



Fontana General Plan Final Environmental Impact Report

APPENDIX FIVE





**Fontana
Forward**
FONTANA GENERAL PLAN UPDATE 2015-2035

Fontana Forward

General Plan Update 2015-2035

Final Environmental Impact Report

CITY OF FONTANA, CALIFORNIA | August 10, 2018

STATE CLEARINGHOUSE #2016021099

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

This Page Intentionally Left Blank

August 10, 2018

Table of Contents

1.0	INTRODUCTION	1-1
1.1	PURPOSE.....	1-1
1.3	DOCUMENT ORGANIZATION	1-3
2.0	LIST OF COMMENTS	2-1
2.1	ORGANIZATION OF COMMENTS AND RESPONSES.....	2-1
2.2	LIST OF COMMENTERS ON THE DRAFT EIR	2-1
2.2.1	State, Regional, and Local Agencies	2-1
2.2.2	Organizations.....	2-1
2.2.3	Individuals.....	2-2
3.0	COMMENTS AND RESPONSES	3-1
3.1	STATE, REGIONAL, AND LOCAL AGENCIES	3-1
	Letter A1 Comment Letter.....	3-2
	Letter A1 Response	3-4
	Letter A2 Comment Letter.....	3-5
	Letter A2 Response	3-8
	Letter A3 Comment Letter.....	3-10
	Letter A3 Response	3-12
	Letter A4 Comment Letter.....	3-13
	Letter A4 Response	3-16
	Letter A5 Comment Letter.....	3-18
	Letter A5 Response	3-28
3.2	ORGANIZATIONS.....	3-31
	Letter B1 Comment Letter	3-32
	Letter B1 Response.....	3-36
	Letter B2 Comment Letter	3-41
	Letter B2 Response	3-43
	Letter B3 Comment Letter	3-45
	Letter B3 Response.....	3-47
3.3	INDIVIDUALS	3-48
	C1 Comment by Andrea Vidaurre	3-48
	Comment C1 Response.....	3-49
	C2 Comment by Jolene Devine.....	3-51
	Comment C2 Response.....	3-52
	C3 Comment by Luz Johanna Perez Barbon.....	3-53
	Comment C3 Response.....	3-53
	C4 Comment by Veronica Perez.....	3-54
	Comment C4 Response.....	3-55
	C5 Comment by Kareem Gongora.....	3-56
	Comment C5 Response.....	3-57
	C6 Comment by Allen Hernandez.....	3-59

August 10, 2018

Comment C6 Response	3-59
4.0 DEIR TEXT REVISIONS	4-1
4.1 REVISIONS	4-1
4.1.1 DEIR Abbreviations Page XVI	4-1
4.1.2 DEIR Section 5.3.9	4-1
4.1.3 DEIR Section 5.5.1	4-1
4.1.4 DEIR Section 5.5.2	4-2
4.1.5 DEIR Table 5.5-1	4-2
4.1.6 DEIR Section 5.5.3.4	4-4
4.1.7 DEIR Section 5.5.3.5	4-4
4.1.8 DEIR Section 5.6.3	4-4
4.1.9 DEIR Section 5.8.2.1	4-4
4.1.10 DEIR Section 5.8.2.2	4-5
4.1.11 DEIR Section 5.9.3	4-5
4.1.12 DEIR Section 5.12.3.1	4-5
4.1.13 DEIR Section 5.13.4	4-5
4.1.14 DEIR Section 5.13.5	4-5
5.0 MITIGATION MONITORING AND REPORTING PROGRAM	5-1
LIST OF TABLES	
Table 5.5-1 Modified MMI Scale	4-2
Table 5.5-2 Major Fault Zones near Fontana	4-3

August 10, 2018

1.0 INTRODUCTION

1.1 PURPOSE

This Final Environmental Impact Report (FEIR) document has been prepared in accordance with California Environmental Quality Act (CEQA) as amended (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations section 15000 et seq.).

Before approving a project, a lead agency must prepare a FEIR (California Code of Regulations section 15089(a)). According to CEQA Guidelines, section 15132, the FEIR shall consist of:

- The Draft Environmental Impact Report (DEIR) or a revision of the DEIR;
- Comments and recommendations received on the DEIR either verbatim or in summary;
- A list of persons, organizations, and public agencies comments on the DEIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The FEIR is the document that decision-makers in the lead and responsible agencies consider before taking action on a proposed project. Completion and certification of the FEIR precede the lead agency's determination of whether to approve or carry out the project (California Code of Regulations sections 15089(a), 15090(b)), and its adoption of findings required by Public Resources Code section 21081 and California Code of Regulations sections 15091 and 15093.

As the lead agency for the Fontana General Plan Update (proposed Project) the City of Fontana (City) has prepared this FEIR document in accordance with the CEQA Guidelines. This FEIR provides documentation of the comments received on the DEIR, a response to these comments, necessary revisions to the DEIR, and the Mitigation Monitoring and Reporting Program (MMRP).

The DEIR (State Clearinghouse SCH#2016021099) described the environmental consequences associated with the implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the CEQA Guidelines, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the DEIR.

August 10, 2018

1.2.1 Draft Environmental Impact Report Process

The DEIR was made available for public review on June 8, 2018 and was distributed to local and State responsible and trustee agencies through the State Clearinghouse. The CEQA-mandated 45-day public comment period ended July 23, 2018

Pursuant to section 15087 of the CEQA Guidelines, a public Notice of Availability (NOA) of a DEIR was given. As provided under section 15105, notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

- 1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- 2) Posting of notice by the public agency on and off the site in the area where the project is to be located.
- 3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

Accordingly, the City posted and published the NOA for the DEIR for the proposed project at the following locations:

- **Website Postings** -An announcement about the DEIR and links to the DEIR were posted to the City website and at <https://www.fontana.org/2137/Environmental-Documents> on June 8, 2018.
- **Newspaper Advertisement** - The date and publication in which the Notice of Availability ran is as follows:
 - San Bernardino Sun, June 9, 2018

DEIR Availability - The DEIR was available as a hard copy at the following locations on June 8, 2018:

- City of Fontana, Community Development Department
- Fontana Lewis Library and Technology Center
- Don Day Community Center
- Fontana Community Senior Center
- Jessie Turner Neighborhood Center

August 10, 2018

Public Meeting – The City of Fontana Planning Commission held a public meeting On June 19, 2018 to provide the public an opportunity to comments on the DEIR.

The City received a total of 6 comment letters/emails from State, Regional, and Local Agencies, 3 comment letters from organizations, and 6 verbal comments from individuals during the comment period. Copies of all written comments and a transcript of oral comments received during the comment period are included in Chapter 3.0 of the FEIR.

1.3 DOCUMENT ORGANIZATION

This FEIR document consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this FEIR and summarizes the environmental review process for the project.
- **Chapter 2.0: List of Comments.** This chapter contains a list of agencies, organizations, and individuals who submitted written and oral comments during the public review period.
- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the DEIR. A written response for each comment received during the public review period is provided immediately following each letter and Planning Commission meeting transcript. Each response is keyed to the corresponding comment.
- **Chapter 4.0: DEIR Text Revisions.** Corrections to the DEIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the DEIR, are contained in this chapter. None of these corrections resulted in new significant impacts or substantial increases in the severity of the impacts analyzed in the DEIR. Underlined text represents language that has been added to the DEIR; text with a ~~strikeout~~ has been deleted from the DEIR.
- **Chapter 5.0: Mitigation Monitoring and Reporting Program (MMRP).** This chapter contains the MMRP to be used by the City and/or the City's Contractor to ensure proper implementation of the FEIR mitigation measures as required by CEQA.

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

This Page Intentionally Left Blank

August 10, 2018

2.0 LIST OF COMMENTS

2.1 ORGANIZATION OF COMMENTS AND RESPONSES

The comments on the DEIR are grouped by the affiliation of the commenter; State, Regional, and Local Agencies (Group A), Organizations (Groups B), and Individual comments provided at the June 19, 2018 Planning Commission meeting (Group C). These letters are annotated in the margin according to the following code:

- State, Regional, and Local Agencies: A#-1, 2, 3
- Letters from Organizations: B#-1, 2, 3
- Planning Commission meeting comments from Individuals: C#-1, 2, 3

2.2 LIST OF COMMENTERS ON THE DRAFT EIR

The following comments on the DEIR were submitted to the City of Fontana during the public 45-day public review period.

2.2.1 State, Regional, and Local Agencies

- A1 West Valley Water District
- A2 California Department of Transportation
- A3 San Bernardino County Department of Public Works
- A4 San Bernardino County Land Use Services Department
- A5 California Department of Fish and Wildlife

2.2.2 Organizations

- B1 Center for Community Action and Environmental Justice
- B2 Inland Coalition for Equity and Prosperity
- B3 Inland Empire Biking Alliance¹

¹ Please note that this comment was submitted outside of the 45-day public review period but the City has voluntarily opted to include responses to the letter in the FEIR.

August 10, 2018

2.2.3 Individuals

- C1 Andrea Vidaurre
- C2 Jolene Devine
- C3 Luz Johanna Perez Barbon
- C4 Veronica Perez
- C5 Kareem Gongora
- C6 Allen Hernandez

August 10, 2018

3.0 COMMENTS AND RESPONSES

Responses to comments received on the DEIR are provided in this chapter. In addition, comment letters received during the public review period on the DEIR are provided in their entirety in this chapter. One comment letter was submitted a day after the expiration of the public comment period, but the City has decided to voluntarily include responses to that comment letter in this FEIR. Each letter is immediately followed by specific responses that are keyed to the specific comments presented in the letter. These letters are grouped by the affiliation of the commenting entity and ordered by date. Oral comments received at the Planning Commission Hearing on June 19, 2018 are similarly reproduced from the written transcript of the meeting with responses keyed to the oral comments presented at the Hearing.

3.1 STATE, REGIONAL, AND LOCAL AGENCIES

Comment letters received from State, Regional, and Local Agencies and responses are provided in this section.

August 10, 2018

Letter A1 Comment Letter

A1

BOARD OF DIRECTORS

Dr. Clifford O. Young, Sr.
President, Board of Directors
Gregory Young
Vice President, Board of Directors
Dr. Michael Taylor
Director
Kyle Crowther
Director
Donald Olinger
Director



ESTABLISHED AS A PUBLIC AGENCY IN 1952
WEST VALLEY WATER DISTRICT'S MISSION IS TO PROVIDE A RELIABLE,
SAFE-DRINKING WATER SUPPLY TO MEET OUR CUSTOMERS' PRESENT
AND FUTURE NEEDS AT A REASONABLE COST AND TO PROMOTE
WATER-USE EFFICIENCY AND CONSERVATION.

ADMINISTRATIVE STAFF

Robert Christman
Interim General Manager
Greg Gage
Assistant General Manager
Deborah L. Martinez
*Interim Human Resources
and Risk Manager*
Crystal L. Escalera
Interim Board Secretary
Patricia Romero
Assistant Board Secretary

June 21, 2018

Dawn Rowe
Senior Planner
City of Fontana
8353 Sierra Ave
Fontana, CA 92335

Subject: Response to Draft EIR (DEIR) – General Plan Update

Dear Ms. Rowe,

Thank you for the opportunity to review the subject document.

We have reviewed the DEIR and offer the following comments:

1. On Page XVI of the Abbreviations section, West San Bernardino County Water District (WSBCWD) is listed but not West Valley Water District (WVWD). Please remove WSBCWD and replace it with WVWD.
2. On Pages 93 and 94 of the Background Report section, West San Bernardino County Water District (WSBCWD) is listed but not West Valley Water District (WVWD). Please remove WSBCWD and replace it with WVWD.
3. In Section 5.12.3.1, please remove San Bernardino County Water District and replace it with West Valley Water District.
4. Attached for your reference, is an updated map showing the complete West Valley Water District Service Area and Sphere of Influence.

A1-1
A1-2
A1-3
A1-4

Should you have any questions please do not hesitate to contact me at (909) 875-1804 Ext 373.

Sincerely,

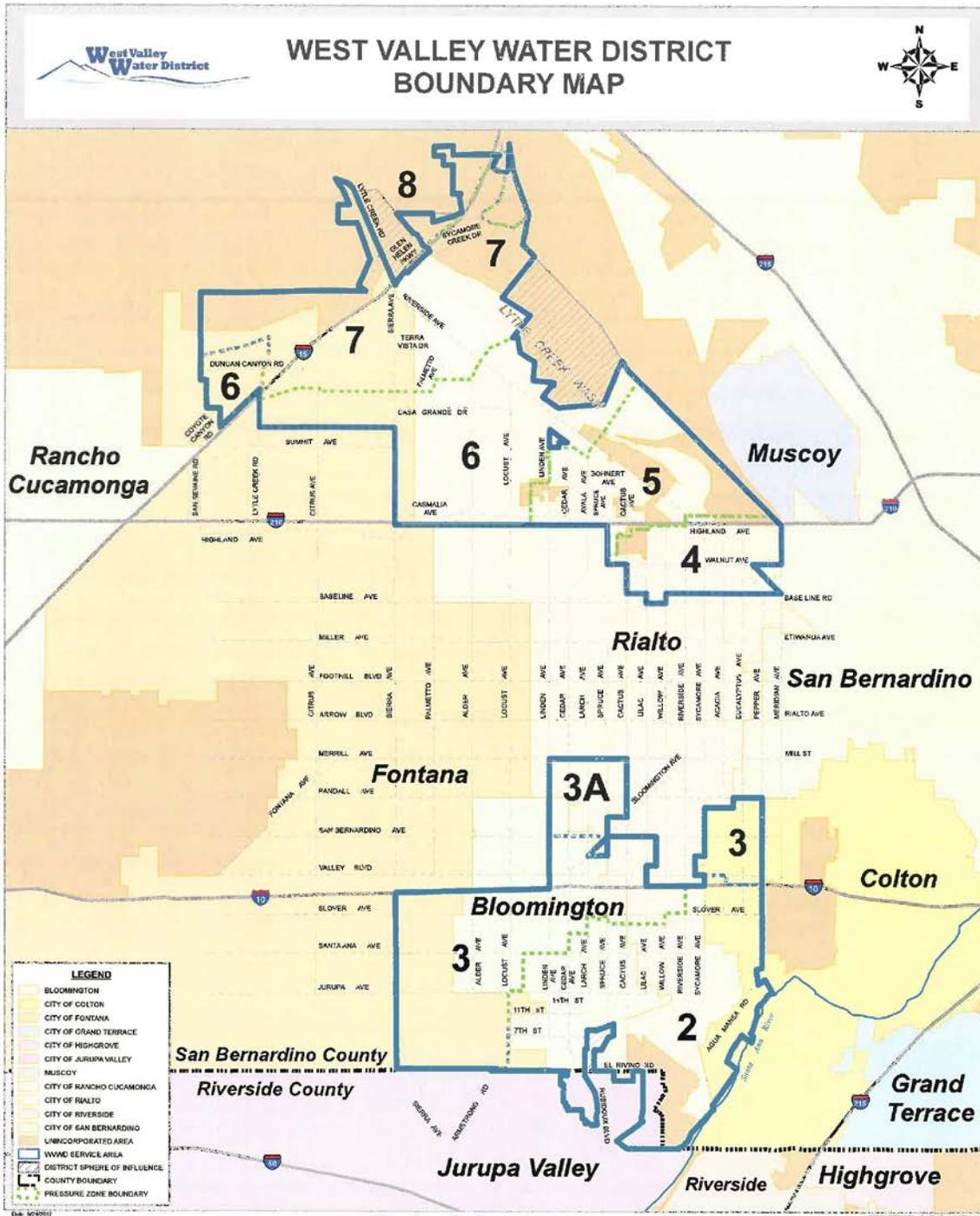
WEST VALLEY WATER DISTRICT

Daniel Guerra
Engineering Development Coordinator

855 W. Base Line Rd., P.O. Box 920 | Rialto, CA 92377-0920
Ph: (909) 875-1804 | Fax: (909) 875-1849
www.wvwd.org

FAX (909) 875-7284 Administration
FAX (909) 875-1361 Engineering
FAX (909) 875-1849 Customer Service

August 10, 2018



August 10, 2018

Letter A1 Response

West Valley Water District
Daniel Guerra, Engineering Development Coordinator
June 21, 2018

- A1-1: The Abbreviations Section of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A1-2: The Background Report included as Appendix B to the DEIR is a reference document and therefore text revisions are not typically made to this type of document as part of the response to comments of the DEIR. Therefore, text revisions to this document are not reflected in this FEIR.
- A1-3: Section 5.12.3.1 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded this change does not require the need to recirculate the DEIR.
- A1-4: The City notes and appreciates provision of the West Valley Water District Service Area and Sphere of Influence map.

August 10, 2018

Letter A2 Comment Letter

A2

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 725)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 388-7017
FAX (909) 383-5936
TTY 711
www.dot.ca.gov/dist8



June 18, 2018

File: 08-SBd-210/10/60

Dawn Rowe
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Subject: Fontana Forward General Plan Update – Draft Environmental Impact Report

Dear Ms. Rowe:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Fontana Forward General Plan Update (Project). The proposed project is to adopt and implement the Fontana Forward General Plan and subsequent amendments to Article IV (Zoning Districts) of Chapter 30 of the Fontana Municipal Code adopted to implement the updated General Plan.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when a proposed plan/development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Fontana, due to potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS. We offer the following comments:

1. The Fontana Forward General Plan Update, specifically the Circulation element, should include language requiring the City to develop policies (a) stressing coordination between the City and the Department early in the land use and transportation planning process and (b) requiring new development to defraying all or a portion of the cost of transportation facilities related to the development project through the Development Impact Fee (Gov. Code § 66000(b)). We encourage the City to continue to participate in SBCTA's Nexus Study process.

