenue North of Casa Grande Avenue, Fontana, CA 92335*. August 10, 2021. (Shea Project)
- Appendix I3: Thienes Engineering, Inc. 2021b. *Preliminary Hydrology Calculations for Sierra Gateway, Southeast Corner of Sierra Avenue and Duncan Canyon Road, Fontana, CA*. September 7, 2021. (Acacia Project)
- Appendix I4: Thienes Engineering, Inc, 2021c. *Storm Water Quality Management Plan (SWQMP) for Sierra Gateway, Sierra Avenue and Duncan Canyon Road, Fontana, CA 92335*. September 8, 2021. (Acacia Project)
- Appendix J1: Urban Crossroads, 2022e. *Sierra Industrial Facility (Shea), Noise Impact Analysis, City of Fontana*. April 13, 2022.
- Appendix J2: Urban Crossroads, 2022f. *North Fontana Industrial Complex (Acacia), Noise Impact Analysis, City of Fontana*. April 13, 2022.
- Appendix J3: Urban Crossroads, 2022g. *Sierra Business Center (Comprised of the Sierra Industrial Facility (Shea Project) and North Fontana Industrial Complex (Acacia Project), Noise Assessment*. May 27, 2022.
- Appendix K1: Urban Crossroads, 2021a. *Sierra Industrial (Shea) Vehicle Miles Traveled (VMT) Screening Evaluation*. November 1, 2021.
- Appendix K2: Urban Crossroads, 2021b. *Scoping Agreement for the Sierra Industrial Facility (Shea) Traffic Assessment*. October 27, 2021.
- Appendix K3: Urban Crossroads, 2022h. *North Fontana Industrial Complex (Acacia) (MNC No. 21-099, DRP No. 21-039, TPM No. 21-022, GPA No. 21-005, & ZCA No. 21-007) Traffic Study, City of Fontana*. April 28, 2022.
- Appendix K4: Urban Crossroads, 2022i. *Sierra Industrial Vehicle Miles Traveled (VMT) Analysis*. June 21, 2022.
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### **7.3 DOCUMENTS INCORPORATED BY REFERENCE**

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

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