A2-1

Caltrans is committed to providing a safe transportation system for all users. We encourage the City to embark a safe, sustainable, integrated and efficient transportation system and complete street to enhance California's economy and livability. A pedestrian/bike-friendly environment served by multimodal transportation would reduce traffic congestion prevalent in the surrounding areas. (See *Complete Street Implementation Action Plan 2.0* at http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2_rpt.pdf).

A2-2

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

August 10, 2018

Ms. Rowe
June 18, 2017
Page 2

2. Coordinate with the transit operators to reconfigure the existing transit routes, stops, and schedules to connect the County to the region with other modes of transportation, especially with passenger rail system. Coordinated transit services may lead to growth in transit/rail ridership and reduction of Vehicle Miles Traveled and Greenhouse Gases which is one of the primary goals of the 2040 California Transportation Plan (<https://transplanning.onramp.dot.ca.gov/ctp-2040>). Look for opportunities to increase housing density near but not limited to uses such retail centers, offices and schools (See *Smart Mobility Framework 2010 A call to Action for the New Decade* http://www.dot.ca.gov/hq/tpp/offices/ocp/documents/smf_files/SMF_handbook_062210.pdf).
3. Promote the use of alternative transportation systems by upgrading and implementing the <https://mail.yahoo.com/neo/launch?.src=y&reason=myc> proposed Class II and Class III Bikeways to Class IV Protected Bikeways, particularly on the truck routes and high density employment/commercial areas. Consider using the roadway configurations and design standards found in the National Association of City Transportation Officials' Urban Street Design Guide and the Urban Bikeway Design Guide. Provide bike parking in compliance with the City's established standards. These standards can establish the required number and types of long-term and short term bicycle parking spaces in the commercial and residential visitor-attracting land uses. For the commercial, industrial, office, and mixed use development, consider requiring shower facilities and bicycle storage. Within the commercial, retail, and services zones and transportation hubs, design the facilities to easy bicycle access through the sites.
4. Design the local streets to serve vehicular and pedestrian circulation equally, and for safe pedestrian friendly environment. Consider both Americans with Disability Act and California Highway Design Manual standards and requirements to provide transportation routes for all users and modes, including pedestrian and bicyclists. "A Policy on Geometric Design of Highways and Streets," issued by AASHTO, and the "Highway Capacity Manual", published by the Transportation Research Board contain pedestrian LOS criteria. These are means of measuring the ability of the existing pedestrian facilities to provide pedestrian mobility and to determine the need for improvements expansions.
5. Promote a continuous multi-modal circulation system throughout the County, specifically for pedestrians, allowing current/future residents, employees, and guests to access the attraction places. A pedestrian friendly environment might have urban street frontages, shaded pedestrian links, and open spaces/pocket parks with the high visibility crosswalks. Consider no car zone in downtown area, and installing traffic calming devices, such as signage, road bulbs, chicanes, raised crosswalks, and speed humps and reducing curb-to-curb road widths and employing roadway design features such as islands, pedestrian refuges, and pedestrian count-down signal as needed and appropriate to improve safety and to enhance walkability within the community. Caltrans Strategic Management Plan for 2015-2020 is to double walking and triple bicycling in the state to reduce growth in VMT and GHG (See *Caltrans Strategic Management Plan 2015-2020* http://www.dot.ca.gov/perf/library/pdf/Caltrans_Strategic_Mgmt_Plan_033015.pdf).

A2-3

A2-4

A2-5

A2-6

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

Ms. Rowe
June 18, 2017
Page 3

These recommendations are preliminary and summarize our review of materials provided for our evaluation. Please continue to keep us informed of the project and other future updates, which could potentially impact the SHS and interfacing transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Jacob Mathew at (909) 806-3928 or myself at (909) 383-4557.

A2-6

Sincerely,



MARK ROBERTS
Office Chief, AICP
Intergovernmental Review, Community and Regional Planning



"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

August 10, 2018

Letter A2 Response

California Department of Transportation
Mark Roberts, Office Chief, Intergovernmental Review, Community and Regional Planning
June 18, 2018

- A2-1: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes a policy to “Coordinate with regional agencies and Caltrans to participate in regional efforts to maintain transportation infrastructure in Fontana” and to “Participate in the efforts by Caltrans to reduce congestion and improve traffic flow on area freeways” (see page 9.6 of the Fontana General Plan Update and page 5.13-24 of the DEIR). As described on page 5.13-14 of the DEIR, the City has adopted a Development Impact Fee Program pursuant to the requirements of Government Code Section 66000 et seq and implementation is included as MM-TRA-2 on page 5.13-39 of the DEIR. Therefore, no change to the DEIR is required.
- A2-2: The City shares the commenter’s commitment to providing a safe transportation system for all users and the seven goals presented in Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update address safety, sustainability, and complete streets (see page 9.5 of the Fontana General Plan Update and Table 5.13-3 starting on page 5.13-17 of the DEIR). Therefore, no change to the DEIR is required.
- A2-3: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes a policy to “Maximize the accessibility, safety, convenience, and appeal of transit service and transit stops” as well as a policy to “Make land use decisions that support walking, bicycling, and public transit use, in alignment with the 2016-2040 Regional Transportation Plan and sustainable Communities Strategy” (see page 9.5 of the Fontana General Plan Update and pages 5.13-17 and 5.13-20 of the DEIR) is a general transportation policy recommendation. Therefore, no change to the DEIR is required.
- A2-4: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes a policy to “Provide roadways that serve the needs of Fontana residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and walkways” as well as a policy to “Provide... secure bicycle parking in commercial and employment centers to support vibrant economic activity” (see page 9.5 of the Fontana General Plan Update and pages 5.13-17 and 5.13-23 of the DEIR) is a general transportation policy recommendation. Therefore, no change to the DEIR is required.

August 10, 2018

- A2-5: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes a policy to “Design roadway space for all users” as well as a specified action to “Use multimodal LOS as a measurement in the rating of the performance of streets” (see page 9.5 of the Fontana General Plan Update and pages 5.13-17 and 5.13-19 of the DEIR) is a general transportation policy recommendation. Therefore, no change to the DEIR is required.
- A2-6: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes a goal that specifies that “...safety and multimodal accessibility [is] the top priority of citywide transportation planning...” (see page 9.5 of the Fontana General Plan Update and page 5.13-17 of the Draft EIR) is a general transportation policy recommendation. Therefore, no change to the DEIR is required.
- A2-7: The City appreciates the commenter’s recommendations and will continue to coordinate with Caltrans where City actions affect the State Highway System. Therefore, no change to the DEIR is required.

August 10, 2018

Letter A3 Comment Letter



825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.7910 Fax: 909.387.7876

www.SBCounty.gov

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, P.E.
Director

A3

Transmitted Via Email

July 18, 2018

City of Fontana
Dawn Rowe, Senior Planner
8353 Sierra Ave
Fontana, CA 92335

File: 10(ENV)-4.01

RE: CEQA - NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN UPDATE FOR THE CITY OF FONTANA

Dear Ms. Rowe:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on June 11, 2018** and pursuant to our review, the following comments are provided:

Environmental Management Division (Diana Torres. PWE II, Stormwater Program. 909-387-8175):

1. On Page 5.8-3, Section 5.8.2.1, Federal, Water Quality - First paragraph states 'Section 303 of the federal Clean Water Act (CWA) requires states to adopt water quality standards for all surface water of the United States.' However, Section 303 of the CWA specifically address the TMDLs & impaired water bodies where current pollution control technologies alone cannot meet the water quality standards set for a waterbody. This paragraph needs to be revised to correctly describe the 303(d) language of the CWA.
2. On Page 5.8-5, Section 5.8.2.2, State/Region - The last paragraph specifically mentions the 303(d) Section of the CWA. This paragraph states that ' Two reaches of the Santa Ana River (Reaches 3 and 4) were found to be impaired and are listed on the 2002 list of impaired water bodies compiled.' Please revise this paragraph to address the 2014/2016 303(d) list approved by the California Regional Water Quality Control Board.
3. On Page 5.8-5, Construction Site Runoff Management - first paragraph, lists the NPDES General Permit No. CAS000002, Waste Discharge Requirements, Order No. 99-08-DWQ. Please update this paragraph to include the latest Construction General Permit (2009-0009-DWQ).

A3-1

A3-2

A3-3

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Third District

CURT HAGMAN
Vice Chairman, Fourth District

JOSE GONZALES
Fifth District

Gary McBride
Chief Executive Officer

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



,supervising Planner
Environmental Management

MRP:PE:nm
Email: drowe@fontana.org

August 10, 2018

Letter A3 Response

San Bernardino County Department of Public Works
Michael R. Perry, Supervising Planner, Environmental Management
July 18, 2018

- A3-1: Section 5.8.2.1 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A3-2: Section 5.8.2.2 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A3-3: Reference to the General Construction Permit on page 5.8-5 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.

August 10, 2018

Letter A4 Comment Letter

A4

Fontana Draft EIR Comments for the 2015-2035 General Plan Update

July 22, 2018

Frank Jordan, Jr.

The Safety Element of the DEIR (Chapter 5.5) contains several errors with regards to potential geologic hazards facing proposed development in the City.

Of greatest concern, the current draft document does not include, or even cite, geologic hazard information contained in the previous adopted General Plans (2010 and 2003). Several of the fault, seismic, liquefaction and landslide hazards presented in the previous FEIR's for the General Plans are omitted from the current DEIR.

Chapter 5.5.1 incorrectly cites the Newport-Inglewood Fault (in the Los Angeles area) as the primary source fault for the formation of materials and structures that underlay and support the Project Area. The most significant fault to the City of Fontana is, obviously, the San Andreas Fault. The Newport-Inglewood Fault is located 36 miles southwest of the City and has only produced an M 6.3 earthquake in historic time. The San Andreas Fault is located as close as 4½ miles northwest of the City, has generated at least 3 large earthquakes during historic times with magnitudes between 7.5 and 7.9, and is considered capable of generating a quake of M_w 8.3. While the Newport-Inglewood Fault may be a part of the transform fault system today, subsurface data suggests that the fault was moving primarily as a normal fault in the past. In addition, a recent paper suggested that the 1933 M 6.3 earthquake may have been related to *de facto* fracking associated with oil and gas exploration and production in the thirties.

Chapter 5.5.2 correctly indicates that a "potentially active" fault has experienced movement within the Quaternary Period. The chapter incorrectly cites the now obsolete date of 1.6 million years as the cut-off date between active and inactive faulting. In 2009, the International Commission on Stratigraphy determined that the start of the Quaternary begins at 2.588+/- 0.005 million years ago. Even Wikipedia has included this change in the date of the Pleistocene Epoch (i.e., Quaternary Period). Therefore, since "potentially active" faulting is based on the start of the Quaternary Period, and not based on a specific data, all faults formerly originating during the formerly last Stage of the Pliocene Epoch are now considered potentially active faults. The chapter is also incorrect that have not moved in 1.6 million years are considered inactive. Faults that can be conclusively shown to have not moved prior to the Holocene Epoch are considered "not active." The language used by the State in the Alquist-Priolo Act does not define the word "inactive" with regards to fault movement, only that faults that have moved during the Holocene Epoch are "active" faults.

Table 5.5-1 MMI Scale references the U.S. Atomic Energy Commission (1963) as the source for the Modified Mercalli Intensity Scale. The U.S. Atomic Energy Commission (AEC) was replaced by the U.S. Nuclear Regulatory Commission (NRC) back in 1975. The original Mercalli Intensity Scale was developed by Giuseppe Mercalli. His original modified version was issued in 1902. Cancani and Sieberg continued to refine the scale after Mercalli's death. An English translation of the modified scale was issued in 1931. The defunct AEC should not be cited as a reference for the scale. The source of the current scale is the U.S. Geological Survey.

A4-1

A4-2

A4-3

A4-4

August 10, 2018

Chapter 5.5.2 incorrectly states that “there are no major active faults within the City boundaries.” The active Cucamonga fault crosses the northern portion of the City. The active Lytle Creek Branch of the San Jacinto Fault crosses the extreme northeast portion of the City. Both of these faults are included within State mandated Alquist-Priolo Earthquake Fault Zones. All human occupancy structures within these Zones, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and the 2016 California Building Code, are required by the State to be evaluated for the presence of active, or potentially active, faulting prior to the issuance of grading or building permits by the City.

A4-5

Table 5.5-2 omitted several fault magnitudes. The anticipated earthquake magnitudes for the Chino and Cucamonga faults are missing. The 2016 California Building Code utilizes the American Society of Civil Engineers standard 7-10 defines the expected design magnitude for individual faults as the Maximum Considered Earthquake (MCE). The MCE for the San Andreas Fault is M_w 7.9 to 8.1. The MCE for the Cucamonga Fault is M_w 7.0. The MCE for the Chino Fault is also M_w 7.0. The table omits probably the most significant fault for the City, the Fontana Fault. The 2016 California Building Code, Chapter 16A defines an “active” fault as not only surface rupture during the Holocene Period, but also as “a fault that has been the source of earthquakes or is recognized as a potential source of earthquakes, including those that have exhibited surface displacement within Holocene time...” The Fontana Fault has long been recognized as a source of earthquakes (Hadley and Coombs, 1974a, 1974b; Morton, 1974 *in* California Division of Mines and Geology, 1976; Gooding, 2007). The Southern California Earthquake Data Center records earthquakes along the Fontana Fault on a nearly weekly basis. In addition, the City of Fontana, as an authoritative local government agency, recognized the potential for the Fontana Fault to pose a seismic hazard to the city in its previous 2003 and 2010 general plans. The Arboretum Specific Plan recognizes the potential for the Fontana Fault to pose a hazard to schools proposed within the Plan and requires that fault evaluations be conducted for any proposed human occupancy structures on these campuses, in accordance with the California Building Code. The MCE for the Fontana Fault is M_w 6.5. The Fontana Fault needs to be included on Table 5.5-2 and recognized within the text of the DEIR.

A4-6

Chapter 5.5.3.4 The northern portion of the City, north of the Cucamonga Fault, is recognized as being underlain by deep-seated landslide deposits. This includes the Coyote Canyon area of the City. Earthquake-Induced landsliding should be included as a potential seismic hazard to existing and proposed developments in this portion of the city.

A4-7

Chapter 5.5.3.5 The steeper portions of the City are subject to soil erosion in the form of debris flows. The accumulation of soil and organic debris accelerates after large, hot brushfires. These fires bake the soil and generate hydrophobic conditions in the surficial soils. Major debris flows emanated from Waterman Canyon and Cable Canyon after the 2003 Old Fire. Montecito in Santa Barbara County experienced disastrous killer debris flows last year. The Coyote Canyon portion of the City experienced similar fire conditions after the 2003 Grand Prix fire. This Chapter should include a discussion of the potential for debris flows to affect the northern portion of the City.

A4-8

Table 5.5-3 Under the Goals and Policies, the DEIR indicates that the City “shall monitor development...” The Alquist-Priolo Act and the 2016 California Building Code require the City to do more than “monitor” development. The City is obligated to follow the requirements of the A-P Act and geologically review projects proposed within the Alquist-Priolo Zones, both for the Cucamonga and San Jacinto Faults. In addition, essential and critical facilities, as defined by the City and the State, should also be geologically

A4-9

August 10, 2018

evaluated for the potential of faulting in the vicinity of the Fontana Fault/Seismic Trend. The language utilized in the DEIR does not accurately represent the City's responsibilities under State law and regulations.

A4-9

Table 5.5-3 Under the Goals and Policies, the DEIR indicates that the "City shall continue to ensure that current geologic knowledge and peer review are incorporated into the design and planning..." As demonstrated by the above comments, this goal needs to start with the DEIR.

A4-10

August 10, 2018

Letter A4 Response

San Bernardino County Land Use Services Department
Frank F. Jordan, Jr., Engineering Geologist
July 23, 2018

- A4-1: It is not clear which 2010 General Plan is being referred to in this comment. The last General Plan completed in the City of Fontana was in 2003. The remainder of the comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- A4-2: Section 5.5.1 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-3: Section 5.5.2 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-4: Section 5.5.1 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-5: Section 5.5.2 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-6: Table 5.5-2 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.

August 10, 2018

- A4-7 Section 5.5.3.4 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-8 Section 5.5.3.5 of the DEIR has been revised to reflect the requested change as shown in Section 4 of the FEIR. This change to the text of the DEIR is a minor editorial change and does not affect the impact assessment conclusions reached in the DEIR or introduce significant new information. Therefore, the City has concluded the change does not require the need to recirculate the DEIR.
- A4-9 The comment refers to General Plan Update Goals, Policies, and Actions developed that are included in the DEIR for reference. The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- A4-10 The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

Letter A5 Comment Letter

A5

Dear Ms. Rowe,

The Department of Fish and Wildlife (Department) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Fontana Forward General Plan Update Project (State Clearinghouse No. 2016021099).

The DEIR proposes offsetting project-related direct, indirect, and cumulative impacts to sensitive and special-status species and sensitive natural communities through the North Fontana Conservation Program (Program). The Department previously articulated concerns regarding the use of this Program in our comments on the Notice of Preparation of the Draft Environmental Impact Report (DEIR) for the Fontana Forward General Plan Update Project, and most recently in a letter submitted to the City of Fontana (City) regarding the Monarch Hills Residential Development Project, State Clearinghouse No. 2016101065 (attached), and these same concerns are applicable to the General Plan Update Project. Our concerns include:

1. As of August 31, 2015, the City had collected \$818,953 in mitigation fees for the loss of 375.8 acres of Riversidean Alluvial Fan Sage Scrub (RAFSS) and Riversidean Sage Scrub (RSS) habitats. However, the Department is unaware that the City has acquired mitigation lands to offset these impacts.
2. The 2004 Interim MSHCP Policy identified 30 individual parcels that would be "...considered for purchase" (Interim MSHCP Policy, page 10), but the City has not pursued this proposal, and instead now appears to be proposing mitigation opportunities other than those identified in the Interim MSHCP Policy.
3. From review of the 2004 Fee Nexus Report the Department concludes that adjustments to the mitigation fee should have automatically occurred on an annual basis, however this appears to not be the case.
4. Given that the City has not secured or acquired mitigation lands as contemplated under the Interim MSHCP Policy (despite the fact that mitigation fees have been collected since 2004 for the loss of 375.8 acres of RAFSS and RSS habitat) the Department finds the City's proposal to continue collecting mitigation fees in order to "...feasibly and enforceably mitigate identified impacts under CEQA" (Action Plan, page 1) questionable and inadequate.
5. Given that mitigation has not been secured to date for impacts occurring within the North Fontana area over the past fourteen (14) years, the Department finds the City's continued collection of fees to offset impacts to sensitive species and habitats and the proposed Program to be flawed and inadequate for the purpose of mitigating impacts to RAFSS and RSS habitat.
6. Apparently, since 2015, the City has continued to process projects and collect mitigation fees for impacts to RAFSS and RSS habitat, and has not yet assessed or disclosed the foreseeable temporal impacts associated with the delay in acquiring and managing the mitigation lands proposed in the Program.
7. To avoid future complications with the California Environmental Quality Act, environmental review, and permitting actions, the Department recommends the City require each project to secure mitigation lands to offset impacts to RAFSS and RSS habitat prior to commencement of project development.

The Department is aware the City is assessing options for land acquisition to meet the goals of the Program, and we request a meeting to clarify the current status of the Program and the temporal impacts associated with the delay in habitat acquisition and management. If you should have any questions pertaining to the comments provided in this email, and to schedule a meeting, please contact Jeff Brandt at (909) 987-7161 or at Jeff.Brandt@wildlife.ca.gov.

A5-1

A5-2

A5-3

A5-4

A5-5

A5-6

A5-7

A5-8

A5-9

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



May 29, 2018
Sent via email

Mr. Paul Gonzales
Senior Planner
City of Fontana
Community Development – Planning Division
8353 Sierra Avenue
Fontana, CA 92335
pgonzales@fontana.org

Subject: Draft Environmental Impact Report
Monarch Hills Residential Development Project
State Clearinghouse No. 2016101065

Dear Mr. Gonzales:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Monarch Hills Residential Development Project (project) [State Clearinghouse No. 2016101065]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project is a proposed residential community encompassing approximately 136.4 acres located at the northeast corner of Lytle Creek Road and Duncan Canyon Road, in the City of Fontana in western San Bernardino County. The proposed residential community would include five privately gated residential neighborhoods, two private parks, private recreation building and pool, trails, and water quality basins. The site is currently undeveloped and located within the City of Fontana's High Fire Severity Zone. Development of the project would require offsite grading, drainage improvements and fuel modification within approximately 7 acres of additional land, owned by Southern California Edison (SCE), north of the proposed project boundary.

Conserving California's Wildlife Since 1870

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 2 of 9

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department is extremely concerned about the adequacy of the mitigation measures proposed in the DEIR to avoid potentially significant impacts, including cumulative impacts, and the ability of the City of Fontana (City; the CEQA lead agency) to mitigate significant impacts to declining natural vegetation communities and species of special concern within North Fontana. The Department recommends that the City recirculate the DEIR for public review following revision to include new mitigation measures. The Department's comments and recommendations are presented below.

Assessment of Impacts to Biological Resources

Special Status Plant Species

The DEIR identifies that four separate populations of Plummer's mariposa lily (*Calochortus plummeræ*), totaling 14 individuals, were detected during focused plant surveys completed in 2014. The DEIR concludes that no other sensitive plant species were detected during surveys, however, the Biological Technical Report (page 23) documents the presence of California black walnut (*Juglans californica*), a California Native Plant Society (CNPS) 4.2 species, at undisclosed locations north of the project site. The Department was unable to review the location of the California black walnut observations, because no information pertaining to the presence of this species was provided in the DEIR. Further, because the plant species compendium (Appendix A to the Biological Technical Report) was not included with the DEIR, the Department was unable to review the list of species detected onsite.

The Department is concerned that the 2014 surveys may have been inadequate to form a complete inventory of the plant species present onsite for the following reasons:

1. The surveys are at least four years old.
2. Conditions have changed since the surveys occurred. The surveys took place during a period of extended drought. Due to the ongoing drought, some sensitive plant species potentially present on the site may have failed to bloom. Other species may have been present in the seedbank or in bulb form. Annual and short-lived perennial plant species and plants with persistent long-lived seed banks may not germinate every year. In

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 3 of 9

addition, the phenological development of some plants may be altered because of the drought. Because of these conditions, the failure to locate a plant during the floristic surveys completed during 2014 does not constitute evidence that additional sensitive species may be absent from the project site.

3. A reference site was not visited to determine detectability of other sensitive plant species with the potential to occur onsite.

In order to provide a more complete and current description of the baseline conditions of the site, the Department recommends that additional focused surveys following the Department's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Communities be conducted as soon as possible, during appropriate seasons. The Department also recommends that the biologist(s) responsible for conducting the surveys first visit reference populations for each of the target plant species to confirm that the species is presently blooming and easily identifiable. The results of the focused plant surveys should be included with the revised and recirculated DEIR. The Department also requests that all appendices be included with the recirculated DEIR. If additional special-status plant populations are observed, the recirculated DEIR should include appropriate avoidance, minimization, and/or mitigation measures to address additional impacts.

Special Status Wildlife Species

Small mammal surveys were completed in 2016. However, because the Mammal Trapping Report (Appendix D to the Biological Technical Report) was not included with the DEIR, the Department is unclear on whether systematic, protocol-level surveys were completed across the *entirety* of the project site. The Biological Technical Report infers that surveys were completed only within the portion of the project site that overlaps with mapped critical habitat for San Bernardino kangaroo rat (*Dipodomys merriami parvus*; SBKR). If surveys were limited to a portion of the project site, the Department questions the City's conclusion regarding the species and numbers of small mammals detected, and the corresponding assessment of impacts from project development: The DEIR (page 4.4-28) documents the presence of San Diego pocket mouse (*Chaetodipus fallax fallax*), but states that "other rodents, including LAPM [Los Angeles pocket mouse], were confirmed to be absent."

The Department requests that the Mammal Trapping Report be made available for review with the recirculated DEIR. The Department also recommends that focused trapping surveys, using appropriate methodology, and completed during the appropriate time of day and season, be completed within *all* suitable or potentially suitable habitat on the project site, and within offsite areas to the north of the project site. The results of the surveys, including a complete inventory of

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 4 of 9

all species trapped and/or incidentally observed, should be included in the revised and recirculated DEIR.

Edge effects on biological resources

The DEIR (page 1-38) states that a "...Fire Management Zone is not achievable within the property boundaries..." Instead, the project proposes fuel modification areas around the project perimeter, extending into offsite areas along the northern property boundary. The Department questions why the City did not mandate the provision of sufficient defensible space within the proposed development, instead of transferring this requirement to adjacent open space lands. The Department is concerned that this action perpetuates flawed City planning procedures that shift the burden of adequate urban-wildland interface planning to adjacent open space lands, resulting in the continued degradation of adjacent natural habitat areas. The Department is also concerned that this action may encourage future developers to propose similar strategies for the provision of defensible space, by pointing to this project as precedent.

The Department is also concerned regarding the lack of oversight related to proposed maintenance of the fuel management zones and the potential impact of these activities on biological resources. The DEIR (page 3-29) states that post development, maintenance of the fuel management zones will occur at least annually, and "...will be the responsibility of a homeowners association (HOA) or another approved entity..." The Department recommends the DEIR describe how the City will ensure that proposed maintenance is restricted to the areas identified in the DEIR and not extended into adjacent areas and how the City will address unauthorized excursions outside of these areas. The Department recommends the City require updated biological surveys of these areas on an annual basis and an adaptive management plan to minimize impacts to sensitive biological resources from fuel management activities. The Department also recommends that the City require the demarcation of all fuel modification zones, as contemplated in the DEIR, to ensure that all future maintenance activities occur within previously delineated impact areas. We further recommend the formalization of fuel management activities within these prescribed areas through an agreement between landowners/easement holders.

The DEIR (page 4.4-38) states that "Onsite access to recreational and open space areas through project design is expected to reduce edge effects related to existing unauthorized use of the project site (e.g., off-highway vehicle travel, loitering, and dumping of trash) through the establishment of an access-controlled, gated residential community..." The Department agrees that the project will likely reduce off-highway vehicular access and dumping of trash at areas north of the proposed project, but we are concerned that the project has the potential to significantly impact offsite biological resources through increased recreation. The Department questions the City's logic that edge effects will be

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 5 of 9

reduced given that the project proposes the construction of 489 dwelling units, and "...trailhead locations at the northern edge of the site, which would allow access to trails leading off the property to the existing natural trail system north of the property" (DEIR page 3-29).

The Department recognizes the value of trail systems and the need for communities to have access to wild lands; however, when trail systems are proposed in or adjacent to natural habitats, human access should be evaluated and managed if conservation values are going to persist. The Department requests that the revised DEIR include an analysis of the potential direct and indirect impacts to sensitive biological resources, wildlife movement, and natural habitats located north of the project site. Where impacts are anticipated, the recirculated DEIR should include appropriate avoidance, minimization and mitigation measures.

Mitigation Proposal

The DEIR proposes offsetting project-related direct, indirect, and cumulative impacts to sensitive and special-status species and sensitive natural communities through the North Fontana Conservation Program. The Department finds this proposal to be inadequate.

North Fontana Multiple Species Habitat Conservation Plan and North Fontana Conservation Program

On November 16, 2004, the City of Fontana adopted Resolution No. 2004-190 to establish a habitat mitigation fee for development projects proposed within an area identified as the North Fontana Multiple Species Habitat Conservation Plan Area. The purpose of the habitat mitigation fee was to "assist in providing Revenue to acquire and preserve vegetation communities and natural areas within the City which are known to support threatened, endangered or key sensitive populations of plant and wildlife species..." (Resolution No. 2004-190, page 4).

Shortly following the adoption of Resolution No. 2004-190, the City, on December 7, 2004, approved and adopted Ordinance No. 1464, an Interim Multi-species Habitat Conservation Plan Policy (*North Fontana Interim MSHCP Policy*). The purpose of the North Fontana Interim MSHCP Policy was to provide a mechanism for development of sensitive habitats (identified as Riversidean alluvial fan sage scrub [RAFSS], Riversidean sage scrub [RSS], and riparian habitats, as well as habitat that could be restored to these habitat types, such as non-native grasslands) and impacts to associated species, during the period the MSHCP was being formally reviewed and processed by the United States Fish and Wildlife Service (USFWS) for the issuance of a Section 10(a) Permit under the Endangered Species Act (ESA). Though the North Fontana Interim MSHCP

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 6 of 9

Policy (Policy) was primarily developed for the issuance of a Section 10(a) Permit under the ESA, the City also identified that the Policy would provide a mechanism to provide mitigation for "...impacts to sensitive habitats...and...adverse effects to candidate, sensitive, and special status species" (Interim MSHCP Policy, page 3), "...as required by CEQA" (Interim MSHCP Policy, page 8).

Ordinance No. 1464 identified that as part of the Interim MSHCP, the City would charge a mitigation fee to future development within the MSHCP boundaries [emphasis added] in order to acquire conservation lands to mitigate the direct, indirect and cumulative effects of future development on sensitive lands and species in the area.

Findings of Ordinance No. 1464 determined:

- A. *The preservation of vegetation communities and natural areas within North Fontana and its sphere of influence which support listed and other sensitive species is necessary to protect and promote the health, safety and welfare of all the citizens of the City by reducing the adverse direct, indirect and cumulative effects of urbanization and development and providing for permanent conservation of habitat for such species.*
- B. *The purpose and intent of the Interim Multiple Species Habitat Conservation Plan (Interim MSHCP) is to identify and implement policies to promote the restoration of biological diversity and the natural ecosystem processes which support this diversity, to protect vegetation communities and natural areas within the City that support species covered under the Interim MSHCP. Another purpose is to protect the existing character of the City and the region through the implementation of a system of reserves that will provide for permanent open space, community edges, and habitat conservation for species covered by the Interim MSHCP.*
- C. *Adoption of the Interim MSHCP promotes the health, safety and welfare of the citizens of Fontana and the region by implementing interim development policies that identify and promote the restoration of biological diversity and natural ecosystem processes in North Fontana.*

The Policy included a Mitigation Fee Nexus Report (Nexus Report); developed to identify the legal and policy basis for the establishment of mitigation fees, pursuant to "The Mitigation Fee Act" (California Government Code Section 66000 *et seq.*). The Nexus Report identified that the rationale for imposing the mitigation fee was to "...mitigate for the direct, indirect, and cumulative effect of future development on Covered Species and habitat that has required the preparation and implementation of the MSHCP, as well as an Interim Policy for compliance with CEQA in advance of MSHCP approval" (Interim MSHCP Policy, page B-2).

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 7 of 9

The Nexus Report identified that the mitigation fee would be charged "...throughout the Plan Area to all future development within North Fontana in order to collect funds which will be used to acquire a coordinated conservation area [emphasis added] that will facilitate the preservation of biological diversity..." (Interim MSHCP Policy, page B-2). The Interim MSHCP Policy (page B-2) identified that a regional habitat planning and conservation strategy, "...as opposed to piecemeal ad hoc conservation on a project-by-project basis... [would]:

- 1) Minimize, if not eliminate, the uncoordinated preservation of scattered habitat areas;
- 2) Eliminate the traditional project-by-project habitat/species mitigation process for resolving conflicts between species preservation and development in advance;
- 3) Allow future development to proceed in an orderly, efficient and cost effective manner; and
- 4) Allow the City to better control local land use decisions and maintain a strong economic climate within the region."

The Policy identified the acquisition of lands within targeted conservation areas (i.e., San Sevaine-Etiwanda Creek area, and the Cajon-Lytle Creek area), and the fee was developed based on costs associated with the acquisition of 982 acres of RAFSS habitat, "...and the management and administrative expenses associated with implementing the conservation program as established in the MSHCP and further implemented under the Interim Policy in compliance with CEQA for the loss of RAFSS, RSS, and other sensitive habitats." (Interim MSHCP Policy, page B-4)

The City anticipated that acquisition of lands for conservation would occur in advance of USFWS formal approval of the MSHCP. Further, the funding plan was "...intended to keep the acquisition of the conservation areas roughly proportional with the amount of development occurring in the Plan Area" (Interim MSHCP Policy, page B-8).

In July 2016 the City released an "Action Plan for Implementing the North Fontana Conservation Program" (Action Plan). The Action Plan states that the Interim MSHCP Policy "...was fully vetted with the United States Fish and Wildlife Service (USFWS) and CDFW and accepted as a viable conservation program that would allow the City to assess impacts to sensitive plant communities, as well as sensitive plant or wildlife species, and to feasibly and enforceably mitigate identified impacts under CEQA" (Action Plan, page 1). The Department agrees that the 2004 Interim MSHCP Policy would have provided a viable conservation program, had the City implemented the Policy as proposed: the Policy anticipated the acquisition of conservation lands in identified "targeted conservation areas", in-step with development, to mitigate for the direct, indirect,

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 8 of 9

and cumulative effects of development on sensitive habitats and species in the area. According to the Action Plan, as of August 31, 2015, the City has collected \$818,953 in mitigation fees for the loss of 375.8 acres of RAFSS and RSS habitats. However, the Department is unaware that the City has acquired mitigation lands to offset these impacts.

The Department is further concerned regarding the second step in the implementation procedure identified by the City in the Action Policy: The Action Plan states that the collection of fees to offset the loss of RAFSS and RSS habitats over the last 12 years represents the first step in implementing the conservation program and that the next step is "identifying properties with RAFSS and RSS habitats for purchase and/or recording a permanent conservation easement or similar instrument that will provide for permanent preservation and long-term management of these sensitive plant communities and associated sensitive plant and wildlife species" (Action Plan, page 1,2). The Department agrees that the collection of mitigation fees represents the first step, but concludes that the second step was previously completed by the City in the 2004 Interim MSHCP Policy: Table 1 identifies 30 individual parcels that would be "...considered for purchase" (Interim MSHCP Policy, page 10). The City now appears to be proposing to pursue other mitigation opportunities other than those identified in the Interim MSHCP Policy.

The Department also has considerable concerns related to the adequacy of the cost of the mitigation fee. The mitigation fee was calculated based on the Fee Nexus Report in 2004, however from review of the Action Plan it appears that the fee has not changed since this date. Section 9, Automatic Annual Fee Adjustment, of Resolution No. 2004-190 states: "The Fee established by this Resolution shall be revised annually by means of an automatic adjustment at the beginning of each fiscal year based on the average percentage change over the previous calendar year set forth in the Construction Price Index for the Los Angeles metropolitan area. The first Fee adjustment shall not be made prior to a minimum of ten (10) months subsequent to the effective date of this Resolution." The Department concludes fee adjustment should have automatically occurred.

As identified in the DEIR, the majority of the project site is located within the North Fontana Conservation Program (NFCP) area, and as previously stated, the DEIR proposes to offset project-related direct, indirect, and cumulative impacts to sensitive and special-status species and sensitive natural communities through the submission of mitigation fees to the City, pursuant to the NFCP. Given that the City has not secured or acquired mitigation lands as contemplated under the Interim MSHCP Policy (despite the fact that mitigation fees have been collected since 2004 for the loss of 375.8 acres of RAFSS and RSS habitat) the Department finds the City's proposal to continue collecting mitigation fees in order to "...feasibly and enforceably mitigate identified impacts under CEQA" (Action Plan, page 1) extremely questionable and inadequate. Given that no

August 10, 2018

Draft Environmental Impact Report
Monarch Hills Residential Development Project
SCH No. 2016101065
Page 9 of 9

mitigation has been secured for impacts occurring within North Fontana area over the past 14 years the Department finds the City's conclusion of less than significant impacts for impacts to sensitive species and habitats by participation in the NFCP in the DEIR to be flawed and the mitigation inadequate. The Department recommends the City's require the Applicant to secure mitigation lands to offset impacts prior to commencement of project development.

The Department recommends that the DEIR be revised and recirculated to include mitigation measures for impacts to sensitive species and natural communities that are specific, enforceable, and directly address the impacts at issue. Contribution of mitigation fees to the City will not directly address the impacts at issue, but will continue to contribute to the temporal and cumulative impacts of project-related impacts to biological resources within North Fontana. The Department recommends that the revised and recirculated DEIR include new mitigation measures that condition specific land acquisition/habitat enhancement requirements to offset project-related impacts.

Department Conclusions and Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Monarch Hills Residential Development Project (SCH No. 2016101065) and recommends that the City address the Department's comments and concerns prior to recirculating the revised DEIR.

If you should have any questions pertaining to the comments provided in this letter, and to schedule a meeting, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager
Inland Deserts Region

ec: State Clearinghouse
Karin Cleary-Rose, USFWS

August 10, 2018

Letter A5 Response

California Department of Fish and Wildlife
Jeff Brandt, Habitat Conservation
July 23, 2018

A5-1: The comment refers to the North Fontana Species Conservation Program that is currently in development. As stated in the DEIR at page 5.3-49 "... the City commissioned the preparation of a MSHCP to address potential impacts to sensitive RAFSS and RSS habitats and special status species that may occur within the North Fontana Conservation Program Area in the San Gabriel Mountains foothills. To enforce the intent of the upcoming MSHCP during the period of time required for its preparation and adoption, the City Council approved City Ordinance No. 1464 on December 7, 2004. This ordinance established a tiered mitigation fee program for development within the subject area." The General Plan Update will not affect the implementation of Ordinance No. 1464 or its intent to mitigate for loss of habitat or impacts to special status species. Therefore, the General Plan Update Goals, Policies, and Actions would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plans.

This letter concerns the North Fontana Conservation Program and does not provide any comment on the adequacy of the environmental review in the DEIR, as the DEIR does not rely solely on North Fontana Conservation Program fees to provide mitigation or otherwise implement the General Plan Update. Accordingly, the comment is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

A5-2: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

A5-3: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

A5-4: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

- A5-5: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- A5-6: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- A5-7: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- A5-8: Note that in addition to mitigation measures MM-BIO-1 and MM-BIO-2 that are included in the DEIR to reduce potentially significant impacts to biological resources to less than significant levels, the following mitigation measures have been included as best management practices to be applied to future projects as may be necessary to reduce impacts to less than significant levels. This following list of mitigation measures is not all inclusive of mitigation measures that may be adopted for future projects but serve as a guide and performance standards that constitute the minimum level of measures to reduce environmental impacts to less than significant levels:

MM-BIO-3: The City of Fontana Planning Division shall require that all future project applicants prepare a Biological Assessment in conjunction with a project-level analysis. The Biological Assessment shall include a vegetation map of the proposed project area, analysis of the impacts associated with plant and animal species and habitats, and conduct habitat evaluations for burrowing owl, Delhi Sands flower-loving fly, San Diego pocket mouse, western mastiff bat, western yellow bat, and San Diego desert woodrat. If any of these special status species are determined to be present, then coordination with the U.S. Fish and Wildlife Service and/or California Department of Fish and Game shall be concluded to determine what, if any, permits or clearances are required prior to development

Each project-level Biological Assessment shall include an analysis of potential impacts to rare plants and rare natural communities in accordance with the California Department of Fish and Game's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. For those projects located in the Delhi Sands flower-loving fly Recovery Unit, the project-level Biological Assessment shall include focused surveys. The Biological Assessment shall prescribe actions necessary to mitigate the impacts identified for a particular project. Such actions shall include either avoidance of a sensitive resource, or payment of in-lieu

August 10, 2018

fees that shall be used to purchase off-site replacement habitat. In instances where transplantation/relocation, off-site preservation, or fee payment is selected, habitat mitigation ratios shall be a minimum of 1:1, unless a greater ratio is required by a state or federal wildlife agency. The requirements of the Biological Assessment shall be a condition of approval of the individual development project.

MM-BIO-5: The City shall encourage the preservation of natural habitat in conjunction with private or public development projects.

MM-BIO-6: Mitigation shall be provided for removal of any natural habitat, including restoration of degraded habitat of the same type, creation of new or extension of existing habitat of the same type, financial contribution to a habitat conservation fund administered by a Federal, State, or local government agency, or by a non-profit agency conservancy.

MM-BIO-9: Any development that results in the potential take or substantial loss of occupied habitat for any threatened or endangered species shall conduct formal consultation with the appropriate regulatory agency and shall implement required mitigation pursuant to applicable protocols. Consultation shall be on a project-by-project basis and measures shall be negotiated independently for each development project.

A5-9: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

3.2 ORGANIZATIONS

Comment letters received from organizations and responses are provided in this section.

August 10, 2018

Letter B1 Comment Letter

B1

June 19, 2018
Dawn Rowe
Senior Planner

Re: Master Case No. 15-003 - General Plan Draft Environmental Impact Report (DEIR) State Clearinghouse No. 2016021099



Dear Ms. Rowe,

On behalf of the Center for Community Action and Environmental Justice, please accept these comments in response to the City of Fontana's Master Case No. 15-003 - General Plan Draft Environmental Impact Report (DEIR) State Clearinghouse No. 2016021099

The Center for Community Action and Environmental Justice (CCA EJ) is a community based Environmental Justice organization with over 40 years of experience working with and representing communities throughout the Inland Valley Region. We submit these comments, because we are particularly concerned with the impact that the General Plan will have on the environmental justice and vulnerable communities of Fontana, specifically the residents that live below the 10 freeway. Furthermore, the Center for Community Action and Environmental Justice and its constituent members reserve the right to comment further on both the DEIR and its underlying General Plan Update.

B1-1

Our preliminary analysis finds that the DEIR is inadequate in that it fails to mention an analysis of Environmental Justice Communities, a mandate of SB1000, the DEIR does not provide sufficient and accurate baseline data, and fails to adequately analyze the impacts – including indirect impacts - of continued industrial zoning and fails to comply with General Plan internal consistency standards. Subsequently, we are particularly concerned that these deficiencies in the DEIR have a disparate and adverse impact on the quality of life for the residents, particularly vulnerable communities, of Fontana.

Failure to include an analysis of Environmental Justice Communities.

Fairness, in the context of the DEIR, means that the benefits of a healthy environment should be available to all residents of the city of Fontana and the burdens of inequitable investments should not be focused on sensitive populations or on communities that already are experiencing its adverse effects. "Environmental justice cannot be achieved . . . simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development."

B1-2

The passage of Senate Bill 1000 (Leyva, 2016), Planning for Healthy Communities Act, was designed to improve local planning efforts to reduce negative disproportionate environmental, public health and public safety impacts on California's most vulnerable residents by ensuring that local governments include Environmental Justice Elements and/or policies in General Plans

August 10, 2018

when they are updated. Currently, the City of Fontana's General Plan DEIR does not reflect the principles of SB1000. We are disappointed to note the failure to include the mention of Environmental Justice Communities and any meaningful or intentional engagement process made with these communities during the General Plan drafting process.

B1-2

The intent of this law is to broaden civic engagement and participation equitably for the intentional purpose of assessing and improving the city's marginalized and disadvantaged communities. SB 1000 lays out a template for their prioritization, inclusion and meaningful engagement in the process of drafting a vision for their neighborhood's future within the General Plan. Additionally, this law's objective is to capture the communities' needs in regards to their quality of life, access to recreation, parks, water and clean air.

The dEIR and draft General Plan as it currently stands does not reflect SB 1000 intent or practical application. We recommend a specific analysis on impacts and mitigation measures for all EJ communities, within the boundaries of Fontana, to meet minimum standards of analysis in the DEIR.

B1-3

We also urge the city of Fontana facilitate meaningful consideration of the existing disadvantaged communities, through any and all of the possible metrics: income, race, pollution burdens, etc. By overlooking the necessity of their input, the city of Fontana the proposed dEIR is wholly inadequate.

B1-4

The DEIR's Inadequacies Threaten a Disproportionate Adverse Impact on Communities of Color and Low Income Communities

As illustrated in the foregoing comments, the DEIR is inadequate for several reasons, including but not limited to its failure to mention any identification procedures for disadvantaged communities and lack potential impact analysis by not doing so. These communities are disproportionately low income and disproportionately Latino compared to the rest of San Bernardino county.

B1-5

To the extent the deficiencies in the DEIR have a disproportionate and adverse impact on the disadvantaged communities of Fontana, the document is not only inadequate but also subjects the city to liability under civil rights and fair housing laws including, but not limited to title VI of the Civil Rights Acts, the Fair Housing Act, California Government Code Section 11135 and Government Code Sections 12955, et sec.

Failure of the DEIR to Adequately Assess Conditions in Fontana - Render Impossible an Analysis of Impacts

The California Environmental Quality Act (CEQA) Guidelines require that the EIR describe the General Plan Update's (GPU's) environmental setting with sufficient detail to facilitate meaningful consideration of environmental impacts:

B1-6

Knowledge of regional setting is critical to the assessment of environmental impacts The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

August 10, 2018

Cal. Code Regs. § 15125(c). The DEIR fails to satisfy this standard in that it overlooks critical information regarding the prevalence of residential homes and schools next to industrial zoning projects, unsafe levels of air quality contaminants, affordable housing needs and information related to both circulation and air quality.

B1-6

A) Insufficient Data and Analysis on the Health and Safety Impacts on Residential Homes and Schools Next to or In Industrial Zoning Projects and Zoning

There is no discussion of the existence of residential and mobile homes lying dangerously close to industrial zoning projects and in fact, based on descriptions of land uses in relevant sections of the DEIR, there is hardly an acknowledgment that mobile home parks and residential areas exist, much less are prevalent, on industrial land.

B1-7

Currently, the DEIR and General Plan promote further industrialization expansion of industrial uses while "avoiding locating small areas of residential uses where they will be surrounded by intensive commercial or industrial uses". Examples of these inconsistencies in prioritizing disadvantaged communities are found throughout the DEIR General Plan and should be addressed through and industrial compatibility assessment for true results.

B1-8

B) Ensure Air Quality concerns are adequately addressed

We are also concerned that the DEIR will increase already alarming levels of Air Quality pollution, particularly Ozone, PM 2.5 and Diesel. These emissions are particularly exacerbated by mobile sources; the expansion of industrial projects throughout the City, specifically in the communities below the 10 freeway, would in effect function as an indirect source to mobile sources emitting these criteria pollutants and therefore further exacerbate pollution burdens not only in the project area but within the adjacent census tracts as well.

B1-9

According to the California Air Resources Board: Diesel PM is a toxic air contaminant that represents 70% of known potential cancer risk, Diesel PM from delivery truck traffic results in elevated diesel PM concentrations in neighborhoods surrounding sites. The DEIR's vision poses a clear risk to the surrounding areas and the increased emissions should be fully analyzed in the DEIR. Given the existing significant elevated levels of ROG, NOx, CO and PM10 and PM2.5 the DEIR should not be relying on a conservative diesel-powered truck improvement prediction to expedite their analysis. This is an inadequate manner of predicting impact and disrespectfully overriding the potential impacts that the surrounding communities will face.

B1-10

We recommend the DEIR analyze consistency with the South Coast Air Quality Management District's (SCAQMD) South Coast Air Quality Management Plan, the analysis should calculate cumulative regional impacts of the Plan's buildout. In particular the analysis should include a specific analysis of impacts on Ozone and PM 2.5 in terms of attainment of Air Quality Standards in the South Coast Air Quality Basin. Even more so we recommend the DEIR provide analysis of a Plan scenario with an Indirect Source Rule (ISR), the analysis should compare buildout and cumulative impacts on both Ozone and PM 2.5 in a potential ISR scenario to a scenario without an ISR. Furthermore the DEIR should present an analysis of mitigation measure for both ISR and non ISR scenarios.

B1-11

Additionally, Fontana's General Plan will bring additional impact to an already overburdened area and contribute to the disproportionate impact that they currently face. The Office of Environmental Health Hazard Assessment's (OEHHA) CalEnviroScreen 3.0 Tool proves that

B1-12

August 10, 2018

many vulnerable communities lies above the 75th percentile for cardiovascular disease, asthma rates, ozone pollution and PM.2 in Fontana.

B1-12

C) Potential of Displacement

This deficiency in baseline information on housing units in Fontana renders the analysis of the General Plan Update impact on the community, including an analysis of potential displacement, impossible and the indirect health impacts associated with them.

B1-13

The failure of the DEIR to assess the potential impacts of the General Plan Update on mobile home parks and residents throughout Fontana and especially those on industrial zoned lands makes the DEIR's assessment of displacement wholly inadequate.

B1-14

The DEIR must assess displacement – both of homes and of people. An adequate analysis may well determine that such displacement is in fact significant and therefore requires mitigation measures. Unless and until the EIR assesses potential displacement with respect to disadvantaged communities in Fontana, the EIR is inadequate.

B1-15

The failure of the DEIR to assess the potential impacts of the General Plan Update on residential and mobile homes, residing in areas in close proximity to industrial zoning designations makes the DEIR's assessment of current impact wholly inadequate. The DEIR must assess the existing health threats that impact existing communities. An adequate analysis may well determine that such impacts are in fact significant and therefore requires mitigation measures. Unless and until the DEIR assesses potential health impacts with respect to residential and mobile home communities in Fontana, and throughout the city, the DEIR is inadequate.

B1-16

The DEIR Cannot Adequately Assess the Impacts of a General Plan that is Fatally Flawed for Lack of Consistency

The proposed General Plan Update is not conducive with state mandated principles, such as those outlined in SB 1000 and, as a result, if the general plan update proceeds to adoption, it will be at odds with general plan internal consistency standards by failing to incorporate mandatory programs and policies.

B1-17

Thank you for your consideration of these comments. Please contact the Center for Community Action and Environmental Justice at (909) 381-8883 to set up a time to meet to discuss them in person. We look forward to working with you to address the above concerns and develop a stronger DEIR and General Plan.

Sincerely,

Andrea Vidaurre
Community Organizer

August 10, 2018

Letter B1 Response

Center for Community Action and Environmental Justice
 Andrea Vidaurre, Community Organizer
 June 19, 2018

- B1-1: Refer to responses to comments B1-2 through B1-17 that address the concerns of this comment.
- B1-2: The comment refers to the Fontana General Plan Update Goals, Policies, and Actions. The comment does not identify a specific environmental analysis or CEQA issue relative to the DEIR and compliance with CEQA. Additionally, Environmental Justice is not a required topic of EIR analysis pursuant to CEQA. CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts. Under CEQA, “[a]n economic or social change by itself shall not be considered a significant effect on the environment.” (CEQA Guidelines, Sections 15131 and 15382.) Effects analyzed under CEQA must be related to a physical change. (CEQA Guidelines, Section 15358(b)). The commenter’s statement is included in the FEIR for the decision-maker’s consideration as part of the City’s deliberations on the Project.

With respect to the General Plan Update’s compliance with Senate Bill 1000 Planning for Healthy Communities Act, the General Plan Guidelines prepared by the California Office of Planning and Research provide that newly adopted General Plans may address Environmental Justice as a stand-alone element or incorporated into other General Plan Elements or Plans. The City has chosen to address Environmental Justice issues in the General Plan Update throughout the General Plan Update in the following sections as described on pages I and J of “How to Use This Plan” that precedes Part One of the General Plan Update.

Environmental Justice Issue	General Plan Update Chapter/Element Where Environmental Justice Issue Addressed
Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.	6 Health and Wellness
Identify objectives and policies to promote civil engagement in the public decision making process.	3 Engaging the Fontana Community 16 Stewardship and Implementation

August 10, 2018

Environmental Justice Issue	General Plan Update Chapter/Element Where Environmental Justice Issue Addressed
Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.	4 Community and Neighborhoods 5 Housing 7 Open Space, Conservation, Parks and Trails 8 Downtown Area Plan 15 Land Use, Zoning, and Urban Design

B1-3: Refer to responses to comment B1-2 that address the concerns of this comment.

B1-4: Refer to responses to comment B1-2 that address the concerns of this comment.

B1-5: Refer to responses to comment B1-2 that address the concerns of this comment.

B1-6: The environmental setting for the City of Fontana is generally described in Section 4 Environmental Setting of the DEIR. Additionally, the environmental setting of the 13 environmental topics analyzed in the DEIR are described in detail for each topic in Section 5 Environmental Impact Analysis in the DEIR.

Refer to Section 5.2 Air Quality for a detailed analysis of air quality impacts related to emissions resulting from the Fontana General Plan Update Goals, Policies, and Actions.

Refer to Sections 5.9 Land Use for a detailed analysis of land use and zoning related to land uses resulting from the Fontana General Plan Update Goals, Policies, and Actions.

Refer to Sections 5.13 Transportation for a detailed analysis of transportation and circulation resulting from the Fontana General Plan Update Goals, Policies, and Actions.

B1-7: The DEIR analyzes impacts resulting from the change to General Plan policies that result in physical impacts to the environment. In regard to mobile homes, the General Plan Update examines the number of existing mobile homes in Chapter 4, *Community and Neighborhoods*, and states that there are currently a total of 1,540 mobile homes in the City of Fontana. The City of Fontana Housing Element states that mobile home development in the City has steadily increased since 1990 when there were 989 mobile homes (see Table 2-17 of the City of Fontana Housing Element). The General Plan Update Proposed Land Use Map proposes a land use designation change from Regional Mixed Use (RMU) to General Commercial (C-G) at the northwest corner of Sierra Avenue and Slover Avenue. This proposed land use designation change would cause the existing mobile home development at the corner of Sierra Avenue and Slover Avenue to be a legal non-conforming use. However, the General Commercial land use designation at this location would be more consistent with the surrounding Light Industrial land uses south of Interstate 10. The DEIR analyzes the potential land use impacts in Section 5.9.3 and air quality impacts from this land use change in Section 5.2.4.

August 10, 2018

- B1-8: Refer to responses to comments B1-7 that address the concerns of this comment.
- B1-9: Air quality impacts, i.e., criteria pollutant emissions, that could result from implementation of the policies proposed in the Fontana General Plan Update are analyzed and described in Section 5.2 (Air Quality) of the DEIR. The impact analysis provided in the DEIR concluded that implementation of the General Plan Update would result in a reduction in overall criteria air pollutants emissions (including PM_{2.5}, ozone, and pollutants associated with diesel emissions); therefore, impacts would be less significant. Even so, 24 best practice mitigation measures are presented in Section 5.2.5 of the DEIR that may be adopted by the City for future projects as a guide and performance standard that constitute the minimum level of measures to reduce air quality impacts to acceptable levels.
- B1-10: The air quality impact analysis provided in the DEIR, Section 5.2.4 (Environmental Impacts), demonstrates that the Goals, Policies, and Actions proposed in the General Plan Update would result in a substantial reduction in all criteria air pollutant emissions compared to buildout under the existing General Plan. The reduction in emissions would be achieved through proposed land use modifications and policies that would result in a 19% reduction in per capita vehicle miles traveled, compared to the 2040 buildout of the existing General Plan, and a 9% reduction in daily total vehicle miles traveled (see pages 5.2-21 and 5.13.33 of the DEIR). The reduction in emissions includes PM₁₀ from mobile source emissions which include Diesel Particulate Matter. As shown in Table 5.2-9 of the DEIR, implementation of the General Plan Update would result in a decrease of approximately 1,053 pounds per day of mobile source PM₁₀ emissions. Table 5.2-9 also shows that there would be an expected decrease of approximately 172 pounds per day of mobile source PM₁₀ emissions even without the 9% reduction in daily total vehicle miles travelled that would be achieved through implementation of the General Plan Update Goals, Policies, and Actions. Mobile source emissions were quantified using CalEEMod, which is a land use emissions computer model designed to quantify potential criteria pollutant and greenhouse gas emissions associated with both construction and operations from a variety of land use projects. The use of CalEEMod is recommended by the SCAQMD for projects subject to the requirements of the California Environmental Quality Act. CalEEMod utilizes mobile source vehicle emissions data included in the California Air Resources Board and U.S. Environmental Protection Agency approved Emission FACtors (EMFAC) 2014 emissions inventory model. EMFAC 2014 does not take into account speculative future rules or requirements that would further reduce emissions and is therefore a reasonable if not conservative method for quantifying mobile source emissions for future development associated with the General Plan Update.

As identified in the Land Use, Zoning, and Urban Design Element of the General Plan Update, the heaviest industrial land uses, which most commonly contribute to toxic air contaminants, are concentrated in the southwest corner of the City in areas designated for industrial development and away from sensitive receptors, such as residential areas.

August 10, 2018

The City also has policies in place restricting the location of residences near heavy industrial areas as well as mitigation measures identified in DEIR Section 5.2.5 that serve as best practices to be applied to future projects as necessary to reduce significant air quality impacts. Additionally, the Roadway Capacity Analysis provided in Section 5.13.4 Environmental Impacts concluded that only one roadway segment would exceed the significance threshold based on San Bernardino Congestion Management Plan criteria. Mitigation Measure TRA-1 has been proposed to reduce this roadway segment impact to less than significant levels which in turn reduces emissions from vehicular traffic.

B1-11: As discussed in Section 5.2.4 of the DEIR, the Goals, Policies, and Actions proposed in the Fontana General Plan Update were determined to be consistent with the South Coast Air Quality Management District (SCAQMD) 2016 Air Quality Management Plan based on the 9% reduction in daily total vehicle miles traveled under buildout of the General Plan Update, which would result in a substantial reduction in mobile source vehicle emissions. The air quality analysis provided in the DEIR adheres to standard emissions impact assessment methodologies for long-range plans such as the Fontana General Plan Update. The Indirect Source Rule (ISR) referenced is currently undergoing analysis by SCAQMD staff and it is uncertain whether the Rule will be adopted by SCAQMD. Therefore, conducting the additional air quality analysis is not deemed necessary at this time to perform a scientifically accurate air quality impact assessment under the requirements of CEQA. Should SCAQMD promulgate an ISR rule in the future, development that occurs under the General Plan Update would be subject to the applicable ISR requirements.

B1-12: The comment references data from the California Office of Environmental Health Hazard Assessment (OEHHA) and specifically data from the CalEnviroScreen 3.0 model. This model is intended as a comparative tool so that environmental, health, and socioeconomic data based on census tract can be compared using relative scoring of low to high pollution burden. The data provided by this tool does not raise any new issues not addressed in the DEIR. The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

B1-13: The commenter is referred to the City of Fontana Housing Element for the 2014 - 2021 period as referenced in DEIR Section 5.11 for detailed background information on housing in Fontana. As stated in DEIR Section 5.11 "The Housing Element strategies, principles, goals, and policies are part of the regulatory framework under which the impacts of the General Plan Update are being analyzed, but those strategies, principles, and policies are not being analyzed as part of this environmental impact report (EIR). Instead, the focus of the analysis is on the extent to which the General Plan Update Goals, Policies, and Actions affect population and housing within the context of CEQA." Therefore, the impact analysis provided in DEIR Section 5.11.2.2 focusses on CEQA Thresholds of Significance dealing with inducing substantial population growth and displacement of housing or people necessitating construction of replacement housing

August 10, 2018

elsewhere. The baseline information referenced in the City of Fontana Housing Element, and that provided in DEIR Section 5.11.1, supports the analysis provided in Section 5.11.2.2 of the DEIR concluding that the proposed General Plan Update Goals, Policies, and Actions would not induce substantial population growth or displace a substantial number of existing housing units or a substantial number of people necessitating construction of replacement housing elsewhere.

B1-14: Refer to response to comments B1-7 that address the concerns of this comment.

B1-15: Refer to response to comments B1-7 and B1-13 that address the concerns of this comment.

B1-16: Refer to response to comments B1-7 and B1-10 that address the concerns of this comment.

B1-17: Refer to response to comment B1-2 that address the concerns of this comment.

August 10, 2018

Letter B2 Comment Letter



SIERRA CLUB
SAN GORGONIO



B2

July 23, 2018

Fontana City Council Members
City Hall Council Chambers
8353 Sierra Ave.
Fontana, CA 92335

RE: "General Plan Update 2015-2035" Draft Environmental Impact Report (DEIR)

Dear Dawn Rowe and Planning Commissioners,

We are writing as the Inland Coalition for Equity and Prosperity (ICEP) to express concerns regarding the City of Fontana's General Plan Update (General Plan, DEIR). Our coalition is made up of community based organizations who work within the Inland Valleys on issues of environmental justice, active transportation and public health. Our coalition was formed in response to a growing concern of the accelerated spread of toxic and industrial land uses within the Inland Valleys. After reviewing the document, we are disappointed to find that the General Plan update as it stands now does not have an Environmental Justice (EJ) element within it.

B2-1

We recommend the following actions be taken to strengthen the Fontana's General Plan and comply with state mandates:

1. The Fontana General Plan fails to adequately consider cumulative impacts

- a. We are concerned the analysis on cumulative impacts from the logistics industry is inadequate. CEQA defines "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The DEIR fails to present any analysis of the explosion of multiple logistics distribution centers within jurisdictional boundaries. The omission of existing impacts from multiple logistics distribution centers fail to give a comprehensive assessment, creating misleading information on the severity of cumulative impacts resulting from the build out of the Plan. The exclusion of local warehouses will ultimately result in an inadequate cumulative assessment, and at the very least the DEIR section on Cumulative impacts must be revised entirely.

B2-2

2. The Fontana General Plan fails to meet requirements under SB 1000 (Leyva, 2016)

- a. According to state law, Senate Bill 1000 (Leyva, 2016), Planning for Healthy Communities Act was designed to improve local planning efforts. The Planning for Healthy Communities Act was designed to reduce negative disproportionate environmental, public health and public safety impacts on California's most vulnerable residents and ensuring that local governments include Environmental Justice Elements and/or policies in General Plans when they are updated. The current iteration of the General Plan fails to mention any metrics for identifying disadvantaged communities within the City's boundaries, much less how the development of the General Plan explicitly included policies that satisfy requirements under SB 1000.
- b. We understand that under the California Environmental Protection Agency (CalEPA), the CalEnviroScreen (CES 3.0) identifies several areas in Fontana to have in the pollution

B2-3

B2-4

August 10, 2018



burden of 96-100 percentile, surely these communities would have been identified in the DEIR if the City had adequately developed the update in accordance with SB 1000. However, these areas identified by CES 3.0 are wholly absent from the DEIR, and renders the current DEIR inconsistent with SB 1000.

- c. The Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen 3.0 Tool proves that many vulnerable communities lies above the 75th percentile for cardiovascular disease, asthma rates, ozone pollution and PM.2 in Fontana

3. The City of Fontana should establish an Environmental Justice working group to ensure adequate implementation of SB 1000

- a. By establishing a public working group of residents and local community based organizations, the City can build its capacity around the development of this mandate. A stakeholder working group can provide a direct feedback loop on how the General Plan can implement policies that protect the most vulnerable communities against development that negatively impacts their health. Several other cities around our region utilize working groups for topics within the General Plan and understand the significance of bringing in community members to this process. Several of members of this Coalition participate in the Environmental Justice working group at Southern California Association of Governments (SCAG) and can bring informational resources to a more local stakeholder group. SCAG's Environmental Justice working group serves feedback loop for the Regional Transportation Plan and plans to discuss informational resources for SB 1000 implementation.

The General Plan update as it stands now, would negatively impact and exacerbate public health and safety of vulnerable populations in the City's boundaries. The Plan does not adequately identify disadvantaged communities or integrate explicit policies to address overriding environmental and health concerns of the City's most vulnerable residents.

We urge the Planning Commission and City Council of Fontana not approve the General Plan Update, unless it includes provisions and protections for environmental justice communities as mandated by State Law.

Sincerely,

Michele Hasson, Policy Director at Center for Community Action and Environmental Justice

Demi Espinoza, Senior Policy Manager at Safe Routes to School National Partnership

Carlo DeLa Cruz, Campaign Representative at Sierra Club

B2-4

B2-5

B2-6

B2-7

August 10, 2018

Letter B2 Response

Inland Coalition for Equity and Prosperity

Michele Hasson, Policy Director at Center for Community Action and Environmental Justice

Demi Espinoza, Senior Policy Manager at Safe Routes to School National Partnership

Carlo DeLa Cruz, Campaign Representative at Sierra Club July 23, 2018

- B2-1: Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update. The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- B2-2: Existing logistics distribution facilities located within the City are included as part of the existing conditions and baseline upon which environmental impacts resulting from the Goals, Policies, and Actions proposed in the General Plan Update are evaluated in the DEIR. Potential future logistics distribution facilities developed in the City over the planning horizon of the General Plan Update have been included in the environmental impact assessment in the DEIR which may include logistics distribution facilities. The conclusion of the cumulative impact assessment in Section 7.1 is that the Goals, Policies, and Actions of the General Plan Update when combined with other projects causing related impacts will not result in cumulatively considerable impacts. Therefore, cumulative impacts that could result from additional logistics distribution facilities over the planning horizon of the General Plan Update have been considered and evaluated in the DEIR.
- B2-3: Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update. The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- B2-4: Existing environmental conditions within the City are included as part of baseline conditions upon which environmental impacts resulting from the Goals, Policies, and Actions proposed in the General Plan Update are evaluated in the DEIR. Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update.
- B2-5: Refer to response to comment B2-5.

August 10, 2018

- B2-6: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- B2-7 Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update. The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

Letter B3 Comment Letter



B3

23 July 2018

Dawn Rowe, Senior Planner
City of Fontana
8353 Sierra Ave.
Fontana, CA 92335

Re: General Plan Update 2015-2035 Draft Environmental Impact Report (DEIR)

Dear Dawn,

I am writing on behalf of the Inland Empire Biking Alliance in response to the Draft Environmental Impact Report (DEIR) that has been prepared for the City of Fontana's "Fontana Forward" General Plan Update 2015-2035. After reviewing the available documents, we are enthused to see that the City has dedicated considerable resources toward recognizing the need for bike infrastructure and initiatives in the city as well as the commitment to using Multimodal LOS (MMLOS) to measure street performance. However, we do have several concerns about what has been studied and what has been proposed to be incorporated as mitigation measures as it relates to impacts on people who bike.

B3-1

Our biggest concern is that MMLOS does not appear to have been used in developing this report, making any conclusions or recommendations incomplete due to focus solely on motor vehicle traffic conditions and counts. While other options are mentioned, the complete picture of how they currently fare and how they would be impacted by the General Plan buildout remains unknown due to not being calculated. Therefore, we would like to see MMLOS metrics tabulated and included in the Final EIR as well as a stronger commitment toward carrying out and using that metric for future projects in the city.

B3-2

The other concern is that the Active Transportation Plan will not provide a robust enough network of bikeways that meets the needs of non-enthusiasts who are seeking to get out and pedal and in turn, reduces the potential for biking to provide Fontana benefits in not just reduced congestion, but air quality as well. These designs also might not be the safest. We would instead really like to encourage the City to adopt policies aimed at ensuring that all Fontana residents are within a specified distance of a bikeway of a certain quality. (An ideal goal would be that all residents live within a quarter mile of a facility that is rated no more than LTS2 using the scale developed by the Mineta Transportation Institute¹.)

B3-3

¹ Furth, P., M. Mekuria, and H. Nixon, 2012. Low-Stress Bicycling and Network Connectivity. Mineta Transportation Institute. Retrieved online on 23 July 2018 from: <https://transweb.sjsu.edu/research/low-stress-bicycling-and-network-connectivity>.

August 10, 2018



To compliment that, we also would like to see the City update its standard street sections to provide the appropriate bikeways to ensure that all connections are LTS2 or better. This is a departure from just designating a bike lane on the street but ensuring that there are bikeways of sufficient quality for the average person and just as importantly, building a network of them, is a proven way to increase the number of people who will regularly use their bike for commuting in their communities.

B3-4

In summary, we we're concerned that although the City has made a commitment to using MMLOS, that it hasn't been done in preparing this report and as a result, has not provided the best opportunity to meeting the mobility needs of those not driving as the General Plan is realized. We're also concerned that the commitment to biking falls short of the true potential and that the City could do more to create a low-stress network to make life easier for those who currently bike as well as provide an environment where more people feel willing to get out and pedal.

B3-5

If there are any additional questions or concerns about our comments, please do not hesitate to reach out and have them addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "Marven E. Norman".

Marven E. Norman, Executive Director



August 10, 2018

Letter B3 Response

Inland Empire Biking Alliance
Marven E. Norman, Executive Director
July 23, 2018

- B3-1: The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- B3-2: The comment applies to the Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update. This section of the Fontana General Plan Update includes an action where the City has committed to undertake to "Use Multimodal LOS as a measurement in the rating of the performance of streets" (see page 9.18 of the Fontana General Plan Update and page Table 5.13-3 on page 5.13-17 of the DEIR). MMLOS will therefore be an integral part of future actions related to implementing the updated General Plan. MMLOS represents a fundamental change in approach for transportation analysis by the City and the intent of the transition to MMLOS is that the City will implement MMLOS on a project level going forward. This includes collecting data necessary to calculate MMLOS, however such data currently is not available at a City-wide level. For example, the data utilized for MMLOS is quite comprehensive and includes factors such as roadway geometrics (e.g., lane widths and cross-sections), pavement conditions, transit travel times (both perceived and actual), vehicle speeds, on-street parking, and intersection turning movement volumes. Much of this information is not currently available at a City-wide level, however future efforts at the project level will be documenting these factors in accordance with the new General Plan policies. The DEIR follows established CEQA impact methodologies regarding the determination of impacts to the City's roadways and identifies appropriate mitigation where applicable. Consistent with the General Plan Update Goals, Policies and Actions, the City intends to develop specific guidelines related to the appropriate use of MMLOS for analysis of the City's roadways for future projects. Therefore, no change to the DEIR is required.
- B3-3: The comment applies to the City's Active Transportation Plan (ATP), which was adopted by the City in 2017 under a process separate from the General Plan Update. The comment further requests additional General Plan policies for aspects of a bicycle network not identified in the ATP. Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update identifies an action where the City has committed to undertake to "Rely on the recently adopted Active Transportation Plan to guide the Implementation of Complete Streets practices that improve transportation options for everyone—especially those who walk, bike and take transit" (see page 9.20 of the Fontana General Plan Update and Table 5.13-3 on page 5.13-18 of the DEIR). Furthermore, Chapter 9 Community Mobility and Circulation of the Fontana General Plan Update identifies multiple Goals and Policies focused on improving conditions for pedestrians and bicyclists to achieve a low stress multi-modal network, such as the goal that "Fontana's road network is safe and accessible to all users, especially the most

August 10, 2018

vulnerable such as children, youth, older adults and people with disabilities" (see page 9.5 of the Fontana General Plan Update and Table 5.13-18 on page 5.13-19 of the DEIR). The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project. Therefore, no change to the DEIR is required.

B3-4: Refer to response to comment B3-3.

B3-5: The comment is noted and is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

3.3 INDIVIDUALS

Oral comments received at the June 19, 2018 City of Fontana Planning Commission Meeting and responses are provided in this section.

C1 Comment by Andrea Vidaurre

C1-1: Hi Planning Commission and Senior Planner Dawn Rowe, I am here today on behalf of Center for Community Action and Environmental Justice. We have submitted a letter to the City Clerk's Office where you will find a preliminary analysis of the DEIR for Fontana's General Plan given the quick turnaround given by the City of Fontana for this massive document. However, rest assured we will be submitting a full analysis before the 45-day public comment period is up. As we are incredibly concerned that the General Plan DEIR in its current state are not reflective of state mandates and consideration for all communities residing in Fontana. Our organization has taken note that the General Plan DEIR, as it currently stands, has not taken an inclusive approach in its drafting, the passage of Senate Bill 1000 Leyva Planning for Healthy Communities Act was designed to improve local planning efforts to reduce negative disproportionate, environmental public health, and public safety impacts on California's most vulnerable residents by ensuring that local governments include intentional and meaningful procedures of engagement with the residents that are most impacted.

C1-2: Additionally, we are disappointed to know the failure to include the mention of Environmental Justice Community, Environmental Justice Elements, and/or Environmental Elements/Policies in this General Plan Update. We urge the City of Fontana to facilitate meaningful consideration of the existing disadvantage communities. There's several environmental public health and public safety impacts that were not adequately address in the DEIR that I want to mention. First off there was a limited acknowledgement of the alarming levels of air quality pollution, particularly ozone, particular matter 2.5, and diesel that are currently existing significantly in several communities throughout Fontana. Today, I want to specifically highlight the communities south of the 10 freeway that are currently congested with diesel truck traffic, and these highly impacted communities are currently suffering from encroachment of logistics industry that is aiming to get us closest

August 10, 2018

adjacent to homes and schools as they can. This type of planning only put an already overburdened community at a higher risk for asthma and other respiratory illnesses. Specifically for the communities between the 10 freeway and Jurupa, we are seeing that the General Plan as it stands will encourage further logistics growth into residential neighborhoods ultimately sandwiching them, as you may very well be aware of the three schools that will be sandwiched, if this planning continues the impacts of this massive industrialization into residential communities are not figured in the DEIR and must be if public health, public safety, and vulnerable communities are being prioritized. There are longtime residents still residing before the 10 Freeway and they are not transitioning out. They have been here for an incredibly long time and plan to finish raising their kids and retiring in this area, however, unfortunately with the current state of the DEIR for the General Plan, these communities impacted most will see further threats of contamination and even worse displacement if they are not figured into Fontana's plan for the future. These communities that are just as deserving, they have the right to be outreached and meaningfully engage into what happens into their neighborhoods. They have the right to be included in these planning efforts and share what they want to see in their back yards. We urge the planning department to follow the intent of this law. Thank you, and also I want to reiterate that I really appreciate that you included CARBS recommended 1,000 feet of industrial projects next to residential sensitive sensors such as residential areas, schools, homes, etc.

Comment C1 Response

Andrea Vidaurre

C1-1: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project. Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update.

C1-2: Refer to response to comment B1-1 regarding the discussion of Environmental Justice presented in the General Plan Update.

Baseline air quality conditions are discussed in DEIR Section 5.2.1 including local air quality data pertaining to criteria air pollutants (see Table 5.2-3) as monitored at the South Coast Air Quality Management District monitoring station at 14360 Arrow Highway, Fontana, CA 92335.

Environmental impacts of changes to land uses as proposed by the General Plan Update are addressed throughout the DEIR. Specifically, Air Quality is addressed at Section 5.2, Hazards and Hazardous Materials at Section 5.7, Land Use at Section 5.9, Noise at Section 5.10, Population and Housing at Section 5.11, Public Services, Utilities, and Recreation at

August 10, 2018

Section 5.12, and Transportation at Section 5.13. With mitigation proposed no significant impacts to these resource topics are predicted to occur as a result of implementation of the General Plan Update.

As described at DEIR Section 1.2 the City implemented a comprehensive public participation program to develop the Goals, Policies, and Actions contained in the General Plan Update that formed the basis of the proposed Project evaluated in the DEIR. The public participation program included a community survey, a 25-citizen General Plan Advisory Committee, and a series of stakeholder meetings. Additionally, the City hosted a public Scoping Meeting to allow public input on the environmental issues to be evaluated in the DEIR. This public involvement program provided the community multiple opportunities to participate in the development of the General Plan Update. The City will continue to engage the community during the implementation of the Goals, Policies, and Actions that formulate the General Plan Update.

August 10, 2018

C2 Comment by Jolene Devine

My name is Jolene Devine and I want to start by reading a verse Chapter 6 verse 17-19;
1 Timothy 6:17-19:

- C2-1: Command those who are rich in this present world not to be arrogant nor to put their hope in wealth, which is so uncertain, but to put their hope in God, who richly provides us with everything for our enjoyment. Command them to do good, to be rich in good deeds, and to be generous and willing to share. In this way they will lay up treasure for themselves as a firm foundation for the coming age, so that they may take hold of the life that is truly life.
- C2-2: As these meetings start, we pray for guidance in the future decisions that will be made, but the actions that have put into motion. I feel the Lord would not be joyous about the idea of more warehouses under the 10 freeway put in the middle of residential areas where new schools have been built like Jurupa High, new businesses like the Hilton, Pizza Studio, Kaiser, Palm Court that's where I work, were put to benefit the residents and the surrounding people that live in the area. Warehouses, yes do offer job opportunities, but they also have a minimum wage at best that does not benefit Fontana residents. Kicking people out of their homes or trying to buy out homes owners for the land to build the warehouses does not benefit Fontana residents, it only benefits people in the higher power positions. The residents by the warehouses on Jurupa, I believe by Jurupa and Santa Ana, were promised a park and have yet to see a park. Southridge Little League where my son plays were promised more fields for children to play and they have yet to see those fields as well. If you want to have Fontana flourished, you need to think of all Fontana residents, which includes below the 10 freeway, not just above it.
- C2-3: We need more parks, nature centers things that actually benefit the citizens of Fontana that we pay into. Health matters, safety matters, more warehouses bring more diesel trucks which causes more pollution, more traffic which causes more frustration as well as potential for more accidents, I don't want any child or person to be hit by one of these diesel trucks, just like the one that was recent a few months ago that was on exactly Slover and Sierra that had a diesel truck involved.
- C2-4: We have single parents, families, and elderly that cannot afford new homes that you guys decide to build when we contribute to Fontana just like any other residents. We deserve to keep our homes and not to be kicked and also to be engaged in the upcoming decisions that are going on.

August 10, 2018

Comment C2 Response

Jolene Devine

- C2-1: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C2-2: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C2-3: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C2-4: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

C3 Comment by Luz Johanna Perez Barbon

- C3-1: I am here as a former resident of Capri Mobile Home Park on Slover Avenue. Well I am here to voice my concern over the possibility of further future industrial development in and around Slover Avenue. Since my family relocated to Fontana in 1990, I have witnessed major improvements such as businesses, facilities, hospitals, schools, a hotel, a gas station particularly on Slover and Sierra and after reviewing, the General Development Draft that contains the 20 year vision for Fontana it demonstrates a change in the opposite direction, which is concerning for me particularly because even though I no longer live here because my parents continue reside here, and I continue to visit every time I get a chance and I continue to call this my home.
- C3-2: Also my concern was the health and quality life repercussions that these changes will bring to the current residents of the nearby areas, most notably and most vulnerable members of our society, children, the elderly, and the working class. I hope that these members of society will be taken into consideration when you finalize your plans for the city. I strongly believe that we need to protect the most vulnerable members of our society. Allowing more industrial development will come at a cost and I hope we keep that in mind. Thank You!

Comment C3 Response

Luz Johanna Perez Barbon

- C3-1: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C3-2: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

C4 Comment by Veronica Perez

For the record, I am Veronica Perez, thank you Planning Commission for having me here tonight.

C4-1: I have been a resident of Fontana my entire life. I grew up here, and I live on Slover where we are currently risking the changes of losing our home. So it has come to my attention after reading Chapter 15 Land Use, Zoning, and Urban Design that basically my home of 20 years is at risk of being replaced by industrial development. This area that I call home is predominately made of children, elderly people and working class. These people are the most vulnerable people of the community. Just from personal experience when I first moved to Capri Mobile Homes, I was very happy to have found a home, and I knew that after my parents found that area I was going to be able to grow up there and be a productive member of society, and I want the Planning Commission to consider the displacement for people because I honestly don't know where I would go. Have you considered the safety of the children in the areas? I remember I went to Jurupa Elementary which is now an Adult School, and across that school now there is a high school. A lot of those children in my area go to that school. Have you considered what will be the impact of them going to school? Will they be walking to school? I remember walking to school because I had missed the bus, walking as a child having these trucks is very dangerous. Also I want you consider it is an environmental hazard most people in the area have asthma, children are at risk as well as the elderly, and we want to be able to grow as healthy as possible. So as mentioned, I have lived here my entire life, and I have seen good qualities in my community, but below the 10 freeway, I have not ever seen any type of outreach program whatsoever. I have experience working in other cities as a community leader, and I have come to the conclusion that Fontana has not provided any types of services in those areas, and I feel that it is very unfortunate and that they did not include District 4 to have those types of community services outlets, so I would like the Planning Commission to consider revising the General Plan and to continue to, please, consider the people that will be affected by this. There's children involved, there's elderly, and a lot of people are the working class. We are residents of Fontana, we love Fontana, and we want to stay in Fontana, and Fontana Forward is supposed to be based on the community's vision, and today you see a lot of community members trying to speak out about this (Victor Ponto, Attorney - you have one minute left) and the General Plan needs to include and serve the community in District 4 as well, not just only focus on North Fontana, and so thank you so much for listening and I do hope that you consider these problems in revising the plan.

August 10, 2018

Comment C4 Response

Luz Johanna Veronica Perez

C4-1: The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

C5 Comment by Kareem Gongora

- C5-1: Mr. Chair, Commissioners, Clerk, and city staff and fellow resident for the record that is G-O-N-G-O-R-A, and I am happy to be here tonight and thank you for the giving me the opportunity to speak tonight. I am here today definitely to raise some concerns and also address this current review process and look at opportunities for growth. My understanding is that this was released on June 15th, I might be wrong but the slide reads June 9th, so June 9th is a Saturday, so I don't know if that is correct or not, but so I saw this on June 15th, so one of my concerns is to have a public hearing meeting within four days and to have a document that is 1,028 pages it is very difficult to digest, and when I was a Planning Commissioner these documents get huge and I know how hard it is to work full time and as well as to analyze these documents, so I am hoping that there's additional measures taken to include the public. We have people who have arrived here today saying that they would like to be engaged, so whatever intentional activities that you can do or potentially put forward in order to engage the public, I think will be better served for the community. Something I would like to see is the comprehensive outreach plan, and I've asked for this in the past, and I know things get busy and I work for government and I totally understand how it is, but I think it be better served for the community of the residents of Fontana if we had a comprehensive outreach plan and was including the public and helping them give an opportunity to provide comments because to be here today on a Tuesday night at 6pm even for someone like me who works full time, I am having to miss family engagements so I would have loved to know in advance that there were other opportunities to present my opinion.
- C5-2: Another area that I was able to briefly browse was the Draft EIR, and one of the things that was briefly discussed was SB 535 and this is actually were it identifies communities at a disadvantage, so I went on the CalEP website and it turns out that Fontana North, Central, and South are considered disadvantage communities and so I didn't see this map inside the EIR so I am hoping that this map will be included in the final version because I think it would be better for people like myself that live in Fontana that have a disadvantage community to understand what the needs are overall.
- C5-3: In addition, I would like to see details more clarity. When you guys read this document you are going to see that it is very basic, it is very conventional, it's not given any teeth. It is not providing any kind of forward direction, it is kind of status quo practices and so I am hoping that maybe the final will consider more aggressive measures so that we can get to the point that we need to get to.

August 10, 2018

C5-4: Lastly, one of my points is about SB 1000, as it was mentioned earlier by one of the speakers, I don't see it actually referred in the document, and so I am hoping it is referred because my understanding is that any General Plan amendments that include two or more elements must include SB 1000 after January 1st, 2018, so with that being said, my frame of mind of how that I am looking at it is how this General Plan adjusts to the needs of the overburden and under resource neighborhoods. I guess for me that is how I am going to be reading it moving forward as I digest 1,028 pages, and definitely it is my hope and we understand that we use this General Plan as a document to support land use, and so I definitely make sure that when we consider this environmental impact report that we consider all parts and that we consider any measures that we can take for the next 15 to 20 years to cut back on our emissions and make sure that we have good quality air for our children, and for me am going to be here and have been here for 25 plus years. I have three children. And I love my city like no other and all I want to do is see better and so I really appreciate (Victor Ponto, City Attorney – you have one minute left) oh that's good, I have never taken that much time, but definitely moving forward I hope you just continue to engage. I really appreciate the dedication and devotion each one of you have for the City of Fontana, I know this is a big burden to bare, but I trust and believe in each one of you to do the right thing, and I know you care as much as I do. Thank you for your time.

Comment C5 Response

Kareem Gongora

C5-1 As a clarification, the DEIR was made available for public review on June 8, 2018 as described at Section 1.2 of this FEIR.

As described at DEIR Section 1.2 the City implemented a comprehensive public participation program to develop the Goals, Policies, and Actions contained in the General Plan Update that formed the basis of the proposed Project evaluated in the DEIR. The public participation program included a community survey, a 25-citizen General Plan Advisory Committee, and a series of stakeholder meetings. Additionally, the City hosted a public Scoping Meeting to allow public input on the environmental issues to be evaluated in the DEIR. This public involvement program provided the community multiple opportunities to participate in the development of the General Plan Update. The City will continue to engage the community during the implementation of the Goals, Policies, and Actions that formulate the General Plan Update.

The remainder of this comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

- C5-2 The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C5-3 The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.
- C5-4 Refer to response to comment B1-2 regarding Environmental Justice. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

August 10, 2018

C6 Comment by Allen Hernandez

C6-1: I also want to comment on the Draft EIR Plan. I am a 34-year resident of Fontana only having left to go to college and always coming back, and I have been a home owner for three years in the north side, and my sister being a home owner in the south side on Sierra and Santa Ana. I have a little niece who lives down in that area, who now suffers from asthma and other lung related illnesses, and one this plan is big, so one of things is that we need more time to look at this, from what I can tell from the very get-go was that there is not enough emphasis on the environmental justice element or mention of SB 1000. As someone who lives in the north side with family who lives in the south side with a lot of resources going to the north side, it worries me a lot to know that my sister may be left behind because she lives south of the 10, that my little niece may be left behind, she goes to Sycamore Hills Elementary and she has missed close to 15 school days last year due to her asthma and I am worried that a General Plan that does not incorporate these environmental justice elements may result in the construction of a lot of industrial/warehousing down south. I know a lot of folks are already surrounded by a ton of warehousing, as we proceed, I would like to see a lot of more equity in this plan, more mention of SB 1000 and a lot more mention of environmental justice, thank you so much.

Comment C6 Response

Allen Hernandez

C6-1: Refer to response to comment B1-2 regarding Environmental Justice. The comment does not identify a specific environmental analysis or CEQA issue relative to the FEIR and compliance with CEQA. The commenter's statement is included in the FEIR for the decision-maker's consideration as part of the City's deliberations on the Project.

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

This Page Intentionally Left Blank

August 10, 2018

4.0 DEIR TEXT REVISIONS

Chapter 4.0 presents specific-changes to the text of the DEIR that would need to be made to clarify any errors, omissions, or misinterpretation of materials in the DEIR, in response to comments received during the public review period. In no case do revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the DEIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the DEIR is shown in ~~strikeout~~. Section numbers correspond to the section numbers of the DEIR.

4.1 REVISIONS

These revisions derive from comments raised in one or more of the comments received by the City on the DEIR, or by changes made by the City to clarify information contained in the DEIR. No revisions to mitigation measures were identified.

4.1.1 DEIR Abbreviations Page XVI

WVWD West Valley Water District

4.1.2 DEIR Section 5.3.9

The third sentence of the first paragraph under MM-BIO-3 on page 5.3-51 has been revised to read:

"If any of these special status species are determined to be present, then coordination with the U.S. Fish and Wildlife Service and/or California Department of Fish and Game shall be concluded to determine what, if any, permits or clearances are required prior to development."

4.1.3 DEIR Section 5.5.1

The second sentence of the first full paragraph on page 5.5-1 has been revised to read:

During the time from the Pliocene period to the Pleistocene period (the past 2 to 3 million years), activities on the ~~Newport Inglewood Fault~~ San Andreas Fault, combined with regional tectonic effects (such as uplift), climatic forces, and changes in sea level, have resulted in the formation of the underlying basement materials and structures that underlay and support the Project area.

August 10, 2018

4.1.4 DEIR Section 5.5.2

The second paragraph, third and fourth sentences on page 5.5-2 have been revised to read:

A fault is classified as potentially active if it has experienced movement within the Quaternary period (during the last ~~1.6 million~~ 2.588 million years). Faults that have not moved in the last ~~1.6 million~~ 2.588 million years generally are considered inactive.

The first paragraph, second sentence on page 5.5-3 has been revised to read:

~~Although there are no major active faults within the City boundaries, there are a number of faults that border the Lytle Creek alluvial basin, including the Chino, Cucamonga, San Andreas, and San Jacinto faults, as described below.~~

The Cucamonga fault is an active fault that crosses the northern portion of the City, trending northwest along the foot of the San Gabriel Mountains. The Lytle Creek Branch of the San Jacinto Fault is an active fault that crosses the extreme northeast portion of the City in a southeastern direction. There are several other faults that border the Lytle Creek alluvial basin, including the Chino, San Andreas and San Jacinto faults, as described below.

4.1.5 DEIR Table 5.5-1

Table 5.5-1 Modified MMI Scale

MMI	Description
I	Detected by only sensitive instruments I. <u>Not felt except by a very few under especially favorable conditions.</u>
II	Felt by a few people at rest II. <u>Felt only by a few persons at rest, especially on upper floors of buildings.</u>
III	Felt noticeably indoors, but not always recognized as a quake; vibration like a passing truck <u>Felt quite noticeably by persons indoors, especially on upper floors of buildings. Many people do not recognize it as an earthquake. Standing motor cars may rock slightly. Vibrations similar to the passing of a truck. Duration estimated.</u>
IV	Felt indoors by many and outdoors by few <u>Felt indoors by many, outdoors by few during the day. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.</u>
V	Felt by most people. Some breakage of windows, dishes, and plaster <u>Felt by nearly everyone; many awakened. Some dishes, windows broken. Unstable objects overturned. Pendulum clocks may stop.</u>
VI	Felt by all; falling plaster and chimneys; damage small <u>Felt by all, many frightened. Some heavy furniture moved; a few instances of fallen plaster. Damage slight.</u>

August 10, 2018

Table 5.5-1 Modified MMI Scale

MMI	Description
VII	Damage to buildings varies; depends on quality of construction. Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable damage in poorly built or badly designed structures; some chimneys broken.
VIII	Walls, monuments, chimneys fall; panel walls thrown out of frames. Damage slight in specially designed structures; considerable damage in ordinary substantial buildings with partial collapse. Damage great in poorly built structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned.
IX	Buildings shift off foundations; foundations crack; ground cracks; underground pipes break. Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.
X	Most masonry and frame structures destroyed; ground cracks; landslides. Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent.
XI	Ground fissures; pipes break; landslides; rails bent; new structures remain standing. Few, if any (masonry) structures remain standing. Bridges destroyed. Rails bent greatly.
XII	Damage total; waves seen on ground surface; objects thrown into the air. Damage total. Lines of sight and level are distorted. Objects thrown into the air.
SOURCE: United States Atomic Energy Commission 1963 United States Geologic Survey 1993	

Table 5.5-2 Major Fault Zones near Fontana

Fault Zone	M _w Magnitude
San Jacinto	7.2
Chino	<u>7.0</u>
Whittier-Elsinore	6.8-7.1
San Andreas (southern)	7.8 <u>7.9-8.1</u>
Cucamonga	<u>7.0</u>
<u>Fontana</u>	<u>6.5</u>
SOURCE: California Geological Survey 1998	

August 10, 2018

4.1.6 DEIR Section 5.5.3.4

Potential areas where seismically-induced landslides could occur are in the foothill portions of the basin. Earthquake-induced land sliding is a potential seismic hazard to existing and proposed developments in this portion of the City. Still, site-specific geotechnical investigation would, on a case-by-case basis, determine the potential for landslides in a given area to ensure that final project design incorporates all necessary and appropriate engineering features to reduce the potential for landslide-related hazards.

4.1.7 DEIR Section 5.5.3.5

Erosion refers to the removal of soil from exposed bedrock surfaces by water or wind. The effects of erosion are intensified with an increase in slope (as water moves faster, it gains momentum to carry more debris), the narrowing of runoff channels (which increases the velocity of water), and by the removal of groundcover (which leaves the soil exposed to erosive forces). The steeper portions of the City are potentially subject to soil erosion in the form of debris flows. The accumulation of soil and organic debris accelerates after large, hot brushfires. These fires bake the soil and generate hydrophobic conditions in the surficial soils. Major debris flows emanated from Waterman Canyon and Cable Canyon after the 2003 Old Fire. Surface improvements, such as paved roads and buildings, decrease the potential for erosion onsite, but can increase the rate and volume of runoff, potentially causing off-site erosion. While Fontana is generally flat, the extreme northern portions of the City feature significant slopes. Any development on, or near, these slopes should either be potentially avoided or should follow the standards of the California Building Code.

4.1.8 DEIR Section 5.6.3

First sentence last paragraph on page 5.6-21 has been revised to read:

~~Implement adopted regulations for the use of shore power for ships.~~

4.1.9 DEIR Section 5.8.2.1

First sentence under Water Quality has been revised to read:

Section 303 of the federal CWA requires states to adopt water quality standards for all surface water of the United States including Total Maximum Daily Loads as discussed in Section 5.8.2.2.

August 10, 2018

4.1.10 DEIR Section 5.8.2.2

The fifth sentence of the first full paragraph on page 5.8-5 has been revised to read:

Two reaches of the SAR (reaches 3 and 4) were found to be impaired and are listed on the SWRCB's ~~2002 list~~ 2014/2016 integrated list of impaired water bodies compiled pursuant to Section 303(d) of the federal CWA.

The first paragraph under Construction Site Runoff Management on page 5.8-5 has been revised to read:

Performance standards for obtaining and complying with the General Construction Permit are described in General Permit for Discharges of Stormwater Associated with Construction Activity in the State, ~~NPDES General Permit No. CAS000002-2009-0009-DWQ~~; Waste Discharge Requirements (WDR), Order No. 99-08-DWQ. The General Construction Permit was modified in ~~April 2004~~ July 2010 (SWRCB Resolution ~~No. 2001-046~~ No. 2010-0014) to require permittees to implement specific sampling and analytical procedures to determine whether the best management practices (BMPs) used at the construction site are effective.

4.1.11 DEIR Section 5.9.3

The first sentence under item C. on page 5.9-11 has been revised to read:

None of the land use changes proposed in the General Plan Update would conflict with the North Fontana ~~Multiple Species Habitat Conservation Program Plan (MSHCP)~~ since no land use changes are proposed in affected areas nor has the City adopted a Multiple Species Habitat Conservation Plan.

4.1.12 DEIR Section 5.12.3.1

Last sentence of the first paragraph on page 5.12-8 has been revised to read:

"...~~San Bernardino Valley Municipal Water District~~ West Valley Water District (Valley District)."

4.1.13 DEIR Section 5.13.4

First sentence of the second paragraph on page 5.13-27 has been revised to read:

...shopping and restaurants, ~~the proposed BRT stops,~~ and neighborhood destinations."

4.1.14 DEIR Section 5.13.5

MM-TRA-4 on page 5.13-39 has been revised to read:

Final Environmental Impact Report

Fontana General Plan Update 2015 - 2035

August 10, 2018

MM-TRA-4 The City of Fontana shall perform monitoring of traffic generation and phasing of development within the project area to defer or eliminate identified improvements due to potential circulation impact changes or reduced land use intensities. This monitoring shall be achieved through project-specific traffic studies tied to future development within the ~~Specific~~ General Plan Update area with land use in excess of 100,000 square feet of non-residential land use.

August 10, 2018

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Section 5.0 of this FEIR is the Mitigation Monitoring and Reporting Program (MMRP). It is designed to be a stand-alone document that can be excerpted from this FEIR for use by the City and contractors to facilitate and verify compliance with the Project mitigation measures. As such, the MMRP, including a title page and mitigation table detailing the reporting process, is included as follows.

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

This Page Intentionally Left Blank

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

**Mitigation Monitoring
and Reporting
Program**

**Fontana General Plan
Update
2015 - 2035**

August 10, 2018

Final Environmental Impact Report
Fontana General Plan Update 2015 - 2035

August 10, 2018

This Page Intentionally Left Blank

Table of Contents

1.0	INTRODUCTION	1-1
2.0	CEQA MITIGATION MEASURES	2-1

LIST OF TABLES

Table 2-1	Mitigation Monitoring and Reporting Program Mitigation Measures for Significant Impacts.....	2-3
Table 2-2	Mitigation Monitoring and Reporting Program Guidance and Performance Standards	2-4

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
FONTANA GENERAL PLAN UPDATE 2015 - 2035
MITIGATION MONITORING AND REPORTING PROGRAM

This Page Intentionally Left Blank

**FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
FONTANA GENERAL PLAN UPDATE 2015 - 2035
MITIGATION MONITORING AND REPORTING PROGRAM**

August 10, 2018

1.0 INTRODUCTION

The City of Fontana (City) submitted the Draft Environmental Impact Report (DEIR) for the Updated General Plan to the State Clearinghouse on June 9, 2018 for 45-day public review (SCH# 2016021099). This Mitigation Monitoring and Reporting Program (MMRP) was prepared pursuant to the CEQA guidelines (section 21081.6(a)(1)), which require a public agency to adopt a monitoring and/or reporting program to ensure compliance with mitigation measures (MM) during project implementation. This MMRP identifies the mitigation measures to be implemented by the City and identifies the parties responsible for implementation and monitoring.

Based on the analysis in the DEIR, the proposed project could result in potentially significant impacts to some of the environmental resources areas which require the implementation of mitigation to reduce them to less than significant levels. The Mitigation Measures presented in the DEIR and FEIR form the basis of the MMRP.

**FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
FONTANA GENERAL PLAN UPDATE 2015 - 2035
MITIGATION MONITORING AND REPORTING PROGRAM**

August 10, 2018

This Page Intentionally Left Blank

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
FONTANA GENERAL PLAN UPDATE 2015 - 2035
MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

2.0 CEQA MITIGATION MEASURES

Table 2-1 describes the Mitigation Measures to reduce significant impacts to less than significant levels from implementation of the General Plan Update Goals, Policies, and Actions. For each Mitigation Measure the required action, responsible party, implementation timing, and reporting requirements are described.

Although not required to mitigate significant environmental impacts to less than significant levels, Table 2-2 provides guidance and performance standards that are considered as best management practices to be applied to future projects, as necessary.

**FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
FONTANA GENERAL PLAN UPDATE 2015 - 2035
MITIGATION MONITORING AND REPORTING PROGRAM**

August 10, 2018

This Page Intentionally Left Blank

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-1 Mitigation Monitoring and Reporting Program Mitigation Measures for Significant Impacts

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
Biological Resources			
<p>MM-BIO-1</p> <ol style="list-style-type: none"> Prior to initial grading or clearing of areas of suitable habitat within the Planning Area (e.g., a vacant site with a landscape of grassland or low-growing, arid scrub vegetation or agricultural use or vegetation), a qualified biologist shall conduct a pre-construction survey, in accordance with the CDFG Staff Report on Burrowing Owl Mitigation, to determine the presence or absence of burrowing owl within the proposed area of impact. Results of surveys, including mitigation recommendations (i.e., a Burrowing Owl Mitigation and Monitoring Report) shall be incorporated into the project-level CEQA compliance documentation. Construction grading/clearing of areas of suitable habitat should occur between September 1 and January 31 to avoid impacts to breeding owls. If occupied burrows are discovered, they shall not be removed during nesting season (February 1 through August 31), unless a qualified biologist can determine that either the owls have not laid eggs or are incubating eggs, or that any young from the burrows are able to forage independently. If initial grading is scheduled to occur during nesting season, the following measures shall be implemented. If removal of occupied burrows is necessary, passive relocation outside of nesting season shall be implemented under the supervision of the qualified biologist. This shall include covering/excavation of burrows and installation of one-way doors as necessary. One-way doors will allow owls inside the burrow to exit but not allow them to re-enter. The biologist shall wait a minimum of one week before the burrow may be excavated to allow the owls time to leave the area. 	Project proponent	Before, during and after construction	Pre-construction survey report and construction monitoring report
<p>MM-BIO-2 To avoid impacts to nesting birds and to comply with the MBTA, clearing of vegetation and removal of trees should occur between non-nesting (or non-breeding) season for birds (generally, September 1 to January 31). If this avoidance schedule is not feasible, the alternative is to carry out such activities under the supervision of a qualified biologist. This shall entail the following:</p> <ol style="list-style-type: none"> A qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiating ground disturbance activities. The survey will consist of full coverage of the proposed disturbance limits and up to a 500-foot buffer area, determined by the biologist and taking into account the species nesting in the area and the habitat present. If no active nests are found, no additional measures are required. If "occupied" nests are found, their locations shall be mapped, species documented, and, to the degree feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area will be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume. 	Project proponent	Before, during and after construction	Pre-construction survey report and construction monitoring report
Transportation			
<p>MM TRA-1 To mitigate the impact of additional traffic volumes on the segment of Citrus Avenue between Foothill Boulevard and Arrow Boulevard, roadway modifications to provide sidewalks where currently missing, the addition of Class II bicycle lanes in accordance with the City's ATP, and additional traffic calming measures as necessary to reduce traffic volumes to a level appropriate for the roadway's designation as a Secondary Highway will be constructed. Additionally, the roadway could be modified by removing on-street parking and constructing raised medians to increase the roadway's vehicular capacity.</p> <p>The City utilizes a DIF, paid by new development as it occurs in the City, to fund projects such as the above mitigation measure.</p>	City of Fontana	At such time as Level of Service (LOS) degrades to LOS F	City of Fontana Active Transportation Plan

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
Aesthetics			
MM-AES-1 For future development associated with the project located in or adjacent to residentially zoned property, the following General Condition of Approval shall be imposed: Construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site to the extent practical. Staging areas shall be screened from view from residential properties with solid wood fencing or green fence. Construction worker parking may be located off-site with approval of the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the project site. Surrounding streets shall be swept daily and maintained free of dirt and debris.	Project proponent	Before construction	Submit construction documents to City for approval
Air Quality			
MM-AQ-1 In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant/developer and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.	Project proponent	Before construction	Submit building and site plans to City for approval
MM-AQ-2 To reduce energy demand associated with potable water conveyance, future projects shall implement the following, as applicable: <ul style="list-style-type: none"> Landscaping palette emphasizing drought tolerant plants Use of water-efficient irrigation techniques U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.	Project proponent	Before construction	Document compliance with City
MM-AQ-3 Future projects shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations.	Project proponent	Before construction	Document compliance with City
MM-AQ-4 The applicant/developer shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.	Project proponent	Before construction	Document compliance with City
MM-AQ-5 To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP [On-Road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-In for NOx] funding programs, as identified on SCAQMD's website (http://www.aqmd.gov). Tenants would be required to use those funds, if awarded.	Project proponent	After construction	Document compliance with City
MM-AQ-6 The applicant/developer shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on such cleaning products.	Project proponent	After construction	Document compliance with City
MM-AQ-7 All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.	Project proponent	After construction	Document compliance with City
MM-AQ-8 In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.	Project proponent	Before, during and after construction	Document compliance with City

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
<p>MM-AQ-9 All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City of Fontana verification. The following additional measures, as determined applicable by the City Engineer, shall be included as conditions of the Grading Permit issuance:</p> <ul style="list-style-type: none"> • Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. • Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. • Reroute construction trucks away from congested streets or sensitive receptor areas. • Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation. • Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications. • Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements. • During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following: <ul style="list-style-type: none"> – January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. – Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for similarly sized engine as defined by CARB regulations. – A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. 	Project proponent	Before and during construction	Document compliance with City
<p>MM-AQ-10 Prior to the issuance of any grading permits, all Applicants shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City Planning Staff.</p>	Project proponent	Before construction	Submit construction documents to City for approval
<p>MM-AQ-11 All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Specifically, the following measures shall be implemented, as feasible:</p> <ul style="list-style-type: none"> • Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113. • Construct or build with materials that do not require painting. • Require the-use of pre-painted construction materials. 	Project proponent	Before and during construction	Document compliance with City
<p>MM-AQ-12 Projects that result in the construction of more than 19 single-family residential units, 40 multifamily residential units, or 45,000 square feet of retail/commercial/industrial space shall be required to apply paints either by hand or high volume, low pressure (HVLP) spray. These measures may reduce volatile organic compounds (VOC) associated with the application of paints and coatings by an estimated 60 to 75 percent. Alternatively, the contractor may specify the use of low volatility paints and coatings. Several of currently available primers have VOC contents of less than 0.85 pounds per gallon (e.g., Dulux professional exterior primer 100 percent acrylic). Top coats can be less than 0.07 pounds per gallon (8 grams per liter) (e.g., Lifemaster 2000-series). This latter measure would reduce these VOC emissions by more than 70 percent. Larger projects should incorporate both the use of HVLP or hand application and the requirement for low volatility coatings.</p>	Project proponent	During construction	Document compliance with City
<p>MM-AQ-13 All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.</p>	Project proponent	Before and during construction	Document compliance with City

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
<p>MM-AQ-14 Prior to the issuance of grading permits or approval of grading plans for future development projects within the project area, future developments shall include a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Phase and schedule activities to avoid high-ozone days and first-stage smog alerts. • Discontinue operation during second-stage smog alerts. • All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas. • Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. • Moisten soil each day prior to commencing grading to depth of soil cut. • Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site. • Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation. • Wash mud-covered tires and under carriages of trucks leaving construction sites. • Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites. • Securely cover all loads of fill coming to the site with a tight-fitting tarp. • Cease grading during periods when winds exceed 25 miles per hour. • Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance. • Use low-sulfur diesel fuel in all equipment. • Use electric equipment whenever practicable. • Shut off engines when not in use. 	Project proponent	Before and during construction	Submit Dust Control Plan to City for approval
MM-AQ-15 All industrial and commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes.	Project proponent	During construction	Document compliance with City
MM-AQ-16 The City of Fontana shall require that both industrial and commercial uses designate preferential parking for vanpools.	City of Fontana	After construction	Annual General Plan Status Report
MM-AQ-17 The proposed commercial and industrial areas shall incorporate food service.	City of Fontana	After construction	Annual General Plan Status Report
MM-AQ-18 All industrial and commercial site tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas.	Project proponent	After construction	Document compliance with City
MM-AQ-19 All industrial and commercial site tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible.	Project proponent	After construction	Document compliance with City
MM-AQ-20 All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.	Project proponent	After construction	Document compliance with City
MM-AQ-21 All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping.	Project proponent	After construction	Document compliance with City
MM-AQ-22 All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.	Project proponent	After construction	Document compliance with City
MM-AQ-23 Prior to approval of future development projects within the project area, the City of Fontana shall conduct project-level environmental review to determine potential vehicle emission impacts associated with the project(s). Mitigation measures shall be developed for each project as it is considered to mitigate potentially significant impacts to the extent feasible. Potential mitigation measures may require that facilities with over 250 employees (full or part-time employees at a worksite for a consecutive six-month period calculated as a monthly average), as required by the Air Quality Management Plan, implement Transportation Demand Management (TDM) programs.	City of Fontana	Before construction	Annual General Plan Status Report

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
MM-AQ-24 New warehouse facilities or distribution centers that generate a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week shall not be located closer than 1,000 feet from any existing or proposed sensitive land use such as residential, a hospital, medical offices, day care facilities, and/or fire stations (pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook), unless the increase in health risk for such sensitive receptors due to an individual project is shown to be less than the South Coast Air Quality Management District's thresholds of significance (Maximum Incremental Cancer Risk ≥ 10 in 1 million; Cancer Burden >0.5 excess cancer cases [in areas ≥ 1 in 1 million]; and Chronic & Acute Hazard Index ≥ 1.0 [project increment]). With regard to expansions/modifications of existing warehouse facilities or distribution centers, this mitigation measure shall be applied to the resulting incremental net increase in truck trips or TRU operations, and any resulting net increase in health risk impacts, as compared to those existing at the time an expansion/modification project is proposed.	City of Fontana	Before construction	Annual General Plan Status Report
Biological Resources			
MM-BIO-3 The City of Fontana Planning Division shall require that all future project applicants prepare a Biological Assessment in conjunction with a project-level analysis. The Biological Assessment shall include a vegetation map of the proposed project area, analysis of the impacts associated with plant and animal species and habitats, and conduct habitat evaluations for burrowing owl, Delhi Sands flower-loving fly, San Diego pocket mouse, western mastiff bat, western yellow bat, and San Diego desert woodrat. If any of these special status species are determined to be present, then coordination with the U.S. Fish and Wildlife Service and/or California Department of Fish and Game shall be concluded to determine what, if any, permits or clearances are required prior to development Each project-level Biological Assessment shall include an analysis of potential impacts to rare plants and rare natural communities in accordance with the California Department of Fish and Game's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. For those projects located in the Delhi Sands flower-loving fly Recovery Unit, the project-level Biological Assessment shall include focused surveys. The Biological Assessment shall prescribe actions necessary to mitigate the impacts identified for a particular project. Such actions shall include either avoidance of a sensitive resource, or payment of in-lieu fees that shall be used to purchase off-site replacement habitat. In instances where transplantation/relocation, off-site preservation, or fee payment is selected, habitat mitigation ratios shall be a minimum of 1:1, unless a greater ratio is required by a state or federal wildlife agency. The requirements of the Biological Assessment shall be a condition of approval of the individual development project.	Project proponent	Before construction	Submit Biological Assessment to City for approval
MM-BIO-4 Prior to any ground disturbance, trees scheduled for removal shall be evaluated by a City-approved biologist for roosting bats. If a roost is present the biologist will develop a plan to minimize impacts to the bats to the greatest extent feasible.	Project proponent	Before construction	Document compliance with City
MM-BIO-5 The City shall encourage the preservation of natural habitat in conjunction with private or public development projects.	City of Fontana	Before construction	Annual General Plan Status Report
MM-BIO-6 Mitigation shall be provided for removal of any natural habitat, including restoration of degraded habitat of the same type, creation of new or extension of existing habitat of the same type, financial contribution to a habitat conservation fund administered by a Federal, State, or local government agency, or by a non-profit agency conservancy.	Project proponent	Before construction	Document compliance with City
MM-BIO-7 Local CEQA procedures shall be applied to identify potential impacts to rare, threatened and endangered species.	City of Fontana	Before construction	Annual General Plan Status Report
MM-BIO-8 Evidence of satisfactory compliance shall be provided by Project Applicant with any required State and/or Federal permits, prior to issuance of grading permits for individual projects.	Project proponent	Before construction	Document compliance with City
MM-BIO-9 Any development that results in the potential take or substantial loss of occupied habitat for any threatened or endangered species shall conduct formal consultation with the appropriate regulatory agency and shall implement required mitigation pursuant to applicable protocols. Consultation shall be on a project-by-project basis and measures shall be negotiated independently for each development project.	Project proponent	Before construction	Document compliance with City
MM-BIO-10 For future development proposals that could potentially affect jurisdictional drainages or wetlands (to be determined by the City of Fontana Planning Division), the project applicant shall prepare a jurisdictional delineation to determine the extent of jurisdictional area, if any, as part of the regulatory permitting process.	Project proponent	Before construction	Document compliance with City

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
Cultural Resources			
<p>MM-CUL-1 A qualified archaeologist shall perform the following tasks, prior to construction activities within project boundaries:</p> <ul style="list-style-type: none"> Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, a field survey for historical resources within portions of the project site not previously surveyed for cultural resources shall be conducted. Subsequent to a preliminary City review, if evidence suggests the potential for historic resources, the San Bernardino County Archives shall be contacted for information on historical property records. Subsequent to a preliminary City review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission shall be contacted for information regarding sacred lands. All historical resources within the project site, including archaeological and historic resources older than 50 years, shall be inventoried using appropriate State record forms and guidelines followed according to the California Office of Historic Preservation's handbook "Instructions for Recording Historical Resources." The archaeologist shall then submit two (2) copies of the completed forms to the San Bernardino County Archaeological Information Center for the assignment of trinomials. The significance and integrity of all historical resources within the project site shall be evaluated, using criteria established in the CEQA Guidelines for important archaeological resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places. Mitigation measures shall be proposed and conditions of approval (if a local government action) recommended to eliminate adverse project effects on significant, important, and unique historical resources, following appropriate CEQA and/or National Historic Preservation Act's Section 106 guidelines. A technical resources management report shall be prepared, documenting the inventory, evaluation, and proposed mitigation of resources within the project site, following guidelines for Archaeological Resource Management Reports prepared by the California Office of Historic Preservation, Preservation Planning Bulletin 4(a), December 1989. One copy of the completed report, with original illustrations, shall be submitted to the San Bernardino County Archaeological Information Center for permanent archiving. If human remains are encountered on the project site, the San Bernardino County Coroner's Office shall be contacted within 24 hours of the find, and all work shall be halted until a clearance is given by that office and any other involved agencies. All resources and data collected within the project site shall be permanently curated at an appropriate repository within the County. 	Project proponent	Before construction	Document compliance with City
<p>MM-CUL-2 If any prehistoric archaeological resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities and to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Fontana shall:</p> <ul style="list-style-type: none"> Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value. Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities at a theme or focal point. Pursue educating the public about the area's archaeological heritage. Propose mitigation measures and recommend conditions of approval (if a local government action) to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines. Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the San Bernardino County Archaeological Information Center for permanent archiving. 	Project proponent	Before, during, and after construction	Document compliance with City
<p>MM-CUL-3 Where consistent with applicable local, State and federal law and deemed appropriate by the City, future site-specific development projects shall consider the following: In the event Native American cultural resources are discovered during construction for future development, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this period;</p> <ul style="list-style-type: none"> Initiate consultation between the appropriate Native American tribal entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) and the City/project applicant; Transfer cultural resources investigations to the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) as soon as possible; <p>Utilize a Native American Monitor from the appropriate Native American entity (as determined by a qualified archaeologist meeting Secretary of Interior standards) where deemed appropriate or required by the City, during initial ground disturbing activities, cultural resource surveys, and/or cultural resource excavations.</p>	Project proponent	During construction	Document compliance with City

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
<p>MM-CUL-4 A qualified paleontologist shall conduct a pre-construction field survey of any project site within the Specific Plan Update area that is underlain by older alluvium. The paleontologist shall submit a report of findings that provides specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate.</p>	Project proponent	Before construction	Submit Paleontological Survey Report to City for approval
<p>MM-CUL-5 Should mitigation monitoring of paleontological resources be recommended for a specific project within the project site, the program shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities. Should fossils be found within an area being cleared or graded, earth-disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find. All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum). <p>A summary report shall be submitted to City of Fontana. Collected specimens shall be transferred with copy of report to San Bernardino County Museum.</p>	Project proponent	Before, during, and after construction	Document compliance with City
Greenhouse Gas Emissions			
<p>MM-GHG-1 Prior to the issuance of building permits, future development projects shall demonstrate the incorporation of project design features that achieve a minimum of 28.5 percent reduction in GHG emissions from non-mobile sources as compared to business as usual conditions. With regard to expansions/modifications of existing facilities, this mitigation measure shall be applied to the resulting incremental net increase in enclosed floor area. Future projects shall include, but not be limited to, the following list of potential design features (which include measures for reducing GHG emissions related to Transportation and Motor Vehicles).</p> <p><i>Energy Efficiency</i></p> <ul style="list-style-type: none"> Design buildings to be energy efficient and exceed Title 24 requirements by at least 5 percent. Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight. Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use. Install light colored "cool" roofs and cool pavements. Provide information on energy management services for large energy users. Install energy efficient heating and cooling systems, appliances and equipment, and control systems (e.g., minimum of Energy Star rated equipment). Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces). Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting. Limit the hours of operation of outdoor lighting. <p><i>Renewable Energy</i></p> <ul style="list-style-type: none"> Install solar panels on carports and over parking areas. Ensure all industrial buildings are designed to have "solar ready" roofs. Use combined heat and power in appropriate applications. <p><i>Water Conservation and Efficiency</i></p> <ul style="list-style-type: none"> Create water-efficient landscapes with a preference for a xeriscape landscape palette. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. Design buildings to be water-efficient. Install water-efficient fixtures and appliances (e.g., EPA WaterSense labeled products). Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. Restrict the use of water for cleaning outdoor surfaces and vehicles. Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site). Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. Provide education about water conservation and available programs and incentives. 	Project proponent	Before construction	Document compliance with City

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
<p><i>Solid Waste Measures</i></p> <ul style="list-style-type: none"> Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Provide education and publicity about reducing waste and available recycling services. <p><i>Transportation and Motor Vehicles</i></p> <ul style="list-style-type: none"> Limit idling time for commercial vehicles, including delivery and construction vehicles. Promote ride sharing programs (e.g., by designating certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems. Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). Promote "least polluting" ways to connect people and goods to their destinations. Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. Incorporate bicycle-friendly intersections into street design. For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking). Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points. 			
Hazards and Hazardous Materials			
MM-HAZ-1 The City shall require that new proposed facilities involved in the production, use, storage, transport or disposal of hazardous materials be located a safe distance from land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities, such as schools, child-care centers, and senior centers, shall not to be located near existing sites that use, store, or generate hazardous materials.	City of Fontana	Before construction	Annual General Plan Status Report
MM-HAZ-2 The City shall assure the continued response and capability of the San Bernardino County Fire Department/Fontana Fire Protection District to handle hazardous materials incidents in the City and along the sections of freeways that extend across the City.	City of Fontana	Before construction	Annual General Plan Status Report
MM-HAZ-3 The City shall require all businesses that handle hazardous materials above the reportable quantity to submit an inventory of the hazardous materials that they manage to the San Bernardino County Fire Department - Hazardous Materials Division in coordination with the Fontana Fire Protection District.	City of Fontana	Before construction	Annual General Plan Status Report
MM-HAZ-4 The City shall identify roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, child care centers or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area.	City of Fontana	Before construction	Annual General Plan Status Report
MM-HAZ-5 A Phase I Site Assessment shall be prepared in accordance with American Society of Testing and Materials Standards and Standards for Practice for All Appropriate Inquiries prior to issuance of a Grading Permit for future development. The Phase I Environmental Site Assessment shall investigate the potential for site contamination, and will identify Specific Recognized Environmental Conditions (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.) that may require remedial activities prior to land acquisition or construction.	Project proponent	Before construction	Submit Phase I Site Assessment to City for approval

FONTANA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
 FONTANA GENERAL PLAN UPDATE 2015 - 2035
 MITIGATION MONITORING AND REPORTING PROGRAM

August 10, 2018

Table 2-2 Mitigation Monitoring and Reporting Program Guidance and Performance Standards

Mitigation Measure	Responsible Party	Implementation Timing	Reporting Requirements
Noise			
<p>MM-NOI-1 Prior to issuance of a grading permit, a developer shall contract for a site-specific noise study for the parcel. The noise study shall be performed by an acoustic consultant experienced in such studies and the consultant's qualifications and methodology to be used in the study must be presented to City staff for consideration. The site-specific acoustic study shall specifically identify potential noise impacts upon any proposed sensitive uses (addressing General Plan buildout conditions), as well as potential project impacts upon off-site sensitive uses due to construction, stationary and mobile noise sources. Mitigation for mobile noise impacts, where identified as significant, shall consider facility siting and truck routes such that project-related truck traffic utilizes existing established truck routes. Mitigation shall be required if noise levels exceed 65 dBA, as identified in Section 30-182 of the City's Municipal Code.</p>	Project proponent	Before and during construction	Submit Noise Study to City for approval
<p>MM-NOI-2 To reduce impacts related to heavy construction equipment moving and operating on site during project construction, grading, demolition, and paving prior to issuance of grading permits, the applicant shall ensure that the following procedures are followed:</p> <ul style="list-style-type: none"> Construction equipment, fixed or mobile, shall be properly outfitted and maintained with feasible noise-reduction devices to minimize construction generated noise. Laydown and construction vehicle staging areas shall be located away from noise sensitive land uses if feasible. Stationary noise sources such as generators shall be located away from noise sensitive land uses, if feasible. <p>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent 24 hours a day to report noise and other nuisance-related issues, if necessary. The point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust after hours, on weekends, and on holidays. In the event that the City of Fontana receives a pattern of noise complaints, appropriate corrective actions shall be implemented, such as on site noise monitoring during construction activities, and a report of the action shall be provided to the reporting party.</p>	Project proponent	Before and during construction	Document compliance with City
Transportation			
<p>MM-TRA-2 Prior to the issuance of building permits, the project applicant shall participate in the City of Fontana's Development Impact Fee (DIF) program by paying the requisite DIF fee at the time of the building permit.</p> <p>The Measure I fee program relies upon local jurisdictions to implement mitigation programs by collecting fees for regional improvements; however, the San Bernardino County Transportation Authority (SBCTA) does not dictate how individual jurisdictions allocate their costs for regional improvements to new development. Instead, each jurisdiction, including the City of Fontana, is required to develop its own schedule of fees and implementation programs (often through a capital improvement program (CIP)) that can demonstrate achievement of contribution levels set in the Nexus Study for each jurisdiction.</p> <p>The Nexus study is based on having each jurisdiction subject to the Nexus Study fund its share of needed regional improvements by developing the facilities within its own jurisdiction. The Nexus Study does not rely on the exchange of impact fees between jurisdictions as a means of mitigating impacts of development occurring within one jurisdiction on the regional transportation facilities of another jurisdiction. As a result, there is no allocation of arterial improvement costs to jurisdictions outside the jurisdiction in which proposed development project is located. Impacts of development throughout the region addressed in the Nexus Study are instead mitigated by requiring each jurisdiction to be responsible for needed arterial improvements within its own jurisdiction, including the share of improvements in traffic generated in other jurisdictions. Thus, as development occurs within the various jurisdictions subject to Nexus Study fees, all of the regional improvements included within the Nexus Study throughout the County of San Bernardino will eventually be built.</p>	Project proponent	Before construction	Document compliance with City
<p>MM-TRA-3 Prior to issuance of a grading permit, applicants for future development associated with proposed projects shall prepare site-specific traffic studies, to the satisfaction of the City's Engineering Department. As determined by these subsequent traffic studies, traffic improvements identified as mitigation measures shall be implemented as a condition of the approved future development project, either through direct construction by the project applicant and/or through development impact fees.</p>	Project proponent	Before construction	Submit Traffic Study to City for approval
<p>MM-TRA-4 The City of Fontana shall perform monitoring of traffic generation and phasing of development within the project area to defer or eliminate identified improvements due to potential circulation impact changes or reduced land use intensities. This monitoring shall be achieved through project-specific traffic studies tied to future development within the General Plan Update area with land use in excess of 100,000 square feet of non-residential land use.</p>	City of Fontana	Before construction	Annual General Plan Status Report